

Case # 35-19

Date Filed: 11 September 2019

## DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

**Re: Request for a special permit under section 10.1.G of the Edgartown Zoning Bylaw**

**Applicants: Gary Daula & Richard Torcia**

**Owners: Rex & Laura Lee Gedney**

**Assessor's Parcel: map 29A lot 19**

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### PROCEDURAL HISTORY

1. Application is for a special permit under section 10.1 G of the bylaw to permit the demolition of an existing one-story structure and permit the construction of a new dwelling on a preexisting, nonconforming lot located at 147 South Water 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 Wednesday, 2 October 2019. .
3. The application was accompanied by a set of site plans, floor plans, and elevations dated 20 August 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 9276 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 one-story dwelling is approximately 800-sq. ft. The proposed dwelling would be two stories with approximately 2985 sq. ft. of living space.
3. The applicant has significantly reduced the overall size of the project from a previous application by eliminating the third floor, reducing the height and depth of the structure, and by eliminating the swimming pool.

FINDINGS:

The Board finds that the proposal – as presented – complies with the provisions of 10.1 G 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. There was no opposition to the proposal from town boards or departments.
3. The board does not believe that the proposed project will have a detrimental effect on the neighborhood.

The following condition was placed on the permit:

**There shall be no exterior construction during the months of July and August.**

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: 35-2019.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 4 October 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: \_\_\_\_\_