

Case # 22-18
Date Filed: 27 June 2018

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request for a special permit under section 11.19 f of the Edgartown Zoning Bylaw
Owner/Applicant: Victoria Haeselbarth
Assessor's Parcel: 36-80
Certificate: 14428
Doc: 85077
Book: 78 Page: 295

PROCEDURAL HISTORY

1. Application is for a special permit under section 11.19 f of the bylaw to allow an accessory apartment in an existing residence on a preexisting, nonconforming lot.
2. The property is located at 7 Mercier Way in the R-20 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, 18 July 2018 in the Town Hall.
4. The application was accompanied by a site plan and floor plans.
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 .25-acre lot in the R-20 Residential District. A conforming lot in the R-20 district is half an acre.
2. The existing residence conforms to R-20 setbacks and height requirements
3. The residence has approximately 1576 sq. ft. of living space and contains a one-bedroom 480 sq. ft. separate apartment.
4. The apartment proposing to build a small one-story addition on the south side of the residence and a larger two-story addition on the north side of the house.
5. According to statements from the applicant, the apartment has been in existence since 1988, but is unpermitted.

6. The applicant is requesting a special permit to legalize the apartment.
7. No changes or expansion of the apartment are proposed; the total number of bedrooms on the property will remain at two.

FINDINGS:

The Board finds that the proposal does not comply with the provisions of 11.19 f necessary for the granting of the special permit for the following reasons:

1. Accessory apartments must be owner-occupied. The two units may not be rented separately. Ms. Haeselbarth does not intend to live on the property.
2. The lot is not large enough to support a two-family dwelling, which requires a minimum lot size of 15,000 sq. ft. (Accessory apartments, however, may be permitted on 10,000-square foot lots.)
3. There were objections to the proposal from numerous abutters, who believed the project was not in harmony with the neighborhood or the general purpose and intent of the bylaw.

Based on the above findings and reasons, the Board voted to deny the request for a special permit 0-4.

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: 22-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 27 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: _____