



TOWN OF WEYMOUTH  
BOARD OF ZONING APPEALS APPLICATION

2023 APR 24 PM 2:21

**TO BE COMPLETED BY STAFF**

Case Number: 3504  Town Clerk Stamp  
Submittal Accepted: \_\_\_\_\_ Date 4/24  
*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:** 0 Front Street  
Assessor's Map Sheet, Block, & Lot: 33-373-27 (Lot 1) & 33-424-2 (Lot 2)  
Zoning District: R-1 Overlay District: N/A  
**OWNER OF RECORD (S)** (print & sign): Brendan Burke  
(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: 343 R High Street Hingham, MA  
Norfolk County Registry of Deeds Book and Page No. Bk 41015 Pg 105  
Or registered in Land Registration Office under Certificate No. \_\_\_\_\_  
**NAME OF APPLICANT (S)** (print & sign): Brendan Burke  
Applicant's Address: 343 R High Street Hingham, MA  
Contact Information: Email bmburke1966@gmail.com Phone 617 778 3463  
Check if you are an: owner(s) ☒ lessee(s) ☐ optionee (s) ☐  
**NAME & AFFILIATION OF REPRESENTATIVE:** \_\_\_\_\_  
Address: Patriot Permitting&Engineering  
Contact Information: Email gt@patriotpermitting.com Phone 617 827 0851  
**NAME OF ENGINEER AND / OR ARCHITECT:** Gregory J. Tansey, P.E.

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.

Brendan Burke  4-14-2023  
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):

Section 120-53.2 Lot Shape Factor

*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 is currently a vacant parcel of land with the exception of a high tension power line easement with high tension towers and associated power lines and access ways.

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

The Applicant seeks to construct a single family dwelling outside the 100' buffer to a BVW and within a FEMA Zone X.

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).

The property is in the R-1 Residential zoning district. A single family dwelling is a use by right 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).

The Applicant is not aware of any prior approvals granted by any Town Board or Commission. Since the property is vacant land, it is likely that no approvals have been granted.

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

The lot lines have been in existence prior to the enactment of the lot shape factor bylaw. The lot may have Grandfather rights with respect to shape factor requirements.

## 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		Vacant	Single Family Dwelling
Lot Area / Size (Sq. Ft.)	25,000	196,755	57,922
Dwelling Units	1	0	1
Frontage (ft.)	40' Min	94.18'	94.18'
Lot Width (ft.)	120' Min	n/a	120'
Front Yard Setback (ft.)	18'	n/a	180' +/-
Front Yard Setback (ft.) – corner lots	n/a	n/a	n/a
Side Yard Setback (ft.)	10' Min	n/a	42'
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)	24' Min	n/a	180' +/-
Height (ft.) & # of Stories	35' 2.5 Stories	n/a	34' 2.5 Stories
Lot Coverage	30%	n/a	3.73%
Off-Street Parking Spaces	2	-	2
Off-Street Loading Spaces	n/a	n/a	n/a
Parking Setback	5	n/a	30
Accessory Structure Setback	n/a	n/a	n/a
Landscaping		n/a	per code
Floor Area Ratio		n/a	3.73
Signage	n/a	n/a	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.

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

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

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

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

## 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.

Several re-configured lot layouts were analyzed for shape factor compliance which yielded a shape factor of approximately 40. The current shape factor is approximately 40, thus a literal enforcement of Section 120-53.2 will render the lot un-buildable resulting a in substantial financial hardship from a significant loss in market value.

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 of the lot has existed prior to the enactment of Section 120-53.2, thus what once was once a conforming lot is now no longer conforming. Wetlands on the lot preclude re-configuration of the Lot to a conforming shape which would support a dwelling location that conformed to the Wetlands Protection Act.

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.

Granting relief from Section 120-53.2 will not reduce any other dimensional requirements of the Ordinance and will not change any lot lines that have existed prior to the enactment of Section 120-53.2. No no conformity is being created from this project, the existing non-conformity is not be increased.

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.

A grant of dimensional variance being requested will not cause an increase to floor space, bulk, number of occupants, or other relevant measures as the lot can not meet the lot shape factor requirement based upon the "narrowness" of the lot. The power line easement limits the placement of the proposed dwelling, however, even without the power line easement the "narrowness" of the lot precludes it from being re-configured to conforming shape.

NOTE THAT THE LAW DOES NOT PERMIT THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIREMETNS 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.