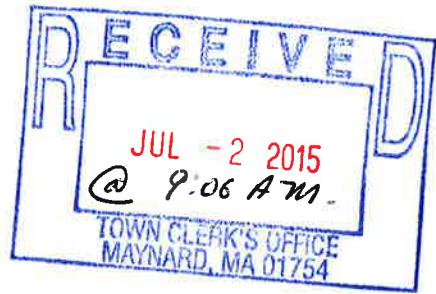




**Zoning Board of Appeals**  
Town Office Building  
195 Main Street  
Maynard, MA 01754



## **FINDINGS AND DECISION**

### **Petition of Whitney Retallic and Erica Labb for a Variance creating a new non-conformity by allowing reduced front setbacks to construct a porch and landing.**

**Property Location:** 8 Taylor Road, Maynard, Ma.  
**Date of Decision:** June 29, 2015  
**Petition Number:** ZB 15-04

#### **I. Procedural History**

- a. On June 8, 2015, the applicant filed a petition with the Maynard Zoning Board of Appeals (ZBA) requesting a Variance from the Dimensional Schedule, Section 4.1.1, to allow construction of porch that would not meet the required front setback and therefore create a non-conformity. The request requires relief of approximately 4.5 feet from the 25 foot front setback requirement of the Zoning By-laws.
- 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 June 29, 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 accompanied by mortgage inspection plan drawn and certified by John J. Russell with a signature date of October 18, 2013, and a justification statement to the ZBA from the petitioner dated January 3, 2015.

#### **II. Petition Details**

- a. The 8,581ft.<sup>2</sup> subject property has a zoning designation of Single Residential 1.
- b. The existing structure meets the current requirement of 25 feet for the front setback (Exhibit "A") in the Single Residence District 1.
- c. The petitioner is requesting to construct a porch and landing that will encroach 4.5 ft into the By-law required 25 foot front setback. This requires a Variance

from the Dimensional Schedule, per Section 5.1.4 of the Maynard Zoning By-laws. (Exhibit "B").

### 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.
- 2) There would be a hardship for the owner without the porch for quiet enjoyment of their property. Construction of a porch in the backyard would be closer to a road than in the front yard due to the recent construction of Keene Avenue.
- 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 because the encroachment of the corner of the porch into the set back is a *de minimis* encroachment.

### IV. Motion

#### a. A motion was made by Jamal De Vita and seconded by Marilyn Messenger:

*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 ordinance or by-law, the Zoning Board of Appeals grant a 5 foot variance from the front yard setback Dimensional Schedule, Section 4.1.1, to allow construction of a three season porch with the three findings noted above.*

#### Record of Vote

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

Paul Scheiner Yes  
Marilyn Messenger Yes

Leslie Bryant Yes  
Jamal De Vita Yes

  
Paul Scheiner, Chair  
For the Zoning Board of Appeals

  
Date

Filed with the Town Clerk on: \_\_\_\_\_

\_\_\_\_\_  
Town Clerk

## Exhibit "A"

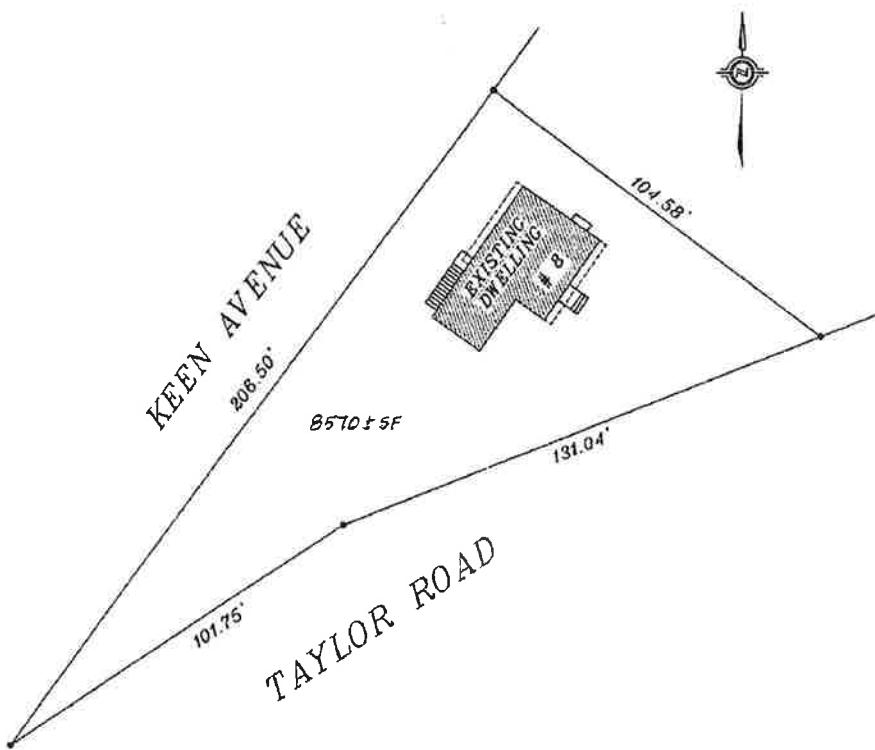
### MORTGAGE INSPECTION PLAN

NORTHERN ASSOCIATES, INC.

68 PARK ST. 2ND FLOOR ANDOVER, MA TEL:(978) 837-3335 FAX:(978) 837-3336

MORTGAGOR: WHITNEY RETALLIC & ERICA J. LABB  
 LOCATION: 8 TAYLOR RD  
 CITY, STATE: MAYNARD, MA  
 DATE: 10/18/13

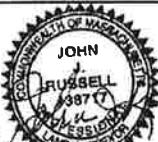
DEED REF. 24166/367  
 PLAN REF. 268/23  
 SCALE: 1"=30'  
 JOB #: 213/03447



#### CERTIFIED TO: WAKEFIELD CO-OPERATIVE BANK

Flood hazard zone has been determined by scale and is not necessarily accurate. Until definitive plans are issued by HUD and/or a vertical control survey is performed, precise elevations cannot be determined.

NOTE: This mortgage inspection was prepared for the lender for mortgage purposes only and is not to be relied upon as a land or property line survey, used for recording, preparing deed descriptions, or construction. No corners were set. Building location and offsets are approximate. The property is not surveyed and is shown specifically for zoning determination only and only not to be used to establish property lines. The matters shown herein are based on client furnished information and may be subject to further validation. Northern Associates, Inc. assumes no responsibility for the accuracy of the information or other rights. Northern Associates, Inc. assumes no responsibility herein to land owner or occupant, accepts no responsibility for damages resulting from said inspection and any agreement made with the land owner and its assigns in connection with its proposed mortgage financing is held mortgagor.



This mortgage inspection was prepared in accordance with the Technical Standards for Mortgage Land Inspections as adopted by the Massachusetts Board of Registration of Professional Engineers and Land Surveyors 250 CMR 605.

I further state that in my professional opinion that the premises herein, in conformance with the local zoning ordinances without requirements of the time of construction, are exempt under provisions of M.G.L. Ch. 40-A Sec. 7.

1. Property/House is not in Flood Hazard.  
 2. Property/House is in a Flood Hazard Area.  
 3. Information is insufficient to determine Flood Hazard.

Flood Hazard determined from latest Federal Flood Insurance Rate Map Panel 25017C 0362E  
 Date 06/04/10 Zone X-UNSHADED

## Exhibit "B"

