

Case # 30-2021  
Date Filed: 9 June 2021

DECISION OF THE ZONING BOARD OF APPEALS  
ON THE REQUEST FOR A SPECIAL PERMIT

Owners/Applicants: Michael & Rebecca Hegarty  
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At a meeting held remotely via Zoom on Wednesday, 30 June 2021, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a variance to the front yard setback and permit the installation of a nonconforming window well to provide a second means of egress from basement living space as shown on the site plan dated 11 May 2021 (revised) from Schofield, Barbini, and Hoehn and in the two photographs of window wells submitted with the application. The property is located at 55 North Summer Street, Assr. Pcl. 20D-220.1 in the B-II Business District.

FINDINGS:

1. The applicant is proposing to construct a window well that encroaches into the 10-foot front yard setback by 7-inches.
2. The board finds that there are circumstances relating to the shape of this lot in particular that allow for the variance: the front boundary of the property is drawn in such a way that it bisects an area that is currently fenced and landscaped as part of the property's front yard, but is part of the road layout and parallel to the sidewalk.
3. Not granting the variance would involve substantial hardship as the applicants would be unable to use the existing basement living space.
4. Because of these circumstances, the board finds that it may grant the variance without nullifying or substantially derogating from the intent of the bylaw.
5. The board further finds that this relief may be granted without substantial detriment to the public good.
6. Proposal was approved by the Edgartown Fire Department.

CONDITION: Window well is to be constructed so that it substantially conforms to the photographs (1 & 2) submitted with the application.

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: 30-2021.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 12 July 2021. 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.

\_\_\_\_\_2021

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

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