

Case # 38-23

Date Application Filed: 3 October 2023

Remand Application Filed: 26 December 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 - 8 Milikin Way Nominee Trust, Caroline R. Flanders, Trustee
Assessor's Parcel: map 36 lot 342.1
8 Milikin Way

PROCEDURAL HISTORY

1. Application is 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 was originally denied by a 3-2 vote by the Zoning Board
2. Applicants appealed the decision to the Land Court (Docket No. 23 Misc. 000601).
3. On 19 December 2023, the Land Court issued an Order of Remand.
4. On 22 December 2023, the attorney for the trust, Timothy Moriarty filed a remand petition with the Zoning Board asking for reconsideration of their denial that was issued on 6 November 2023.
5. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* – was held on Wednesday, 17 January 2024 via Zoom.
6. The application was accompanied by a site plan from Vineyard Land Surveying & Engineering dated 15 September 2023 and floor plans dated 17 May 2023; a copy of the Order of Remand; and the original application and supporting documents. The file also contains a copy of the presentation materials from the hearing held on 17 January 2023.
7. 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. Other than an exterior stairway, no additional construction is required. The 528 s.f. space above the

detached garage already exists.

4. Eight abutters wrote in favor of the project.

FINDINGS:

1. The board found that the proposal conforms to all the requirements of 2.1 A 6, 2.1 B 10, and 10.2 A 1: the lot meets all the dimensional requirements of the R-60 Residential District and the structures conform to all setback and height restrictions. [See Record of Proceedings]

2. The board found that the project will not have a negative effect on the neighborhood: eight abutters wrote in favor of the proposal and there were no objections from town boards, town departments or from any abutters or other members of the public.

3. The lot will not be overburdened by the conversion – the only new construction will be an exterior stair, which provides the mandatory second form of egress.

4. The board found that the special permit could be granted without nullifying or substantially deviating from the intent of the bylaw.

DECISION:

Based on the above findings and reasons, the Board voted 4-0 to grant the special permit.

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: 38-2023.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 24 January 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: _____