



TOWN OF MAYNARD

Zoning Board of Appeals: Staff Report

195 Main Street · Maynard, MA 01754
Tel: 978-897-1302 · www.townofmaynard-ma.gov

I. Project Information

Application #	ZBA2503
Project Location	25 Garfield Ave.
Property Owner	Tete & Elizabeth Cobblah, 25 Garfield Ave., Maynard MA 01754
Applicant	same
Type of Request	Variance
Zoning	S-1
Date App. Received	4/17/25

II. Project Description

The subject property is a pre-existing nonconforming single-family dwelling, due to insufficient front setback (25 feet required, 13.9 feet provided).

The home is located on a nonconforming lot in the S-1 Single Family zoning district. The nonconformity is due to insufficient lot size (10,000 s.f. required, 8,000 s.f. provided) and insufficient frontage (100ft required, 80ft provided).

The petitioner is requesting a Variance granting relief from Section 4 of the Zoning By-laws, to construct an addition to the property that would extend the existing nonconforming front setback and create a new nonconformity by exceeding building coverage limits (15%/1,200 sf. allowable, 21.3%/1,703 sf. proposed).

III. Procedural History

1. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a Variance from the Maynard Zoning By-laws was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on April 17, 2025.
2. The Variance application was accompanied by a plan and survey.
3. A public hearing on the Variance application was scheduled for May 21, 2025. The Legal Notice was placed in a paper of local circulation on May 7 and May 14, and sent via certified mail to interested parties on May 2.
4. The application documentation and other submitted material were reviewed by Town Staff.

IV. Regulatory Framework

a. State Statute

The criterion to grant a Variance is defined by MGL Ch. 40A Sec 10. To grant a Variance, the Board must determine each of the following conditions exist:

1. The permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially

affecting such land or structures but not affecting generally the zoning district in which it is located.

2. That a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant (note: a hardship is not of a personal nature but is connected to the subject property).
3. That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Exhibit "B" of this Staff Report contains the petitioner's Justification Statement detailing how they believe the request meets the Variance criteria.

V. Staff Analysis

a. Dimensional Requirements and Proposed Conditions

If granted, the petitioner's request would allow construction of an addition to the property that would reduce, although not eliminate, the existing nonconforming front setback; and would create a new nonconformity by exceeding building coverage limits.

Table 1. Dimensional Requirement and Proposed Conditions (nonconformities in red)

	Required	Existing	Proposed
Min. Lot Area	10,000 sf.	8,000 sf.	unchanged
Min. Lot Frontage	100 feet	80 feet	unchanged
Max. Building Coverage	15%	10% (809 sf.)	21% (1,703 sf.)
Setback Side Right (E)	15 feet	39 feet	19 feet
Setback Side Left (W)	15 feet	17 feet	unchanged
Setback Front	25 feet	13.9 feet	20 feet
Setback Rear	30 feet	40 feet	unchanged

b. Internal Review

Building Commissioner	<i>No comment.</i>
Conservation Agent	<i>No comment.</i>
Health Director	<i>No comment.</i>
Town Engineer	<i>No comment.</i>
Police	<i>No comment.</i>
Fire	<i>No comment.</i>

VI. Action Required

1. Board determination if the request meets the criteria for a Variance as contained in Section IV of this report. If the Board does determine that the criteria are met, it should describe how each condition is met.
2. Board Vote:
 - a. Determining if the above-referenced criteria have been met by the petitioner's applications as described.
 - b. Granting a Variance.

VII. General Conditions

a. Recording of Decision and Approved Plans:

The petitioner shall file this Decision with the Middlesex South District Registry of Deeds (or Land Court if registered land) and a copy of the decision stamped with the recording information (Book/Page or Land Court document number) shall be provided to the Building Department.

b. Appeals

Appeals shall be made within twenty (20) days after the date of filing this decision in the Office of the Town Clerk directly to a court of competent jurisdiction in accordance with the provisions of M.G.L., Chapter 40A, Section 17.

Exhibit A: Locus Map

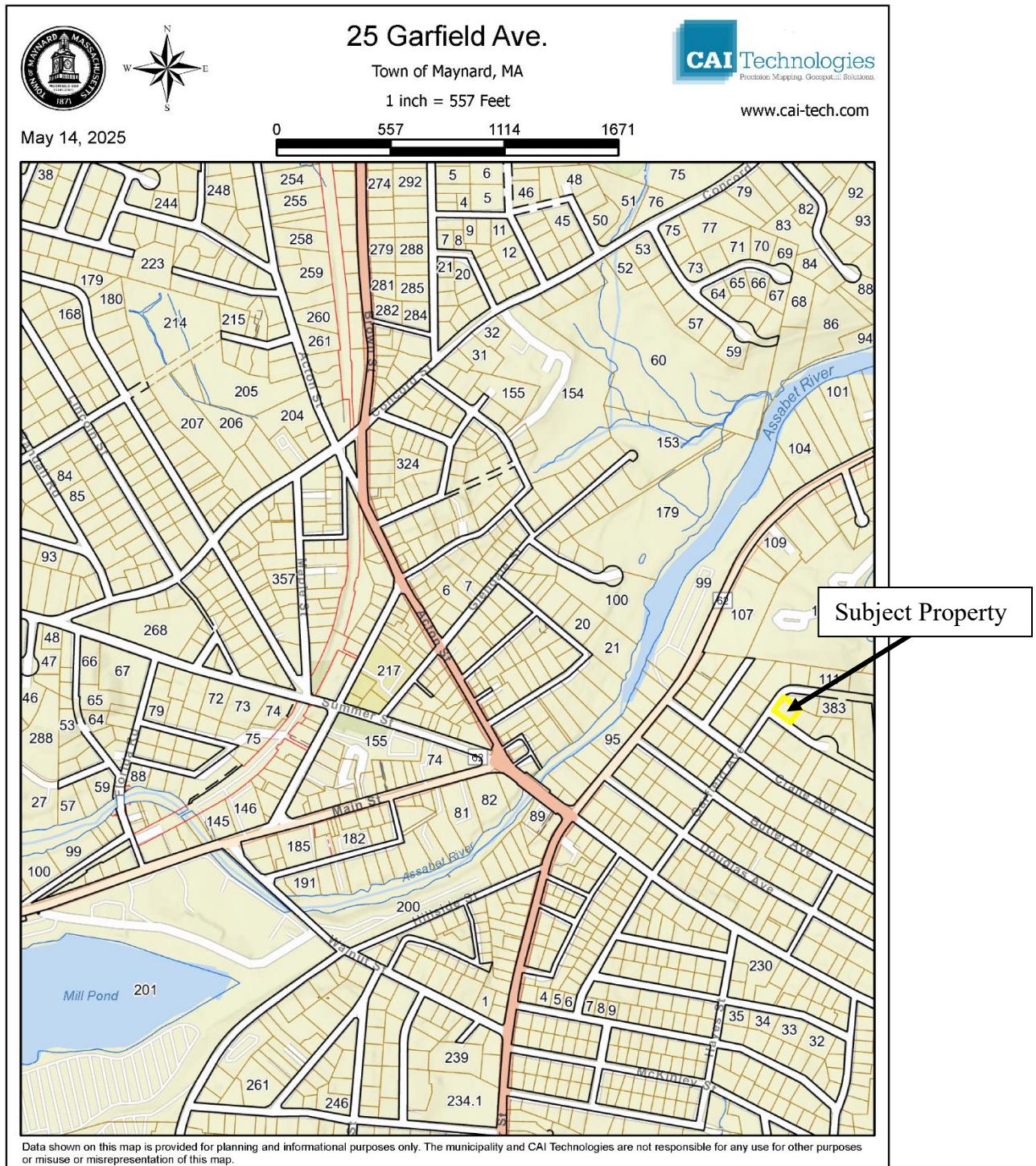


Exhibit B: Justification Statement

April 15, 2025

Dear members of the Zoning Board of Appeals,

We are writing to seek your permission to expand our current place of dwelling at 25 Garfield Avenue. We are two retired 70-year-old educators and have lived at this address for the past 37 years.

Our colonial house, which is about 134 years old, does not have a bedroom on the first floor. Anticipating mobility issues as we age, it has become necessary for us to create a bedroom, bathroom and workspace on the ground level.

It has come to our notice that we need your permission to proceed with this project. We hope that our application will be considered, and the building permit granted. Thank you for the good work you continue to do for Maynard.

Sincerely,

Tete Cobblah



Elizabeth Cobblah

