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TOWN OF WEYMOUTH
PLANNING & ZONING OFFICE
2022 FEB 23 AM 9:58

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

TO BE COMPLETED BY STAFF

Case Number: 3474

Submittal Accepted: GU

Date 2/23/22

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: 86 Lake Shore Drive

Assessor's Map Sheet, Block, & Lot: 26-342-22

Zoning District: R-1

Overlay District: Watershed

OWNER OF RECORD (S) (print&sign): Lucy Weyer

(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: 86 Lake Shore Drive

Norfolk County Registry of Deeds Book and Page No. _____

Or registered in Land Registration Office under Certificate No. _____

NAME OF APPLICANT (S) (print&sign): Lucy Weyer

Applicant's Address: 86 Lake Shore Drive

Contact Information: Email lucyweyer@hotmail.com

Phone 617-943-5042

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

NAME & AFFILIATION OF REPRESENTATIVE: Donald Holzworth, Architectural Designer

Address: 26 Charles Diersch Street, East Weymouth, MA 02189

Contact Information: Email dch013@comcast.net

Phone 781-953-4903

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.

Lucy Weyer Lucy Weyer
Applicant Petitioner

February 3, 2022
Date (sign & print)

NATURE OF REQUEST

Application is for: X Special Permit X Variance Amendment Other:

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

Section 120-40

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 is an existing 24' x 30' one story residence with a walk out basement and a rear 12' x 24' deck. Currently there is 720SF on the main level and a 540SF basement. The basement has a permitted in-law.
2. The applicant seeks to (describe what you want to do on the property in as much detail as possible):
Build a new two story structure to the front of the existing structure comprised of a lower level garage with a covered entry and an upper level activity room.
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).
Section 120-40
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).
Not aware of any.
5. Any other additional information as relevant to the Variance or Special Permit:
The proposed addition is consistence with the majority of the neighborhood homes that encroach on front setback 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			
Lot Area / Size (Sq. Ft.)		5707	5707
Dwelling Units		1	1
Frontage (ft.)		35	35
Lot Width (ft.)		35 & 63	35 & 63
Front Yard Setback (ft.)		35	11
Front Yard Setback (ft.) – corner lots		18	12
Side Yard Setback (ft.)		10.5	6.6
Side Yard Setback (ft.)		8.6	8.0
Rear Yard Setback (ft.)		24	24
Height (ft.) & # of Stories		14' - 1 story	29' - 2 story
Lot Coverage		12%	23%
Off-Street Parking Spaces		3	3
Off-Street Loading Spaces			
Parking Setback		18	12
Accessory Structure Setback		3	3
Landscaping			
Floor Area Ratio		12%	23%
Signage		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.

Yes. The neighborhood has been evolving with multiple construction projects that are enhancing the aesthetic character with the construction of additions and exterior treatments.

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

The addition's proposed use is not detrimental or will adversely affect the neighborhoods character as the majority of the homes in the area are in non-conformance of setback requirements as illustrated by the attached property view of the neighborhood.

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

There is no nuisance or serious hazard to pedestrians or vehicles that currently exist and the addition will not place the parked cars any closer to the street than they are currently parked which will not impede pedestrian travel.

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

The addition will utilize all of the existing utilities facilities, and public services as they did prior to the construction of the proposed addition.

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

The construction of the proposed addition in no manner changes the existing public convenience and welfare as it currently exists.

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 existing structure has one side setback at 8.6', the frontage is only 35' wide, and the lot size is ~5,532SF(0.13acres).
2. Indicate how long the nonconforming aspects of the structure have been in existence:
Since at least 1978.
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
4. Explain how the extension, alteration, or change itself complies with the current Zoning Ordinance requirements:
The current non-conforming dwelling unit as originally built will still remain a non-conforming lot.
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 four existing and there will be four spaces remaining after the addition is built. The addition would extend only to the end of the landscaping.
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 majority of the structures in their neighborhood as shown on the attached house location map do not comply with front setback requirements.

VARIANCE APPLICATION

To be completed for Variance applications only.

VARIANCE FINDINGS OF FACT:

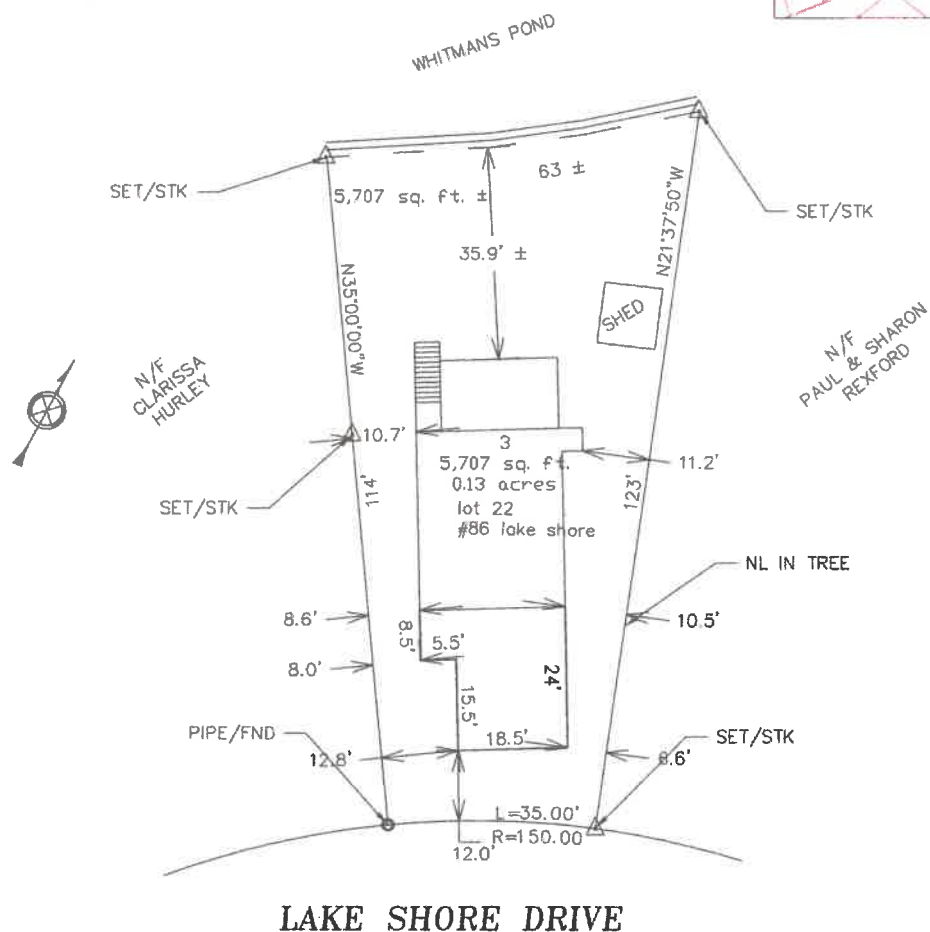
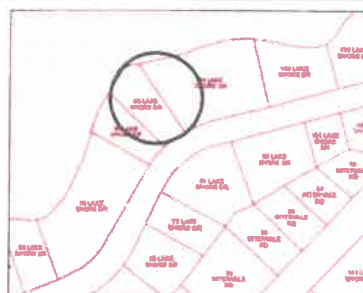
Criteria for approval. The Board may approve any such application for a Variance **only** if it finds that, in its judgment, all of the following conditions are met.

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.
Due to covid I now work from home and the existing bedroom is now my office. We need the ability to expand to three bedrooms and provide a place to work. We have explored the costs to purchase a property that meets our space needs and financially the less financial hardship would be this addition. In addition we need a space for Tom's hobbies which currently requires the expense of a rental in Abington. This home currently allows no room to raise a family our serves as place to stay for my family who lives in Ohio.
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 narrow in the front and had it been rectangular in shape we easily could have attached a garage to the side of the home and met the front setback requirement. To build to the rear of the existing structure would place the footings below the lake level. The Watershed District as well as the high ground water prevents us from adding onto the rear of the house leaving the front our only option.
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.
As illustrated on the attached Property View Plan and a drive through our neighborhood the majority of existing homes are also in non-compliance with current setbacks and the addition would be further back from the front property line than a large number homes in the neighborhood. We desire to obtain what others in the neighborhood already have and such addition does not imposed detrimental impact on the neighborhood.
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 functional standard garage is 24' in depth and we seek to build a usable garage no deeper than the 24'. The existing house currently only provides one bedroom. The addition would provide the ability to potentially have three bedrooms.

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.

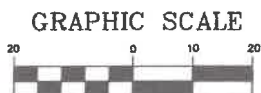
PLAN OF LAND
IN
WEYMOUTH, MASSACHUSETTS
86 LAKE SHORE DRIVE



ZONING: = R-1
PARCEL ID: 26-342-22
OWNER: LUCY WEYER
DEED REF: BOOK 31413
PAGE 108

LEGEND

○ PIPE/FND
△ STAKE SET

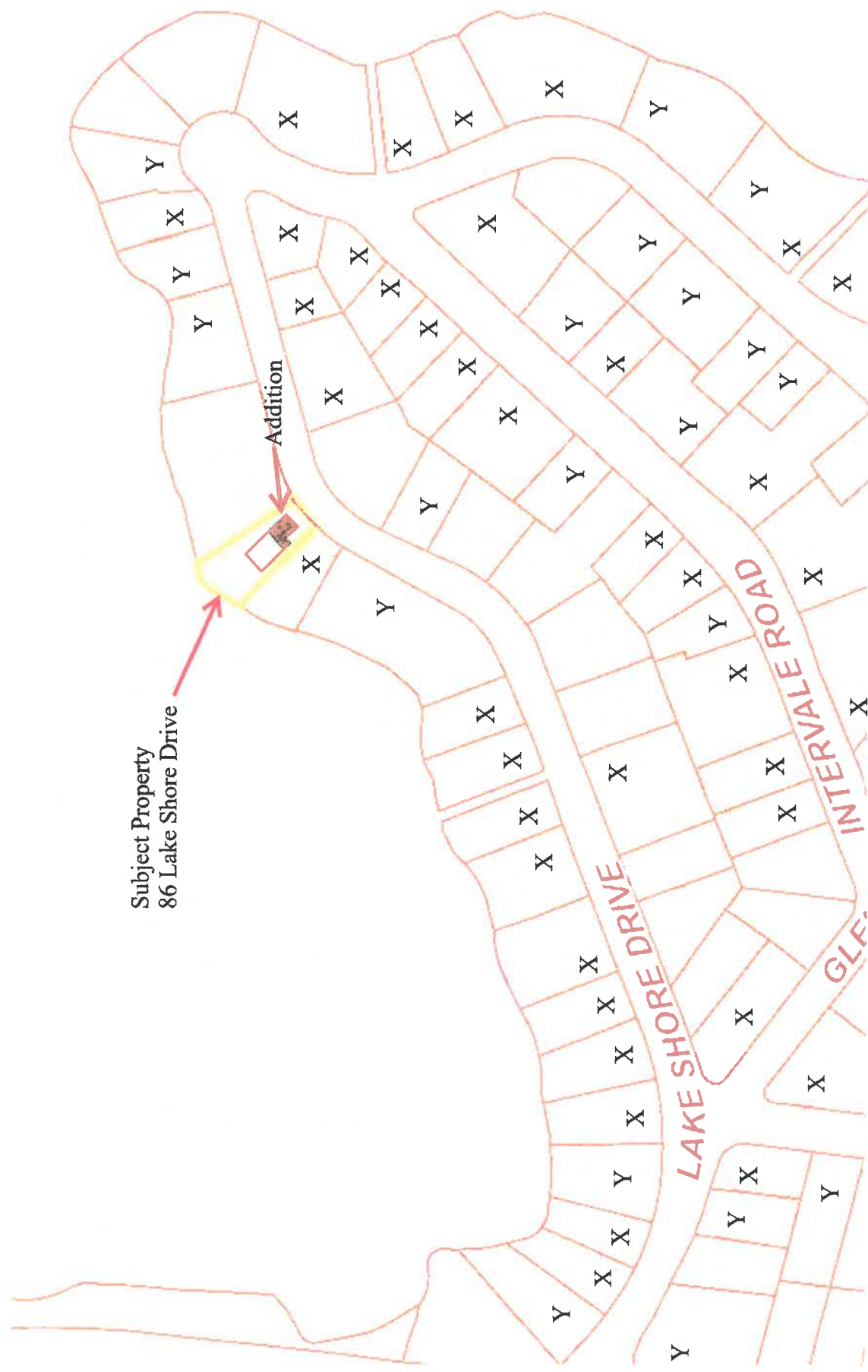


(IN FEET)
1 inch = 20 ft.

REVISED: 2-4-22



C S KELLEY
LAND SURVEYORS
25 CENTER STREET
PEMBROKE MA 02359
781-294-4454



LEGEND

- X = Homes with setbacks equal to or less than the proposed addition.
- Y = Homes less than the 18' minimum setback required.

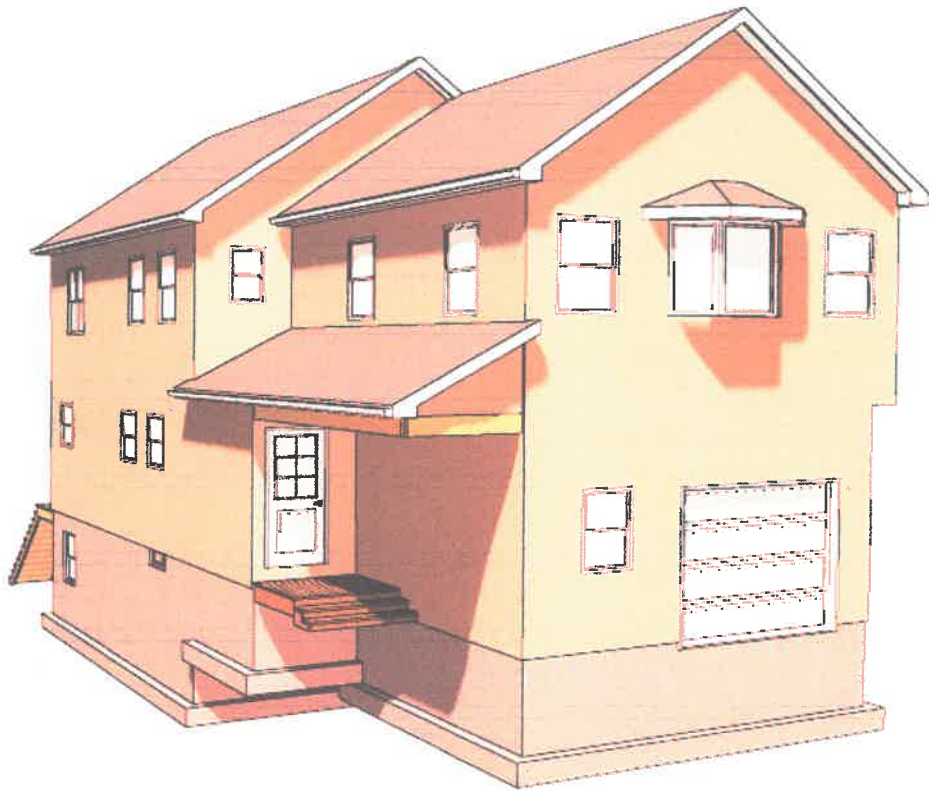
NOTE: - X & Y assignment based upon digitizing this drawing for measurements



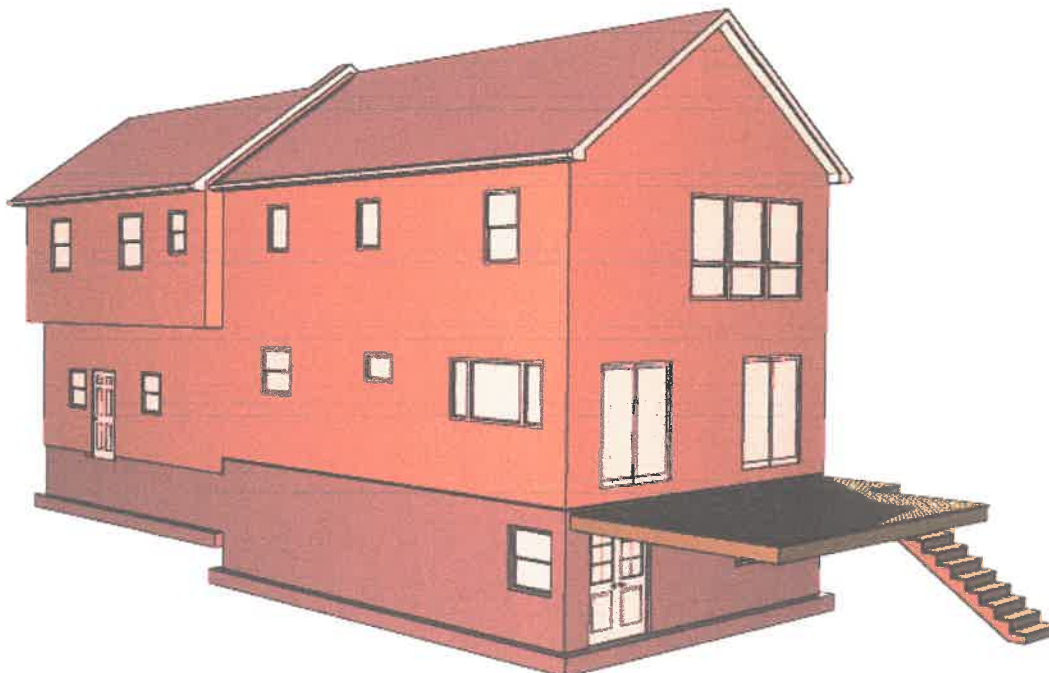
Photo retrieved from Google Maps.

VIEW OF THE EXISTING HOME AT 86 LAKE SHORE DRIVE

Note: The large tree shown at the right of the home has been removed.
The proposed addition will extend out ~5' past the front lawn into the existing pavement.
There will still be adequate space to allow parking in front of the addition without encroaching upon the existing paved roadway.
The house to the left will be closer to the front property line than this addition.



SOUTHERLY AND WESTERLY HOUSE ELEVATIONS

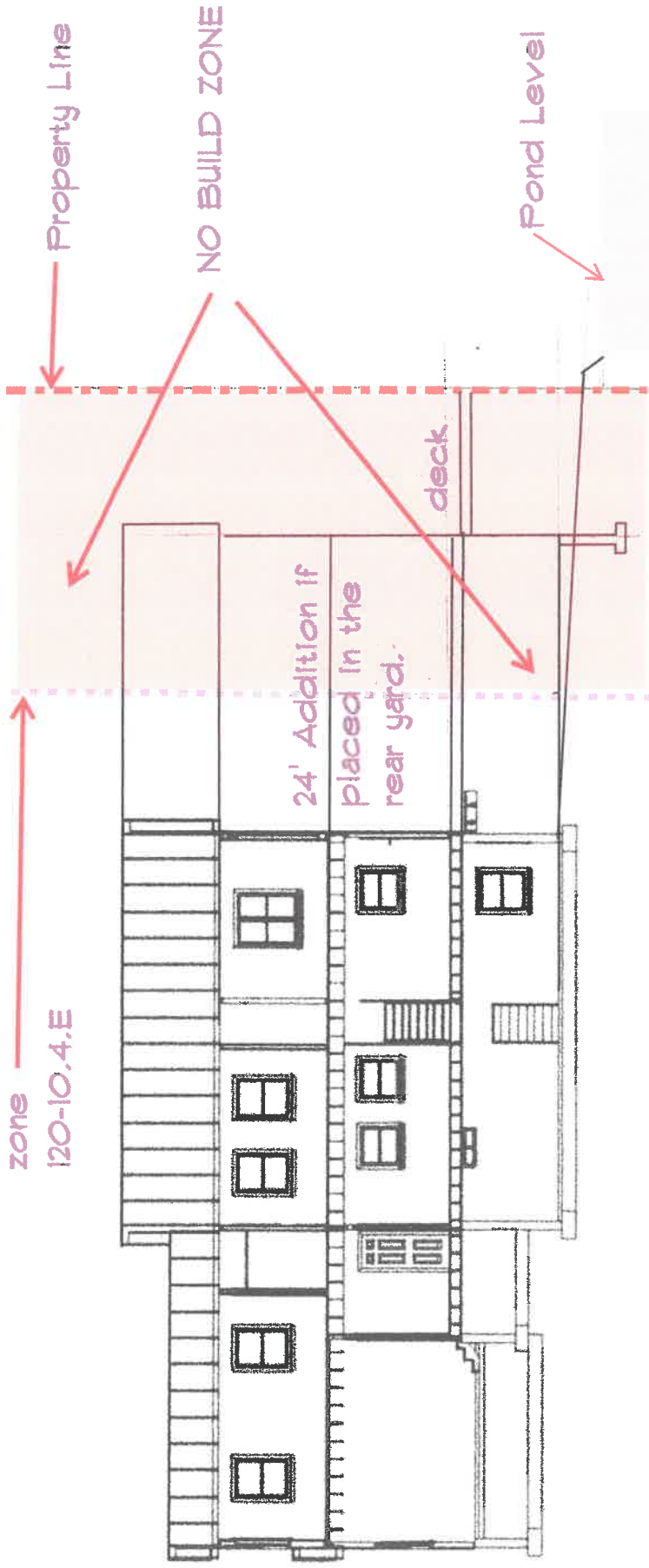


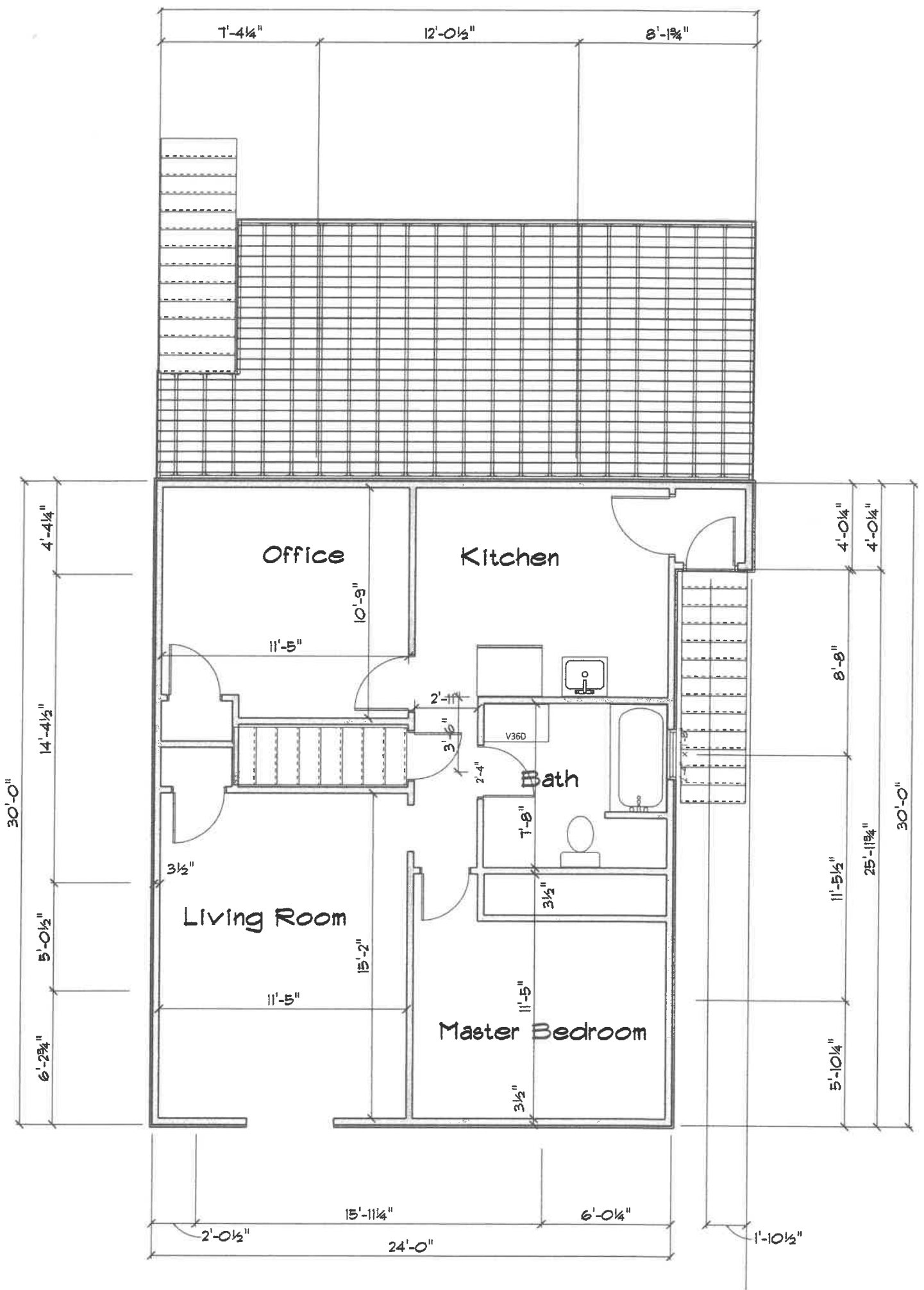
NORTHERLY AND EASTERLY HOUSE ELEVATIONS

THE WEYER RESIDENCE – ADDITION
86 Lake Shore Drive

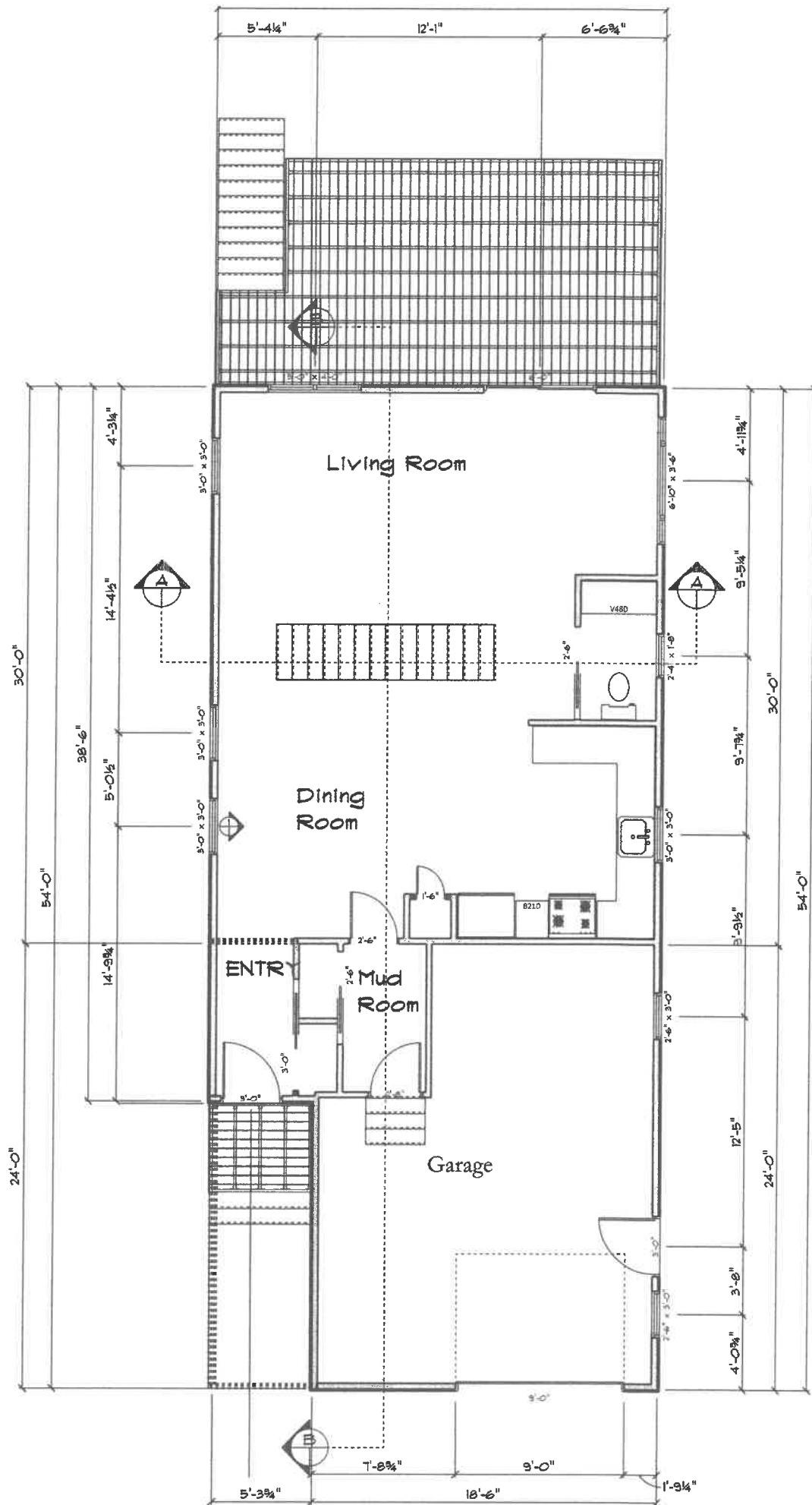
25' Watershed
District Setback
zone

120-10.4.E

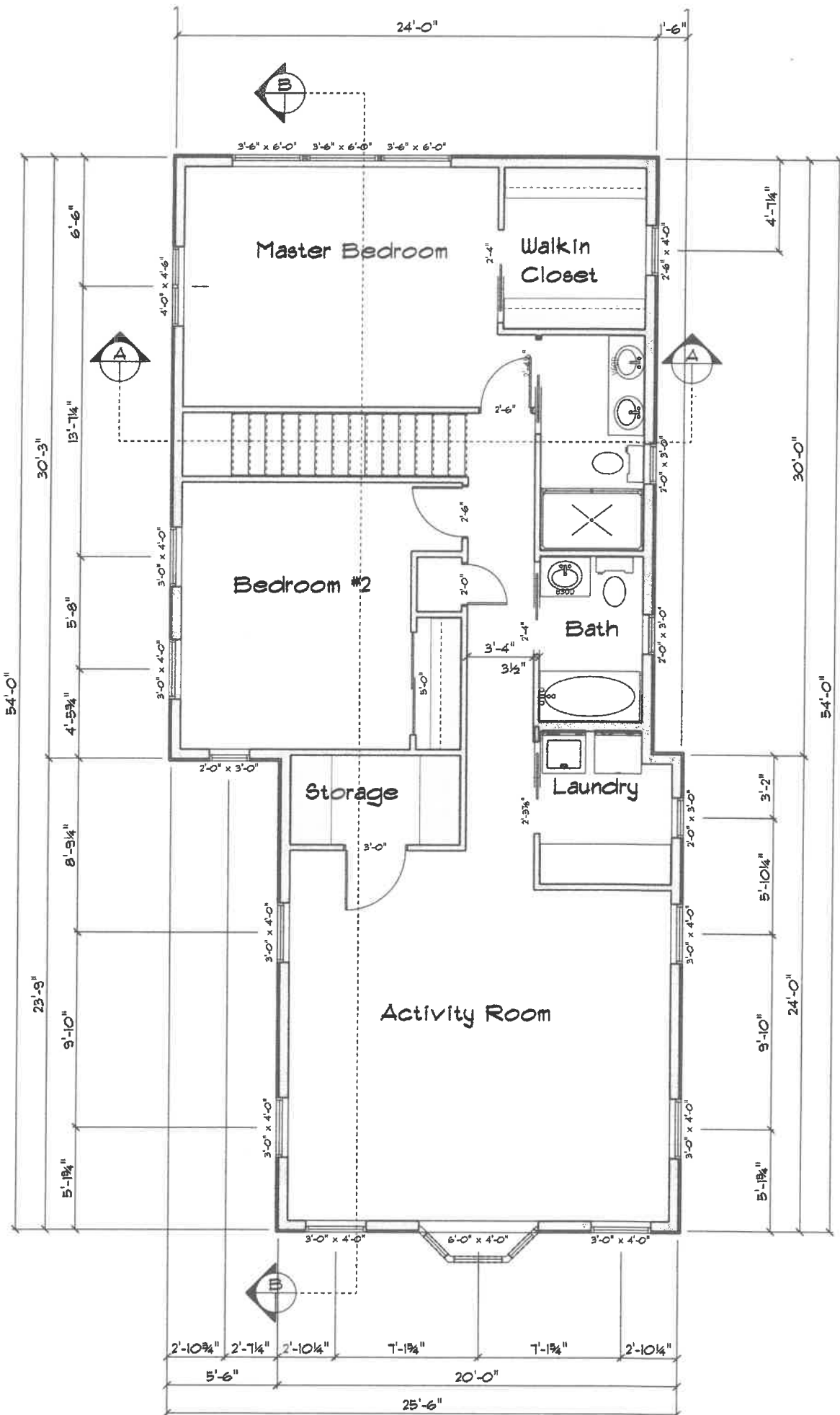




EXISTING FLOOR PLAN - Scale 1/4" = 1' - 0"



PROPOSED MAIN FLOOR PLAN - Scale 1/4" = 1' - 0"



PROPOSED SECOND FLOOR PLAN - Scale 1/4" = 1' - 0"