

Case # 40-2022

Application Filed: 27 December 2022

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

Owners/Applicants: Peter & Ellen Blommer

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At a meeting held remotely via Zoom on Wednesday, 18 January 2023, the Edgartown Zoning Board of Appeals voted (5-0) to grant a variance to section 10.1 G 2 (e) of the zoning bylaw to allow the construction of a single-family residence, pool, and pool house outside the two-year window specified in the bylaw. The property is 1.1-acre nonconforming lot located at 20 Kent Harbor Road (Assr. Pcl. 36-326) in the R-60 Residential District.

The application was accompanied by a site plan (revised 18 January 2023), elevations and floor plans dated 18 November 2022 – all from Sullivan & Associates Architects. [For additional details concerning this decision please see the Record of Proceedings filed with this Decision in the office of the Town Clerk or on the town's website.]

FACTS:

1. The applicants purchased the property in 2020 for 1.65 million dollars.
2. At that time, the property was vacant. The original structure built in 1973 burned down in 2012. Because of the two-year window cited in 10.1 G 2 (e) the property became unbuildable in 2014.
3. The applicants and their agents were aware that they could not rebuild as-of-right, but believed they could construct a new residence by special permit.
4. After discussions with the Zoning Inspector, the applicants and their agents were informed they needed a variance to build on the property.
5. The property is located in a residential development of 35 lots, the majority of which are nonconforming and similarly developed with residential and accessory structures.
6. The property is among the largest lots in the Down Harbor development.

FINDINGS:

1. The board found the proposal to be appropriate and in harmony with the general purpose and intent of the bylaw: the proposed structures meet all setbacks and height restrictions of the R-60 Residential District.
2. The board found that the proposed residence, pool, and pool house were in scale with other homes in the area and would be compatible with the neighborhood. Seventeen neighbors, many of them direct abutters, wrote in support of the project.
3. There were no objections to the project from town boards or departments or from any abutters or members of the public.
4. The board found that there was adequate area on the 1.1- acre lot to support the construction of the single family residence, pool, and pool house with detached bedroom without overburdening the lot.
5. The board found that there were extenuating circumstances on this lot, which do not affect other properties in the zoning district.
6. The board found that literal enforcement of the bylaw would involve substantial financial hardship to the applicants who purchased the property for a considerable sum.
7. The board found that the variance could be granted without nullifying or substantially derogating from the intent or purpose of the bylaw and without substantial detriment to the public good.

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: 40-2022.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 20 January 2023. 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.

_____2023

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

Attest: _____