

Case No. 9-21
Date Filed: 9 February 2021

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 Kirk & Liz Oswald for a special permit under section 10.1 G of the bylaw to construct a two-bay garage with storage above on a preexisting, nonconforming lot located at 32 Washque Avenue (Assr. Pcl. 48-9) in the R-120 Residential District.

1. On 9 February 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on 12 February and 19 February 2021.
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, 3 March 2021 at 4:45 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Pam Dolby, Carol Grant, Nancy Whipple, and John Magnuson. Chairman Tomassian opened the hearing and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law. The assistant read the legal notice. The applicants, Kirk & Liz Oswald were present.

Mr. Oswald explained that he would like to build a two-bay garage with storage space above. He said that he and his wife have been coming to the Vineyard for 33 years. They bought their house in December of 2014 and recently became year-round residents. They are proposing the 1 1/2 story structure to house a boat, an army vehicle, garden equipment, a work bench, and other items. They recently sold their primary residence off-island and are currently storing some of their belongings in the basement of a relative's house. There is no covered storage on the property. The storage area will be unfinished and there will be no plumbing in the building.

Mr. Oswald said that he and his wife took care in designing the garage, taking into account size and scale of neighborhood. He said that the style of the structure will match that of the main house. He commented that the proposal meets all setbacks and height restrictions. No paved driveway is proposed. He noted that many properties in the neighborhood have two-car garages - either attached or detached - on similarly sized lots. There is even one three-car garage nearby.

Mr. Oswald said that he discussed the proposal with his neighbors and has letters of approval from three of them. He said he believes the proposal is in harmony with the bylaw and will have no negative impact on the neighborhood.

Mr. Tomassian asked if there were any letters from town boards or abutters. There were none. Letters of support from Judy Didion & Paul Belazis of 37 Bayview (directly across the street), Barbara & Michael Palladino of 26 Washque Avenue, and Julia Greenstein & Paul Bleicher of 31 Wasque Ave were entered into the record.

A letter from the Morales family of 30 Washque Avenue, which abuts the rear of the Oswald property, was also read. The Morales's stated that they believe the structure would be out of character with the neighborhood and too large for the property. They suggested that a one-story one-bay garage would be more in keeping with the neighborhood and less impactful on their own property.

Mr. Tomassian asked if there was anyone present who would like to speak in favor of the application. Barbara Palladino said that the Oswalds are very respectful neighbors and she understands why they need the storage. She said that they need a place to keep equipment and other supplies out of the weather.

Paul Bleicher, who noted that he lives directly across the street, said that the Oswalds are excellent neighbors who took the time to review their plans with him. He said he finds the proposed garage to be tasteful and in keeping with other structures in the neighborhood. He said that he will be looking right at the garage every time he leaves his house and he thinks it will be an improvement rather than a detriment.

Mr. Oswald addressed a few points raised in the Morales letter. He said that the square footage of the garage is not 1730 sq. ft., but 978 sq. ft. - noting that the second story is not a full floor. He said his house is 2240 sq. ft., so the garage is nowhere near as large as the main house. Mr. Oswald again noted that there are many substantial garages within the circle of abutters.

Mr. Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Dolby asked the purpose of the dormers. Mr. Oswald said that they were added both for aesthetics as well as for additional head room to store taller items. Mr. Oswald said he was also exploring the possibility of adding solar panels and the flatter the roof the better.

Ms. Dolby said that she would condition the permit so that there is no living space permitted in the garage without further review and approval by the zoning board.

Mr. Magnuson said he had no issues and was confused by the abutters' assertion that a 24 by 24 foot structure had 1730 sq. ft. of living space. He said he understands the purpose of the dormers and commented that there would not be much storage without them. He also agreed to the 'no living space' condition.

Ms. Grant asked about the neighbors comment that the construction would 'reduce the natural treed landscape.' Mr. Oswald said that only those trees necessary for the construction of the garage would be removed. He held up a photograph of the site, noting that many of the trees are quite small. Ms. Grant had no further questions and commented that she thought the design of the garage was quite modest.

Ms. Whipple had no additional questions or concerns.

Ms. Dolby made a motion to grant the special permit saying she found the proposal to be in harmony with the general purpose and intent of the bylaw. She said that there are similar accessory structures in the neighborhood and did not think that the structure would have a negative effect on the neighborhood. She proposed the following condition: there is to be no living space in the garage without prior review and approval from the Zoning Board of Appeals.

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

Mr. Magnuson, Ms. Whipple, and Mr. Tomassian also voted to approve the project with the condition, and a roll-call vote was taken. Motion carries: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant