

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

April 30th, 2009

Re: Application of Laura J. Hairston, 20 Pulpit Rock Road, Oak Bluffs, Ma.
Map 43, Lot 14

Applicant is seeking a **Special Permit** to increase the height of a pre-existing, nonconforming residence in the 2nd floor bedroom area by six (6) feet.

A. Background

1. By application received March 27, 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 April 30th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal; Gail Barmakian; Jane Lofgren and Peter Palches were present. Representing the applicant was Gene Erez from Cornerstone Builders. He told the Board that there is no change to the footprint of the residence and only that the wall height will go up another 6 feet to give the existing bedrooms on the second floor more head height. Board members looked at the site plan and noted that the existing structure is in the side and rear setback and the lot is undersized for Waterview Farms, which is R3 Zoned. Gene showed what side of the residence would be raised.

3. One letter from the Waterview Farms Association was read at the hearing supporting the applicant's request.

4. Jane made a motion to approve the plans as presented

5. The Board voted to add six feet in height the current residential structure
The motion carried 4 – 0.

C. Decision

6. 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

7. 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 height addition was deemed minor and there was a letter of support from the neighborhood association.
- 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 Laura J. Hairston of 20 Pulpit Rock Road allowing an increase in the height of a pre-existing, nonconforming residence in the 2nd floor bedroom area by six (6) feet.

(Kris Chvatal)

(Gail Barmakian)

(Jane Lofgren)

(Peter Palches)

Received and filed in the Office of the Town Clerk:

Date:_____