



## Zoning Board of Appeals

Town Office Building  
195 Main Street  
Maynard, MA 01754

### FINDINGS AND DECISION

**Petition No:** ZBA 22-13  
**Type:** Variance and Special Permit Request  
**Property Owner/Applicant:** Tatiana Wegel & Gabe Wegel  
**Project Location:** 4 Sheridan Avenue, Maynard, MA.  
**Current Zoning:** Single Residence District 1 (S-1)  
**Lot Size:** 15,000 square feet  
**Application Date:** November 17, 2022

#### I. Description of Request:

The subject property received ZBA approval for a Variance allowing a reduced side corner setback for the construction of a two-car garage in 2010. The Variance was recorded at the Registry of Deeds 54461/327 and is attached as Exhibit A. The garage was constructed as approved, however, the additional 290 Sq ft floor extension (concrete pad) on the south side of the garage -authorized by the same Variance- was not developed during construction. The purpose of the concrete pad was not defined in the Variance Decision.

In 2022, the Applicant requested ZBA approval to construct a structure containing a workshop, on the concrete pad adjacent to the previously approved garage, see application in Exhibit B. The applicant requested relief from the ZBA in the form of a modification of the existing Variance or a new Variance authorizing the workshop. After reviewing the request, the ZBA determined they would require a new Variance for the request. The previous Variance approved in 2010 allowed for a floor extension (concrete pad) but did not specify a structure could be built, the ZBA believed a new Variance would provide the most clarity.

The subject property contains a pre-existing nonconformity (failure to meet the required 25-foot setback) however this request is not affected by the condition. It is noted in the Decision only for clarity.

The conditions required sequencing of permits to allow the proposed construction to proceed:

1. Per Section 5.1.4 of the Zoning By-laws (ZBL) a Variance was required because the proposed structure encroached in the side corner setback of 25 feet (see Table 1).

*Table 1: Dimensional Requirements & Proposed Conditions*

	Existing	Required by ZBL	Proposed
Min Lot Size in	15,000 Sq ft	10,000 Sq ft	n/a
Setbacks SIDE	25 ft	25 ft	15.8 ft

CORNER (EAST)			
Setbacks SIDE LEFT (WEST)	15'	15 ft	n/a
Coverage	2,050 Sq ft	2,250 Sq ft	2,236 Sq ft

## **II. Procedural History**

1. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a modification to the Variance from the ZBL was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA).
2. The applications were accompanied by a plan and survey (Exhibit B).
3. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.
4. A public hearing on the applications was held on December 19, 2022 and the ZBA directed the applicant to ask for a new Variance (rather than amending the existing Variance). No public comment against the application was received. Letters of support were received from: Erik and Nichole Karlon (22 Driscoll Avenue), Lisa and Kevin Boyce (20 Driscoll Ave) and Michael Samett (29 Driscoll Avenue).

## **III. 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:

1. The uniqueness 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.
2. 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.
3. 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.

## **IV. Findings of the Board and Decisions**

1. The ZBA deliberated and determined that the Variance request meets the criteria as detailed above in Section III. Specifically, the ZBA determined that the application meets the criteria specified in the original variance:
  - a. There is a uniqueness to the property owing to the 15-foot unpaved Town Right-of-Way between the roadway and the front property line of the Petitioner and that this is a unique condition in this neighborhood.
  - b. Allowing relief from the front setback requirement for the proposed construction will not derogate substantially from the intent of the zoning bylaw as the structure will still be setback from the paved road by 25 feet and will not be sight obscuring since there remains adequate area between the detached garage and the corner of the property.
  - c. The public and safety will not be affected by a grant of this Variance since there will remain adequate access for emergency fire vehicles and apparatus.

The Chair noted a difference in the new survey submitted and the older survey. The

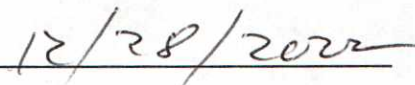
calculations on the new one were inaccurate. The chair asked the applicant to get the survey fixed to show accurate coverage amounts. The accurate calculation would bring the coverage over the allotted amount. The ZBA asked that the applicant remain below allowed coverage by removing a shed on the property. The Chair also noted different designs proposed by the applicant and asked that the applicant finalize what design he will use for the structure as shown in Exhibit C. The applicant noted he will use the structure that will be an extension of the existing garage. A motion was made by Leslie Bryant and seconded by Page Czepiga to grant a Variance to 4 Sheridan for relief from 25-foot setback and allow the proposed structure to be built within 15 feet from the property line with the Condition the Applicant provide a corrected survey prior to execution of the Decision and the structure have a roof line that matches the existing garage. (The applicant provided a corrected survey with accurate calculation attached in Exhibit D).

The Board voted as follows:

Paul Scheiner (Chair)	<u>Y</u>
Leslie Bryant	<u>Y</u>
John Courville	<u>Y</u>
Brad Schultz	<u>Y</u>
Page Czepiga	<u>Y</u>

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: \_\_\_\_\_

**EXHIBIT A**  
**2010 VARIANCE DECISION**



2010 00049095  
Bk: 54461 Pg: 327 Doc: DECIS  
Page: 1 of 3 03/29/2010 11:49 AM

**Office of the  
TOWN CLERK  
195 Main Street – Town Building  
Maynard, Massachusetts 01754  
Telephone (978) 897-1300**

*Slingeland*

**March 25, 2010**

*Tatiana Van Oosten Slingeland - owner*  
**Petition of: Gabe Wegel**  
**Premises: 4 Sheridan Avenue, Maynard**  
**Case No: 2010 V 01**  
**Date of Decision: February 24, 2010**

*deed: 51909 -  
292*

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*

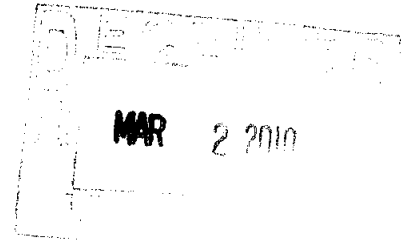
**Michelle L. Sokolowski, Town Clerk**

**Seal**

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



**BOARD OF APPEALS**  
TOWN OF MAYNARD  
195 MAIN STREET  
MAYNARD, MA 01754



PETITION OF GABE WEGEL  
PREMISES; 4 SHERIDAN AVENUE, MAYNARD  
CASE NO. 2010 V 01  
DATE OF DECISION: FEBRUARY 24/2010

On December 22, 2009, the Petitioner filed an application with the Maynard Zoning Board of Appeals for a Variance from Section 8.1. "Dimensional Requirements", for a reduced Front setback from 25 feet to 10 feet for the proposed construction of a detached two car garage.

"Parties in interest" were verified by the Board of Assessors. Notice of Public Hearing was mailed to the "Parties in Interest" and said notice was published, all according to statute.

The hearing was held on February 1, 2010, as scheduled and advertised. The Board considered the request in the light of statutory criteria and the requirements of said bylaw. The petitioner spoke on his application and after invitation by the Chair, Pamela Reiniger, 13 Driscoll Avenue; an abutter to the property spoke in favor of the proposed construction of a detached two car garage.

WHEREFORE, the Maynard Zoning Board of Appeals hereby grants the requested Variance from relief from a front setback requirement of 25 feet to 10 feet, in the General Residence Zoning District after finding that:

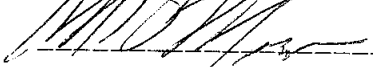

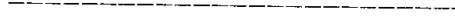


1. There is a uniqueness to the property owing to the 15 foot unpaved Town Right-Of-Way between the roadway and the front property line of the Petitioner and that this a unique condition in this neighborhood.
2. Allowing relief from the front setback requirement for the proposed construction will not derogate substantially from the intent of the zoning bylaw as the structure will still be setback from the paved road by 25 feet and will not be sight obscuring since there remains adequate area between the detached garage and the corner of the property.
3. The public and safety will not be affected by a grant of this Variance since there will remain adequate access for emergency fire vehicles and apparatus.

The decision does not relieve the petitioner or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, bylaws and or regulations.

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and a copy of the appeal shall be filed in the Town Clerk's Office within twenty (20) days after the date of the filing of the Decision in the office of the Town Clerk.

THEREFORE the Board votes to grant a variance to allow a front yard setback from 25 feet to 10 feet for a proposed construction of a detached two car garage.

MEMBERS: Attending and voting as follows on the within petition:

Marilyn Messenger, Chair	Yes	
Leslie Bryant	Yes	
Paul Scheiner	Yes	
Eric Rappaport	Yes	
Lynne Lombardi	Yes	

Dated: February 24, 2010

**EXHIBIT B**  
**2022 APPLICATION**



**Application Fees (Not Including Advertising and Mailing Costs):**

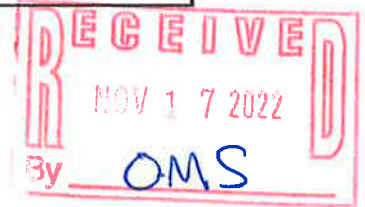
- Special Permit: \$250
- Variance: \$250
- Appeal of Building Commissioners Decision: \$250
- Special Permit Renewal: \$150

Clerk Stamp:

NOV 11 2022



**ZONING BOARD OF APPEALS**  
**APPLICATION NUMBER: \_\_\_\_\_**  
**PETITION FOR HEARING**



This Petition must be completed, signed, and submitted with the filing fee and supporting documentation by the Petitioner or his representative in accordance with the procedures as set forth on the attachments to this petition.

Address of Property 4 Sheridan Avenue, Maynard MA 01754

Characteristics of Property: Lot Area 15,000 S.F. Present Use Residential

Assessor's Map # \_\_\_\_\_ Parcel # \_\_\_\_\_ Zoning District \_\_\_\_\_

Name of Petitioner Gabe Wegel Phone # 617-549-5303

Mailing Address 4 Sheridan Ave, Maynard MA 01754

E-mail Address gabewegel@gmail.com

Name of Owner Tatiana Wegel Phone # 617-549-5303

(If not Petitioner)

Mailing Address \_\_\_\_\_

Petition is for

(Check One)

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | An Appeal from the Decision of the Building Commissioner        |
| <input type="checkbox"/>            | A Variance  |
| <input type="checkbox"/>            | A Special Permit  |
| <input checked="" type="checkbox"/> | Other (Please Specify) <u>Modification to existing variance</u> |

Applicable Section of the Zoning By-Laws: 5.1.4

Summarize nature and justification of petition (*Please attach full explanation*):

Relief of front setback on corner lot from 25 ft to 15 ft. See attached.

I hereby request a hearing before the Zoning Board of Appeals with reference to the above Petition.

Signature of Petitioner (or representative) Gabe Wegel

Address (if not Petitioner) \_\_\_\_\_

Telephone Number 617-549-5303

Signature of Owner, if other than Petitioner T Wegel

Dear Maynard Zoning Board of Appeals,

I am writing to you in regards to a modification to an existing variance. In 2010 I was granted a variance to build a detached two-car garage setback 10 feet instead of 25 feet from the property line. The final placement of the garage actually measures 15 feet from the property line. I would like to enable solar production above the existing floor extension and enclose the resultant structure to use as a workshop. As such, I am requesting a modification to the variance to allow for the structure to also be set back 15 feet from the property line.

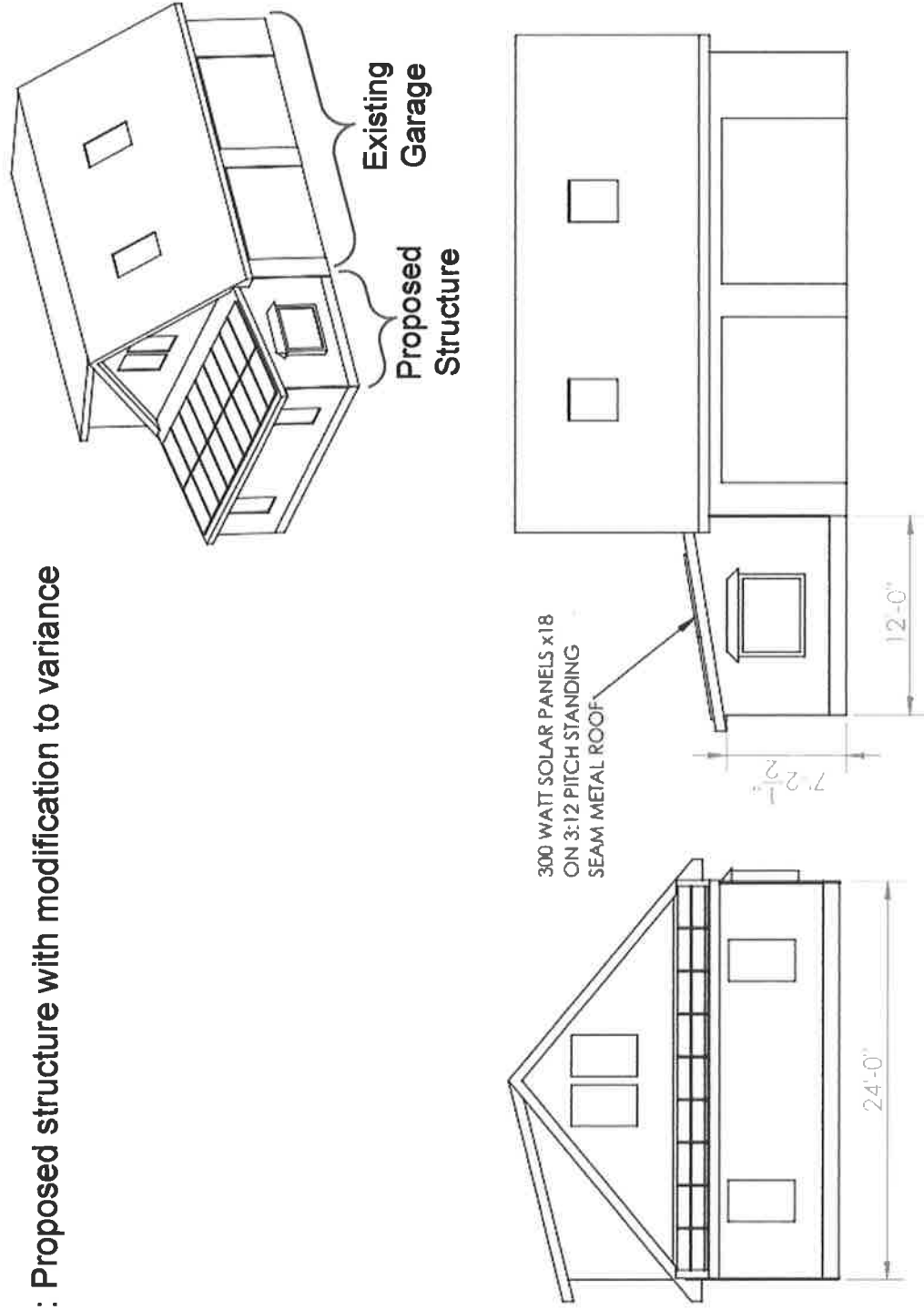
Following is my justification for this request.

- 1.) There is a uniqueness to the property owing to the 15 foot unpaved Town Right-Of-Way between the roadway and the front property line and that this is a unique condition in this neighborhood.
- 2.) Allowing relief from the front setback requirement on a corner lot for the proposed construction will not derogate substantially from the intent of the zoning bylaw as the structure will still be setback from the paved road by 27 feet and will not be sight obscuring since there remains adequate area between the detached garage and the corner of the property.
- 3.) The public and safety will not be affected by a grant of this modification to the variance since there will remain adequate access for emergency fire vehicles and apparatus.
- 4.) The sewer line is located along the rear of the garage and would interfere with the proposed structure if the default setback was maintained. See attachment #5.
- 5.) The drainage of water away from the existing buildings would be compromised if the default setback of the proposed structure was maintained. See attachment #5.

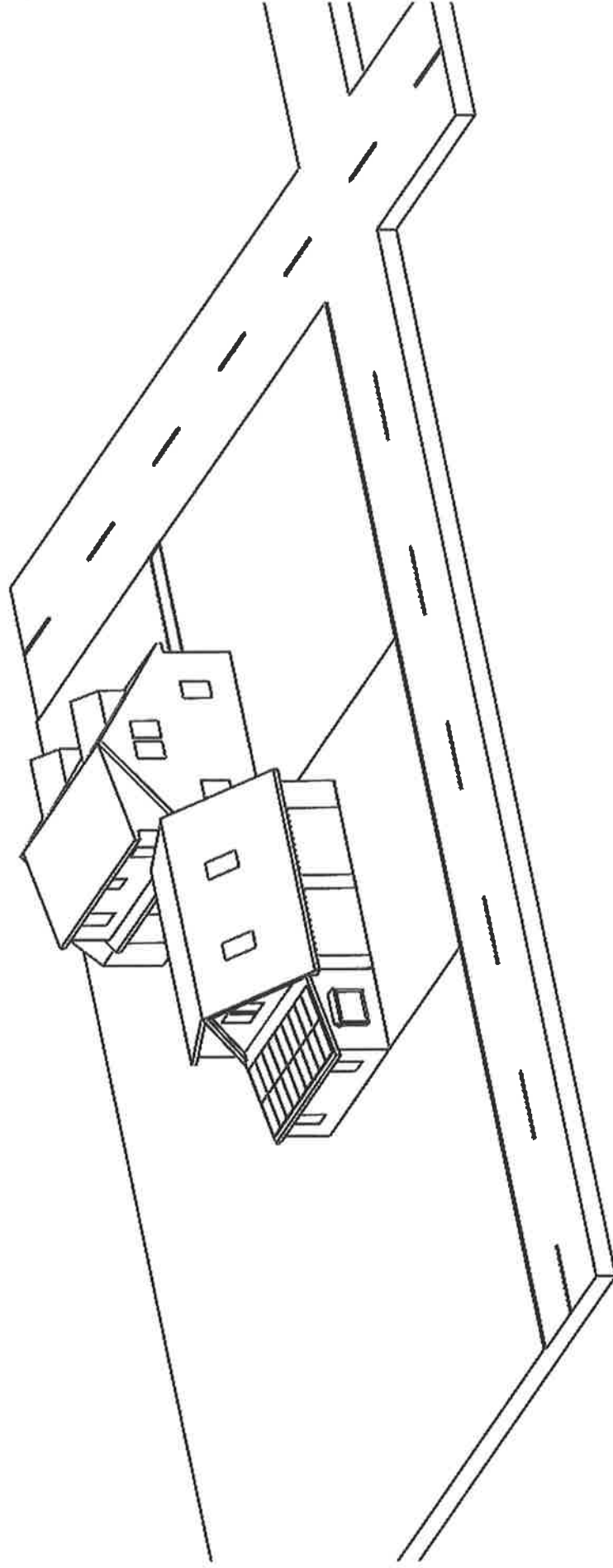
Sincerely, Gabe Wegel

A handwritten signature in cursive script that reads "Gabe Wegel". The signature is written in dark ink and is positioned below the typed name.

Attachment #1: Proposed structure with modification to variance



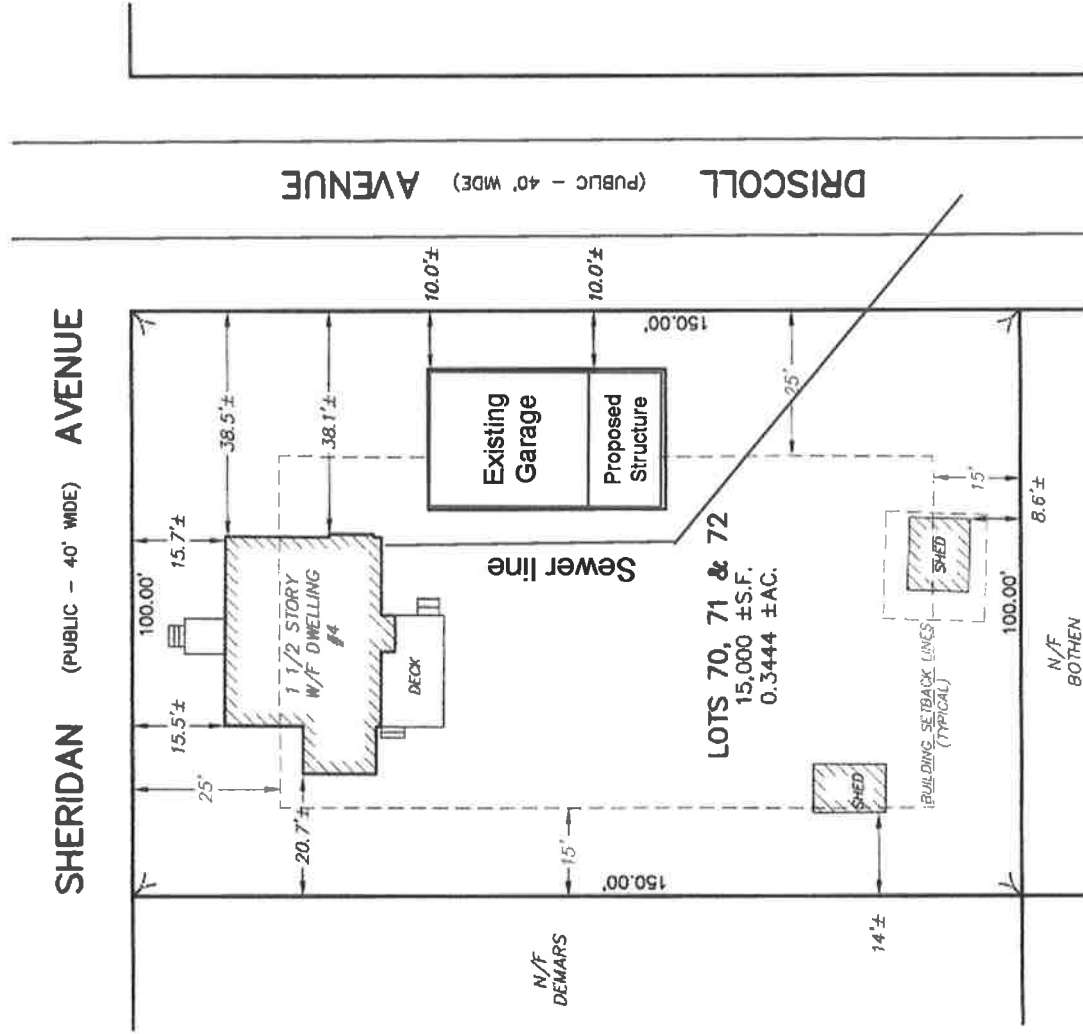
Attachment #2: Plot plan of proposed structure with modification to variance



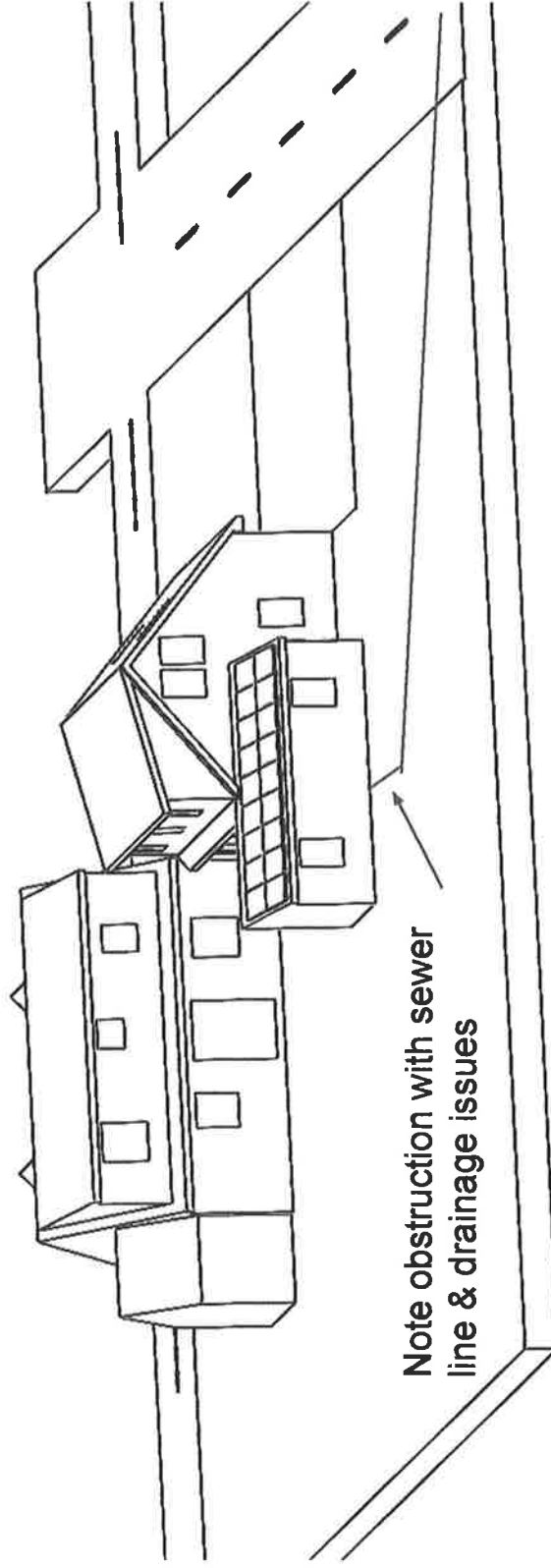
Attachment #3: Aerial view of proposed structure with modification to variance



Attachment #4: Draft survey of  
proposed structure with modification  
to variance



Attachment #5: Structure positioned to current setback requirements.



**SHERIDAN AVENUE**  
(PUBLIC - 40' WIDE)

**LOTS 70, 71 & 72**  
15,000 ± S.F.  
0.3444 ± AC.

**1 1/2 STORY W/F DWELLING #4**

**PROPOSED GARAGE**

**PROPOSED FLOOR EXTENSION**

**DECK**

**SHED**

**SHED**

**SHED**

**BUILDING SETBACK LINES (TYPICAL)**

**N/F DEMARS**

**N/F BOTHEN**

Dimensions: 100.00', 15.5' ±, 25', 20.7', 15.7' ±, 38.5' ±, 38.1' ±, 150.00', 15', 14' ±, 25', 15', 100.00', 8.6' ±

<b>BUILDING LOT COVERAGE</b>	
LOT AREA	= 15,000 S.F.
ALLOWED COVERAGE	= 2,250 S.F.
EXISTING BLDGS	= 1,378 S.F.
PROPOSED GARAGE	= 672 S.F.
PROPOSED COVERAGE	= 2,050 S.F.

PLOT PLAN  
IN  
**MAYNARD, MASSACHUSETTS**  
(MIDDLESEX COUNTY)

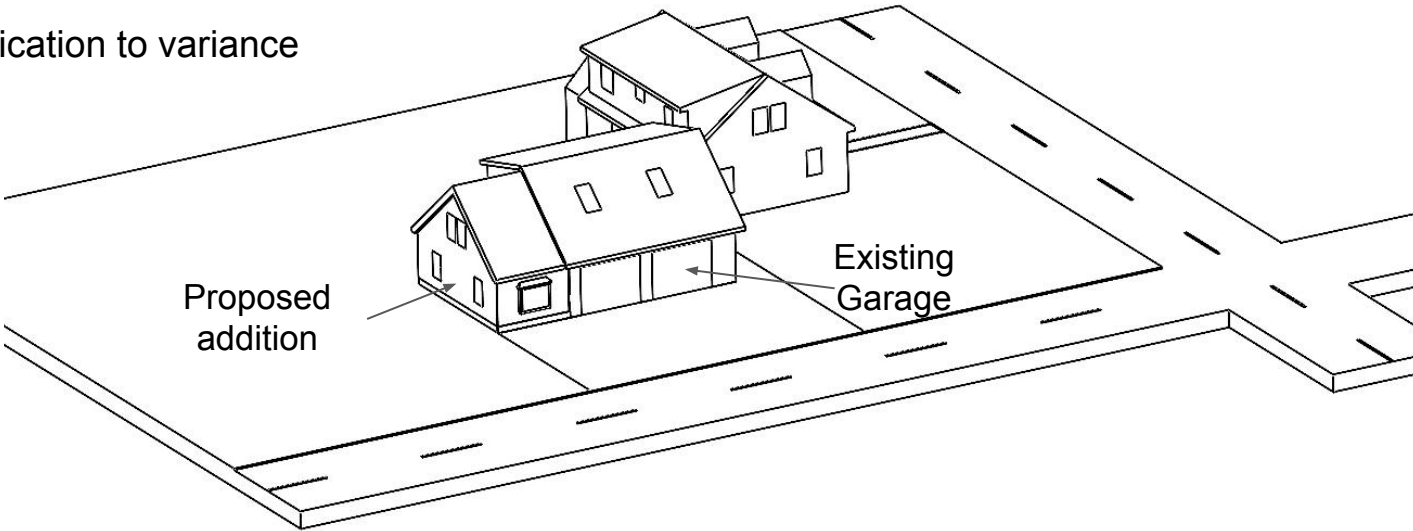
FOR: **WEGEL**  
SCALE: 1"=20' DECEMBER 16, 2009

**STAWSKI AND MONARY, INC.**  
80 HARRIS STREET ACTON, MASSACHUSETTS  
ENGINEERING - PLANNING - SURVEYING  
(458)work.PPL.dwg 4 Sheridan Avenue SU-4568

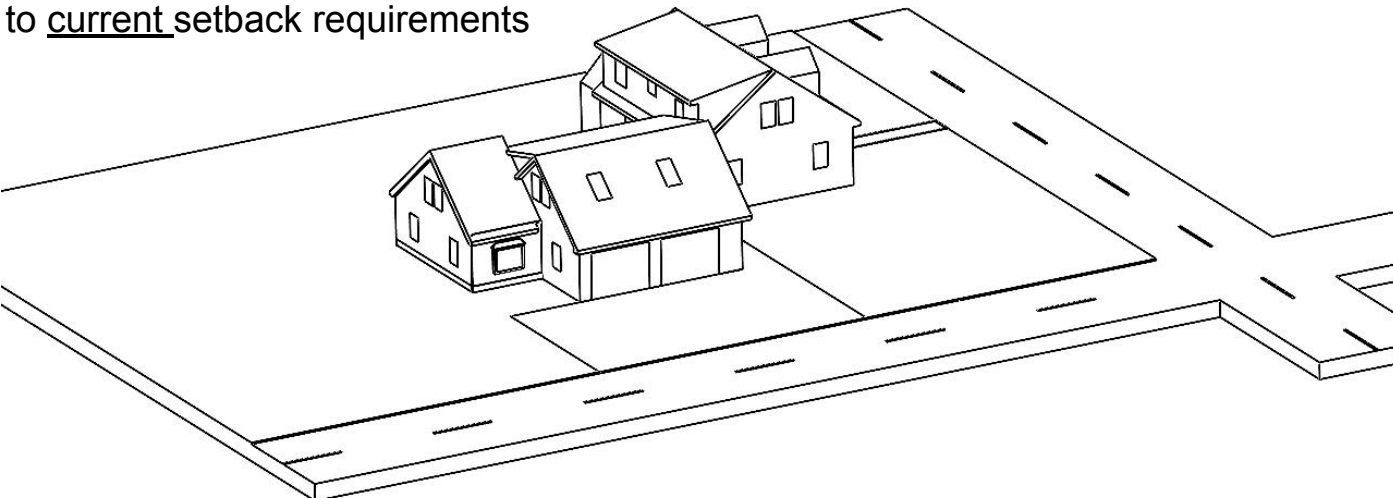


**EXHIBIT C**  
**APPROVED ROOF LINE**

Proposed addition with modification to variance



Proposed addition conforming to current setback requirements



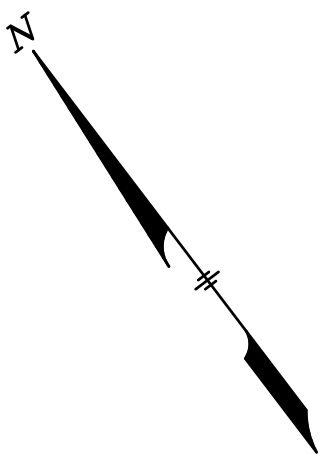
**EXHIBIT D**  
**UPDATED SURVEY**

SHERIDAN (PUBLIC - 40' WIDE) AVENUE

THE EXISTING STRUCTURES AND THE PROPOSED GARAGE ADDITION ON THIS PROPERTY ARE LOCATED AS SHOWN AND ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP; MIDDLESEX COUNTY, MASSACHUSETTS; MAP NUMBER 25017C03620 F DATED: JULY 7, 2014.

12/21/22 *Joseph March*  
DATE REGISTERED PROFESSIONAL LAND SURVEYOR

DRISCOLL AVENUE (PUBLIC - 40' WIDE)



BUILDING LOT COVERAGE	
LOT AREA	= 15,000 S.F.
ALLOWED COVERAGE	= 2,250 S.F.
EXISTING BLDGS	= 2,050 S.F.
PROPOSED ADDITION	= 286 S.F.
SHED TO BE REMOVED	= 100 S.F.
PROPOSED COVERAGE	= 2,236 S.F.

PROPOSED PLOT PLAN  
IN  
MAYNARD, MASSACHUSETTS  
(MIDDLESEX COUNTY)

FOR: WEGEL  
SCALE: 1"=20' DECEMBER 20, 2022

STAMSKI AND MCNARY, INC.  
80 HARRIS STREET ACTON, MASSACHUSETTS  
ENGINEERING - PLANNING - SURVEYING

(4568.PPL2022.dwg) 4 Sheridan Avenue SM-4568

