

Case # 14-18  
Date Filed: 5 April 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: Michael P. Kelly, Thomas M. & Marylou McGovern**  
**Assessor's Parcel: 20A-24**  
**Book: 1328 Page: 16**

### PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 f of the bylaw to construct additions to an existing structure located on a preexisting, nonconforming lot.
2. The property is located at 7 Cyprien Way 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, 25 April 2018 in the Town Hall.
4. The application was accompanied by a site plan, elevations, and floor plans – all dated 5 April 2018.
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 5227 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 add a 560 sq. ft. second-story addition to the 1120 sq. ft. existing house, a 336 sq. ft. garage, and a farmer's porch. All proposed additions conform to setbacks and height restrictions.
3. The total number of bedrooms will remain at three.

### 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 additions will not be more objectionable or detrimental to the neighborhood than the existing dwelling and the site is appropriate.
2. There are a number of small lots in the area that have been similarly developed and the improvements will be compatible with the neighborhood.
3. There were no objections to the project from any town boards or departments.
4. The only nonconformity necessitating a special permit is the size of the lot. Area requirements for conforming lots in the R-5 zoning district were changes from 5000 sq. ft. to 10,000 sq. ft. in the 1980s.

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: 14-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 30 April 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: \_\_\_\_\_