

Zoning Board of Appeals Town of Oak Bluffs

Kris Chvatal, Chairman

Members:

Derek Tipton

Joe Re

Peter Palches

George Warren

Associate Members:

Andrea Rogers

Peter Yoars

NOTICE OF DECISION

November 19th, 2008

Re: Application of Genevieve H. Abbot, 6 Sea Glen Rd.,
Oak Bluffs, MA., Map 37, Lot 4

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

A. Background

1. By application received October 26, 2009 from the Town Clerk's office, a hearing was requested from the applicants on their request before the Board of Appeals.

B. Summary of Meetings

2. On November 19th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal; Derek Tipton; Andrea Rogers; Joe Re and Peter Yoars were present. The applicant's representative, Architect George Crawford, showed plans to build a 12 X 34 foot addition with a walk out basement to a small house in the Sea Glen community. The site plan presented showed that the residence does not conform to side and rear setbacks and that the lot is undersized for an R-3 residence. George explained that the house is very small, having only 615 feet of living square footage. The owners are looking to add more room so that they can live in the home year round. Kris asked what the proposed new setback will be on the side where the addition will go to the side of the property. George measured the site plan to show the new setback being close to but not quite 20'.

George said the house will be doubled in size but it's still a 1,500 square foot house on a 13,000 sq. foot lot. Kris added that it doesn't appear to overburden the lot.

The floor was opened for public comment. Brooks Billingham, a neighbor said these types of additions should be allowed for an area that needs to be improved. He said that as long as there is an establishment of a setback similar to R-1 standards. He favors the improvements to the existing residence.

There was no written correspondence. Kris closed the floor.

In the discussion Kris pointed out that neighborhoods such as Sea Glen can't get the kind of relief other communities have and that 50' setbacks makes it impossible to alter or add to existing structures. Joe said the proposed changes improves the neighborhood.

3. Peter Yoars made a motion to approve the proposed plans as presented to build the 12 X 34 foot addition with the condition that the 18 foot setbacks be adhered to on the east and west side of the property lines.

4. The Board voted to approve the motion to grant a special permit for the addition to a pre-existing, nonconforming residence. 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.

E. Reasons/Findings

6. As articulated during the course of the meetings, 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 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 to Genevieve H. Abbot, a special permit to build a two floor addition on to a pre-existing, nonconforming residence at 6 Sea Glen Ave with the following condition:

- 1. That the 18 foot setbacks be adhered to on the east and west side of the property lines.

(Kris Chvatal)

(Andrea Rogers)

(Joe Re)

(Derek Tipton)

(Peter Yoars)

Received and filed in the Office of the Town Clerk:

Date:_____