

Case: 23-2018
Date Filed: 29 June 2018

RECORD OF PROCEEDINGS

I, Lisa C. Morrison, assistant to the Zoning Board of Appeals of the town of Edgartown, hereby certify that the following is a detailed record of proceedings pertaining to the request of Joyce and Russell Swartz to reinstate a variance that was inadvertently allowed to lapse. The variance was issued in December of 2016 to section 5.4 of the zoning bylaw to allow a substandard lot to be buildable. The property is located at 3 Dory Circle, Assr. Pcl. 21-23 in the R-20 Residential District.

1. On 29 June 2018 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. In addition, an advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on 29 June and 6 July 2018.
3. Notice of the hearing, a copy of which is marked "C," was mailed, postage prepaid, to the petitioners; the abutters - owners of land adjacent to the subject property within 300 feet of the property lines - all as they appear on the most recent, applicable, certified tax list; and to all the proper town boards and departments.

On Wednesday, 18 July 2018 at 7:30 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Martin Tomassian – Chairman, Richard Knight, Carol Grant, John Magnuson, and Nancy Kelly – alternate.

Mr. and Mrs. Swartz were present and Mrs. Swartz began the presentation. Mrs. Swartz said although she was on the board of appeals for twenty years she did not realize that if a variance is not acted on within a year, it lapses. Because of various health issues and the fact that some building was going on next door, they delayed getting the building permit. When she went to her attorney, Jeff Norton, he informed her that she had a problem. Mrs. Swartz said that she always thought that a variance, unlike a special permit, always goes with the property.

Mr. Tomassian said that was correct, but that once granted a variance needs to be acted on within one year.

There were letters from three abutters in the file: from Patti Dean of the Fair Isle subdivision, from Peter Look of 13 Mariner Way, and from David Burns of 10 Dory Circle. All were in support of the reinstatement.

There were no additional letters and no one in the audience who wished to comment either pro or con.

The board had no questions or concerns. Mr. Tomassian made a motion to reinstate the variance issued in December of 2016. John Magnuson seconded the motion and also voted to reinstate the variance.

Ms. Kelly, Mr. Knight, and Ms. Grant also voted to reinstate the variance.

Respectfully submitted,

Lisa C. Morrison, Assistant