

Case # 9-2024

Date Application Filed: 4 March 2024

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

Owner: Igor Vukoje  
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At a meeting held remotely via Zoom on Wednesday, 27 March 2024, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit for the installation of an in-ground swimming pool on a preexisting, nonconforming lot under section 10.1 G of the zoning bylaw. The property is located at 13 Briarwood Drive (Assr. Pcl. 11-37) in the R-60 Residential District.

The application was accompanied by a site plan dated 25 September 2022 by Marija Milicevic as well as a landscape sketch and pool detail. 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 AND FINDINGS:

1. The only nonconformity is the size of the lot, which is .62 acres. In the 1980s, zoning was changed in this area from R-20 to R-60, where an acre and a half is required for a conforming lot.
2. The property is located in a neighborhood of similarly sized nonconforming lots, many of which have pools.
3. The proposed pool meets all setback requirements for the R-60 Residential District.
4. There were no objections to the project from any town boards or departments.
5. The president of the Sandy Valley Homeowners Association wrote in favor of the proposal.
6. One abutter raised concerns about the possibility of excessive noise from parties or outdoor sound systems. They were also concerned that about the possibility of outdoor bars or kitchens.
7. The applicant stated that he did not intend for the property to become a party venue and had no plans for an outdoor bar or kitchen, sound system, or extensive outdoor lighting. The applicant stated that he intends to be respectful and considerate of his neighbors.
8. The applicant further stated that he intends to supplement the existing vegetation around the perimeter of the property to provide visual screening, enhance privacy, and mitigate noise.
9. The pool equipment will be stored in a fully enclosed sound-proofed shed that will be located adjacent to the residence.
10. The board found the proposed pool and pool equipment shed garage to be to be appropriate and in harmony

with the general purpose and intent of the bylaw and determined that the project would not have a negative effect on the neighborhood.

*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: 9-2024.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 3 April 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: \_\_\_\_\_