

Case # 27-19
Date Filed: 7 October 2019

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request for a special permit under sections 10.1.G & 10.3 D of the Edgartown Zoning Bylaw
Applicant/Owner: Nancy Whipple
Assessor's Parcel: map 20D lot 91
Book: 311 Page: 131

PROCEDURAL HISTORY

1. Application is for a special permit under sections 10.1 G and 10.3 D of the bylaw to permit the construction of additions to the main house – including an accessory apartment – and a swimming pool on a preexisting, nonconforming lot located at 82 North Summer Street in the R-5 Residential District.
2. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* – was held on Monday, 28 October 2019. .
3. The application was accompanied by a site plan (dated 7 October 2019 – Schofield, Barbini & Hoehn) and a set of floor plans, and elevations (dated 26 September 2019, Sullivan and Associates.)
4. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing [See Record of Proceedings].

FACTS

1. The property consists of a preexisting nonconforming +/- 6970 sq. ft. lot. A conforming lot in the R-5 Residential District is 10,000 sq. ft. The proposed new construction would conform to the necessary R-5 setbacks and height restrictions.
2. The existing dwelling has approximately 1870 sq. ft. of living space. The proposed dwelling – including the accessory apartment - will have a total of 3002 sq. ft. of living space.
3. Accessory apartments and swimming pools are both conforming uses in the R-5 Residential District. A special permit is required because the property is nonconforming with respect to area.
4. The project was unanimously approved by the Historic District Commission.
5. There were no objections to the proposal by any town boards or departments.

FINDINGS:

The Board finds that the proposal – as presented – complies with the provisions of 10.1 G and 10.3 D of the zoning bylaw for the following reasons:

1. It is in harmony with the general purpose and intent of the bylaw. The proposal meets the setback and height requirements of the R-5 District, and is in scale with other houses in the neighborhood.
2. As required in 10.1 G, the board finds that similarly sized lots in the neighborhood have been developed in a like manner. The ratio of lot coverage to lot size is comparable to many lots in the area.
3. The proposed expansion will take place primarily at the rear of the property. As there will be limited alteration of the front façade facing Summer Street, the existing streetscape will not be altered significantly.
4. There are at least four pools on nonconforming lots in the surrounding downtown neighborhood.
5. The board finds that the proposal meets all conditions outlined in 10.3 D for accessory apartments.
6. The proposal will provide a number of benefits both to the applicants and the community: It will allow provide year-round housing for an island family, enable a long-time resident to remain in her home, and in the words of one abutter ‘bring some much needed life back into the neighborhood.’

The following conditions were placed on the permit:

- 1. There shall be no exterior construction from July 1st to Labor Day.**
- 2. Pool equipment shall be place in a fully sound-proofed shed.**

DECISION

Based on the above findings and reasons, the Board voted 5-0 to grant the special permit.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 27-2019.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 1 November 2019. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

_____2019
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____