

Case # 38-23

Date Application Filed: 3 October 2023

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request for a special permit under section 2.1 B 10 of the Edgartown Zoning Bylaw

Applicants/Owners: Steven & Bernadette Sabra

Assessor's Parcel: map 36 lot 342.1

8 Milikin Way

PROCEDURAL HISTORY

1. Application was for a special permit under Section 2.1 B 10 to allow a guest house when the main house has been in existence for less than five years.
2. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* – was held on Wednesday, 25 October 2023 via Zoom.
3. The application was accompanied by a site plan from Vineyard Land Surveying & Engineering dated 15 September 2023 as well floor plans dated 17 May 2023.
4. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing [See Record of Proceedings].

FACTS:

1. The property consists of a conforming 2-acre lot in the R-60 Residential District.
2. A certificate of occupancy for the five-bedroom main house was issued in 2021.
3. A deed restriction between required by the Board of Health dated 28 November 2022, prohibits the use of the basement media room from being used as sleeping space⁴. The 2 Duncan Close and 21 Duncan Close were sold by Sure Oil in 1981. A house was built on 21 Duncan Close in 1985.
4. Other than an exterior stairway, no additional construction is required. The 528 s.f. space above the detached garage already exists.
5. Four abutters wrote in favor of the project.

FINDINGS:

1. Three members of the Board voted to grant the special permit saying that they did not believe that the project would have a negative impact on the neighborhood, noting abutter support, minimal additional construction, and adequate lot area.
2. Two members voted to deny the request saying that they did not believe that the five-year period could be waived without first altering the bylaw and would therefore set a bad precedent.

DECISION:

Based on the above findings and reasons, the Board voted 3-2 to deny the request. [Four members must vote in favor for a special permit to be granted.].

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: 38-2023.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 6 November 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: _____