

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

March 12th, 2009

Re: Application of Louis Wilson, 15 Vanessa Way, Oak Bluffs, Ma.
Map 18, Lot 22

Applicant is seeking a **Special Permit** for a roof height exceeding the Coastal District regulation of 24 feet from mean natural grade.

A. Background

1. By application received February 20, 2009 from the Town Clerk's office, a hearing was requested from the applicant on his request before the Board of Appeals.

B. Summary of Meeting

2. On March 12th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal; George Warren; Gail Barmakian; Joe Re; and Peter Palches were present. Architect Tristram Metcalf and engineer George Sourati represented Louis Wilson. The applicant was coming before the board to ask for an 18" over height allowance for the roof in the Coastal District. Tristram stated that the 1 ½ story cottage approved by the Cottage City Historic District Commission also had to be raised up another 18" at the Conservation Commission's request to meet flood plain restrictions. In addition, the applicant was considering a change from stick built to modular which also necessitates the roof height change. He said the proposed additional height is to maintain the aesthetic look that the CCHDC wanted for the overall exterior look of the residence.

Gail asked why the change from stick to modular. Tristram said it was a cost consideration. There was discussion on allowing the special permit to be for each construction style. There was also discussion on how to accommodate the Commission's flood zone regulation for residences to be 10 feet above the flood plain.

3. There was no correspondence to be read at the hearing. Three neighbors spoke in favor of the newly designed home replacing the worn down existing one.

4. Gail made a motion to approve the residential pitched roof being 18" above the 24 foot limit in the Coastal District with a condition that a change from stick to modular

construction will not change either the footprint or dimensional measurements of the proposed new residence.

5. The Board voted to approve a roof height exceeding the Coastal District regulation of 24 feet from mean natural grade. 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 9.1.7a;
- b. There was justification for additional roof height because of the flood plain regulations;
- c. Several community review boards have determined that the new residence fits into the neighborhood;
- d. There were statements made from abutting neighbors supporting the proposed renovation of the existing home;
- e. Height and obstructed views did not seem to be a factor.

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 Louis Wilson of 15 Vanessa Way allowing the construction of a new residence to have a pitched roof being 18” above the 24 foot limit in the Coastal District with a condition that the change from stick to modular construction does not change either the footprint or dimensional measurements of the proposed new residence.

(Kris Chvatal)

(Gail Barmakian)

(George Warren)

(Joseph Re)

(Peter Palches)

Received and filed in the Office of the Town Clerk:

Date:_____

