

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

August 20th, 2009

Re: Application of Glenn J. Peters and Rose Marie Peters, trustees of CGMJ
Family Trust, 5 Nahomon Street, Oak Bluffs, Ma. Map 4, Lot 129

Applicants are seeking a **Special Permit** to add a 12 X 26 foot addition to a pre-existing, nonconforming residence.

A. Background

1. By application received August 4, 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 August 20th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal; George Warren; Andrea Rogers; Joe Re; and Derek Tipton were present. Builder Jason Forend sat with the Board along with Glenn Peters and 1st showed that the house did not conform to lot size plus side and rear setbacks for an R1 residence. The applicant wishes to put on the addition to expand the general use of the house for family members. The site plan showed that the new addition would expand the footprint of the residence to the front of the property 6 inches into the 20' setback. Jason said if need be, he could build it so that the front setback could be maintained at 20 feet. The new floor plan shows the addition would add a bigger living and bathroom area off the master bedroom.

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

4. George made a motion to approve the plans as presented with a condition that the addition meets the 20 foot front setback requirement for an R1 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.

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 Glen & Rose Peters of 5 Nahoman Street to add a 12 X 26 foot addition to a pre-existing, nonconforming residence with the following condition:

1. That the addition be built no further than 20 feet from the front setback to the property line.

(Kris Chvatal)

(Andrea Rogers)

(George Warren)

(Joseph Re)

(Derek Tipton)

Received and filed in the Office of the Town Clerk:

Date:_____