



Zoning Board of Appeals

Town Office Building
195 Main Street
Maynard, MA 01754



FINDINGS AND DECISION

Petition of James and Susan Hines requesting a Variance to allow a lot coverage of approximately 18%

Property Location: 11 Tobin Drive, Maynard, Ma.
Date of Decision: March, 27 2017
Petition Number: ZB 17-02

I. Procedural History

- a. On February 16, 2017, the applicant filed a petition with the Maynard Zoning Board of Appeals (ZBA) requesting a Variance to provide relief from Section 4 of the Zoning By-laws to allow a screened patio that would exceed that maximum lot coverage. In the Single Residence 2 (SR2) zoning district a maximum lot coverage of 15% is permitted. The applicant requested relief to allow a lot coverage of approximately 18%.
- 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 27, 2017 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 an application that included justification statement, site plan (Exhibit "A") and description.

II. Petition Details

- a. The subject property has a lot area of approximately 10,000 square feet: in the S2 zoning district, the minimum lot size is 20,000 square feet.

III. Findings

The ZBA finds the following conditions exist and meet the criterion to grant a Variance as defined by MGL Ch 40A Sec 10:

- a. The topography and unique shape (undersized, irregular size lot) of the subject property for the S2 zoning district resulted in uniqueness to the subject property.
- b. The inability to construct a screened porch was a hardship that prevented the applicant from enjoying his property. This was compounded by the fact the property is in the area of wetlands and mosquitos are prevalent certain times of year.
- c. 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. This neighborhood has numerous screened porches and undersized lots. The proposed improvement is consistent with the surrounding area.

IV. Motion

A motion was made by Leslie Bryant, seconded Jamal De Vita, finding that the criteria exists to grant a variance to allow construction of a screened porch that will have a lot coverage of approximately 18% for the property located at 11 Tobin Drive.

Record of Vote

The Zoning Board of Appeals voted 5-0 to grant the Variance:

Voted:

Paul Scheiner

Yes

Jamal De Vita

Yes

Jerry Culbert


Yes

Leslie Bryant

Yes

John Courville

Yes



Paul Scheiner, Chair
For the Zoning Board of Appeals



Date

Filed with the Town Clerk on: _____

Town Clerk

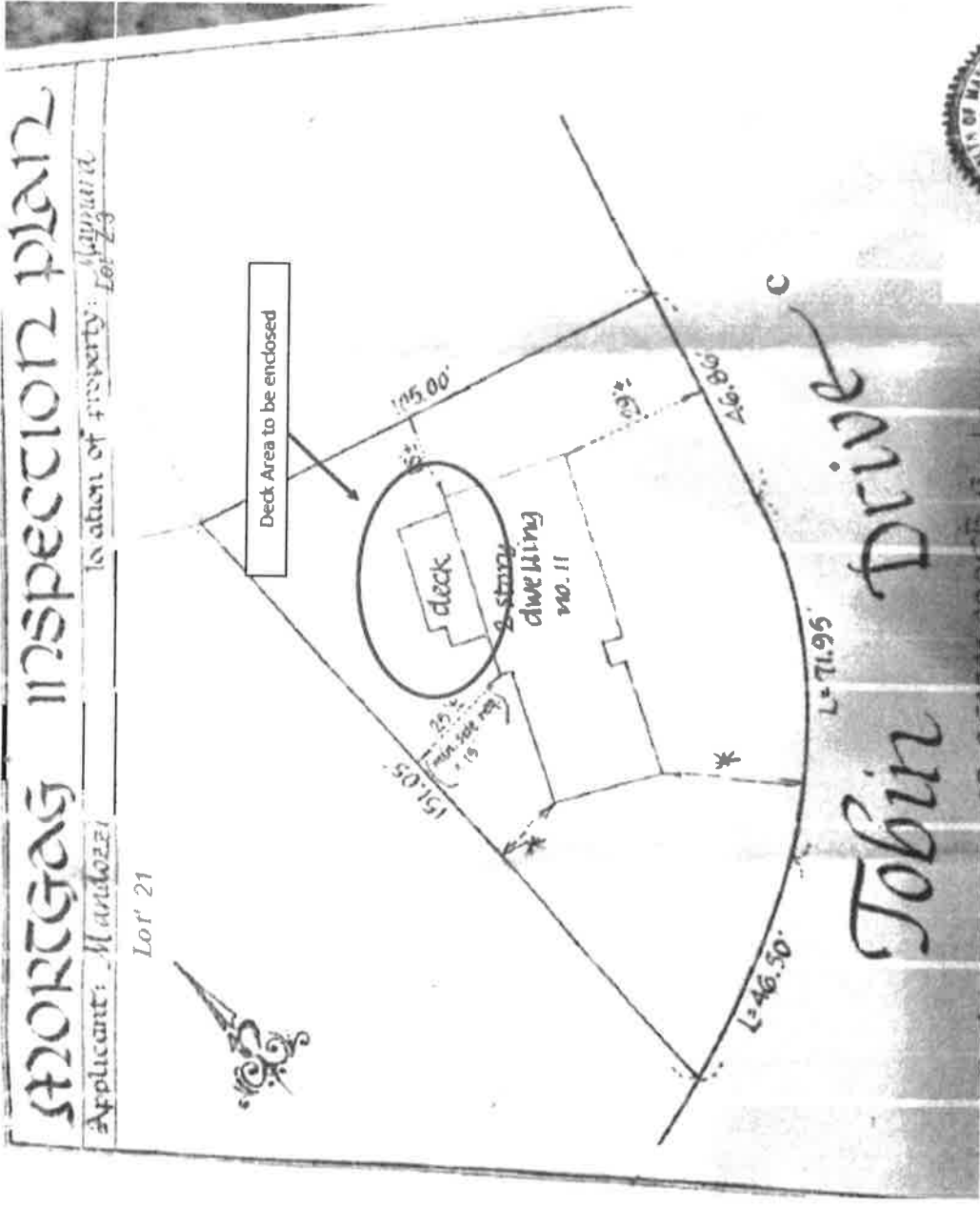


Exhibit "A"