

Case # 33-18  
Date Filed: 7 August 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: Kristen & Andrew Wild**  
**Assessor's Parcel: Map 10 Lot 10**  
**Book: 59 Page: 229**

### PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 f of the bylaw to construct additions to an existing single-family residence on a preexisting, nonconforming lot.
2. The property is located at 13 Eagles Nest in the R-60 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, 29 August 2018 in the Town Hall.
4. The application was accompanied by a plot plan and elevations dated 3 August 2018 and 29 August, respectively.
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 21,780 sq. ft. lot. A conforming lot in the R-60 district is an acre and a half (approximately 65,340 sq. ft).
2. The proposed additions consist of a 398 sq. ft. one-story garage, an 814 sq. ft. addition to the first floor, and a 457 sq. ft. addition to the second floor. The existing house has a total of 1518 sq. ft. of living space; the renovated house will have a total of 2789 sq. ft. of living space.
3. The proposed additions meet all height and setback requirements.
4. The proposal has been approved by the homeowner's association.
5. There will be no increase in the total number of bedrooms post-renovation.

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. Section 11.9 f allows for the construction of additions to residential structures on preexisting, nonconforming lots.
2. There were no objections to the project from either town boards or departments. One abutter had concerns about the location of the septic system, and was referred to the Board of Health.
3. The neighborhood consists of a number of nonconforming lots that have been similarly expanded. The board finds that the site is appropriate and the proposed expansion will not be objectionable to the neighborhood.
4. The lot is located in a heavily wooded cul de sac and the additions will not be visible from the public way.

The applicant has made a good faith effort to respect the setbacks as much as is possible. The proposed shed was made smaller and placed further away from both the side and front setbacks than in an earlier proposal, which was withdrawn.

Based on the above findings and reasons, the Board voted in favor of granting the special permit 4-0.

CONDITIONS

No additional structures are permitted on the property.

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: 33-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 31 August 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: \_\_\_\_\_

