



## Zoning Board of Appeals

Town Office Building  
195 Main Street  
Maynard, MA 01754

### FINDINGS AND DECISION

**Petition No:** ZB 21-06  
**Type:** Variance Request  
**Property Owner/Applicant:** Kristen and John Mallin, 55 Glendale Street, Maynard, MA. 01754  
**Project Location:** 55 Glendale Street  
**Current Zoning:** Single Residence District 2 (S-2)  
**Lot Size:** 9,217ft.<sup>2</sup> +-  
**Application Date:** May 18, 2021

**Description of Request:** Variance per Section 5.1.4 of the Zoning By-laws to allow the change of a pre-existing non-conforming single-family home on a pre-existing nonconforming to allow construction of a 15' x 15' addition on the back of the house that will increase the non-conforming lot coverage as described below in Table 1:

*Table 1: Dimensional Requirements & Proposed Conditions*

	Existing	Required	Proposed
Min Lot Size	9,217 ft <sup>2</sup> +-	20,000 ft. <sup>2</sup>	n/a
Max Building Coverage	15.5%	Max of 15%	17.97%

#### I. Procedural History

- a. Pursuant to Massachusetts General Law Chapter 40A, Section 10, an application for a Variance from the Maynard Zoning By-laws was submitted by the above-referenced owner and filed with the Zoning Board of Appeals (ZBA).
- b. The Variance application was accompanied by a plan and survey. (Exhibit "A").
- c. A public hearing on the Variance application was held on June 28, 2021.
- d. The application documentation and other submitted material were reviewed by Town Staff. There were no staff objections to the application.

- e. At the public hearing, there were no public comments against the application.

## **II. 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:

- a. The permit granting authority specifically finds 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.
- b. 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.
- c. 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.

## **III. Vote of the Board and Decision**

The ZBA deliberated and determined that the Variance request meets the criteria as detailed above in Section II. Specifically, the ZBA determined:

- a. The lot is undersized for the zoning district in which it is located.
- b. Without the requested relief, the applicant is subject to a financial hardship by preventing modification to the residence that will bring the subject property more in aesthetic, scale, and functional harmony with the surrounding neighborhood.
- c. That the requested relief does not substantially derogate from the intent or purpose of such ordinance or by-law.


A motion was made by Leslie Bryant and seconded by Jerry Culbert. to grant a Variance from the Zoning By-laws allowing the construction of a 15' by 15' house addition, thus increasing the non-conforming maximum building coverage from 15.5% to 17.97%.

The Board voted as follows:

Paul Scheiner (Chair) Y  
Leslie Bryant Y  
John Courville Y  
Jerry Culbert Y  
Page Czepiga Y

**IV. Decision**

By a 5-0 vote, the ZBA approves the Variance as requested.

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

7/2/21  
\_\_\_\_\_  
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.

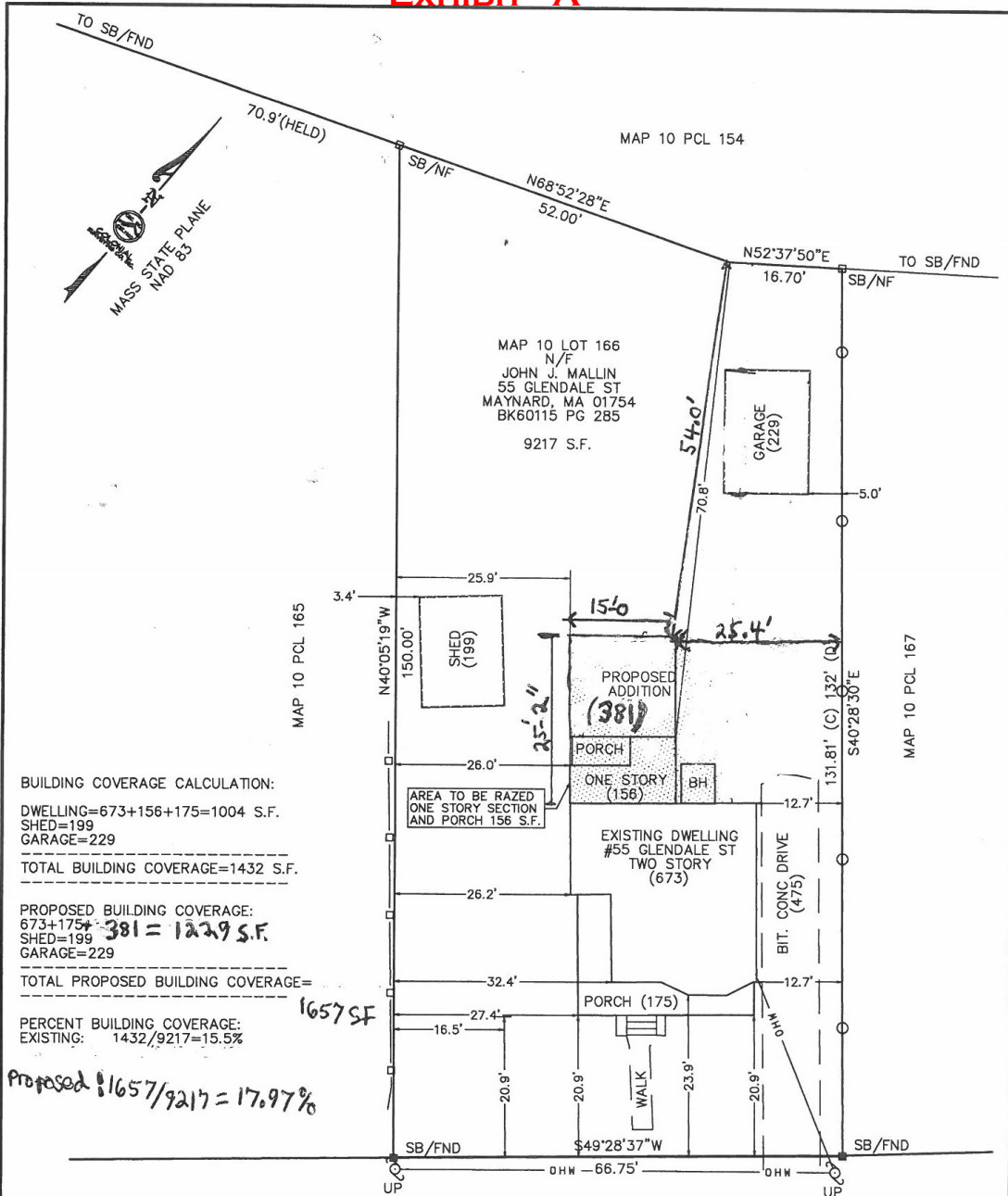
Attest: \_\_\_\_\_

Date: \_\_\_\_\_

Joanna Bilotta, Town Clerk

## Exhibit A

**EXHIBIT "A"**



BUILDING COVERAGE CALCULATION:  
 DWELLING=673+156+175=1004 S.F.  
 SHED=199  
 GARAGE=229  
 -----  
 TOTAL BUILDING COVERAGE=1432 S.F.

PROPOSED BUILDING COVERAGE:  
 673+175+199+229 = **1276 S.F.**  
 -----  
 TOTAL PROPOSED BUILDING COVERAGE=

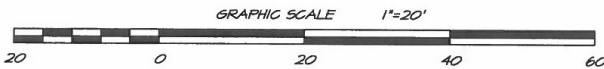
PERCENT BUILDING COVERAGE:  
 EXISTING: 1432/9217=15.5%

Proposed:  $1276/9217 = 13.84\%$

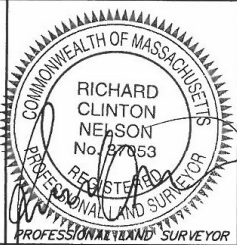
**GLENDALE STREET**  
(ASSUMED PUBLIC - VARIABLE WIDTH)

ZONING DISTRICT S-2 (SINGLE RESIDENCE 2)			
	REQ.	EXISTING	PROPOSED
FRONT SETBACK:	25'	23.9'	23.9'
SIDE SETBACK:	15'	12.7/126.0'	16.4/25.9'
REAR SETBACK:	30'	70.9'	56.2'
MAXIMUM LOT COVERAGE:	15%	15.5%	20.1%
MAXIMUM IMPERVIOUS:	40%	20.1%	25.2%
TOTAL LOT AREA: 9,217 S.F.			
FLOOD BOUNDARY ZONE: X, PANEL 2501TC0362F			

PLAN REF: 682 OF 2009



28 WOODLAND WAY  
 STON, MASS 01715  
 (978) 897-1700



**CERTIFIED PLOT PLAN  
 OF LAND IN  
 MAYNARD, MA**

OWNER: JOHN J. MALLIN  
 55 GLENDALE STREET  
 MAYNARD, MA 01754

DEED: BK60115 PG 285

PLAN: 682 OF 2009

DATE: Feb 22, 2020 SCALE: 1"=20'

**EXHIBIT A**