



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

TO BE COMPLETED BY STAFF

Case Number: 3436 Town Clerk Stamp
Submittal Accepted: Monica Kennedy Date 2/10/21
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: 10 Mountain View Rd
Assessor's Map Sheet, Block, & Lot: 30, 350, 57
Zoning District: R-1 Overlay District: _____
OWNER OF RECORD (S) (print & sign): Lindsay M. Larkin
(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: 10 Mountain View Rd Weymouth MA 02189
Norfolk County Registry of Deeds Book and Page No. 28038, 278
Or registered in Land Registration Office under Certificate No. _____
NAME OF APPLICANT (S) (print & sign): Lindsay M Larkin, Michael A O'Shea II
Applicant's Address: 10 Mountain View Rd Weymouth MA 02189
Contact Information: Email mikelindsayfamily@gmail.com Phone 781 901 2571
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.

Lindsay M. Larkin Michael O'Shea II 2/9/21
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

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):

presently located at this property is a small, single family dwelling consisting of 3 bedrooms and 1 bath. The home is occupied by the owner and her family, including fiancé and 2 small children. The home is a total of 798 sq feet.

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

We would like to knock down the existing building and rebuild the home to include a basement, expanded kitchen and living room, 3 bedrooms, 2 bathrooms and an attic. Please see attached letter of intent

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).

Single family home in a neighborhood that is zoned for single family homes.

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:

No

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.)		3058	3058
Dwelling Units		1	1
Frontage (ft.)		42	42
Lot Width (ft.)		125	125
Front Yard Setback (ft.)		9.9	9.9
Front Yard Setback (ft.) – corner lots			
Side Yard Setback (ft.)		2.7	2.7
Side Yard Setback (ft.)			
Rear Yard Setback (ft.)		10.4	10.4
Height (ft.) & # of Stories		1	1
Lot Coverage		30%	30%
Off-Street Parking Spaces		3	3
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, single family home. There are no changes in use.

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

No, the proposed home will be keeping in-line with the current character of the neighborhood and town.

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

No, there is adequate parking available for at least two cars.

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

Yes. Due to the age and condition of the home, we have been advised by two builders that the home cannot be renovated and a new structure will need to be built. Building this new structure will update the utilities, bring the sewer and water lines up to code and completely modernize the home itself.

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

The new home will be in-line with the existing neighborhood and therefore will bring more value.

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 lot is >5,000 sq ft with non conforming set backs

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

The house was built in 1920 and preexisted zoning.

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.

The home preexisted modern conforming zoning laws which did not come in to effect until 1940.

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

We are not proposing any nonconforming changes. The new home will exist within the current homes footprint with an additional floor and attic space.

5. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

2

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:

There is no detriment with the new home.

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.

Town of Weymouth Zoning Board

75 Middle St Weymouth MA, 02188

To whom it may concern,

We are writing this letter of intent to further explain the need to completely rebuilding our existing home.

Our main intention for our home was as a starter home. We thought we would live here for a few years, learn what it took to take care a of a home, sell it, then purchase a larger home. In 2012 I had gastric bypass surgery and in 2013 we were expecting our first child. Although the home was small, it was affordable and allowed enough space for everyone. In 2018 we found that we were expecting our second child and quickly realized that this home was too small for our expanding family.

Once this was realized we contacted two local builders to come and look at the house and let us know what we may be able to do within the existing structure to optimize the space. Both builders advised that the home was 100 years old and the foundation would not tolerate a renovation and the entire structure would need to be torn down and rebuilt. Our home is currently held up by tree trunks, ledge and 2 separate foundations (pictures included).

Looking at the current housing market, schools for our children to attend and the neighborhood we live in, we decided that rebuilding the structure is our best option. We love Weymouth, our neighbors, the schools; and we do not want to live or raise our children in any other town. Our intent to is build a home that we can all function in, remain close to the ones we love and bring value to our neighborhood.

Thank you very much,

Lindsay Larkin

Michael O'Shea II

Handwritten signatures of Lindsay M. Larkin and Michael O'Shea II. The signature of Lindsay M. Larkin is written in a cursive script, and the signature of Michael O'Shea II is written in a more stylized, blocky cursive script.