

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

TO BE COMPLETED BY STAFF

Case Number: 3417

Submittal Accepted: _____

Signature of Planning Dept. Staff for minimal requirements

Date

7/23

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: 175 Westminster Rd. Weymouth, MA

Assessor's Map Sheet, Block, & Lot: 30-350-1

Zoning District: R-1

Overlay District: Watershed Protection District

OWNER OF RECORD (S) (print & sign): MT Westminster 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: 38 Billings Road, Quincy, MA 02171

Norfolk County Registry of Deeds Book and Page No. Book 385 & Page 11769

Or registered in Land Registration Office under Certificate No. N/A

NAME OF APPLICANT (S) (print & sign): Jim Chen

Applicant's Address: 585 Washington Street, Quincy, MA 02169

Contact Information: Email Jim.chen5408@gmail.com Phone (617) 404-8182

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

NAME & AFFILIATION OF REPRESENTATIVE:

Address: Johnny Tan

Contact Information: Email Johnnyxtan@gmail.com Phone (617) 851-5696

NAME OF ENGINEER AND / OR ARCHITECT: Jim Chen, AIA

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. Extension or change by special permit.

§ 120-61. Side setback requirement for certain lots.

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 existing home was a single-family home, wood-framed single family, with approx. 650 sf of living area, 2-bedroom and 1 bath. The property abuts the Cavern Rock Conservation Area.

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

Re-construct the existing home on the same exact footprint. The building permit (78840) was issued to construct an addition to the rear, and a second story. During demolition, when the roof was demolished, we found the framed were rotted and not structurally sound, and that the existing foundation has not footing, and are constructed of concrete blocks, and are not suitable for a second story addition. Therefore, the foundation will also be demolished, this action triggers the right side yard setback, where the existing dwelling only provides 5.1' setback, where 10' is required.

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).

The property is located within R-1 zoning district, where single-family residence is allowed. Table 1: Schedule of district regulation.

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. But the Town of Weymouth Inspectional Service Department has issued the building permit for the same work that we are requesting a variance for. In this case it will be a reconstruction on existing footprint, versus an addition that the building permit was issued for.

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

The proposal is not any more detrimental to what already existing there, the owner simply would like to reconstruct the home on the existing footprint.

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		1-Family	1-Family
Lot Area / Size (Sq. Ft.)	25,000 sf	5,499 sf	5,499 sf
Dwelling Units	1	1	1
Frontage (ft.)	120'	75'	75'
Lot Width (ft.)	120	75'	75'
Front Yard Setback (ft.)	18'	32' avg.	32' avg.
Front Yard Setback (ft.) – corner lots	18'	14.4'	14.4'
Side Yard Setback (ft.)	10'	5.1'	5.1' (pre-existing) 10' (new portion)
Side Yard Setback (ft.)	10'	16.6'	16.6'
Rear Yard Setback (ft.)	24'	41.1'	24'
Height (ft.) & # of Stories	2-1/2 / 35'	1-1/2 / 17.5'	2-1/2 / 30.5'
Lot Coverage	30%	85%	85%
Off-Street Parking Spaces	2 spaces	3 spaces	3 spaces
Off-Street Loading Spaces	n/a	n/a	n/a
Parking Setback		3'	3'
Accessory Structure Setback	n/a	n/a	n/a
Landscaping		0sf	400 SF
Floor Area Ratio	n/a	0.12	0.37
Signage	n/a	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.

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

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

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

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

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):

Right side yard setback is 5.1', where 10' is required

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

Since the construction of the original home in year 1918.

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, on the original home. The original deck on the right side of the home was constructed in the later date, which we found out was encroaching into town's property. The owner had remove it prior to obtaining the building permit (78840).

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

The new addition complies with the side yard setback of 10 feet.

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

Existing parking was 3 space, and the proposed will remain the same.

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 existing home will be rebuild on the existing footprint, and the new addition at the rear of the property complies with zoning.

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 existing home does not have sufficient side setback, but the owner would like to reconstruct new home on existing home footprint.

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 soil condition is not great, the original home sit mainly on ledges, with uneven topography sloping from the north to south onto the town's property. The existing poor structure integrity of the home was not sufficient for a second floor addition discover after the demolition of the roof.

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.

We are reconstructing the home on it's existing footprint, which pre-existing condition does not have sufficient side yard setback. All other zoning is in compliance.

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 proposed project contains 3 bedrooms and 3 bathrooms with approx. 2,000 sf is very consistent with the surrounding neighborhood. The proposed massing of the addition is consistent with zoning ordinance and within the height limitation. As a single family residence, 3-4 occupants as a family seems to be market for the house. Town of Weymouth ISD has already issued the building permit for the addition with the same plans submitting to the zoning board.

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.