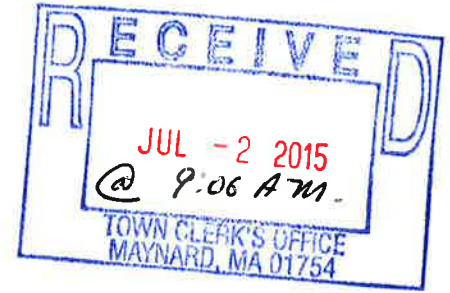




Zoning Board of Appeals
Town Office Building
195 Main Street
Maynard, MA 01754



FINDINGS AND DECISION

Petition of Whitney Retallic and Erica Labb for a Variance creating a new non-conformity by allowing reduced front setbacks to construct a porch and landing.

Property Location: 8 Taylor Road, Maynard, Ma.
Date of Decision: June 29, 2015
Petition Number: ZB 15-04

I. Procedural History

- a. On June 8, 2015, the applicant filed a petition with the Maynard Zoning Board of Appeals (ZBA) requesting a Variance from the Dimensional Schedule, Section 4.1.1, to allow construction of porch that would not meet the required front setback and therefore create a non-conformity. The request requires relief of approximately 4.5 feet from the 25 foot front setback requirement of the Zoning By-laws.
- 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 June 29, 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 mortgage inspection plan drawn and certified by John J. Russell with a signature date of October 18, 2013, and a justification statement to the ZBA from the petitioner dated January 3, 2015.

II. Petition Details

- a. The 8,581ft.² subject property has a zoning designation of Single Residential 1.
- b. The existing structure meets the current requirement of 25 feet for the front setback (Exhibit "A") in the Single Residence District 1.
- c. The petitioner is requesting to construct a porch and landing that will encroach 4.5 ft into the By-law required 25 foot front setback. This requires a Variance

from the Dimensional Schedule, per Section 5.1.4 of the Maynard Zoning By-laws. (Exhibit "B").

III. Findings

a. The ZBA finds:

- 1) The topography and unique shape of the subject property do not generally affect other properties in the zoning district in which it is located.
- 2) There would be a hardship for the owner without the porch for quiet enjoyment of their property. Construction of a porch in the backyard would be closer to a road than in the front yard due to the recent construction of Keene Avenue.
- 3) There would be no substantial detriment to the public good or derogation from the intent or purpose of the By-law by granting the variance because the encroachment of the corner of the porch into the set back is a *de minimis* encroachment.

IV. Motion

a. A motion was made by Jamal De Vita and seconded by Marilyn Messenger:

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; and 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; and 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, the Zoning Board of Appeals grant a 5 foot variance from the front yard setback Dimensional Schedule, Section 4.1.1, to allow construction of a three season porch with the three findings noted above.

Record of Vote

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

Paul Scheiner	Yes	Leslie Bryant	Yes
Marilyn Messenger	Yes	Jamal De Vita	Yes



Paul Scheiner, Chair
For the Zoning Board of Appeals



Date

Filed with the Town Clerk on: _____

Town Clerk

Exhibit "A"

MORTGAGE INSPECTION PLAN

NORTHERN ASSOCIATES, INC.

68 PARK ST. 2ND FLOOR ANDOVER, MA TEL:(978) 837-3335 FAX:(978) 837-3336

MORTGAGOR: WHITNEY RETALLIC & ERICA J. LABB

DEED REF. 24166/367

LOCATION: 8 TAYLOR RD

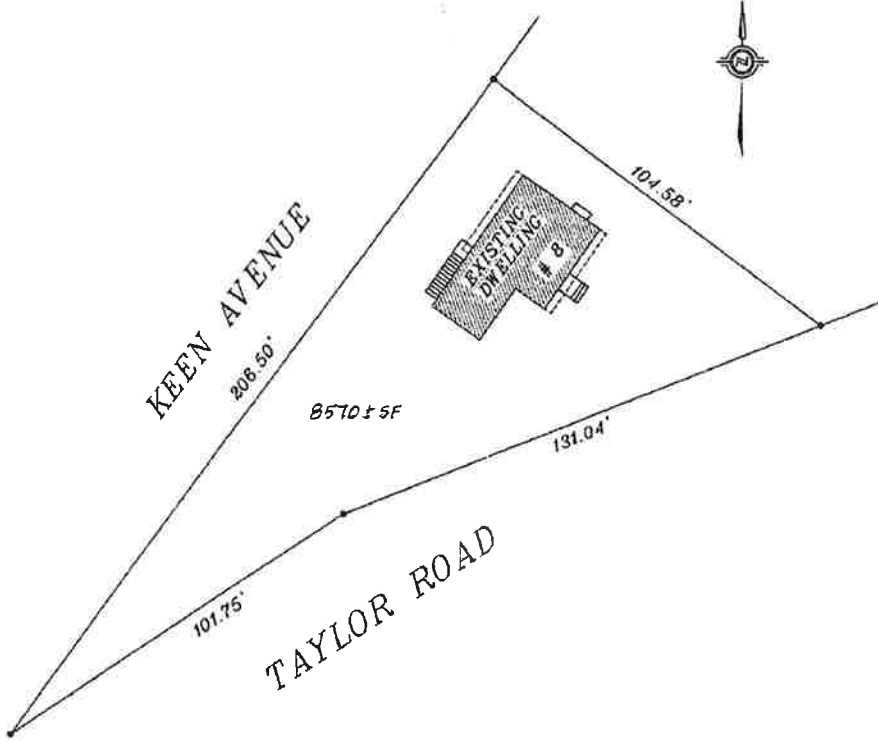
PLAN REF. 268/23

CITY, STATE: MAYNARD, MA

SCALE: 1"=30'

DATE: 10/18/13

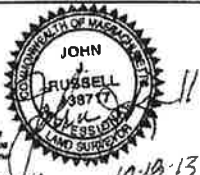
JOB #: 213/03447



CERTIFIED TO: WAKEFIELD CO-OPERATIVE BANK

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.

NOTE: This mortgage inspection was prepared specifically for mortgage purposes only and is not to be relied upon as a land or property line survey, used for recording, preparing deed descriptions, or construction. No corners were set. Building location and offsets are approximately located on ground and are shown specifically for zoning determination only and are not to be used to establish property lines. The matters shown herein are based on client-furnished information and may be subject to further out-sizes, takings, easements and rights of way, and other matters of record and prescriptive or other rights. Northern Associates, Inc. assumes no responsibility herein to land owner or occupant, accepts no responsibility for damages resulting from said reliance by anyone other than the said mortgagee and its assigns in connection with its proposed mortgage financing to said mortgagor.



This mortgage inspection was prepared in accordance with the Technical Standards for Mortgage Loan Inspections as adopted by the Massachusetts Board of Registration of Professional Engineers and Land Surveyors 250 CMR 605. I further state that in my professional opinion that the structures shown conforms with the local zoning horizontal dimensional setback requirements at the time of construction or are exempt under provisions of M.G.L. Ch. 40A Sec. 7.

- 1. Property/House is not in Flood Hazard.
- 2. Property/House is in a Flood Hazard Area.
- 3. Information is insufficient to determine Flood Hazard.

Flood Hazard determined from latest Federal Flood Insurance Rate Map Parcel **25017C 0362E**

Date **06/04/10** Zone **X-UNSHADED**

Exhibit "B"

