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Bk: 66299 Pg: 585 Doc: DECIS  
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Office of the  
T O W N C L E R K  
195 Main Street – Town Building  
Maynard, Massachusetts 01754  
Telephone (978) 897-1300

October 29, 2015

Re:

Decision of the Zoning Board of Appeals  
Special Permit

Case No. ZB 15-05  
52 Glendale Street  
Maynard, MA 01754  
62248-395

Date of Decision: September 28, 2015

Petitioner: Norman & Tresa Jones

I hereby certify that this decision and any authorized signatures are true copies of the original and that 20 days have elapsed from the filing date of the decision and that no appeal has been filed in this office.

Attest: A True Copy

Michelle L. Sokolowski, Town Clerk



Registry of Deeds, South Middlesex District  
208 Cambridge Street  
East Cambridge, Ma 02141  
(617) 679-6300





## Zoning Board of Appeals

Town Office Building  
195 Main Street  
Maynard, MA 01754

11:30 am

## FINDINGS AND DECISION

**Petition of Norman and Tresa Jones for a Variance allowing creation of a new non-conformity by construction/placement of a 24 foot by 14 foot garage in a location that will require: 1) relief to allow a reduced side setback 2) relief to exceed the maximum lot coverage.**

**Property Location:** 52 Glendale Street, Maynard, Ma.  
**Date of Decision:** September 28, 2015  
**Petition Number:** ZB 15-05

### I. Procedural History

- a. On July 29, 2015, the applicant filed a petition with the Maynard Zoning Board of Appeals (ZBA) requesting two Variances from the Dimensional Schedule, Section 4.1.1 of the Zoning By-laws, to allow construction/placement of a pre-fabricated garage that would create a new non-conformity. The applicant's 7,066 foot<sup>2</sup> lot is non-conforming as the Single Residence District (S-2) Zoning District requires 20,000 foot<sup>2</sup> minimum.

The applicant desired to place the garage in a side location that would free up backyard space but consequently would not meet the required side setback and therefore create non-conformity. The request for a 2 foot side setback requires relief of approximately 13 feet from the 15 foot front setback requirement of the Zoning By-laws.

Addition of the garage would also raise the total lot coverage to approximately 17.5% and create second non-conformity. Because the S-2 Zoning District allows maximum lot coverage of 15%, the applicant requires relief to exceed the maximum lot coverage by approximately 2.5%.

- 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 September 28, 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 plan drawn by the applicant and date-stamped July 29, 2015 and a justification statement to the ZBA from the petitioner date-stamped July 29, 2015 and an addendum date-stamped September 28, 2015.



## II. Petition Details

- a. The 7,066 ft.<sup>2</sup> subject property has a zoning designation of Single Residential 2.
- b. The petitioner is requesting to construct/place a garage that will encroach approximately 13 feet into the 15 foot side setback required by the Zoning By-laws (Exhibit "A"). This requires a Variance from the Dimensional Schedule, per Section 5.1.4 of the Maynard Zoning By-laws.

## 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. The lot is a legally non-conforming lot that is less than half the required size for a lot located within the S-2 Zoning District.
  - 2) There would be a hardship for the owner as meeting the required setback would necessitate placement of the garage in the middle of their backyard. This would result in the loss of the enjoyment of a backyard.
  - 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. The immediate neighborhood has similar sized lots with similarly located garages.

## IV. Motion

- a. A motion was made by Leslie Bryant and seconded by Marilyn Messenger for two variances to allow construction/placement of a 14 foot x 24 foot garage:

*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 ordinances or by-laws, the Zoning Board of Appeals hereby grants variances to allow construction/placement specifically for a 14 foot x 24 foot garage. The granted variances, consistent with the three findings noted above, allow:*

- a. Reduction of the eastern side setback to two (2) feet.
- b. Increased lot coverage of 17.5%.



Record of Vote

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

Paul Scheiner  
Marilyn Messenger

Yes  
Yes

Leslie Bryant  
Carlos Perez

Yes  
Yes

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

Date

10/6/15

Filed with the Town Clerk on: October 7, 2015

Marilyn Messenger  
Town Clerk

OCT 29 2015

COMMONWEALTH OF MASSACHUSETTS.  
MIDDLESEX S.S. \_\_\_\_\_  
SOUTH DIST. REGISTRY OF DEEDS  
CAMBRIDGE, MA  
I HEREBY CERTIFY THE FOREGOING  
IS A TRUE COPY OF A PAPER  
RECORDED IN BOOK 66999

PAGE 585

*Mario C. Cullinan*  
REGISTER