

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

September 17th, 2009

Re: Application of Christine Ewing, Trustee of Hargreaves Realty Trust, 6 Old Schoolhouse Village, Oak Bluffs, Ma. Map 50, Lot 4

Applicant is seeking a **Special Permit** to add a 10 X 12 foot sunroom addition to a pre-existing, nonconforming residence.

A. Background

1. By application received August 31, 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 September 17th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal; Andrea Rogers; Peter Palches and Derek Tipton were present. Representing the applicants was builder Gene Pepper. Gene was told that there were only four members sitting so any approval of what was being requested would need a unanimous vote. Gene was given the option of continuing with the hearing or postpone until October when there will be five members. Gene said he wanted to proceed with the four member board. He explained that the applicant wishes to add a 10 X 12 foot sunroom addition to a house located in a subdivision that was created before zoning and doesn't comply with R3 dimensional regulations. Kris stated that the lot is undersized and the house is in all 50 foot setbacks. Gene showed where the addition would be on a site plan. Kris pointed out that prior approvals in this community have occurred with the understanding that 20 or 25 foot setbacks can apply for additions to existing nonconforming residences. Derek pointed out that other homes in the neighborhood have approved additions that are a lot larger than the present request. Kris stated that the proposed addition would not be substantially more detrimental than what currently exists.

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. The motion carried 4 – 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 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 Christine Ewing of 6 Old Schoolhouse Village to add a 10 X 12 foot addition to a pre-existing, nonconforming residence.

(Kris Chvatal)

(Andrea Rogers)

(Derek Tipton)

(Peter Palches)

Received and filed in the Office of the Town Clerk:

Date:_____