

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 Alan S. McKim, 301 East Chop Drive, Oak Bluffs, Ma.
Map 1, Lot 9.1

Applicant is seeking a **Special Permit** to extend a 2nd floor roof deck and replace a patio with a deck to a pre-existing, nonconforming residence.

A. Background

1. By application received August 3, 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; Peter Yoars; Joe Re; and Derek Tipton were present. Architect Doug Ulwick sat with the Board and 1st showed that the house did not conform to the front setback for an R2 residence. The applicant wishes to replace the existing 2nd floor roof deck over the existing 1st floor screened porch and 2nd floor bedroom area. The new deck would not add to the existing footprint. The other request was to take out an existing concrete patio and replace it with a 25 X 26' deck. Doug said that the Conservation Commission's review and approval came with a condition that a deck replace the existing patio area.

3. One letter was read at the hearing from the homeowner's association supporting the applicant's request.

4. Joe 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 project appeared to be not substantially more detrimental to the neighborhood than what currently existed;
- c. The project had approval from the Hidden Cove Property Homeowners Association.

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 Richard A. Paul of 23 Hidden Cove Road to renovate and modify a front entryway, extend a deck and add a three season sunroom to a pre-existing, nonconforming residence

(Kris Chvatal)

(Andrea Rogers)

(George Warren)

(Joseph Re)

(Derek Tipton)

Received and filed in the Office of the Town Clerk:

Date:_____