

Case # 6-18
Date Filed: 5 February 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
Applicant/Owner: James E. Joyce
Assessor's Parcel: map 20D lot 14
Book: 709 Page: 864

PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 (f) of the bylaw to permit the demolition of an existing barn and the construction of a two-story addition to an existing nonconforming structure – all on a preexisting, nonconforming lot.
2. The property is a .12-acre lot located at 9 Green Avenue in the R-5 Residential District.
3. At the request of the Historic District Commission (HDC) the application was referred to the Martha's Vineyard Commission (MVC) on 5 March 2018. After review, the MVC remanded the proposal back to the Zoning Board of Appeals on 26 April 2018 [see file and Record of Proceedings].
4. Public hearings - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* – were held on Wednesday, 30 May 2018 and Tuesday, 10 July 2018. .
5. The application was accompanied by a site plan dated 12 June 2018 (Schofield, Barbini, & Hoehn), floor plans and elevations sheets 1-4 from HG Design Group LLC.
5. 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 lot is approximately 5227 sq. ft. A conforming lot in R-5 is 10,000 sq. ft.
2. The applicant is proposing to demolish a barn and construct a two-story addition.
3. The existing barn is 22-feet high with a footprint of 817 sq. ft. The proposed addition would be 24.5-foot high and contain 1786 sq. ft. of living space and a 272 sq. ft. attached garage. The existing one-bedroom residence is 19-feet high with 712 sq. ft. of living space.

4. The property is not within the Historic District; it is just outside the boundary.
5. The HDC submitted a letter dated 25 June 2018 informing the board that the Commissioners found the existing barn to be historically significant and voted unanimously to request that the ZBA deny approval for the demolition of the barn.
6. 4. One abutter, Jane Chittick, was opposed to the project. One abutter, Curtis Carlson was in favor of the proposal.

FINDINGS:

The Board finds that the proposal – as presented – does not comply with the provisions of 11.9 (f) for the following reasons:

1. It is not in harmony with the general purpose and intent of the bylaw because the proposed expansion and alteration will be more objectionable to the character of the neighborhood than the original structure.
2. Although the footprint of the proposed addition is comparable to the footprint of the existing barn, the board finds that the massing of the proposed full two-story structure will be significantly greater than that of the existing barn and would alter the character of the streetscape adjacent to the Historic District.
3. The living space on the lot would increase from 712 sq. ft. to 2498 sq. ft. – an increase of approximately 350%.
4. The board agrees with the determination of the HDC that the barn should not be demolished without a plan for preserving the bay window - the significant architectural feature of the structure - either on site or off.

DECISION

Based on the above findings and reasons, the Board voted 3-2. The special permit was denied.

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: 6-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 19 July 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: _____