

2023 AUG -2 PM 3:49

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

**TO BE COMPLETED BY STAFF**

Case Number: # 3510

Submittal Accepted: \_\_\_\_\_

Signature of Planning Dept. Staff for minimal requirements

Date

8/2/23

Town Clerk Stamp

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:** 915 Washington Street

Assessor's Map Sheet, Block, & Lot: 30-382-18

Zoning District: Highway Transitional

Overlay District: N/A

**OWNER OF RECORD (S)** (print & sign): Weymouth Realty LLC

(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: 915 Washington St., Weymouth, MA

Norfolk County Registry of Deeds Book and Page No. 24727/354

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

**NAME OF APPLICANT (S)** (print & sign): Prayag Patel

Applicant's Address: 915 Washington Street, Weymouth, MA 02189

Contact Information: Email prg2224@gmail.com

Phone \_\_\_\_\_

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

**NAME & AFFILIATION OF REPRESENTATIVE:**

Address: Gregory F. Galvin, 775 Pleasant St., #16, Weymouth, MA 02189

Contact Information: Email ggalvin@gregorygalvin.com

Phone 781-340-5335

**NAME OF ENGINEER AND / OR ARCHITECT:** Walter A. MCKinnon Assoc. Inc.

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)

Gregory F. Galvin  
GREGORY F. GALVIN

7-31-2023

## 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):

Article XIII, Section 120.39, Continuation; 120.40 Extension or Change

*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):

Currently, there is a variety store and storage containers, that violate the front (off all streets- Washington; Joan & Paris) yard setbacks.

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

Remove and rebuild the building, however moving it approximately five (5') feet further off the street line and removing the storage containers.

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 VIB, Section 120.22.8

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).

Yes, Case # 2966, decided, 9/11/2007. Expanded parking and added stormwater facilities.

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

The applicant is seeking to increase the size of the retail store, remove the storage containers and landscape the lot.

## 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		Retail	Retail
Lot Area / Size (Sq. Ft.)	None	10,518 s.f.	10,518 s.f.
Dwelling Units	N/A		
Frontage (ft.)	60'	>60'	>60'
Lot Width (ft.)	75'	127'	127'
Front Yard Setback (ft.)	20'	0'	5'
Front Yard Setback (ft.) – corner lots	20'	0'	5'
Side Yard Setback (ft.)	10'	>10'	>10'
Side Yard Setback (ft.)	N/A		
Rear Yard Setback (ft.)	N/A		
Height (ft.) & # of Stories	45'	<45	20'9"
Lot Coverage	50%	>50%	>50%
Off-Street Parking Spaces	13	13	13
Off-Street Loading Spaces	1	1	1
Parking Setback	15'	0'	5'
Accessory Structure Setback			
Landscaping	25%	<25%	25%+/-
Floor Area Ratio	N/A		
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.

Currently the lot is the locus of Lynn's Variety Store which violates the front(street) setbacks(0'). The applicant will move the building back 5' from the street line.

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

The applicant is seeking to upgrade the building, remove the storage containers, move the building off the street line and add landscaping along with maintaining adequate parking.

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

The applicant is seeking to upgrade the property with a new building with first class building materials and provide adequate off street parking.

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

The applicant is seeking to provide new lighting within the parking area only. The site has stormwater controls in place.

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

Updating the store and removing the storage containers while enhance the look of the property.

## 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 building is on the street property line and has minimum landscape green space

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

Greater than 40 years

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 building appears to predate zoning.

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

The applicant will lessen the non-conformity and provide more landscaping.

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

13 currently, will maintain 13 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:

The property has street frontage on three (3) sides. The applicant will move the building back 5' on all three (3) sides.

## 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.

N/A

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.