

Case # 17-18
Date Filed: 5 April 2018

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request for a special permit under sections 11.9 f and 11.18 of the Edgartown Zoning Bylaw
Owner: Ralph Gross
Applicant: Melissa DeOliveira
Assessor's Parcel: 20C-87
Book: 1313 Page: 447

PROCEDURAL HISTORY

1. Application is for a special permit under sections 11.9 f and 11.18 of the bylaw to (a) relocate an existing 387-sq. ft. dwelling to be used an 'Island Independent Living' unit and (b) to construct a new single-family dwelling on a preexisting, nonconforming lot.
2. The property is located at 34 Pinehurst Road 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 (SBH dated 3 April 2018), elevations and floor plans of the proposed dwelling, and a photograph of the existing dwelling.
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 8712 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 relocate the existing 387 sq. ft. cottage to the rear of the lot and build a new single-family dwelling. Both dwellings will conform to required setbacks.
3. The property is currently owned by the applicant's father, who has had a stroke. The applicant takes care of her father, but the existing dwelling is too small to accommodate her husband and two children.
4. The property is served by town sewer.

FINDINGS:

The Board finds that the proposal complies with the provisions of 11.9 f and 11.18 'Island Independent Living' 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 applicant has agreed that the Independent Living unit will be occupied year-round by an island resident for a period of no less than ten-years.
2. The applicant has agreed to place a restriction on the deed as per the requirements of 11.18 (D) and understands that the unit will not be rented unless and until a waiver is obtained from the Zoning Board of Appeals.
3. In the opinion of the board, the proposed new single-family dwelling is compatible with the neighborhood, where there are a number of two-family dwellings on substandard lots.
4. In the opinion of the board, the relocation of the existing dwelling and its conversion to an 'Island Independent Living' unit will not be objectionable or detrimental to the neighborhood.
5. There were no objections to the project from any town boards or departments or from any abutters.

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

CONDITIONS

As stated above the applicant will comply with all requirements outlined in section 11.18 of the bylaw and will ensure that a deed restriction is registered in the Dukes County Registry of Deeds prior to construction.

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: 17-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 1 May 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: _____