

Zoning Board of Appeals
Town of Oak Bluffs

Kris Chvatal, Chairman

Members:

Gail Barmakian

Jane Lofgren

Michael Underwood

George Warren

Associate Members:

Joseph Re

Peter Palches

NOTICE OF DECISION

April 9th, 2009

Re: Application of Wendy K. Mariner, 27 Sengekontacket Rd, Oak Bluffs, Ma.
Map 48, Lot 54

Applicant is seeking a **Special Permit** for a sunroom, mudroom and covered porch entrance to a pre-existing, nonconforming residence.

A. Background

1. By application received March 19, 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 9th 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. Architect Chuck Sullivan, Wendy Mariner and her husband Tom sat with the Board and 1st showed that the house was on an undersized lot and did not conform to the front setback for an R3 residence. A site plan revealed that the house is 33 feet from the front of the property and the lot does not have 60,000 square feet. The proposed sun and mudroom additions would not encroach into existing setbacks but the covered entryway would reduce the front setback from 33.7 to 30.3 feet.

3. There were eight letters of support for the project from neighbors. One neighbor spoke of every member of the Sengekontacket neighborhood needing to come before the board because the entire subdivision does not conform to today's zoning.

4. Gail made a motion to approve the project as proposed with a condition that the entry porch remains open and does not become habitable space

5. The Board voted to approve the sunroom, mudroom and covered porch entrance. The motion carried 5 – 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.

E. 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 applicants have the right to apply for a special permit under zoning by-law 3.5.5
- b. The alterations to the residence were deemed minor and being done on the opposite side of the house where there is the one and only nonconformity
- c. There were letters written from abutters and neighbors supporting the proposed renovation of the existing home;
- d. 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 Wendy K. Mariner of 27 Sengekontacket Road allowing a sunroom, mudroom and covered porch entrance with the one condition that the entry porch remains open and does not become habitable space

(Kris Chvatal)

(Gail Barmakian)

(George Warren)

(Joseph Re)

(Jane Lofgren)

Received and filed in the Office of the Town Clerk:

Date:_____