

Zoning Board of Appeals
Town of Oak Bluffs

Kris Chvatal, Chairman

Members:

Derek Tipton

Joe Re

George Warren

Peter Palches

Associate Members:

Andrea Rogers

Peter Yoars

NOTICE OF DECISION

December 17th, 2009

Re: Application of Sheila Harley, 14 Ploughshare Lane, Oak Bluffs, MA.
Map 57, Lot 83

Applicant is seeking a **Special Permit** to build a 16 X 24 foot two floor addition on to a pre-existing, nonconforming residence.

A. Background

1. By application received November 30, 2009 from the Town Clerk's office, a hearing was requested from the applicant on the request before the Board of Appeals.

B. Summary of Meeting

2. On December 17th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, George Warren, Peter Palches, Derek Tipton and Andrea Rogers were present. Representing the applicants was architect Chuck Sullivan. He explained that the proposal is to add a 16 X 24 garage on the ground floor and living room space in the addition on the 1st floor. He showed that the current house is 19.9 feet from Ploughshare and the addition will make it 24.1 from the road. The addition to the side setback will be 22.6 feet. Chuck said the Harley's do have approval from the Hidden Cove Association and gave the approval letter to Adam. Kris read the letter. Chuck said the lot has a steep slope so the garage has to be located inside the house's footprint.

Kris reviewed the nonconforming aspects of the property and the subdivision's lack of conformity as it relates to today's zoning. Board members talked about a prior application they approved two months ago in Hidden Cove and agreed the same standards for setbacks should apply here. There was discussion on established setbacks in zoning that was established in the late 40's. Kris said if the board wants to look at the application through the lens of R2 zoning instead of R3, then the proposed addition meets 20 foot setback requirements.

3. No one spoke either for or against the project during public comment. There was no correspondence to be read either.

4. Andrea made a motion to approve the plans as presented. The motion carried 5 – 0.

C. Decision

5. A majority (4 votes) of the 5 member Zoning Appeals Board is required to approve the application. Accordingly, the motion to approve carried and the application is granted.

D. Reasons/Findings

6. As articulated during the course of the meeting, the Appeals Board Members who vote in favor of the motion to approve the application make the following findings;

- a. The applicant has the right to apply for a special permit under zoning by-law 3.5.5;
- b. The residence is on a large lot and the addition does not overburden it. The new living room is not a significant amount of additional living space.
- c. The project appeared to be not substantially more detrimental to the neighborhood than what currently existed;

As the law provides, appeals, if any, shall be made pursuant to Section Seventeen (17) of Chapter 40 – A, The Zoning Act, and shall be filed within twenty (20) days after the filing of this decision in the Office of the Oak Bluffs Town Clerk.

Said Board of Appeals is a legally constructed Appeals Board, exercising the powers granted to it under Section Fourteen (14) of Chapter 40 – A, and under Chapter 831, a 1977 Act further regulating the protection of lands and the waters of the island of Martha's Vineyard.

As required by law, The Board of Appeals certifies that copies of this decision and documents referred to in it, have been filed with the Oak Bluffs Building Inspector, Planning Board and Town Clerk. This decision does not relieve the applicant from obtaining all other necessary permits.

After expiration of the twenty (20) day appeal period, the applicant will receive the original copy of this decision. It will include the original signature page, signed by the members of the Board of Appeals presiding at the hearing. This copy will verify, by the Town Clerk, that no appeals have been filed, and if there were appeals filed those said appeals were dismissed or denied against this decision. At that time, the decision, along with the original signature page must be filed at the Dukes County Registry of Deeds before it is legally recognized.

Recorded Vote

The following members of the Zoning Board of Appeals voted to grant a **special permit** to Sheila Harley of 14 Ploughshare Lane to build a 16 X 24 foot two floor addition on to a pre-existing, nonconforming residence.

(Kris Chvatal)

(Andrea Rogers)

(Derek Tipton)

(Peter Palches)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date:_____