

**TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION**

TO BE COMPLETED BY STAFF

Town Clerk Stamp

Case Number: _____

Submittal Accepted: _____ Date _____
Signature of Planning Dept. Staff for minimal requirements

Determined to be complete and may now be filed with Town Clerk: _____
Signature of Principal Planner or Director

PROPERTY INFORMATION - TO BE COMPLETED BY APPLICANT

PROJECT / PROPERTY STREET ADDRESS: 1193 COMMERCIAL STREET

Assessor's Map Sheet, Block, & Lot: 19-249-34

Zoning District: OSD Overlay District: NONE

OWNER OF RECORD (S) (print & sign): ROMAN CATHOLIC ARCHBISHOP
(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: 1199 COMMERCIAL ST., E WEYMOUTH, MA 02189

Norfolk County Registry of Deeds Book and Page No. BK 632 PG 60

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): JS Barry Development, LLC.

Applicant's Address: P.O. Box 948 Hanover MA 02339

Contact Information: Email john.jsbarry@me.com Phone 781-706-6707

Check if you are an: owner(s) ☐ lessee(s) ☒ optionee (s) ☐

NAME & AFFILIATION OF REPRESENTATIVE: _____

Address: _____

Contact Information: Email _____ Phone _____

NAME OF ENGINEER AND / OR ARCHITECT: EMBR Architects, LLC

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)

NATURE OF REQUEST

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

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

Article XII Section 120-37.1B "Special Permit Uses" - A building or group of buildings for occupancy of by two or more families in separate dwelling units

Article XIII Section 120-39 and 120-40 - The existing structure is nonconforming with respect to the side yard setback (25' required, 15.2' provided)

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):

Presently located on the lot is a former 8,343 Sq. Ft. rectory / parsonage building, with a paved parking area.

2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):

Proposing to renovate the existing building, including interior demolition and reconstruction. Construct 12 dwelling units (4 per floor), provide new electrical, plumbing and fire protection systems throughout the building. All 12 dwelling units will be within the existing building envelope. Construct an addition to provide a new accessible entrance lobby for the building, with an elevator serving first and second floors. A wheelchair accessible ramp will be provided for access to the basement level. Parking area will be reconfigured to provide 18 parking spaces including one van accessible space. A dumpster enclosure along with landscape islands will be provided.

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 XII
Open Space District OSD
§ 120-37.1. Reuse of surplus public and quasi-public property. Part B Uses Item 1

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).

No

5. Any other additional information as relevant to the Variance or Special Permit:

None

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 | | Rectory / Parsonage | 12 Dwelling units |
| Lot Area / Size (Sq. Ft.) | 20,000 S.F. | 28,533 S.F. | No Change |
| Dwelling Units | | None | 12 |
| Frontage (ft.) | 40' | 32.3' | No Change |
| Lot Width (ft.) | Not listed | | |
| Front Yard Setback (ft.) | 20' | 31.6' | No Change |
| Front Yard Setback (ft.) – corner lots | N/A | | |
| Side Yard Setback (ft.) | 25' | 25.9' | 11' |
| Side Yard Setback (ft.) | 25' | 15.2 | 15.2' |
| Rear Yard Setback (ft.) | 25' | 100' | No Change |
| Height (ft.) & # of Stories | 35' | 29.16' | 31.5' |
| Lot Coverage | 80% | 68% | 64% |
| Off-Street Parking Spaces | 1.5 per unit | 12 | 18 |
| Off-Street Loading Spaces | N/A | N/A | N/A |
| Parking Setback | 5' | 10' west side 0' south and east side | 5'+ |
| Accessory Structure Setback | Not Listed | | |
| Landscaping | 5' at paved areas | 10' west side 0' south and east side | 5'+ |
| Floor Area Ratio | .25 | | .218 |
| Signage | 12 S.F. | | |
| 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.

The site is an appropriate location for residential housing. The property is adjacent to both single family and multi-family residential housing, and will add additional housing to the area.

2. Will the proposed use / structure be detrimental or adversely affect the character of the neighborhood or town? Please explain.

The proposed use of dwelling units will not be detrimental to the character of the neighborhood. The current building is of masonry construction with classic brick detailing, building facades will remain unchanged. Windows will be replaced in kind, preserving the look of the original building. A modest complimentary addition, will be added to provide for accessible entrance and elevator.

3. Is there potential for nuisance or serious hazard to vehicles or pedestrians? Please explain.

The site has adequate off street parking at 1.5 per dwelling unit and will be utilizing an existing entrance onto Commercial Street. Adequate turning and maneuvering space for vehicles will be provided, including clear access for trash removal.

4. Will adequate and appropriate facilities, utilities and other public services be provided for the proper operation of the proposed use? Please explain.

Yes, water and utilities to be upgraded and to include fire protection to meet current code. Dumpster, parking and landscape islands to be provided.

5. Will the public convenience and welfare be substantially serviced with this proposal? Please explain.

It is a revitalization of an empty building which will improve the neighborhood by having a maintained and updated property. The project will add additional housing for the town.

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):

The west side of the building is within the side setback.

2. Indicate how long the nonconforming aspects of the structure have been in existence:

Since 1982 when POS district was repealed and replaced with OSD per conversation with Eric Schneider.

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.

Yes

4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:

The use is allowed per section 120-37.1 B Uses. Accessible ramp, elevator and non-living areas allowed within setback per conversation with Jeffery Richards C.B.O.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

Current parking 12
Proposed parking 18

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 new use of dwelling units is similar to the previous use as a rectory / parsonage. No new square footage is being added for residential use.