

2022 JUL 29 PM 2:53

TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION

TO BE COMPLETED BY STAFF

Case Number: 3468

Town Clerk Stamp

Submittal Accepted: \_\_\_\_\_

Signature of Planning Dept. Staff for minimal requirements

Date

7-29-22

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: 38 Driftway

Assessor's Map Sheet, Block, & Lot: 3-2-10

Zoning District: R-1

Overlay District: N/A

OWNER OF RECORD (S) (print & sign): Frank J and Peggy L Mullaney

(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: 38 Driftway Road, Weymouth, MA

Norfolk County Registry of Deeds Book and Page No. Book 38162, Page 105

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

NAME OF APPLICANT (S) (print & sign): Frank J Mullaney

Applicant's Address: 38 Driftway Road, Weymouth, MA

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., Unit 16, Weymouth, MA

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

NAME OF ENGINEER AND / OR ARCHITECT: Mass Architect- Nicholas Paolucci, AIA

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.

Frank J Mullaney July 28, 2022  
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):

Art. XV, Sections, 120-40; 120-41;

*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):

There currently is a single family home on an undersized lot(5,062sf) and both sides and the front of the house extend into the set-back area.

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

The applicant seeks to remove the home and foundation(not stable) and rebuild the house on the same footprint providing for off-street parking for up to 4 vehicles,.

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).

Sections 120-11 and 120-39

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. The applicant's initial plan was denied. The applicant has recently received Planning Board Approval to file this new application with the Board of Zoning Appeals.

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

The lots in the area are all very small and the houses all appear to extend into the set-back area.

## 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.)	25,000	5,062	5,062
Dwelling Units	1	1	1
Frontage (ft.)	40	41	41
Lot Width (ft.)	120	41	41
Front Yard Setback (ft.)	18	13+/-	13+/-
Front Yard Setback (ft.) - corner lots			
Side Yard Setback (ft.)	10	9	9
Side Yard Setback (ft.)	10	4	4
Rear Yard Setback (ft.)	35	58+/-	58+/-
Height (ft.) & # of Stories	35 2-1/2	24 1-1/2+/-	34.5 2-1/2
Lot Coverage	30%	20%	20%
Off-Street Parking Spaces	2	0	4
Off-Street Loading Spaces	N/A		
Parking Setback	N/A		
Accessory Structure Setback	5	<5	5
Landscaping	N/A		
Floor Area Ratio	N/A		
Signage	N/A		
Other:	N/A		

## 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 locus is an R-1 zone and the applicant seeks to keep the use the same but, to add a stable foundation and room for parking 4 vehicles off the very narrow street.

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

The applicant proposes to construct a new foundation according to current building codes, and provide extra off-street parking.

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

The applicant is seeking to build a new home according to the current building code.

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

The use of the land will not change and the applicant's building plans are drafted by a certified architect.

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

By constructing the new house to current code and providing for up to 4 off-street parking spaces the building will be safer than the existing structure.

## 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 current house extends into the front and both side set-back.

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

The structure pre-dated zoning in Weymouth.

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.

It was built pre-zoning.

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

The lot is very narrow and with the topography of the lot (33' elevation in the front and 46' elevation in the rear) along with the zoning height limitation, the applicant is seeking to stabilize the foundation and add state-of-the-art construction.

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

Currently 0 off-street Spaces. Will provide for 4 off-street parking 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:

All of the lots in the Driftway area of Weymouth are constructed on 40' wide lots and the houses for the most part buildings are within 10' of the side yard line.

## 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.

N/A

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.

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.

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.

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.