

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 Edgar H. Howells, Jr., 16 Calves Pasture Lane, Oak Bluffs, Ma.
Map 57, Lot 42

Applicant is seeking a **Special Permit** for a single story addition and enclosure of a porch to a pre-existing, nonconforming residence.

A. Background

1. By application received February 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 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. Tom Carberry from Sam Sherman Associates represented the Howells. He showed that the residence does sit on a conforming lot for the R3 District and having one nonconforming setback issue. The proposal calls for enclosing an existing porch and a single floor addition of 162 square feet. He said they wanted to enclose the existing porch and using it as an interior stairway and creating a 9 X 18 foot single story addition to the current gable roof end of the house. Tom said the renovation scheme is to make the house more watertight.

-Kris pointed out that the changes do not occur where the house has a setback issue of 37' 9" instead of 50.

-Tom showed photographs of what the current house looks like and how the proposed changes will affect the exterior views to the neighborhood.

3. There was no correspondence to be read at the hearing. One abutting neighbor spoke in favor of the newly designed home.

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

5. The Board voted to approve the 162 square foot single floor addition and enclosure of the existing porch. 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 statements made from abutting 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 Edgar & Judith Howells of 16 Calves Pasture Lane allowing the alteration of a pre-existing, nonconforming residence to include a porch enclosure and a 162 square foot single floor addition.

(Kris Chvatal)

(Gail Barmakian)

(George Warren)

(Joseph Re)

(Peter Palches)

Received and filed in the Office of the Town Clerk:

Date:_____