

Case # 50-17  
Date Filed: 26 December 2017

## 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: Janine Simon-Daughtry & Lloyd Daughtry**  
**Assessor's Parcel: 22-263**  
**Book: 1325 Page: 689**

### PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 f of the bylaw to convert an existing two-car garage into a two-bedroom guest house on a preexisting, nonconforming lot.
2. The property is located at 16 Edgartown Meadows Road 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 14 May 2013 and elevations and photographs of the existing structure and a proposed floor plan dated 26 December 2017.
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 .80-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 neighborhood of similarly sized nonconforming lots.
3. The applicant is proposing to convert an existing one-story 27-foot by 28-foot two-car garage to a two-bedroom, one-bath guest house.
4. The existing structure complies with all height and setback requirements of the R-60 Zoning District. No changes to the footprint of the structure are proposed.
5. The existing building does not exceed the 900 sq. ft. maximum allowance for a guest house.
6. The main house has been in existence for more than five years and the lot size is greater than 15,000

square feet, as required by the bylaw.

7. The lot is serviced by town sewer.

#### 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 structure currently exists on the property and no changes in dimension are proposed; the only change will be a change of use - from a two-car garage to a two-bedroom guest house.
2. There were no objections to the project from either town boards or abutters.
3. Guest houses are permitted in the R-60 Residential District by right, provided certain conditions are adhered to, i.e., the lot must be at least 15,000 sq. ft. , the structure shall be no larger than 900 sq. ft., and the main house shall have been in existence for not less than five years.
4. A special permit is required under the so-called Bransford rule as the lot is preexisting, nonconforming with respect to area.

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:50-2017.

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.

\_\_\_\_\_2018  
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: \_\_\_\_\_