

TOWN OF ROCKLAND
ZONING BOARD OF APPEALS
APPLICATION FOR A PUBLIC HEARING

TOWN CLERK, ROCKLAND
MAY 5 23 PM 3:12

SECTION 1:

A. I/We hereby apply for a public hearing before the Zoning Board for the following:
 (Check all that are applicable)

- ☐ Application for Dimensional Variance
☒ Application for a Use Variance
☐ Application for a Section 6 Finding
☐ Special Permit for Use permissible by Special Permit
☐ Appeal from a Decision of the Zoning Enforcement Officer
☐ Comprehensive Permit (Chapter 40B)

SECTION 2:

B. Answer all of the following questions that pertain to your application:

1. Address of the property in question: 104 West Water Street
2. Name(s) of Owner(s) of Property: Odeylton DaSilva & Francyslene Nincao
3. Owner's Address: 135 Mill Street, Abington
4. Name of Applicant(s): Odeylton DaSilva & Francyslene Nincao
5. Address of Applicant: 135 Mill Street, Abington
6. Applicant's Phone: Home: _____ Work: _____
 Cell: 617-990-4442 Fax: _____
 E-Mail: _____ odeylton@gmail.com
7. State the Assessor's Map # 45 and Lot # 144 of the property.
8. State the Zoning District in which the property is located: R3
9. Explain in-depth what you are proposing to do: We renovated our garage
a few years ago. When later having the building inspected, however, we first learned
that use as a residential dwelling is not permitted. The building inspector has been
very patient with us, but explained that we need to ask for relief from this board.
There is an elderly couple living there and we would like to avoid evicting them
if at all possible. The lot is nonconforming as to size, but is a corner lot and there
is adequate parking available (that meets the bylaw requirements).
Please see the attached narrative for additional information.

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10. Describe in detail any existing variance(s) or special permit(s) pertaining to this property. Copy/copies must be obtained at the Town Clerk's Office and must be attached to this application:

N/A

11. List all applicable sections of the Zoning Bylaw that pertains to this application:

415-29; 415-10

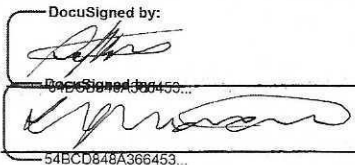
12. If you are applying for a dimensional variance, state in detail any specific condition that effects the shape, soil, topography or structures on your lot that specifically effects your lot and does not effect the zoning district as a whole, and why these conditions cause a hardship to the land that warrants the granting of a variance (use a separate piece of paper if necessary) N/A

13. If this is an application for a special permit, describe in detail the permit you are seeking and provide the Board with specific information as to how the proposed use will meet the Performance Standards of the Zoning By-Laws of Rockland:

N/A

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14. If this is an appeal from a decision of the Zoning Enforcement Officer, state in detail the grounds upon which you claim that the Zoning Enforcement Officer/ Building Inspector's decision was in error. N/A

Signed: 

Owner(s) of Record
All owners must sign

Signed: _____

Applicant(s) If Different from owner
All applicants must sign

Signed: _____
Signature of Attorney (if any)

Date: _____

TOWN OF ROCKLAND

ZONING BOARD OF APPEALS

OWNER AND APPLICANT: Odeylton DaSilva & Francyslene Nincao.

PROPERTY: 104 West Water Street

ADDENDUM TO SECTION 2(9) OF THE APPLICATION

As you can see from the plans, parking meets the bylaw's requirement.

I. REQUIRED RELIEF

We are seeking a Variance from two sections of the Zoning Bylaw: 415-10 (which provides that two families are permitted, but which is silent on a three family, suggesting that it is not a permitted use); and 415-29 (which says that only one principal residential building is permitted).

We understand that we are asking a lot, but the structure was already there when we moved in. When we renovated it, we obviously did not understand that we would not be able to use it. Now that our elderly friends live there, we are at least hoping to avoid having to evict them. So, if there is a way to condition approval to avoid that, we would be very grateful for that.

We believe that an argument can be made to grant the requested variances, per Bylaw §415-89.1.

- Lot: as you can see, we have a unique corner lot. Structure: We believe it is unique in that it has been there for a very long time. We believed it to be a legal use and never had a reason to believe otherwise, until recently, as stated on the application.
- Strict application of the bylaw would deprive us of the use and the residents of a home. We believe the structure and use fits the neighborhood, is not a substantial detriment and is a positive addition to the property. Our neighbors have never complained about it.
- The size of the dwelling unit in question is 497 square feet, as shown on the floor plan, which is commensurate with §415-32.