

Case # 10-18  
Date Filed: 27 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**  
**Owners/Applicants: Bradley Roy Jensen & Carolyn Jean Blackwood Family Trust**  
**Assessor's Parcel: 20D-50**  
**Book: 1444 Page: 552**

### PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 f of the bylaw to demolish an existing one-story 626 sq. ft. residence and construct a new main house, carriage house with detached bedroom above, and a wading pool on a preexisting, nonconforming lot.
2. The property is located at 16 Pent Lane in the R-5 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, 21 March 2018 in the Town Hall.
4. The application was accompanied by site plans of the existing and proposed structures, as well as elevations, a density and height diagram, and a neighborhood analysis. (Patrick Ahearn – A1-A8, ISP).
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 4542 sq. ft. lot in the R-5 Residential District. A conforming lot in the R-5 district is 10,000 sq. ft.
2. The applicant is proposing to build a main house with a total of 1998 sq. ft. of living space on two floors, a 378 sq. ft. one-car detached garage with a 347 sq. ft. detached bedroom above, and a 10-foot by 16-foot 3-foot deep wading pool.
3. The proposed construction meets the height requirements of the R-5 Residential District: the height limit in the R-5 District is 32-feet; the ridge height of the proposed structure is 25-feet 7.5-inches.
4. The proposed carriage house, pool, and main house all meet the required 5-foot side and rear setbacks.
5. As per the requirements of the R-5 District, the front of the house is set back 5-feet and 1 5/8 inches:

the average of the setbacks on either side, 6-feet 11-inches and 3-feet 4-inches, respectively.

6. Pool equipment will be located in the carriage house and sound-proofed.
7. In order to protect and preserve the Stewardia tree located adjacent to the proposed pea stone driveway, a licensed arborist will be on site during construction to ensure that tree is not damaged.

#### 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 scale and massing of the proposed main house and carriage house are comparable to others in the neighborhood.
2. As illustrated by the neighborhood analysis submitted with the application, there are many preexisting, nonconforming lots similarly developed with pools and outbuildings in the neighborhood.
3. The living space and lot coverage of this proposal are comparable to several others on the street. This proposal will have a total proposed foot print of 1542 sq. ft. on a 4542 sq. ft. lot. The adjacent neighbor has a total foot print of 1530 sq. ft. on a 5216 sq. ft. lot.
3. The applicants have attempted to adapt their plans to accommodate their neighbors concerns. The small pool is blocked from one neighbor by the main house and from the other by the carriage house. The neighbor closest to and - presumably - most affected by the pool has written in support of the proposal.
4. The applicant has offered to hire a licensed arborist during construction to safeguard the existing Stewardia tree, a concern of another abutter.

Based on the above findings and reasons, the Board voted in favor of granting the special permit 4-1.

#### 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: 10-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 27 March 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: \_\_\_\_\_