

Case # 49-17
Date Filed: 26 December 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: Jon & Erica Ashton
Assessor's Parcel: 22-1.233
Book: 1379 Page: 291

PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 f of the bylaw to construct an accessory structure on a preexisting, nonconforming lot.
2. The property is located at 43 Boylston Drive 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, 17 January 2018 in the Town Hall.
4. The application was accompanied by a plot plan dated 26 December 2017 and elevations and floor plans dated 30 November 2017 by Robert Piper-Roche.
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 .50-acre lot in the R-60 Residential District. A conforming lot in the R-60 district is an acre and a half.
2. The lot is located in a subdivision of half-acre lots, which became nonconforming when the town changed the dimensional requirements from .5 an acre to 1.5 acres in April of 1980.
3. The applicant is proposing to construct a 20-foot by 20-foot cook pavilion. The pavilion will not have a bathroom or sleeping space.
4. The structure will comply with all height and setback requirements of the R-60 Zoning District.

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 structure is in keeping with the architecture of the area, and in scale with the existing main house, and will not impact the privacy of the neighbors.
2. The site is appropriate and lot has enough area to contain the development while maintaining adequate green space.
3. There were no objections to any portion of the project from either town boards or departments. Several abutters wrote in support of the project.
4. The construction of a detached kitchen in an accessory building that contains no bathroom or sleeping space is a permitted use under the bylaw.

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: 49-2017.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 18 January 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.

_____2017
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____