



FILE COPY

TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2012 NOV -2 PM 3:41

TO BE COMPLETED BY STAFF

Case Number: 3492

Town Clerk Stamp

Submittal Accepted: [Signature]

Date 11/2/22

Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk:

[Signature]
Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 26 Colonial Road

Assessor's Map Sheet, Block, & Lot: 10-129-39

Zoning District: R-1

Overlay District: No

OWNER OF RECORD (S) (print & sign): American Building Construction, Inc

(The owner of record is the person or entity who owns title to the property as of today's date)

Address of owner of record: P.O. Box 74, Norwood, MA 02062

Norfolk County Registry of Deeds Book and Page No. _____

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Mohammed Amer

Applicant's Address: 82 Union Street, Quincy

Contact Information: Email: moamerabc@yahoo.com

Phone 617-839-3256

Check if you are an: owner(s) ☒

☐☐

NAME & AFFILIATION OF REPRESENTATIVE: Patricia J Fisher, Fisher Associates, Inc

Address: 35 Fisher Road, Weymouth, MA 02190

Contact Information: Email fisherassociates@comcast.net

Phone 617 733 8404

NAME OF ENGINEER AND / OR ARCHITECT: Fisher Associates, Inc

Prior to submitting your application you must review this entire package and the Board Rules and Regulations outlining the Board's policies and procedures. Your signature signifies that you have read the required material and you will be expected to adhere to them.

I (we) hereby certify that I (we) have read the Board of Zoning Appeals Rules and Regulations and that the statements within my (our) application are true and accurate to the best of my (our) knowledge.

Applicant / Petitioner - Date (sign & print) _____

FISHER ASSOCIATES, INC

Architects and Engineers

35 Fisher Road

Weymouth, Massachusetts 02190

617-733-8404

fisherassociates@comcast.net

ZBA Application – 26 Colonial Road

Owner's request permission to build second floor above existing non-conforming one story house on an undersized lot.



Image of 26 Colonial Road, Weymouth

26 Colonial Road is an existing non-conforming one story, wood frame, single family dwelling, built in 1918, containing 820 square feet of living area, with a walk out basement. Unfortunately, the house is sited on an undersized lot, only 3,480 SF and does not have proper side or rear setbacks. They are seeking permission to build a second story above this non-conforming house. The new second story will be smaller than the existing footprint of the house and deck. The house and deck combined are 1,084 square feet and the new second floor will be 840 square feet. The second floor will not be built above the enclosed porch on the left side rear of the house.

As you can tell from the picture the home is very neglected and in need of improvement which will help the property values for the entire neighborhood.

The new use of the house will be the same as before – three bedroom home. The remainder of the neighborhood is mostly two story homes that are set closer to the street than this home.

As proposed this project does not derogate from the intent of the Zoning By-law. Nor will this change interfere with the safety and privacy of adjoining properties or cause a devaluation of property values, but in fact will improve the aesthetics of the neighborhood.

NATURE OF REQUEST

Application is for: X Special Permit _____ Variance _____ Other: _____

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought):

Article XIII Non-Conforming Uses, Section 120-40 Extension or Change by Special Permit

The above relief and Ordinance sections will be further reviewed after a complete package is submitted. This may be amended by the Planning or Building staff during the application review process after having the benefit of plan to accurately advertise the application before the Board.

PETITIONER'S DESCRIPTION AND NARRATIVE

To be completed by all Board of Appeals Applicants. Attach additional sheets as necessary.

1. Describe what is presently located on the property (use as much detail as possible including all uses and square footage of each use):

Existing one story non-conforming 3 bedroom wood frame house on a full concrete foundation with a one car garage under built in 1918. Includes a front yard wood frame deck and rear side enclosed porch. House is 760 square feet. Basement is 760 square feet. Deck is 240 square feet. Porch is 66 square feet. Two car driveway under deck. Lot size is approximately 3,480 square feet.

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):
Applicant wants to add a second floor of 840 square feet to the house above the existing footprint including building above a portion of the existing deck and extending towards the street. Second floor will not be added above existing enclosed porch. Second floor will not extend any closer to the two non-conforming side or non-conforming rear lot lines than currently exists.

3. Such a use is permitted by the Town of Weymouth Zoning Ordinance under Article (insert Article, Section of the Zoning Ordinance which permits the proposed use of the property).

Article IV Resident District R-1; 120-11 Permitted Uses

Allows single family homes in the R-1 District

4. Are you aware if this property has been previously granted approvals from any Town Board or Commission? If so, please list (provide dates of previous approvals, book and page numbers or any recorded decisions and copies of past decisions).
Not aware of any

5. Any other additional information as relevant to the Variance or Special Permit:
Lot is less than 5,000 square feet

ZONING COMPUTATION WORKSHEET

(To be attached with all Board of Zoning Appeals Applications)

The Zoning Computation Worksheet must be completed by the Applicant / Petitioner. All information should be measured and calculated in accordance with the Weymouth Zoning Ordinance (Section 120-51 Table 1 "Schedule District Regulations" and other applicable sections of the Zoning Ordinance). The information should be based on engineer/surveyor/architectural prepared plans and or calculations. Further guidance can also be provided by the Board's step-by-step application instructions and by contacting the Planning or Building Department while completing this section.

Data	Required	Existing	Proposed
Use	R-1	R-1	R-1
Lot Area / Size (Sq. Ft.)	25,000	3,290	3,290
Dwelling Units	1	1	1
Frontage (ft.)	120'	40'	40'
Lot Width (ft.)	120'	40'	40'
Front Yard Setback (ft.)	18'	22.9'	22.9'
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)	10'	13.3'	13.3'
Side Yard Setback (ft.)	10'	5.2'	5.2'
Rear Yard Setback (ft.)	15' (1/5 th of depth)	6.4'	6.4'
Height (ft.) & # of Stories	35' & 2 ½ stories	16' & 1 story	28' and 1 story
Lot Coverage	30%	32%	32%
Off-Street Parking Spaces	2	3	3
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
Signage			
Other:			

SPECIAL PERMIT APPLICATION

To be completed for Special Permit Applications only.

SPECIAL PERMIT FINDINGS OF FACT

In the spaces below explain how the adverse effects of the proposal will not outweigh its beneficial impacts to the Town with respect to each of the following considerations per Article XXV, Section 120-122 of the Zoning Ordinance. The Special Permit Granting Authority may approve any such application for a special permit **only** if it finds that, in its judgment, all of the following conditions are met. (Attach additional supporting documentation as necessary).

1. Is the specific site an appropriate location for such a use? Please explain.
Yes. Colonial Road is a lovely single family neighborhood with water views. The majority of the houses are two story homes. The adjacent homes to 26 Colonial Road are closer to the street then this house will be after the renovations.
2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.
No. 26 Colonial Road is in disrepair and looks awful. Its definitely a drain on the neighborhood. This renovation will improve the appearance of the house and add value to the neighborhood.
3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.
No. The driveway and garage configuration will not change as part of this renovation. The number of bedrooms will not be increased.
4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.
Yes.
5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.
Yes. Property values in the neighborhood will increase.

SUPPLEMENTARY QUESTIONS - SECTION 120-40 SPECIAL PERMITS

Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure or Use

(Article XIII "Nonconforming Uses" Section 120-40 "Extension or Change")

To be completed by Applicants applying for a Special Permit under Section 120-40 Only.

EXTENSION OR CHANGE FINDINGS OF FACT:

Any lawful structure or use in existences at the time the Zoning Ordinance was adopted or amended may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Zoning Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities):
2. Indicate how long the nonconforming aspects of the structure have been in existence: House was built in 1918. It has been nonconforming since the Zoning Codes were written.
3. At the time the nonconformity was created (the structure or use initiated) was it compliant with the current zoning requirements? Past zoning ordinances are available for research at the Town Clerk's office and Planning Department. Past zoning maps are available at the Planning Department. Creation of original Zoning Code made it non-conforming.
4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:
The renovation will extend the original house up one story higher but keeping within the original footprint of the house that now exists – including house and front deck.
5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:
There is currently a one car garage under the house and a two car driveway in front of the house under the existing deck.
6. Explain how the use or structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

The current house is only 760 square feet and contains three very small bedrooms one bathroom and a small kitchen/living room space. The addition of the second floor will allow three larger bedrooms and two bathrooms to be added to the second floor. The first floor will now be just living room/dining room/kitchen and a bathroom. The house of 1,500 square feet will become simply an average size home for the town of Weymouth with an average size family and not overwhelmingly large or unwieldy for the neighborhood.