



Zoning Board of Appeals

Town Office Building
195 Main Street
Maynard, MA 01754

RECEIVED

SEP 26 2017

TOWN CLERK'S OFFICE
MAYNARD, MA 01754

FINDINGS AND DECISION

Petition of Paula Reiniger for a Variance to provide relief from dimensional requirements of Zoning By-laws.

Property Location: 13 Driscoll Avenue, Maynard, MA
Date of Decision: July 25, 2017
Petition Number: ZB 17-05

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) on June 29, 2017. The applicant requested a Variance from the Zoning By-laws that would create a non-conforming structure (Variance required by Section 5.1.4) to allow an addition to the existing structure as depicted in Exhibit "A".
- b. A public hearing on the Variance application was held on July 25, 2017
- c. The Variance application was accompanied by a plan (survey) entitled "Proposed Plot Plan in Maynard Massachusetts" prepared by Stamski and McNary, Inc., and dated April 14, 2017.
- d. The application documentation and other submitted material was reviewed by the ZBA, The Building Commissioner and the Town Planner. Throughout its deliberations the ZBA has been mindful of the statements of the applicant and the representatives and the comments of the general public all as made a public hearing.

II. General

- a. The subject property is located at 13 Driscoll Ave. Maynard, MA 01754, Maynard; Map 18-Parcel 142. The owners reside on the property. The property consists of approximately 43,560 square feet and is zoned "Single Residence District" (S1).

- b. A minimum lot size of 20,000 square feet is required within the S1District.
- c. The applicant was requesting a Variance to construct an addition in the side yard. The Variance was required as the plan proposed a reduced side yard of 15.1 feet (25 foot required by Section 4.1.1 of the Zoning By-laws and determination of the Building Commissioner).

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:

- 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.

IV. Vote of the Board

A motion was made by John Courville and seconded by Jamal De Vita finding:

- a. Circumstances relating to the land and structure exist in that the structure is designed in such a way that the proposed improvements are not feasible without relief from the side corner setback.
- b. Enforcement of the side setback by-law would impose a hardship on the applicant by preventing design of an addition that addresses, and works within, the limitation of the structure and the lot configuration.
- c. The requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-laws.

The Board voted as follows:

Paul Scheiner (Chair)	<u>Y</u>
Marilyn Messenger	<u>N</u>
John Courville	<u>Y</u>
Jerry Culbert	<u>N</u>
Jamal De Vita	<u>Y</u>

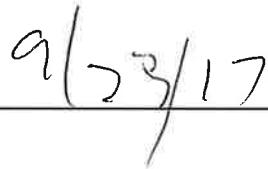
V. Decision

With a five member board, four out of five affirmative votes are required for approval.

In view of the three yay, two nay vote as described in Section IV, the Zoning Board of Appeals finds the conditions to grant a Variance, as required by Chapter 40A, Section 10 of the Massachusetts General Law, have not been met and the applicant's request for a Variance is **denied**.



Paul Scheiner, Chair
For the Zoning Board of Appeals



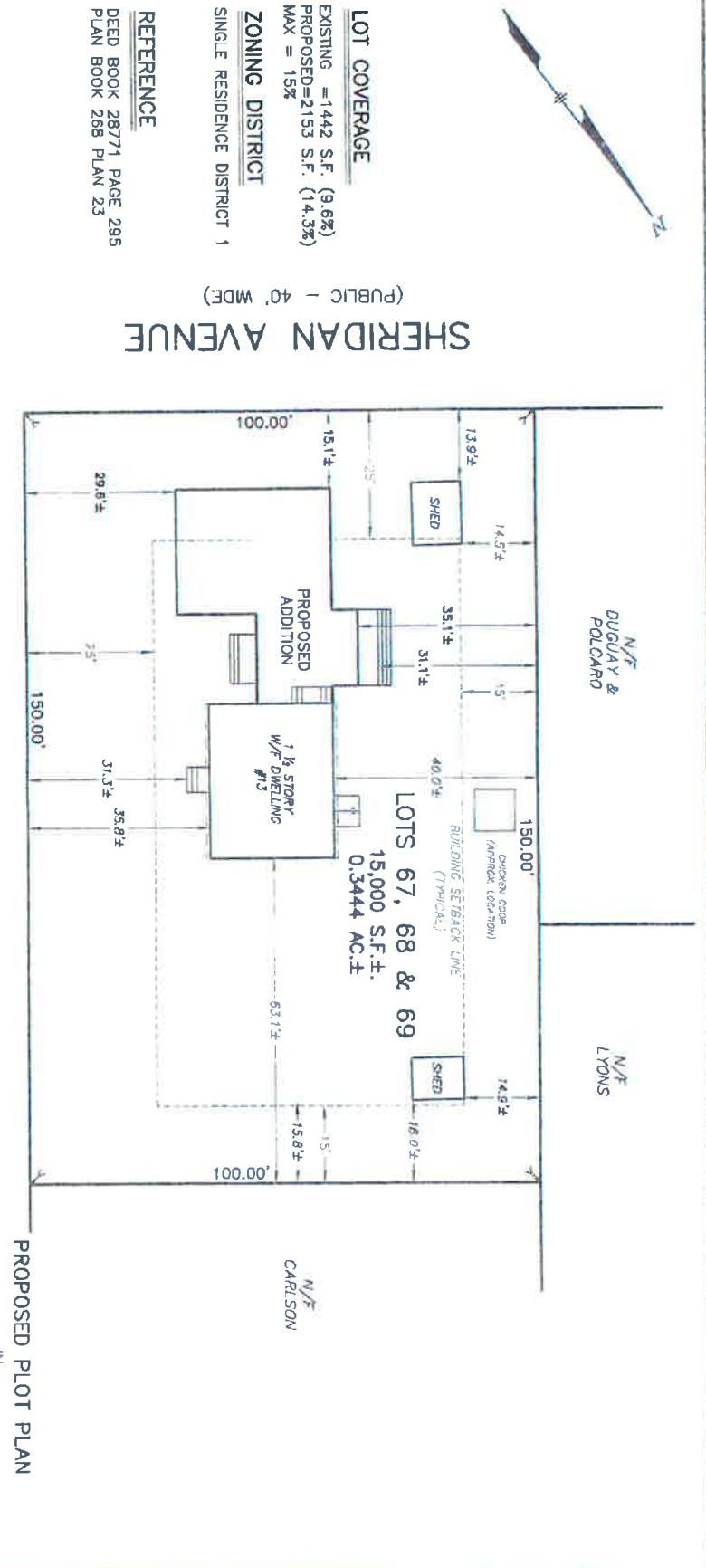
Date

Filed with the Town Clerk on: 9/26/2017

Town Clerk

CC: Pamela Reiniger
Lisa L. Mead, Town Attorney
Kevin Sweet, Town Administrator
Andrew Scribner-MacLean, Town Administrator
Bill Nemser, Town Planner

Exhibit "A"



THE EXISTING STRUCTURES AND THE PROPOSED 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 25017C0362 F DATED: JULY 7, 2014.

1/24/17 J.D. 2017

DATE
REGISTERED PROFESSIONAL LAND SURVEYOR

Exhibit "A"

Town of Maynard Zoning By-Laws

Section 4 - Dimensional Regulations

4.1.1 Table B - Dimensional Requirements

Single Resident District 1

required: 25' proposed : 15.1' +/-

EXISTING FIRST FLOOR

PROPOSED FIRST FLOOR

FLOOR PLAN

Reiniger Residence
13 Driscoll Lane
Maynard, MA

KEHM architecture
97 High Street Acton MA 01720
978 263 6470

KEHM architecture
97 High Street Action MA 01720

978 263 6470

7BA 04.07.17

Exhibit "A"

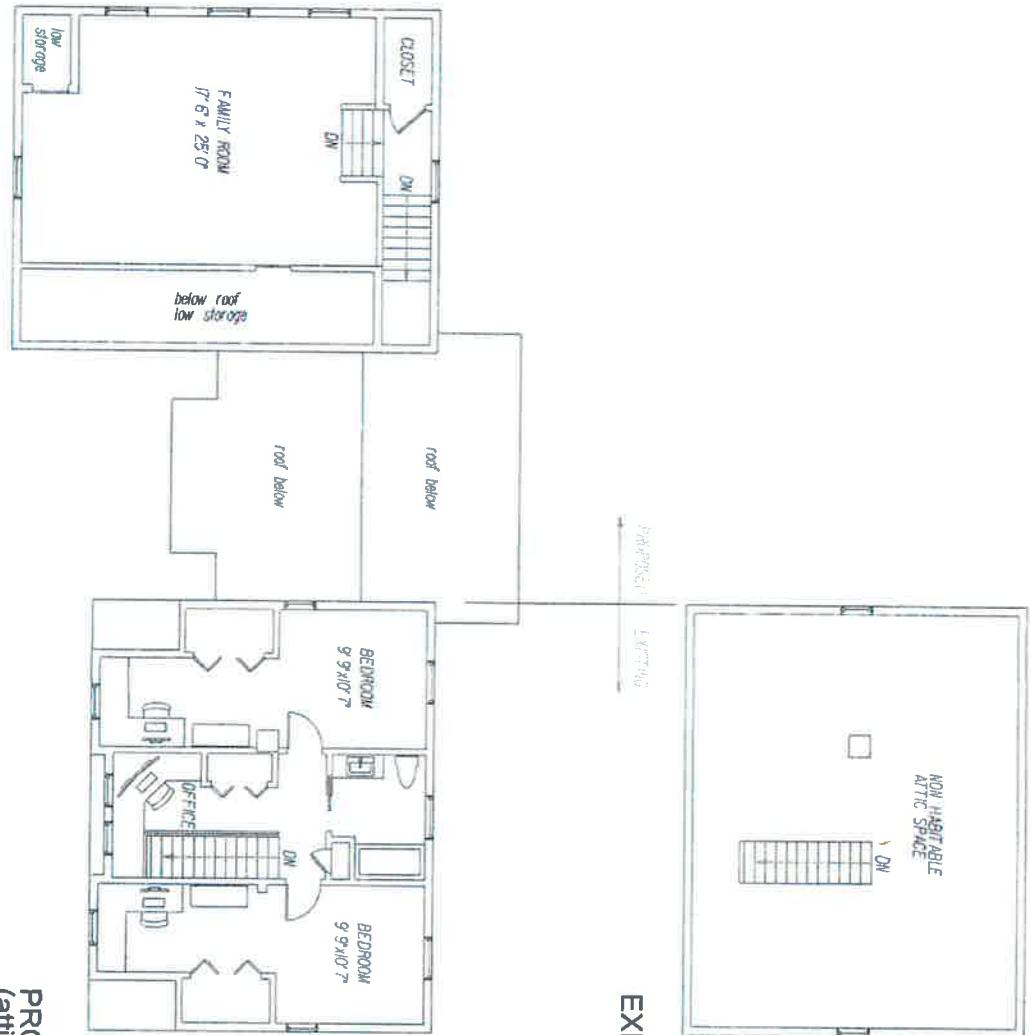
KEHM architecture
 Reiniger Residence
 13 Driscoll Avenue
 McLean, MA 01754
 97 High Street, Acton MA 01720
 978 263 6470

FLOOR PLAN

PROPOSED SECOND FLOOR

2

(attic level)



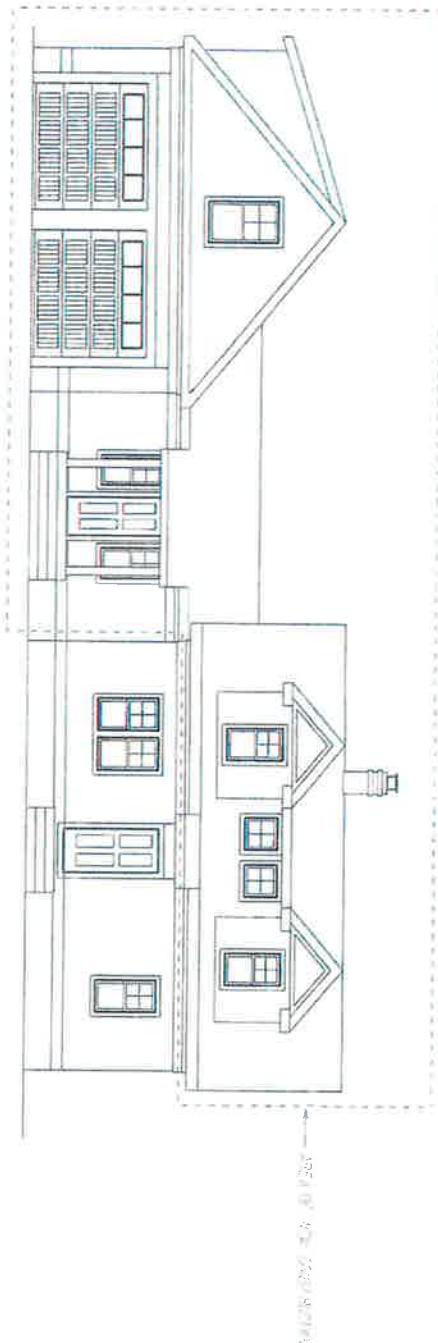
ZBA 040717
 0 1 2 3 4 5 6

Exhibit "A"

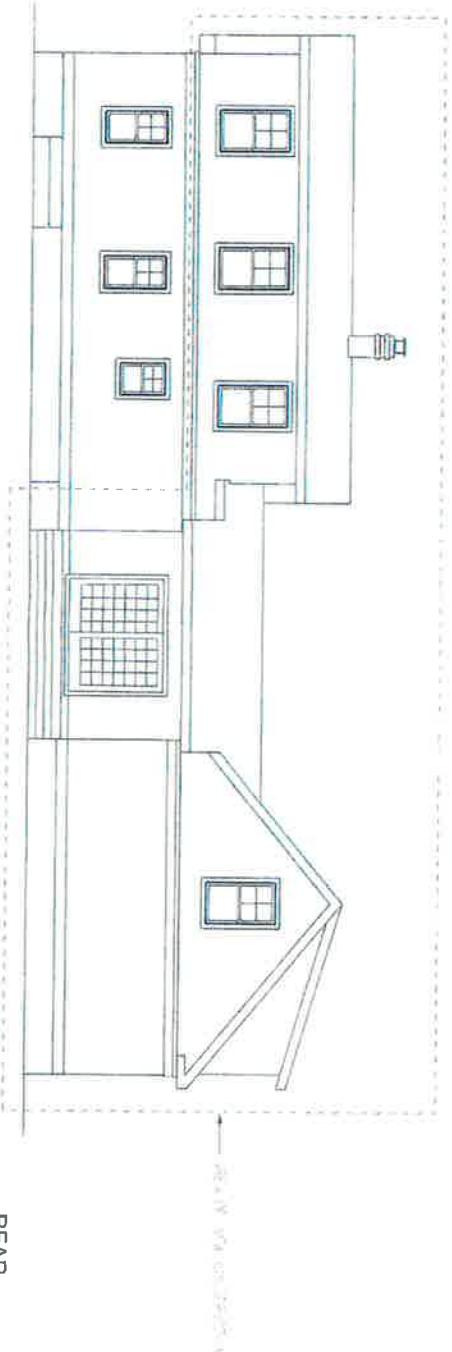
Reiniger Residence
130 Dorchester Avenue
Quincy, MA

KEHM architecture
97 High Street, Acton MA 01720
978 263 6470

9/1/2017



FRONT



REAR

E L E V A T I O N S

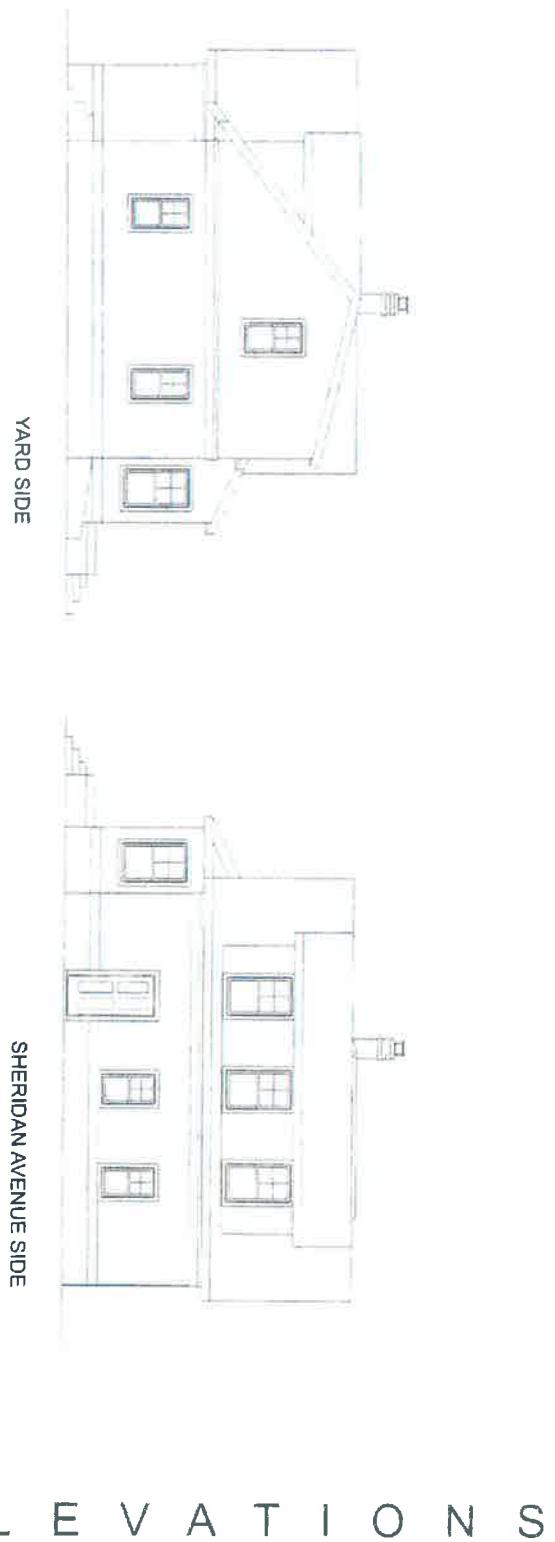
3

ZBA 040717

0 4 8

Exhibit "A"

KEHM architecture
97 High Street, Acton, MA 01720
978.263.6470

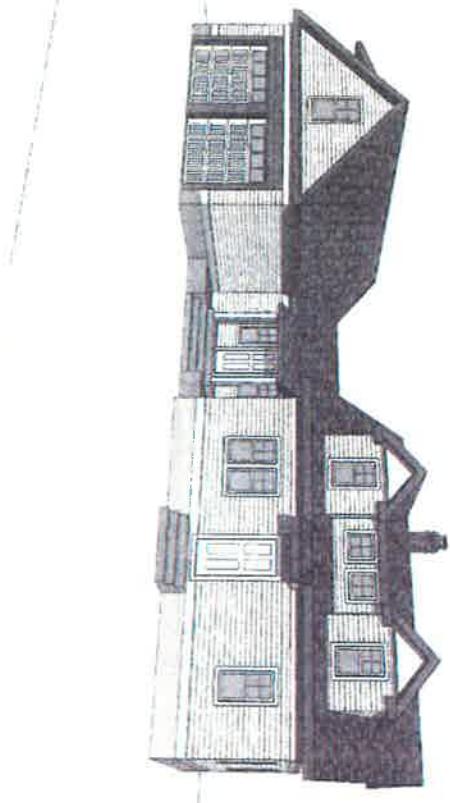


E L E V A T I O N S

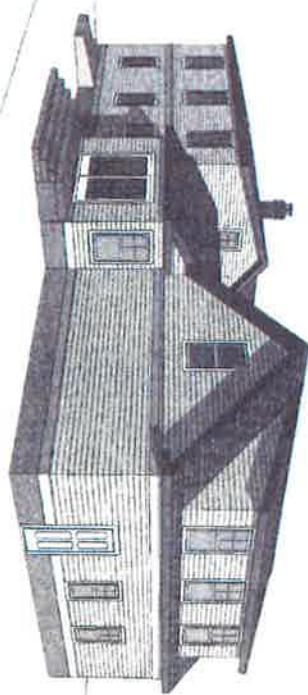
10'-0"

Exhibit "A"

Reiniger Residence
3 Driscoll Avenue
Maynard, MA
97 High Street
Acton, MA 01720
978 263 6470
KEHM architecture



PROPOSED - Driscoll Avenue



PROPOSED - Sheridan Avenue



EXISTING - Driscoll Avenue

SECTION

W S P D C T I V E

R

H

S

P

D

C

T

I

V

5
ZBA 04.07.17
0 1 2 3 4 5

PROPOSED - Corner of Driscoll + Sheridan Avenues