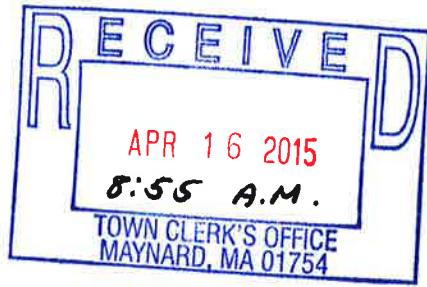




**Zoning Board of Appeals**  
Town Office Building  
195 Main Street  
Maynard, MA 01754



## **FINDINGS AND DECISION**

**Petition of Ann B. Keesler, for a Special Permit to allow extension of a pre-existing non-conforming structure and a Variance to allow creation of a new non-conformity by allowing reduced side setbacks required to construct a garage.**

**Property Location:** 7 Spring Lane, Maynard, Ma.  
**Date of Decision:** March 30, 2015  
**Petition Number:** ZB 15-03

### **I. Procedural History**

- a.** On February 3, 2015, the Petitioner's representative, filed a petition with the Maynard Zoning Board of Appeals (ZBA) requesting:
  - 1)** A Special Permit to extend a nonconforming structure pursuant to Maynard Zoning By-Laws, Section 5.1.3. (front yard setback of proposed garage).
  - 2)** A Variance from the Dimensional Schedule, Section 4.1.1, allowing creation of a new non-conformity (allowing side setback to be reduced from 15 feet to 11.5 feet for the construction of proposed garage).
- b.** "Parties in Interest" were verified by the Maynard Property Assessor's Office. Notice of Public Hearing was mailed to the "Parties in Interest" and said notice was published, all according to statute.
- c.** A public hearing was held on March 30, 2015 as scheduled and advertised. The Board considered the petition in the light of statutory criteria and requirements of the Maynard Zoning by-laws and the Massachusetts General Laws. No one spoke in opposition to the request.
- d.** The application for the proposed addition was accompanied by plot plan drawn and certified by JK Thomas Land Surveyors with a revision date of November 20, 2014, and a justification statement to the ZBA from the petitioner dated January 24, 2014.

## **II. Petition Details**

- a.** The 8,235 ft.<sup>2</sup> subject property has a zoning designation of General Residential.
- b.** The existing structure does not meet current setbacks, frontage, or lot size requirements (Exhibit "A").
- c.** The petitioner is requesting to construct a garage of approximately 276 ft.<sup>2</sup> that will both extend a pre-existing non-conforming structure, and will not meet the side setback distance as required by the Zoning By-laws. The petitioner is requesting the ZBA issue a Special Permit to allow extension of a pre-existing non-conforming structure and a Variance to allow for relief of side setback requirements.
- d.** The proposed addition would change the building footprint from approximately 1086 ft.<sup>2</sup> to 1362 ft.<sup>2</sup>. Total proposed lot coverage is approximately 17% (40% is the maximum lot coverage allowed in the General Residential Zoning District).
- e.** The proposed garage would require relief from the required front side yard (street) setback of 25 to 20.5. feet. The proposed front setback for the garage would not exceed that of the pre-existing structure which is 15.9 feet. This action requires a Special Permit per Section 5.1.3 of the Maynard Zoning By-laws.
- f.** The proposed garage has a side setback of 11.5 feet. The required setback is 15 feet. This requires a Variance from the Dimensional Schedule, per Section 5.1.4 of the Maynard Zoning By-laws to create a new non-conformity (allowing side setback to be reduced from 15 feet to 11.5 feet for the construction of proposed garage).

## **III. Findings**

- a.** Special Permit: the ZBA finds that the requested construction of a garage at 7 Spring Lane, Maynard, MA will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, per Section 5.1.3 of the Zoning By-laws.
- b.** Variance: the ZBA finds:
  - 1)** Circumstances exist relating to the topography and shape of the subject property that do not generally affect the zoning district in which it is located. This is due to the slope of the property.
  - 2)** There is a substantial hardship due to the rear slope of the backyard and narrowness of the lot at the front.

3) Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such By-law.

#### IV. Motions

a. A motion was made by Leslie Bryant and seconded by Marilyn Messenger to:

Grant a special permit for relief from the required front yard (street) setback of 25 to 20.5. feet for a garage. The motion also includes a requirement for the petitioner to remove the existing concrete pad located on the western side of the property.

##### Record of Vote

The Zoning Board of Appeals voted 4-0 to grant the Special Permit:

Paul Scheiner	Yes
Marilyn Messenger	Yes
Leslie Bryant	Yes
Christopher Etchecuray	Yes

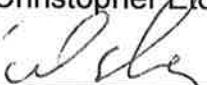
b. A motion was made by Leslie Bryant and seconded by Marilyn Messenger to:

Grant a variance from the Dimensional Schedule, Section 4.1.1, to increase a non-conformity (allowing side setback to be reduced from 15 feet to 11.5 feet for the construction of proposed garage). The motion also requires relocation of the existing shed and removal of the concrete pad under the shed.

##### Record of Vote

The Zoning Board of Appeals voted 4-0 to grant the Variance:

Paul Scheiner	Yes
Marilyn Messenger	Yes
Leslie Bryant	Yes
Christopher Etchecuray	Yes

  
\_\_\_\_\_  
Paul Scheiner, Chair  
For the Zoning Board of Appeals

  
\_\_\_\_\_  
Date

Filed with the Town Clerk on: April 16, 2015 @ 8:35 A.M.

  
\_\_\_\_\_  
Town Clerk

CC: File  
Rick Asmann, Building Commissioner  
Bill Nemser, Town Planner  
Ann Keesler

## Exhibit "A"

