



## TOWN OF MAYNARD

### Zoning Board of Appeals: Staff Report

195 Main Street · Maynard, MA 01754  
Tel: 978-897-1302 · [www.townofmaynard-ma.gov](http://www.townofmaynard-ma.gov)

#### I. Project Information

|                                  |   |
|----------------------------------|---|
| <b>Application #</b>             | ZBA2504   |
| <b>Project Location</b>          | 106 Waltham Street  |
| <b>Date Application Received</b> | September 05, 2025  |
| <b>Property Owner</b>            | Geoffrey Dutton and Aygul Balcioglu,<br>106 Waltham Street, Maynard, MA 01754 |
| <b>Applicant</b>                 | Ilson Machado o/b/o Owners,<br>165 Dicenzo Blvd., Marlborough, MA 01752       |
| <b>Type of Request</b>           | Variance & Special Permit   |
| <b>Zoning</b>                    | S-1   |
| <b>Map/Lot</b>                   | 021.0-0000-0005.0   |
| <b>Lot Area</b>                  | 6,490 SF  |

#### II. Project Description

The subject property, 106 Waltham Street, is a single-family dwelling located within the Single-Family Residence Zoning District 1. The petitioner is requesting:

1. A Variance per Sections 4 and 5.1.4 of the Zoning By-laws to increase total coverage from 14.74% to 16.57%, which is above the maximum allowable of 15% for the S-1 district.
2. A Special Permit per Sections 5 & 10.4 of the Zoning By-laws to allow renovations which would extend a pre-existing nonconformity on the western side setback (12ft provided vs 15ft required). The proposed renovation would extend but not exacerbate the existing nonconformity (12 ft setback).

#### III. Procedural History

1. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a Variance and a Special Permit from the Maynard Zoning By-laws was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA) on September 5, 2025.
2. The application was accompanied by a plan and survey.
3. A public hearing for the application was scheduled for October 20, 2025. The Legal Notice was placed in a paper of local circulation on October 6 and October 13, 2025, and sent via certified mail to abutters and interested parties.
4. The application documentation and other submitted material were reviewed by Town Staff.

## IV. Regulatory Framework

### Variance

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.

### Special Permit

The criterion to grant a Special Permit is defined by MGL Ch. 40A Sec 9. Determination if the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

- a. Social, economic, or community needs.
- b. Traffic/parking.
- c. Adequacy of public services.
- d. Neighborhood character.
- e. Impacts on the environment.
- f. Fiscal impact.

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

## V. Staff Analysis

The subject property is undersized for the S1 zoning district as demonstrated in Table 1. If granted, the applicant's request to increase the sunroom from the existing 96 square feet to 112 square feet would result in building coverage exceeding 15% (16.46%).

### a. Dimensional Requirements and Proposed Conditions

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

|                               | Required   | Existing  | Proposed          |
|-------------------------------|------------|-----------|-------------------|
| <b>Min. Lot Area</b>          | 10,000 sf. | 6,500 sf. | unchanged         |
| <b>Max. Building Coverage</b> | 15%        | 14.7%     | 16.46%            |
| <b>Setback Side Left (W)</b>  | 15 feet    | 12 feet   | 12 feet unchanged |

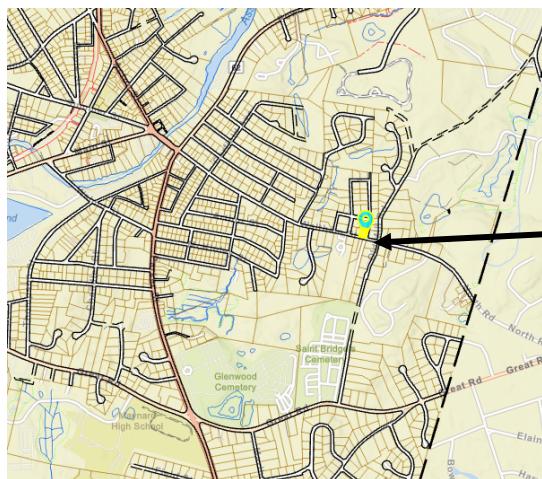
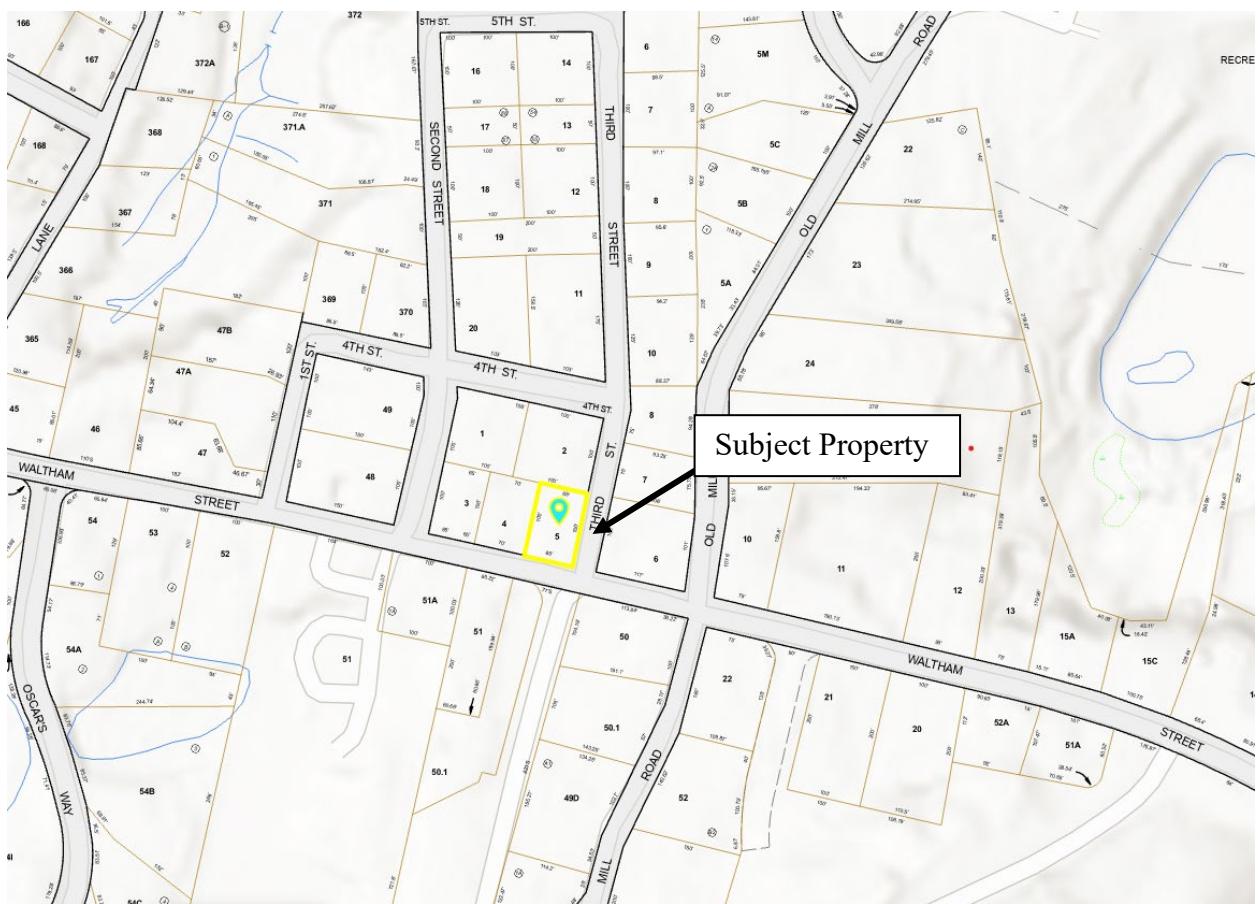
**b. Internal Review**

|                       |                    |
|-----------------------|--------------------|
| 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 determination if the request meets the criteria for a Special Permit 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.
3. Board Vote:
  - a. Approval of a Variance providing relief allowing building coverage up to 17% for a sunroom.
  - b. Approval of a Special Permit Allowing an extension of the existing nonconformity on the left side set back (15' required, 12' provided).

## **Exhibit "A"**



## Subject Property

**Exhibit B**  
**Application Material**



# EXHIBIT "B" TO STAFF REPORT - ZBA MEETING OF 10.20.25

Chair Paul Scheiner

Zoning Board of Appeals  
195 Main St.  
Maynard MA 01754

September 4 2025

Re: Justification Statement 106 Waltham Street – Request for Relief to Reconstruct Sunroom

Dear ZBA,

We have retained MACHADO CUSTOM PROJECTS INC to renovate an existing three-season sunroom to make it habitable year-round and better integrate it with our house. The Building Commissioner has informed us that in order to construct our proposed sunroom, a Variance and a Special Permit will be required from the ZBA.

## **Variance**

Our proposed renovation would add 112 sq ft to our existing sunroom, currently 96 sq ft. As a result, the total coverage increases to 16.57% coverage from 14.74%. The maximum building coverage for the S1 district is 15%.

The minimum lot size for S1 is 10,000 sq ft. but our lot, laid out in 1950, is 6,490 sq ft. As a result, our modest cape plus its small portico and backyard utility shed is already close to the minimum building coverage of 15%.

We believe our property meets the Commonwealth and the town criteria for a Variance. The hardship affecting our property is that our lot is significantly undersized for regulation under the S1 district. Not all but many homes are sited on larger lots in the immediate neighborhood. We believe being located on a smaller lot restricts uses of our property more than others in the area. Consequently, without relief, we are prevented from adding an amenity many other homes in the neighborhood enjoy.

We request the ZBA grant a Variance to allow a building coverage of approximately 17% to reconstruct our sunroom as depicted in the attached plans.

## **Special Permit**

We are also constrained by an existing nonconformity in our western side setback. The district regulations require the house be a minimum of 15 ft from a property line. The west side of our house is 12 ft from the property line. Our proposed renovation would extend but not exacerbate the existing nonconformity by maintain the 12 ft setback.

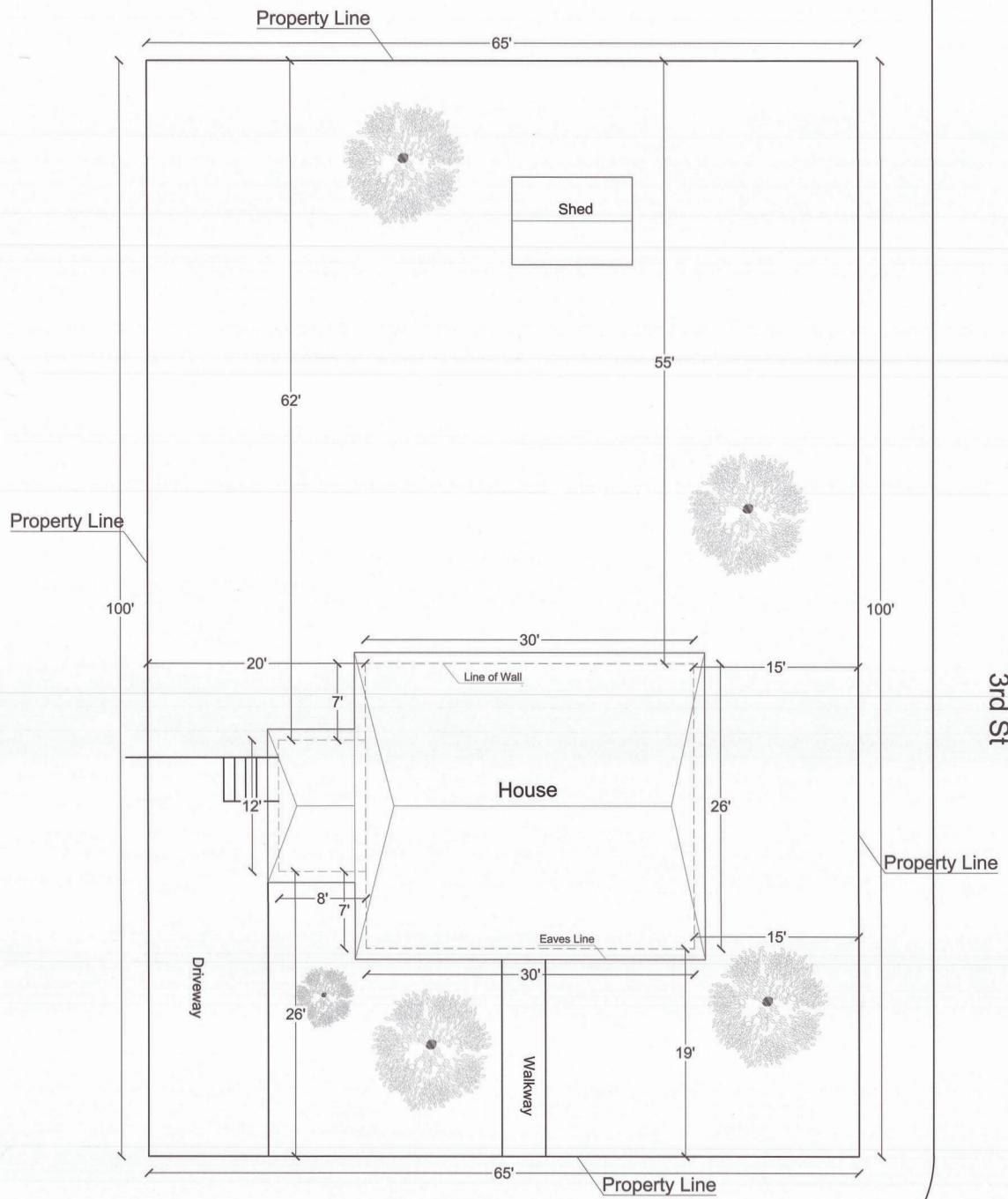
We believe the benefit of the admission outweighs any potential impacts and will improve the appearance of the home will improve once the old sun porch is gone.

Thank you for your time and consideration. We look forward to a positive resolution to our appeal so we can finish construction before cold weather sets in.

Yours Truly  
Geoffrey Dutton and Aygül Balcioglu  
106 Waltham St.  
Maynard MA 01754

**EXHIBIT "B" - PLANNING BOARD MEETING OF 10.20.25**

# EXHIBIT "B" To STAFF REPORT - ZBA MEETING OF 10.20.25



ADDRESS: 106 Waltham St, Maynard, MA 01754, USA

Scale: 1"=10'

Land: 6500 SF

THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE.  
This work product represents only generalized locations of features, objects or  
boundaries and should not be used up to a zoning legal or administrative  
purpose location. Survey features, blight or zoning

EXHIBIT "B" - PLANNING BOARD MEETING OF 10.20.25