

Case # 12-2023

Application Filed: 6 June 2023

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

Owners/Applicants: Valdemar D. Batista & Mikaella S.A. Batista

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At a meeting held remotely via Zoom on Wednesday, 28 June 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 nonconforming detached 20 x 28 garage with office space above on a preexisting, nonconforming lot at 51 Twentieth Street South (Assr. Pcl. 11-17) in the R-20 Residential District.

The application was accompanied by a site plan (dated 28 October 1998) by Brooks Billingham & Associates and elevations and floor plans from Sheds Unlimited dated 16 February 2023. [For details concerning the hearing please see the Record of Proceedings filed with this Decision on-line and in the office of the Town Clerk.]

FACTS:

1. The property consists of a .33-acre preexisting, nonconforming lot with a three-bedroom, one-story dwelling. The lot is in the R-20 Residential District where ½ acre is required for a lot be conforming.
2. The applicant constructed a 28 x 20 two-story garage with office space above after receiving a building permit in January of 2023. In the course of an inspection, the Building/Zoning inspector noticed inconsistencies with the approved plans and advised the applicant to apply for a special permit from the Zoning Board of Appeals.
3. The garage was constructed 23-feet from the front setback, in line with the existing residence.
4. There were no objections to the proposal from any town boards or departments. Four abutters either wrote or spoke in favor of the project. One abutter was concerned that the garage too close to their property. (The garage meets setbacks on both the sides and rear of the property).
5. The second floor of the garage will be used as office space. No plumbing is proposed in the garage.

FINDINGS:

1. The board found the proposal to be appropriate and in harmony with the general purpose and intent of the bylaw: several lots in the neighborhood have been developed with similar nonconformities.
2. The board found that there will be minimal intensification of use on the property as no additional bedrooms are proposed.
3. The board determined that the permit could be granted under section 10.1.G 6 of the Zoning Bylaw as the incursion into the front setback by the garage is no greater than that of the preexisting, nonconforming residence.
4. The board found that the site was appropriate and the proposed project will not overburden the lot.
5. The board found that the proposal will not be detrimental to or out of character with the neighborhood.

CONDITIONS:

Second floor of the garage is not to be used for sleeping space or as a rental.

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: 12-2023.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 30 June 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: _____