

Case # 5-2024

Date Application Filed: 29 January 2024

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

Owners/Applicants: Joseph Monteiro & Emily Frazar Weedon

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At a meeting held remotely via Zoom on Wednesday, 21 February 2024, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under section 10.1 G of the zoning bylaw allowing retroactive approval for a guest house and for the addition of a dormer. The property is located on a preexisting, nonconforming one-acre lot at 26 Codman Spring Road (Assr. Pcl. 22-6) in the R-60 Residential District. The application was accompanied by a site plan dated 20 March 2023 by Vineyard Land Surveying, elevations and floor plans dated 2 January 2024 by Hover Inc.

FACTS AND FINDINGS:

1. The applicants purchased the property in 2019, unaware that the finished apartment above the garage had not been permitted.
2. When the applicants applied to the building department to add a dormer to the second floor of the garage, the Zoning Inspector suggested that they apply for a special permit from the Zoning Board of Appeals in order to bring the apartment into compliance.
3. The only nonconformity is the size of the lot, which is one acre. A conforming lot in the R-60 Residential District requires 1.5 acres. Guest houses/apartments are permitted by special permit on lots with a minimum of 15,000 s.f.
4. No changes in the footprint of the garage are proposed.
5. The property is located in a neighborhood where guest houses are permitted and where many properties have been similarly developed.
6. There were no objections to the project from any town boards, departments, or members of the public. Two direct abutters wrote in favor of the proposal.
7. The board found the proposal to be appropriate for the neighborhood and in harmony with the general purpose and intent of the bylaw. The board determined that the project would not have a negative effect on the neighborhood.

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: 5-2024.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 23 February 2024. 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.

_____2024

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

Attest: _____