

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 Robert J. & Kathleen F Laskowski, 25 Tuckernuck Avenue,
Oak Bluffs, MA. Map 10, Lot 123

Applicants are seeking a **Special Permit** to remove an existing two story section of a pre-existing, non conforming residence and rebuild adding dormers and 18" in roof height.

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 Peter Yoars were present. Representing the applicants was architect Chuck Sullivan. He explained that the proposal is to renovate the house completely so the family can spend more time there in the off season. Because the back of the residence wasn't built as well as the front they wish to tear off 15 feet of the back end and put in a new foundation and reconfigure the rooms inside. Chuck said the residence will continue to be a two story structure but that the roof will be raised high enough and dormers added so there can be a tv/rec room in the attic area. The height will go from 30'4" to 31'8". Chuck said they have approval from the Cottage City Historic District and the OB Historical Commission. Chuck said the house has the same number of bedrooms and will reconfigure the back end so that there will be a laundry room on the 1st floor + a kitchen and add a bedroom to the 2nd floor. Chuck said the only change in footprint is to add a bay view window and to switch an entrance way. Kris asked about the increase in living space from old to new. He said there's 535 square feet of new living space.

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

4. Peter Yoars 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 applicants have the right to apply for a special permit under zoning by-law 3.5.5;
- b. The increase in the footprint is very small and that the increase in the living area has been accomplished within the structure so it doesn't overburden the lot.
- 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 Robert J. & Kathleen F Laskowski of 25 Tuckernuck Avenue to remove an existing two story section of a non conforming residence and rebuild adding dormers and 18” in roof height.

(Kris Chvatal)

(Peter Yoars)

(Derek Tipton)

(Peter Palches)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date:_____