

TOWN OF WEYMOUTH  
PLANNING & ZONING OFFICE  
2022 NOV -2 PM 3:11

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

**TO BE COMPLETED BY STAFF**

Case Number: 3494

Town Clerk Stamp

Submittal Accepted: [Signature]

Date 11/2/22

Signature of Planning Dept. Staff for minimal requirements

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:** 41 Johnson Rd. Weymouth

Assessor's Map Sheet, Block, & Lot: 6 - 74 - 10

Zoning District: R-1

Overlay District: \_\_\_\_\_

**OWNER OF RECORD (S)** (print & sign): VAN LY

(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: 41 Johnson Rd. Weymouth

Norfolk County Registry of Deeds Book and Page No. \_\_\_\_\_

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

**NAME OF APPLICANT (S)** (print & sign): Va LY

Applicant's Address: 41 Johnson Rd. Weymouth

Contact Information: Email Vanly57@gmail.com Phone 508-762-8429

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

General Contractor

**NAME & AFFILIATION OF REPRESENTATIVE:** Stephen Truden, Trudesign Co. Inc.

Address: 35 Emeline Rd. Weymouth

Contact Information: Email Steve@trudesignco.com Phone 781-738-3804

**NAME OF ENGINEER AND / OR ARCHITECT:** RL DESIGN / GBSE

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)

10/28/22

**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):

The current home was damaged by fire, and was demolished. However the foundation has been deemed not structurally sound. The current lot is undersized at approx 24800 SF, and is within the setbacks.

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 foundation and rebuild on the same footprint. Existing home was damaged by fire.

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 & 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.

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

All the lots in the neighborhood are very small and all appear to extend into the setback 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	4,656	4,656
Dwelling Units	1	1	1
Frontage (ft.)	40	50	50
Lot Width (ft.)	120	50 x 93.13	50
Front Yard Setback (ft.)	18		
Front Yard Setback (ft.) - corner lots			
Side Yard Setback (ft.)	10		
Side Yard Setback (ft.)	10		
Rear Yard Setback (ft.)	35		
Height (ft.) & # of Stories	35 / 2.5	27'	30' 8"
Lot Coverage	30%	1191	
Off-Street Parking Spaces	2	4	4
Off-Street Loading Spaces	N/A		
Parking Setback	N/A		
Accessory Structure Setback	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.

yes, the current use will remain the same, just need a stable foundation to rebuild.

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

No, we are rebuilding a home on the same footprint that matches homes in the neighborhood

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

No, seeking to build home in accordance with current Building codes

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 applicants building plans are drafted by an architect + engineer.

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

By constructing the new house to current code on a new foundation will be safer than the existing home + old foundation.

## 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 house lot is undersized and extends into the lot setbacks

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:

Seeking to rebuild on a new stabilized foundation

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 4 off street spaces w/ Garage.  
The new house will not change, keeping the same # of 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 the lots in this neighborhood are of similar size and shape.