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MAYNARD TOWN CLERK

Zoning Board of Appeals
Town Office Building
195 Main Street
Maynard, MA 01754

FINDINGS AND DECISION

Petition No: ZB 21-03
Type: Variance Request
Property Owner/Applicant: Stephanie Malone, 19 Lincoln Street, Maynard, MA. 01754
Project Location: 19 Lincoln Street
Current Zoning: Single Residence District 1 (S-1)
Lot Size: 5,616 ft.² +-
Application Date: March 29, 2021

Description of Request: Variance per Section 5.1.4 of the Zoning By-laws to allow the change of a pre-existing non-conforming single-family home on a pre-existing nonconforming lot that will increase the existing nonconformities and allow construction of a front porch that will:

- a. Encroach into the required 25-foot front setback to allow a front setback of 19 feet creating new nonconformity.
- b. Increase the existing non-conforming lot coverage to 20%.

I. Procedural History

- a. 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).
- b. The Variance application was accompanied by a plan and survey. (Exhibit "A").
- c. A public hearing on the Variance application was held on May 3, 2021.
- d. The application documentation and other submitted material was reviewed by Town staff: the Building Commissioner spoke in support of the Applicant's request at the hearing. There were no other staff comments.
- e. At the public hearing, there were no public comments against the application. Resident Tim Hess spoke in support of the request.

II. Variance Criteria

Chapter 40A, Section 10 of the Massachusetts General Laws (MGL) require that before granting a Variance, the Board must make a determination (finding) that three conditions exist on the subject property:

- a. 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.
- b. 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.
- c. 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.

III. Vote of the Board and Decision

A motion was made by Page Czepiga and seconded by Marilyn Messenger to find the criteria as listed in Section II is met by the request and to approve the applicant's request to allow the change of a pre-existing non-conforming single-family home on a pre-existing non-conforming lot that will increase the existing non-conformities and allow construction of a front porch that will:

- a. Encroach into the required 25-foot front setback to allow a front setback of 19 feet creating new non-conformity.
- b. Increase the existing non-conforming lot coverage to 20%.

The ZBA made the following findings which were followed by a vote:

- a. The lot is undersized for the S-1 zoning district and the associated dimensional requirements. A porch cannot be installed without relief.
- b. Enforcement of the front setback by-law would impose a hardship on the applicant by preventing design of feature that works within, the limitation of the lot configuration and provides a level of protection against the elements. The addition of a front porch will prevent a financial hardship by reducing design inconsistencies with the surrounding neighborhood and protecting neighborhood character.

a. The requested relief does not nullify the intent of the by-law which is to ensure a general uniformity in a neighborhood. It has been demonstrated that many of the homes in my neighborhood with front porches appear less than 25 feet from the road. The front porch would increase the harmonious feel of the neighborhood, add value to the street, and provide a benefit to the town.

The Board voted as follows:

Paul Scheiner (Chair)	<u>Y</u>
Marilyn Messenger	<u>Y</u>
John Courville	<u>Y</u>
Jerry Culbert	<u>Y</u>
Page Czepiga	<u>Y</u>

IV. Decision

By a 5-0 vote, the ZBA approves the Variance as requested.



Paul Scheiner, Chair
For the Zoning Board of Appeals



Date

NOT VALID UNTIL CERTIFIED BY THE TOWN CLERK OF MAYNARD

In accordance with Sec. 11 of Ch. 40A of Massachusetts General Law, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Maynard Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Attest: _____

Date: _____

Joanna Bilotta, Town Clerk

EXHIBIT "A" STEPHANE MALONE
19 Lincoln St

Maynard

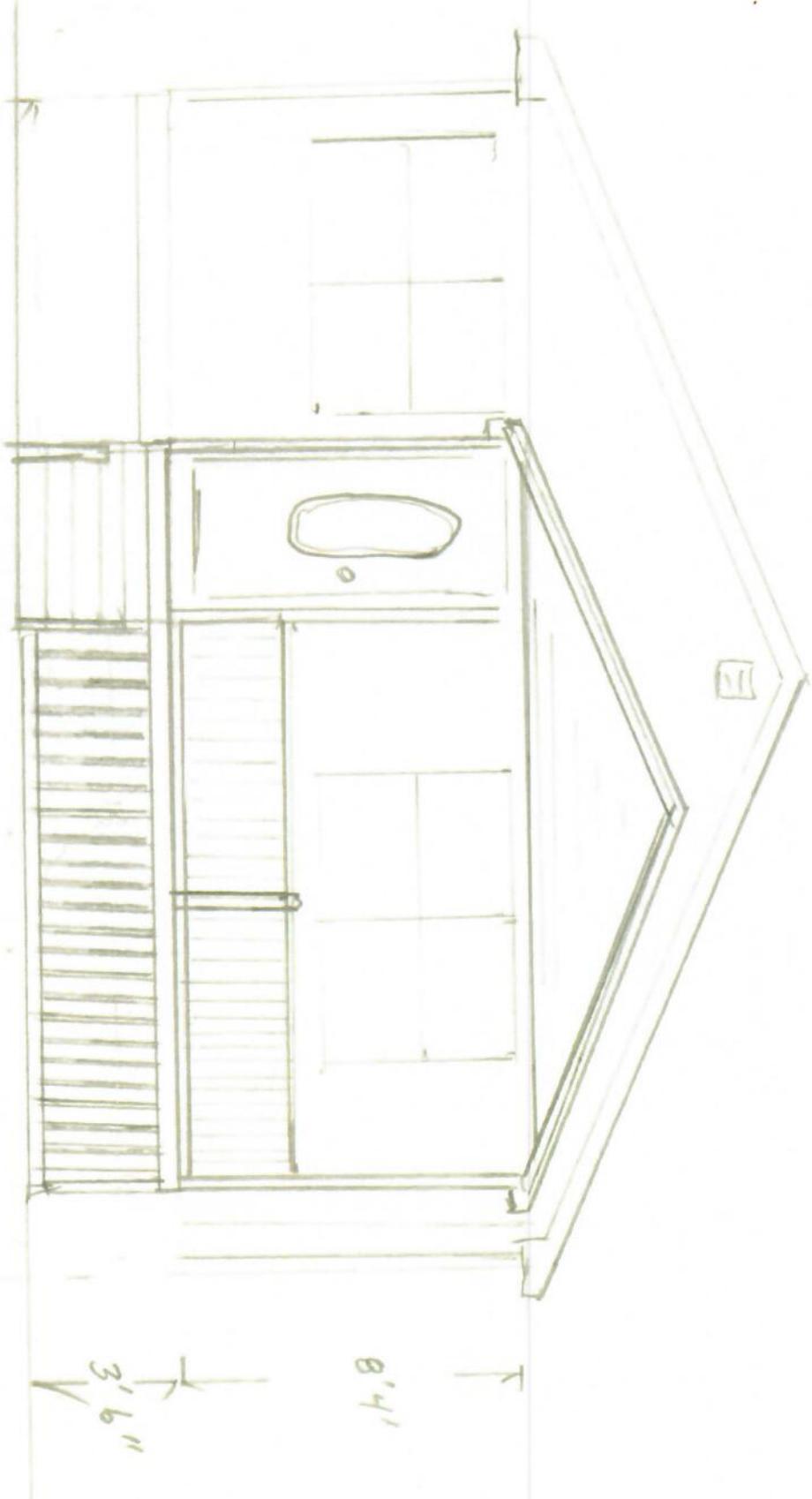
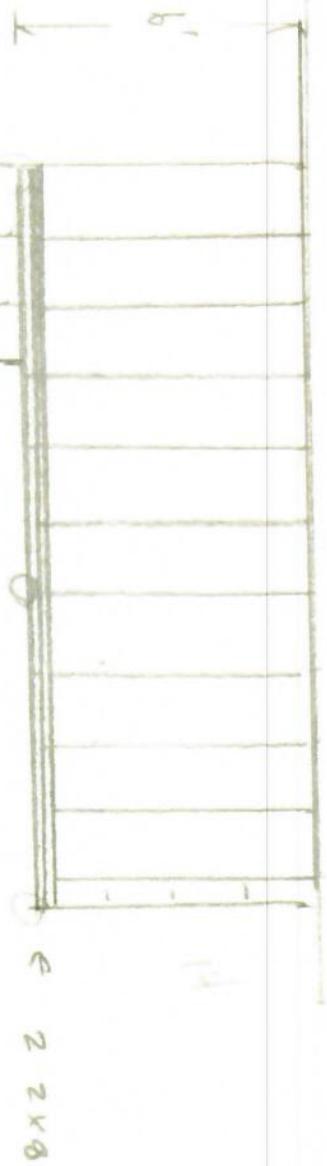


EXHIBIT A

26' 6"



18' + 2' 6"

2 x 6 x 10

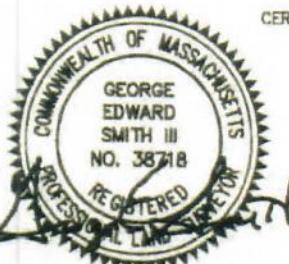
EXHIBIT "A"

NEW ENGLAND LAND SURVEY
 Professional Land Surveyors
 710 MAIN STREET
 N.Oxford, MA 01537
 PHONE: (508) 987-0025
 FAX: (508) 438-6604
 REGISTRY S. MIDDLESEX

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

MORTGAGE INSPECTION PLAN

NAME STEPHANIE L MALONE
 LOCATION 19 LINCOLN STREET
MAYNARD, MA
 SCALE 1"=40' DATE 07/14/20



CERTIFY TO: WILLIAM RAVEIS MORTGAGE, LLC.

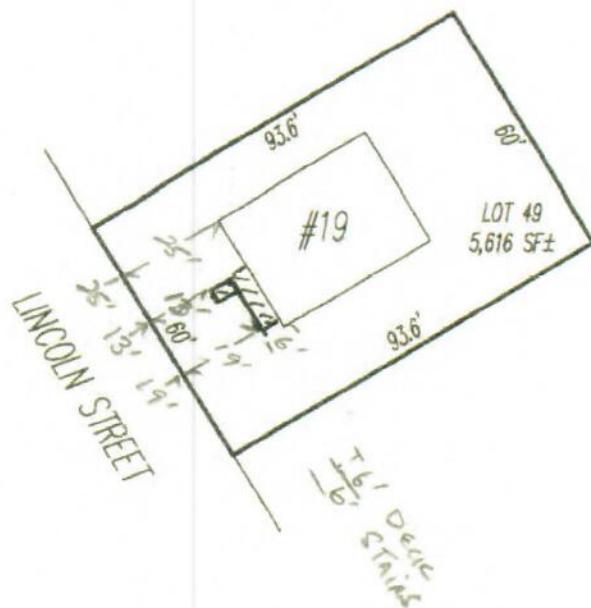
DEED REFERENCE: 59168/114

PLAN REFERENCE: 151/7

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:

25017C0362F DTD: 07/07/2014

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



REQUESTED BY: VIEIRA & DIGIANFILIPPO
 DRAWN BY: MEG
 FW BY: JVC
 CHECKED BY: GES
 FILE: 20MIP09212



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