

RECEIVED
TOWN OF WEYMOUTH
TOWN CLERK'S OFFICETOWN OF WEYMOUTH
BOARD OF ZONING APPEALS APPLICATION

2020 JAN -8 AM 11:08

TO BE COMPLETED BY STAFF

Case Number:

3406

Town Clerk Stamp

Submittal Accepted:

Date

11/8

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: 1093 Main Street

Assessor's Map Sheet, Block, & Lot: 49-554-8

Zoning District: HT

Overlay District: CCOD

OWNER OF RECORD (S) (print & sign): John O'Brien

(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: 1150 Turnpike Street, Stoughton, MA 02072

Norfolk County Registry of Deeds Book and Page No. 36520-453

Or registered in Land Registration Office under Certificate No.

NAME OF APPLICANT (S) (print & sign): John O'Brien

Applicant's Address: 1150 Turnpike Street, Stoughton, MA 02072

Contact Information: Email northeasttanks@verizon.net Phone 617-212-8250

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

NAME & AFFILIATION OF REPRESENTATIVE: Raymond D. Jennings, III

Address: 775 Pleasant Street, Suite 7, Weymouth, MA 02189

Contact Information: Email rayjennings@jenningsfishman.com Phone 781-718-8449

NAME OF ENGINEER AND / OR ARCHITECT: McKinnon/ Merrill

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.

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):

120-40 special permit for extension of preexisting non-conforming use (front setback)

120-22.7 Conversion of existing dwelling for up to four dwellings by special permit (Highway Transition District)

120-41 relief from requirement that existing structure be restored or a finding that the existing structure has lost more than 3/4 its value.

variance as to lot size

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):

0.45 acre lot contains an existing, unoccupied, 2700 sq ft, two story, two-family dwelling, in disrepair, awaiting re-development.

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

Demolish the existing structure and build a 4 unit dwelling

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 120-22.7 permits conversion to four-dwelling units by special permit in HT district. Due to the dilapidated condition of the existing structure, the applicant seeks a finding under 120-(41) that the building or structure has been damaged to the extent of more than 3/4 of its value and that the restoration is for the same use and that the building or structure is not substantially greater in area, height or size and not nearer to adjoining lots.

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		HT	HT
Lot Area / Size (Sq. Ft.)	15,000 FAR.25	19673	
Dwelling Units		2	4
Frontage (ft.)	60		
Lot Width (ft.)	75		
Front Yard Setback (ft.)	20	14.3	24
Front Yard Setback (ft.) – corner lots	N/A		
Side Yard Setback (ft.)	10	13.4	15.1
Side Yard Setback (ft.)	10		
Rear Yard Setback (ft.)		181+/-	129+/-
Height (ft.) & # of Stories	45 ft 3 stories		
Lot Coverage	50%		
Off-Street Parking Spaces	6		8
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 residential use is preexisting and permitted in the Highway transition District

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

No. The existing building has become dilapidated. The demolition on rebuilding of a new residential structure will improve the neighborhood.

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

No. The new building has been designed to conform with zoning by laws related to vehicles and pedestrians

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

Yes. Adequate and appropriate facilities, utilities and other public services are incorporated into the plans.

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

Yes. The public convenience will be substantially serviced by the demolition of a dilapidated structure erection of a new structure in conformity with zoning and building regulations.

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 two family has a front setback of 14.3 feet 20 feet is required. The new structure will have a front setback of 24 feet.

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

The frontage nonconformity has been about by the 2016 widening of Main Street

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 4 family use is permitted by special permit in the HT zone. The new structure will be more conforming as to front setback, but will require more lot coverage.

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 currently a paved driveway that provided parking for 1-2 vehicles. The new parking are will provide for 8.

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 project will remove a dilapidated two family structure and replace it with a modern, visually appealing, 4 unit building, with modern amenities, set farther back from the roadway.

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.

The front setback hardship was created by the taking of land for the extension of Main Street, (route 18) The existing structure is beyond repair and the renovation of the existing structure into 4 units, while permissible, presents a substantial hardship.

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.

Due to the taking for the expansion of Main Street (route 18) the front setback has been diminished to 14.3 feet from the required 20 ft, which presents a hardship in utilizing the existing footprint and remaining in compliance with all other aspects of the zoning code.

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.

The dilapidated structure will be removed and a new structure with visual appeal and modern amenities will replace it.

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.

The 4 family use is permitted by special permit for the existing structure, however, a slightly larger structure will bring the structure into conformity with the front setback requirement and will otherwise be more desirable.

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.



Town of Weymouth Property Card

Property Location: 1093 MAIN ST

Parcel ID: 49-554-8

Current Owner:

O'BRIEN JOHN
1150 TURNPIKE ST
STOUGHTON, MA 02072

Current Assessments (All Land and Buildings)

Buildings	\$87,600
Other	\$400
Land	\$156,900
TOTAL	\$244,900

Land Line Valuation

Size	0.45 acres
Zone	
Assessed Value	\$244,900

Parcel Record of Ownership

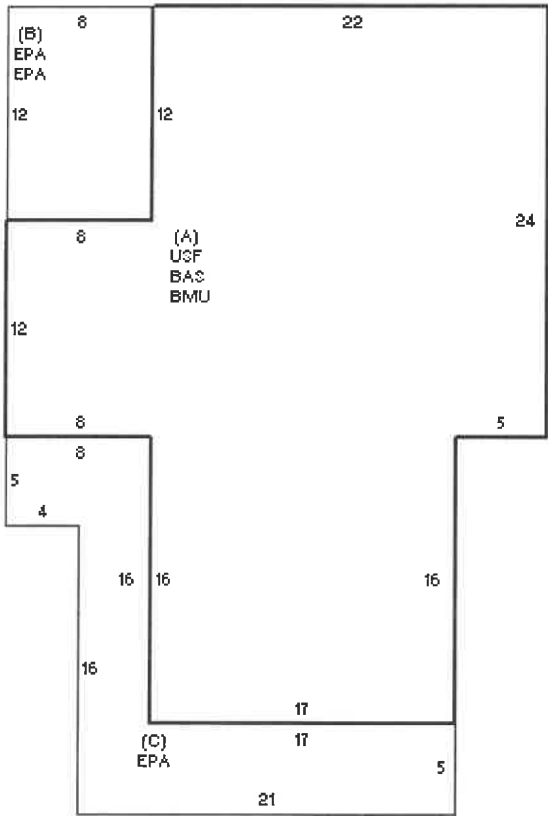
Grantor	Grantee	Date	Type	Price	Book/Page (Cert)
WIENCEK ALFRED J TRUSTEE	O'BRIEN JOHN	12/21/2018	QS	\$358,650	36520/453
WIENCEK ALFRED J & JOYCE S	WIENCEK ALFRED J TRUSTEE	2/5/2004	F	\$0	20530/15
	WIENCEK ALFRED J & JOYCE S		QS	\$0	4138/685

Primary Building Information

For additional building information, please review the building tab of the map viewer.

State Classification Code	SINGLE FAMILY DWG	Finished Basement	No
Building Square Footage	1,792	Attached Garage	No
Year Built	1913	Detached Garage	No
Dwelling Style	CONVENTIONAL	Number of Bedrooms	4
Exterior Walls		Number of Full Bathrooms	1
Foundation Type	CONT BSMT WALL	Number of Half Bathrooms	1
Deck Area	0 SF	Heating/Cooling Type	HOT WATER
Porch Area	381 SF	Number of Fireplaces	0
Basement Area	896 SF		

Building 1



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