

Case No. 41-22

Application filed: 27 December 2022

RECORD OF PROCEEDINGS

I, Lisa C. Morrison, assistant to the Zoning Board of Appeals of the town of Edgartown, hereby certify that the following is a detailed record of proceedings relating to the request by Khalid Dore for a special permit under section 10.1 G of the zoning bylaw to construct a two-story, two-car garage with unfinished storage above. The property is located on a preexisting, nonconforming lot at 1 Saddle Club Road (Assr. Pcl. 11-1.249) in the R-60 Residential District.

1. On 27 December 2022 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on the 30th of December 2022 and the 6th of January 2023.
3. Notice of the hearing, a copy of which is marked "C," was mailed, postage prepaid, to the petitioners; the abutters - owners of land adjacent to the subject property within 300-feet of the property lines - all as they appear on the most recent, applicable, certified tax list; and to all the proper town boards and departments.

On Wednesday, 18 January 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Thomas Pierce, Carol Grant, and Pam Dolby. Chairman Tomassian opened the meeting and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Mr. Dore told the board that he would like to build the garage to increase storage: there is no basement or attic storage in his house. He said that he is a member of the fire department and would like to be able to garage his vehicle so he doesn't have to clean it off if it is snowing when he receives a call. He would like to be able to keep his vehicles out of the weather. The floor plans and elevations of the proposed structure were reviewed and Mr. Dore said that the garage will be built by an Amish company.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. Bruce Stone, an immediate abutter residing at 8 Saddle Club Road, wrote in favor of the proposal and said the garage will fit in well in the neighborhood.

There was no one in the audience who wished to comment on the application, either pro or con. Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

It was noted that the garage does not meet the setbacks: It is just a little over ten feet from the south property line and forty-five from the front property line. The side setback in the R-60 district is 25 feet, and the front setback is 50 feet. The assistant commented that because the house is nonconforming, the garage can be built by special permit, instead of by variance, because is accessory to a nonconforming structure as outlined in 10.1 G 6: "The SPGA shall have the authority to grant a special permit for the ... construction of structures which are accessory to preexisting, nonconforming structures, where such change, extension, alteration, or construction will not comply with the applicable provisions of the zoning bylaw; provided, however, that the SPGA finds after public hearing that other lots in the neighborhood have been previously developed by the construction of buildings or structures in such a manner as to have resulted in similar nonconformities and that the proposed expansion, extension, alteration or construction will not be more objectionable or substantially more detrimental to the character of the neighborhood...."

Ms. Dolby asked how many bedrooms were in the main house. Mr. Dore said that there were three. Ms. Dolby said that her major concern was the dormer on the garage, which she said seemed out of place for a storage area. She commented that, with the dormer, it would be fairly easy to turn the second floor into living space.

Mr. Dore said that there is no plumbing proposed for the structure and he has no intention of turning the second floor into living space. He said that the dormer is needed to provide more space on the second floor, which is limited due to the roof pitch.

Ms. Grant asked if there should be a deed restriction on the property. Mr. Tomassian said he did not think it was necessary as Mr. Dore would need to return to the board should he wish to turn the storage space into living space. Mr. Tomassian said that he had no issues with the proposal, and complimented Mr. Dore on his work for the fire department.

Mr. Pierce made a motion to approve the project as presented. He said that he believed it was in harmony with the general purpose and intent of the bylaw. He noted that there were no objections from town boards or from any abutters, and that one close abutter had written in support of the project. He said he believed that there was adequate land area for the structure and that it would not overburden the lot or be objectionable to the neighborhood. He noted that there were several two-story garages in the area.

Ms. Whipple seconded the motion and voted to grant the special permit for the same reasons.

Mr. Tomassian and Ms. Grant also voted to approve the project for the same reasons.

Ms. Dolby voted to deny the application, citing the dormer.

Motion approved: 4 - 1.

Respectfully submitted,

Lisa C. Morrison, Assistant