

TOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

DEC 15 PM 3:36

TO BE COMPLETED BY STAFF

Case Number: 3495 Town Clerk Stamp
Submittal Accepted: Maria Kennedy Date 12/7/22
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: 68 Gilmore St, Weymouth, MA 02191

Assessor's Map Sheet, Block, & Lot: Sheet 10 Block 81 Lot 15

Zoning District: Residential District R-1 Overlay District: _____

OWNER OF RECORD (S) (print & sign): Keith Lohnes and Keerstin Lohnes Keerstin Lohnes
(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: 68 Gilmore St, Weymouth, MA 02191

Norfolk County Registry of Deeds Book and Page No. Book 39916 Page 303

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print & sign): Keith Lohnes and Keerstin Lohnes Keerstin Lohnes

Applicant's Address: 68 Gilmore St, Weymouth, MA 02191

Contact Information: Email lohnese@gmail.com Phone 413-519-7853

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: _____

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.

Keith Lohnes Keerstin Lohnes Keerstin Lohnes 12/4/2022
Applicant / Petitioner - Date (sign & print)

NATURE OF REQUEST

Application is for: X Special Permit Variance Other:

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

Chapter 120 Article XIII. Nonconforming Uses

§120-40. Extension or change by special permit

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):

Existing single family house, 3 bedrooms, 2 baths, 2 floors 1,774 sq ft
Concrete Front Patio 17ft 4" x 12ft 6"
Front garden 17 ft 4" x 5ft 2"
4 front concrete and brick stairs from front door. 6ft 9"x 5ft 4"
Concrete path 10ft" x 5ft 4" from front stairs to three concrete stairs leading to street
Front yard, side yard, back yard

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

Add a 12 ft x 26 ft front farmer's porch

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 4 Section 120-11

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:

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.)		6507	
Dwelling Units		1	
Frontage (ft.)		26	
Lot Width (ft.)		48	
Front Yard Setback (ft.)	18	14.3	4.5
Front Yard Setback (ft.) – corner lots		n/a	
Side Yard Setback (ft.)	10	9.7 (left)	
Side Yard Setback (ft.)	10	12.12 (right)	
Rear Yard Setback (ft.)	24	84	
Height (ft.) & # of Stories			
Lot Coverage			
Off-Street Parking Spaces			
Off-Street Loading Spaces			
Parking Setback			
Accessory Structure Setback			
Landscaping			
Floor Area Ratio			
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 front of the property is an appropriate location for a residential front porch. There is already a concrete patio, stairs, and walkway that covers the proposed location for the front porch. It is currently the primary egress.

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

No. The house next to ours has a front deck that extends out in the front of the house, along with many other residences in the neighborhood with similar front porches and decks. The front of the house faces the waterfront, therefore no other houses will be facing the proposed structure, nor could any such home be built.

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

No. There is no interference with pedestrians or vehicles with the proposed front porch.

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

No facilities, utilities, or other public services will be required for the proposed project.

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

The public convenience and welfare will not be negatively impacted by this proposal. The usage is substantially similar to the current usage.

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 front setback is 14.34 ft

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

The non conforming original structure was put into nonconformance by the Town of Weymouth with an "Order of Taking" by the Town of Weymouth for the layout of Gilmore St. Extension August 30, 1999. Book 13736 Page 134 at the registry of deeds.

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. At the time of the original structure development there was no street. A sewer easement was created in 1973 (Book 4988 Page 319) which did not require a minimum set back. The property was put into nonconformance by the Order of Taking in 1999 as stated above in question 2.

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

The change is not substantially different than the existing land use.

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 are currently 4 off-street parking spaces in the driveway for 68 Gilmore St. No off street parking will be removed for this project.

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 current use of the land is a concrete patio, a walkway, and front stairs. The use of the land will be substantially similar to its existing use by the addition of a front porch.

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.

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.

NOT A L O F E O T N A L O F I L E

Norfolk Registry of Deeds
Dedham, Mass.
Received Nov. 4, 19 98
With _____
Filed as No. 749 19 98
Pl. Bk. 460
Attest May 11, 1998
Register

For Registry use only

Weymouth Planning Board

May 11, 1998
CLERK

Date: Nov. 2, 1998

Approval under subdivision control law not required.

I hereby certify that this plan conforms with the rules and regulations of the Registers of Deeds.

Patricia L. Loring 29 November 1998



Plan of Land
Gilmore Street / Brewster Road,
Weymouth, Ma.

CCR Associates
Civil Engineers & Land Surveyors
49 Pleasant St.
Weymouth, Mass.
Phone 781-335-6176

Scale: 1" = 20'
Date: - October 28, 1998.

749-98

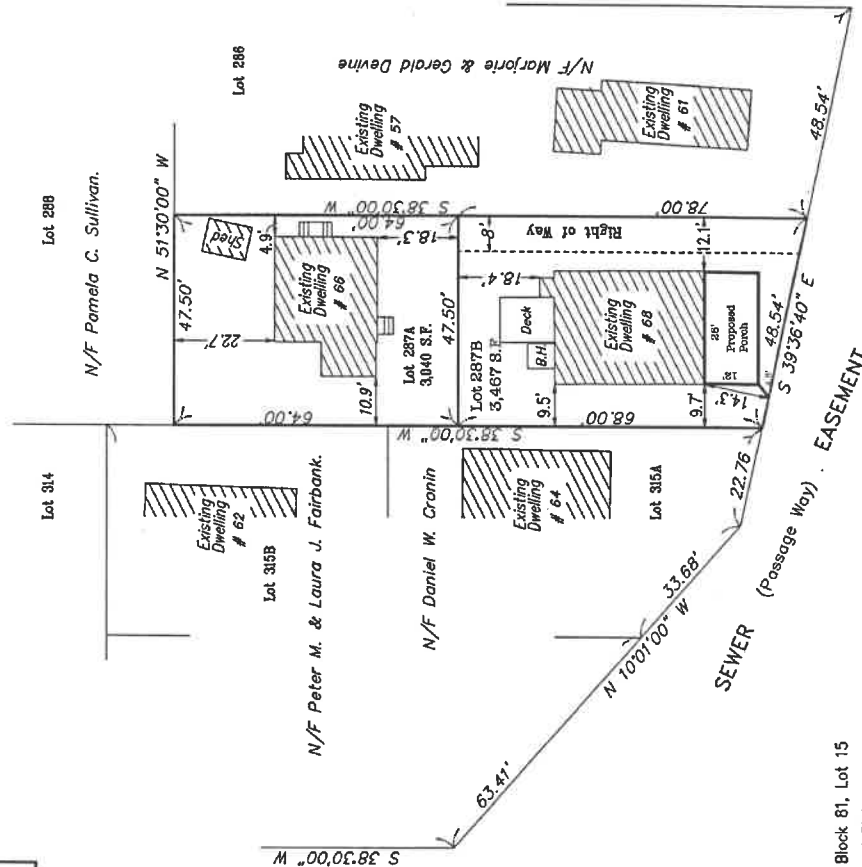


Lot 288
N/F Pamela C. Sullivan.

Lot 314

Gilmore (Public - 40' WDE) Street

Brewster (Public - 40' WDE) Road



GRAPHIC SCALE



NOTES:-

1. Assessors Ref.: Sheet 10, Block 81, Lot 15
2. Property is in a 100 Year Flood Plain.
3. Zone: Residential District R - 1
4. Property is not in a Watershed Protection District.
5. Subdivide Existing Lot 287 to Lots 287A & 287B.
6. Owner (Lot 287 - # 66 & 68 Gilmore Street):-
George E. & Gail B. Mutch,
20 Driftway Road, Weymouth, Ma. 02191.
7. Deed Ref.: Book 9116, Page 458.
8. F.A.R.(Ratio) - # 66 = 0.21
9. F.A.R.(Ratio) - # 68 = 0.25
10. Plan Prepared For:- George F. Mutch.