

Case # 42-2022

Application Filed: 5 December 2022

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

Owners/Applicants: Geoffrey L. Kontje & Norma A. Costain

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At a meeting held remotely via Zoom on Wednesday, 8 February 2023, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under section 10.1 G of the zoning bylaw to allow the construction of a one-story 438 s.f. addition to a preexisting, nonconforming structure on a preexisting nonconforming lot located 249 Chappaquiddick Road (Assr. Pcl. 31-29) in the R-120 Residential District.

The application was accompanied by a site plan dated 5 December 2022 as well as photographs, elevations, and a floor plan. [For details concerning the hearing please see the Record of Proceedings filed with this Decision in the office of the Town Clerk.]

FACTS:

1. The property consists of a 1.6 acre preexisting, nonconforming lot surrounded on three sides by wetlands.
2. The existing house, built in the 1860s, is also preexisting, nonconforming with respect to both the side and front setbacks.
3. There were no objections to the project from town boards or departments or from abutters. Five abutters wrote in support of the project.

FINDINGS:

1. The board found the proposal to be appropriate and in harmony with the general purpose and intent of the bylaw: although the proposed addition increases the incursion into the side setback by 5-feet, it is conditionally permitted as per section 10.1 G 6 of the bylaw.
2. The board found that the proposed addition would not be more detrimental to the neighborhood than the original structure: the property closest to the proposed addition is

adjacent to wetlands and likely unbuildable. Owners of that property had no objection to the project.

3. The board found that the proposed addition did not overburden the lot and noted that it would not be visible from the public way or from any neighboring dwellings, the closest of which is more than 600-feet away.

**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: 42-2022.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 9 February 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: \_\_\_\_\_