

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

October 15th, 2009

Re: Application of Nigel and Sheila Harding, 27 Ocean Avenue, Oak Bluffs, MA.
Map 9, Lot 16

Applicant is seeking a **Special Permit** to partially demolish, renovate and alter a pre-existing, nonconforming residence.

A. Background

1. By application received September 24, 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 October 15th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, George Warren, Peter Palches, Derek Tipton and Joe Re were present. Representing the applicants was builder Bill Reagan. He explained that the proposal is to rebuild the front porch and reduce its size by two feet so that it will be inside the front property line and to raze the back of the house and rebuild it with a new foundation. He showed a site plan that shows the front of the residence goes onto the town boundary. He said the house is in very poor condition and needs a full renovation in order to become a year round residence. The number of additions to the original house was discussed. Bill said the back of the house will go from 2 feet to 3.5 feet from the property line and the side setbacks will stay the same. He explained how the house will have the ground excavated underneath it for a new foundation

Bill showed a site plan that establishes the lot as being undersized and not meeting any of the required 20' setbacks for an R1 residence.

Bill said the new foundation will put the residence 24" higher. It'll go from 25.2 feet → 27.2
He said the renovations will give the residence a more balanced look.

Kris asked if it is a two story home now and will it continue to be when the work is done.

Bill said yes to both questions. Peter asked if it was a single family home. Bill said it was.

He went on to show the floor plans and elevations of what exists and what is proposed.

Peter asked about the shed proposed. He said it doesn't conform to setback guidelines. Bill said the project doesn't have to include the proposed shed if it doesn't conform to zoning guidelines.

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

4. Derek made a motion to approve the plans as presented minus the shed proposal. 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. There were a lot of positives in the proposal, especially clearing up the front property line violation and decreasing the rear setback nonconformity;
- 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 Nigel and Sheila Harding of 27 Ocean Avenue to partially demolish, renovate and alter a pre-existing, nonconforming residence.

(Kris Chvatal)

(Joe Re)

(Derek Tipton)

(Peter Palches)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date:_____