

Case # 1-18  
Date Filed: 17 January 2018

## DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

**Re: Request for a special permit under section 11.9 f of the Edgartown Zoning Bylaw**  
**Owners/Applicants: Curt & Kathy Morley**  
**Assessor's Parcel: 44-16.19**  
**Book: 77 Page: 192**

### PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 f of the bylaw to expand a preexisting, nonconforming two-story deck on a preexisting, nonconforming lot.
2. The property is located at 5 Thaxter Lane in the R-60 Residential District.
3. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* - was held on Wednesday, 7 February 2018 in the Town Hall.
4. The application was accompanied by a plot plan, elevations, and existing conditions submitted by Sally Weston Associates. .
5. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. [See Record of Proceedings].

### FACTS

1. The property consists of a preexisting, nonconforming .54-acre lot in the R-60 Residential District. A conforming lot in the R-60 district is an acre and a half.
2. The lot is located in a subdivision of half-acre lots, which became nonconforming when the town changed the dimensional requirements from .5 an acre to 1.5 acres in April of 1980.
3. The existing house and decks were built in 1994. The lot was grandfathered to allow construction to the prior R-20 setbacks of 30 feet in the front and 10 feet on the sides and rear.
3. The applicant is proposing to expand the existing nonconforming two-story deck by making it larger. The expanded deck will be no closer to the side yard setback than the existing deck, i.e. 11.3 feet.
4. The applicant has revised the original proposal by removing a set of exterior stairs and changing the expansion along the northwest side of the deck from 6-feet to 4-feet.

FINDINGS:

The Board finds that the proposal complies with the provisions of 11.9 f necessary for the granting of the special permit for the following reasons:

1. It is in harmony with the general purpose and intent of the bylaw. The proposed expansion will not be more objectionable or detrimental to the neighborhood than the existing nonconforming deck.
2. The expansion does not set a precedent as any additional changes would require the approval of the Zoning Board of Appeals.
3. The property is in an area where large two-story decks are the norm.
4. There were no objections to the project from either town boards or departments. The abutter who would be most affected by the expansion wrote in support of the project.

Based on the above findings and reasons, the Board voted in favor of granting the special permit 5-0.

CONDITIONS

No additional conditions were placed on the 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: 1-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 9 February 2018. 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.

\_\_\_\_\_2018  
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

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