

Case # 24-2023  
Application Filed: 18 July 2023

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

Owners/Applicants: Stefan R. & Margaret M. Lopata  
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At a meeting held remotely via Zoom on Wednesday, 9 August 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 (1) the rebuilding of a nonconforming entry deck and the addition of a flat roof above and (2) the rebuilding and expansion of existing nonconforming first and second floor decks at the rear of the existing nonconforming structure. The property is located on a preexisting, nonconforming lot at 88 The Boulevard (Assr. Pcl. 11A-331) in the R-20 Residential District.

The application was accompanied by a site plan dated 7 July 2023 by Schofield, Barbini & Hoehn as well as elevations and floor plans dated 14 July 2023 by Martha's Vineyard Engineering & Design. 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 .30-acre nonconforming lot. A conforming lot in the R-20 Residential District requires an area of not less than half an acre.
2. The applicant is requesting an additional 19-inch incursion into the side yard setback. The existing house sited with a side yard setback ranging from 9.5-feet to 6.8-feet. The side yard setback in the R-20 Residential District is a minimum of 10-feet.
3. The applicant is asking for an additional 19-inch incursion into the side setback in order to expand both the first and second floor decks to a more usable size.
4. The applicant is also asking to rebuild in approximately the same footprint a preexisting, nonconforming front entry deck and add a flat roof above the entry deck.
5. There were no objections to the proposal from any town boards, departments, abutters or

members of the public.

**FINDINGS:**

1. The board found the proposal to be appropriate and in harmony with the general purpose and intent of the bylaw:
2. The board found that the additional 19-inch incursion into the side yard setback would not be more objectionable than the existing nonconformity.
3. The board found that the rebuilding of the preexisting, nonconforming entry deck and the addition of a flat roof above would not be more objectionable than the preexisting, nonconforming entry deck.
4. The board found that the proposed additions would improve the overall façade and would not negatively impact the neighborhood.

**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: 24-2023.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 11 August 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: \_\_\_\_\_