

Case No.: 12-15
Date filed: 3 March 2015

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 Jason Gruner for a special permit under section 11.9 f of the bylaw to expand existing second floor decks on a preexisting, nonconforming structure on a preexisting, nonconforming lot located at 76 Washqua Avenue (Assr. Pcl. 47-30) in the R-120 Residential District.

1. On 3 March 2015, a true copy of the application, 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 6 March and 13 March 2015.
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, the 25th of March 2015 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, Nancy Whipple, Carol Grant, John Magnuson, and Gerry Conover – alternate.

Mr. Gruner and his builder, Gustavo Lioncil, were present to explain the project. Mr. Gruner said that the house has been in his wife's family since 1983. Since that time, the trees have grown up and there is only one spot that still has a good view of the water. He would like to extend the existing second-floor deck to take advantage of that view. In addition, the current second floor deck is in need of repair. Mr. Gruner said he would like to relocate an outside stairway so that it does not end on the street side of the property. He has a two-year-old daughter and, for safety reasons, he would prefer that the stairs not exit at the street-side of the property.

Mr. Gruner explained that the house has an upside-down configuration, with the primary living spaces being on the second floor. He said that he would like to widen the outside stairway by a foot, from three-feet to four-feet to facilitate the moving of furniture and appliances.

Mr. Gruner submitted photographs of similar decks on comparable properties in the neighborhood. He also submitted a letter of approval for the project signed by three of his abutters.

There were no letters from town boards or from any additional abutters, and no one in the audience. Mr. Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Grant asked if Mr. Gruner planned on putting anything under the second floor deck. Mr. Gruner said that he would if he had to, but pointed out that most of the decks in the neighborhood were not constructed over living space or first-floor decks.

Mr. Magnuson said that he had no problem with the proposal. He said that this style of second-floor deck is common in certain areas of Chappy and Katama.

Mr. Magnuson made a motion to grant the special permit, saying that he believed the project was in harmony with the general purpose and intent of the bylaw. He noted that there were many similar decks in the area with similar framing. He said the project is really an extension of what already exists and said he does not see it as more objectionable. He noted that Mr. Gruner had a letter from three of his neighbors.

Ms. Grant seconded the motion and voted to grant the special permit for the same reasons.

Mr. Conover voted to grant the special permit for the same reasons.

Ms. Whipple voted to grant the special permit for the same reasons.

Mr. Tomassian also voted to grant the special permit for the same reasons.

Respectfully submitted,

Lisa C. Morrison, Assistant