

Zoning Board of Appeals
Town of Oak Bluffs

Kris Chvatal, Chairman

Members:

Gail Barmakian

Jane Lofgren

George Warren

Associate Members:

Joseph Re

Peter Palches

NOTICE OF DECISION

June 18th, 2009

Re: Application of Robert J. & Lorraine E. Blaszak, 23 Pankhanne Street,
Oak Bluffs, Ma. Map 7, Lot 132

Applicants are seeking a **Special Permit** for an 8 X 24 foot front porch addition to a pre-existing, nonconforming residence

A. Background

1. By application received June 4, 2009 from the Town Clerk's office, a hearing was requested from the applicants on the request before the Board of Appeals.

B. Summary of Meeting

2. On June 18th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal; George Warren; Gail Barmakian; Joe Re; and Jane Lofgren were present. Bob Blaszak sat with the Board and 1st showed that the house was on an undersized lot and did not conform to the rear and side setbacks for an R2 residence. Their project is to take away the existing front entrance stoop and replace it with a fully covered porch that would run the length of the house's footprint (24 ft), and extend 8 feet closer to the front of the property. Robert showed on a surveyed site plan that the new porch would not go any further into the side setbacks and that there was still 49 feet of space between the proposed new front of the house and the lot's front setback.

3. One letter was read at the hearing from an abutting neighbor supporting the applicant's request.

4. George 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.

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 Robert J. & Lorraine E. Blaszak of 23 Pankhane Street to construct an 8 X 24 foot front porch addition to a pre-existing, nonconforming residence.

(Kris Chvatal)

(Gail Barmakian)

(George Warren)

(Joseph Re)

(Jane Lofgren)

Received and filed in the Office of the Town Clerk:

Date:_____