



TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2021 NOV 19 AM 10:56

TO BE COMPLETED BY STAFF

Case Number:

#3468

Town Clerk Stamp

Submittal Accepted:

Date

11/19

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: 1441 Commercial Street

Assessor's Map Sheet, Block, & Lot: Map 23, Block 311 Lot 2-4 & 19

Zoning District: Business 2 Overlay District: N/A

OWNER OF RECORD (S) (print & sign): ANGJ, LLC

(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: 170 Moore Road, Weymouth

Norfolk County Registry of Deeds Book and Page No. Book 30204 Page 567

Or registered in Land Registration Office under Certificate No.

NAME OF APPLICANT (S) (print & sign): ANGJ LLC

Applicant's Address: 170 Moore Road, Weymouth MA 02189

Contact Information: Email metri@vipcoach.com Phone 781-953-0595

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

NAME & AFFILIATION OF REPRESENTATIVE: Raymond D. Jennings, III

Address: 775 Pleasant Street, Suite 7, Weymouth, MA 02189

Contact Information: Email rayjennings@jenningsfishman.com Phone 781-718-8449

NAME OF ENGINEER AND / OR ARCHITECT: Walter A. McKinnon & Assoc.

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)

Raymond D. JENNINGS III

10/3/2021

NATURE OF REQUEST

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

Applicable Section of Zoning Ordinance (specify Section (s) of the Zoning Ordinance from which relief is sought): Special Permit: 7-2-2-100-100

☐ A. Any use requiring a special permit in the Business District B-1 § 120-23 A (restaurant) ☐

☒ C. Multiple dwelling

Variance as to Floor Area Ratio and Parking

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

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):

This is a 32,595 sq.ft lot with a 2600 sq.ft gas and automobile service station,

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

The applicant proposes to redevelop the property to erect a four story residential building containing 24 residential units and an accessory 1600 square foot restaurant.

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).

Special Permit: Chapter 120, Article VIII Business District B-2 §120-26 A & §127-27 A&C

Variance as to Floor Area Ratio & Parking

Variance as to Floor Area Ratio & Parking

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).

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

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			
Lot Area / Size (Sq. Ft.)	None		
Dwelling Units	None		
Frontage (ft.)	None		
Lot Width (ft.)	None		
Front Yard Setback (ft.)	None		
Front Yard Setback (ft.) – corner lots	N/A		
Side Yard Setback (ft.)	None		
Side Yard Setback (ft.)	None		
Rear Yard Setback (ft.)	20		
Height (ft.) & # of Stories	6 stories, 80 ft		4 Stories, 46.0'
Lot Coverage			
Off-Street Parking Spaces	70		47
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio	N/A	0.3	0.45
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. The residential use with an accessory retail use are appropriate in a B-2 zone.

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

No. The proposed residential building with the accessory retail use is an improvement over the existing service station and will not be detrimental or adversely affect the neighborhood or town.

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

No. The proposed residential building with accessory retail does not create the potential for nuisance or serious hazard to vehicles or pedestrians.

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

Yes. The plans demonstrate adequate and appropriate facilities utilities and other public services will be provided for the proper operation of the proposed use.

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

Yes. The public convenience and welfare will be substantially service by the creation of high quality housing units and the convenience of the accessory restaurant use in the neighborhood.

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:

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.

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

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

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:

VARIANCE APPLICATION

To be completed for Variance applications only.

VARIANCE FINDINGS OF FACT:

Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the Town of Weymouth Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner.

A literal enforcement of the provisions of the zoning ordinance would not permit the parking and F.A.R. necessary for the combined residential and retail use.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

The shape and topography of the lot create a hardship with respect to design of the structure and in keeping with the proposed use in the zoning district which is desirable and preferable to the existing use as a service station

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Weymouth Zoning Ordinance.

The proximity of this parcel to public transportation

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.

The ordinance requires a floor area ratio of 0.3. The proposal contains a F.A.R. of .45. The parking ordinance requires 70 off street spaces and the proposal provides 47, which is which is the minimum which could be attained with the combined reduction in height from the permitted 6 stories, to just 4 stories, while maintaining the the proposed use as combined residential and retail building.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMENTS SET FORTH IN CHAPTER 40A SECTION 10 OF THE GENERAL LAWS AND IN ARTICLE XXIV SECTION 120-119 OF THE WEYMOUTH ZONING ORDINANCE ARE SATISFIED. EACH OF THE ABOVE FINDINGS MUST BE ANSWERED IN DETAIL. ATTACH ADDITIONAL SHEETS IF NECESSARY.