



# Planning and Land Use Services

Building ▪ Health ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

## STAFF REPORT

Date: September 19, 2016

To: Zoning Board of Appeals

From: Eleanor W. Antonietti  
Zoning Administrator

Re: September 20, 2016

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### I. APPROVAL OF THE MINUTES:

Pages 4 - 6 ▪ September 8, 2016

### II. OLD BUSINESS:

Pages 8 - 17

- 20-16 Gerald T. Vento & Margaret Vento, Tr. of Ninety-One Low Beach Road Nominee Trust  
**CONTINUED TO OCTOBER 13, 2016** 91 Low Beach Road Cohen  
CONFLICTS: MJO SM Sitting Members: ET LB KK GT JM

Applicant is requesting Special Permit relief pursuant Zoning Bylaw Section 139-16.C(2) to validate unintentional side and rear yard setback intrusions. The siting of a tennis court, installed in 2012, was reasonably based on a licensed survey. The court is sited as close as 15.4 feet from the side yard lot line and 18 feet from the rear yard lot line, where a twenty (20) foot setback is required. In the alternative, and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32 to allow said setback intrusions. The Locus is situated at 91 Low Beach Road, is shown on Assessor's Map 75 as Parcel 31, and as Lot 912 upon Land Court Plan 5004-65. Evidence of owner's title is registered on Certificate of Title No. 24350 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

### III. NEW BUSINESS:

- 24-16 6 Lily Street LLC & Sconset Partners LLC 6 and 8 Lily Street Dale  
**CONTINUED TO OCTOBER 13, 2016** CONFLICTS: ET
- 32-16 Alan A. Shuch, Trustee of the Ann F. Shuch Qualified Personal Residence Trust  
**CONTINUED TO OCTOBER 13, 2016** 45 Quidnet Road Alger

- 33-16 Susan A. Wager 3 Meader Street Brescher  
Action deadline December 7, 2016

Pages 21 - 37

Applicant is seeking Special Permit relief pursuant to Zoning By-law Section 139-33.A in order to alter the pre-existing nonconforming dwelling on the pre-existing nonconforming lot. The existing dwelling is sited within the easterly side yard setback. The alterations consist of raising the building to install a new foundation as well as conforming additions. As so altered, the structure will be no closer to the easterly lot line and will remain conforming as to height. In the alternative, and to the extent necessary, applicant seeks Variance relief from the provisions of Section 139-16. The Locus, an undersized lot of record, created pursuant to M.G.L. Chapter 41 Section 81L, situated at 3 Meader Street, is shown on Assessor's Map 42.2.3 as Parcel 39, and as Lot 1A in Plan File 2013-15. Evidence of owner's title is registered in Book 1389, Page 220 on file at the Registry of Deeds. The site is zoned Residential Old Historic (ROH).

The Locus is pre-existing nonconforming as to lot size (2,652 SF where 5,000 SF is minimum lot area) and setbacks by virtue of a 41 81L ANR subdivision. The subject structure is a 698± SF single family dwelling sited within the easterly side yard setback area. The proposed work consists of lifting the structure to install a new foundation, thus placing it above the flood plain. The overall height increase of approximately 4 feet will result in a height of 17- 18 feet at its highest point. Other proposed additions will be sited outside of the setbacks and will add approximately 72 SF of ground cover where the allowable GCR of 50% would permit up to 1,326 SF of footprint on this lot. The proposal also consists of moving a zoning shed out of the setback thus curing said nonconformity.

The Application benefits from HDC approval (\*COA 66240) and the applicant has filed for ConCom approval.

- 32-16 Polpis Harbor, LLC 248 & 250 Polpis Road Dale  
Action deadline December 7, 2016 CONFLICTS: MJO

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Applicant is seeking Special Permit relief pursuant to Zoning By-Law Section 139-33.A to allow the change of use of a pre-existing nonconforming garage structure to a pool house/cabana. The existing structure is sited within the easterly front yard setback. The proposed alterations will result in a decrease in size such that the structure's footprint and massing will not increase within the setback area. The Locus is situated at 248 and 250 Polpis Road, is shown on Assessor's Map 26 as Parcel 27, as Lot A-7 upon Land Court Plan 13443-E and as Lot A-3 upon Land Court Plan 13443-D. Evidence of owner's title is registered on Certificate of Title No. 25343 at the Nantucket County District of the Land Court. The site is zoned Limited Use General 3 (LUG-3).

Applicant proposes to change the use of a pre-existing nonconforming garage structure to a pool house/cabana. The structure is sited as close as 8.6 feet from the easterly front yard lot line abutting Polpis Road in LUG-3 where minimum front yard setback distance is 35 feet. There is no increase of the nonconformity within the required setback area. In addition, the removal of a portion of the existing structure will result in a decrease in footprint and massing from approximately 520 SF to 474 SF. The property is conforming as to lot size, ground cover, frontage, and side and rear yard setback requirements. There is another existing nonconforming structure sited as close as about 27.3 feet from the front yard lot line, shown as a "studio to be renovated" on the plan, that is said to have been built circa 1890. According to the Addendum, "No change is proposed under this application for that structure."

The Application benefits from ConCom(\*OOC SE48-2779) and HDC approval (\*COA 63521).

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IV. OTHER BUSINESS:

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V. ADJOURNMENT.