

RECEIVED  
TOWN OF WEYMOUTH  
2020 OCT 14 PM 3:06

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

**TO BE COMPLETED BY STAFF**

Case Number: 3423

Town Clerk Stamp

Submittal Accepted: [Signature]

Signature of Planning Dept. Staff for minimal requirements

Date 10/14

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:** 322-324 Commercial Street

Assessor's Map Sheet, Block, & Lot: 16-152-28

Zoning District: Residential R-1

Overlay District: N/A

**OWNER OF RECORD (S)** (print & sign): Tafseer A. Khan & Csilla Kiss

(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: 622 Chief Justice Highway, Cohasset, MA 02025

Norfolk County Registry of Deeds Book and Page No. 18529/197

Or registered in Land Registration Office under Certificate No. \_\_\_\_\_

**NAME OF APPLICANT (S)** (print & sign): Mento Corp., John Mento, Pres.

Applicant's Address: 1157 Washington Street, Braintree

Contact Information: Email \_\_\_\_\_ Phone \_\_\_\_\_

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

**NAME & AFFILIATION OF REPRESENTATIVE:**

Address: Gregory F. Galvin, 775 Pleasant St., Weymouth, MA 02189

Contact Information: Email ggalvin@gregorygalvin.com Phone 781-340-5335

**NAME OF ENGINEER AND / OR ARCHITECT:** Peter Hoyt, Registered Land Surveyor

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.

[Signature]  
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 XIII Sec. 120.40 Extension or Change by Special Permit; Sec. 120.41 Exception to

*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):

The property was the site of a two-family dwelling until a fire destroyed the building. The foundation remains on the site.

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

Rebuild the two-family upon most of the same foot print. There are 3 corners of the foundation that are slightly set back and the applicant is seeking to square off the indented corners making the building rectangular. Further, seeking to construct a full second level without slanted ceiling lines.

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 XIII S. 120.40 Extension or change by Special Permit. Sec. 120.41 allowing a building that was totally destroyed by fire to be rebuilt for the same authorized use as prior to the fire.

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).

Yes, Case #1207, March 1971 allowed the application seeking to convert a single family with in-home office to a two-family (removed the in-home office)

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

The applicant is seeking to make minor changes to the existing foundation/foot print of the building and to build out the second story.

## 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			Two-Family
Lot Area / Size (Sq. Ft.)	25,000s.f.	10,474s.f.	10,474s.f.
Dwelling Units	1	-	2
Frontage (ft.)	120'	67'+	67'+
Lot Width (ft.)	120'	88.1'	88.1'
Front Yard Setback (ft.)	18'	23'	23'
Front Yard Setback (ft.) - corner lots	18'	22'	22'
Side Yard Setback (ft.)	10'	9'+	9'+
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)	24'	60'+	60'+
Height (ft.) & # of Stories	35'	-	<35' 2-1/2
Lot Coverage	30%	35%	35%
Off-Street Parking Spaces	2 per unit	4 unstriped	4 striped
Off-Street Loading Spaces	-	-	-
Parking Setback	-	-	-
Accessory Structure Setback	N/A		
Landscaping	N/A		
Floor Area Ratio	N/A		
Signage	N/A		
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 was the locus of a two-family for many years prior to a recent fire (Spring 2020) that totally destroyed the building.

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

The property is on the corner of a main travel way in the town and was for many years a two-family.

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

The driveway is located on the secondary side road at the rear of the lot away from the main road.

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

The applicant will provide for adequate(striped) parking to the rear of the building and also, safe access and exit of the driveway.

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

The applicant is seeking to rebuild the two-family that existed on the site since 1971.

## 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 use requires a special permit. The existing side yard encroaches on the set back distance by less than one foot. The lot coverage including the parking area currently exceed the maximum allowed.

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

Allowed by Special Permit in March 1971.

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.

The building encroached on the side yard set-back by less than 1', and with the parking covered more than 30% of the lot.

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

The applicant is seeking to rebuild the two-family use and "square-off" the building but will not further encroach on the side yard set back.

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 will be no change in the parking area, keeping the 4 available spaces.

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 building is not extending any further into the set-back and the amount of increase in lot coverage is diminutive.

## 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.

The house that was destroyed by fire, had slanted ceilings in the second floor and allowing the applicant to fully build out the second floor will not impact the neighbors as the footprint of the house will not materially change.

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 lot is undersized therefore the applicant cannot increase the size of the building footprint without encroaching on the setbacks and overall lot coverage. By fully building out the second story will not substantially increase the overall size of the building.

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 building has been used as two-family for almost 50 years, with unstriped parking. By allowing the use to continue in a new and updated building with striped parking will not cause any change what was on the property in the past.

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 applicant is seeking to re-establish the two-family use within a defined structure.

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.