

# Zoning Board of Appeals Town of Oak Bluffs

Kris Chvatal, Chairman

Members:

Gail Barmakian

Jane Lofgren

George Warren

Michael Underwood

Associate Members:

Joseph Re

Peter Palches

## NOTICE OF DECISION

January 15th, 2009

Re: Application of Linda Shapiro, Trustee, Skladzien Family Trust, 115 Winemack Street, Oak Bluffs, Ma. Map 2, Lot 13

Applicant is seeking a **Special Permit** under zoning by-law 3.5.5 to add a 4 season sunroom and kitchen addition to a pre-existing, nonconforming residence.

Chairman Kris Chvatal opened the hearing for the applicant at 5:40pm. He read the notice of public hearing, introduced members sitting and offered the floor to the applicant to make a presentation. Builder Mike Jackson represented the applicant. It was explained that the residence was nonconforming because it has less than 20,000 square feet for an R2 property and the front of the residence is 22 feet from the front and not 25. Mike explained that there would be a 10 x 10 foot four season sunroom added to the northeast corner of the residence. He also said there would be a 9 x 6 kitchen addition on the southeast corner of the house. He showed pictures of the current home and where the additions would go. Mike said that the project will also involve some renovation of the home because of its age and rot issues. He explained that the applicant is having the work done because she intends on taking the inherited home as a year round residence. Mike also said the roof on the kitchen addition will have to change as well.

Gail asked about the proposed addition lines on the site plan. Mike said he drew them in on the advice of the civil engineer who produced them. Gail said the plan should have the engineer's proposed dimensional additions as well. There was discussion on having the correct "to scale" dimensions on an engineered site plan so that the building department can keep track of what's approved. It was noted that both additions were within existing setbacks for the side and rear of the home and that no new nonconformity was being added to the footprint.

The Chairman opened the floor for public comment. No one spoke for or against the proposed additions. Kris read a letter of support from Leila Carroll from 121 Winemack Street.

The Chairman closed the floor for Board discussion at 6:00pm.

In its findings, the Board agreed that the applicant needed to apply for a special permit because the proposed additions are altering a pre-existing, nonconforming residence. By consensus the Board agreed that a special permit does apply under the 3.5.5 by-law. In the discussion, Board Members stated the additions are on the back side of the house where the

house conforms to setbacks and with no neighbor objection the project does not appear to be more detrimental to the neighborhood than what currently exists.

A motion was made and seconded for a special permit under 3.5.5 The 5 – 0 vote was unanimous in granting the special permit.

The applicant's representative was instructed that any further changes, no matter how minor, had to be brought back to the Board for approval.

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, you 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 Linda Shapiro at 115 Winemack Street to install a 4 season sunroom and kitchen addition to a pre-existing, nonconforming residence.

\_\_\_\_\_  
(Kris Chvatal)

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(Joe Re)

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(Peter Palches)

\_\_\_\_\_  
(George Warren)

\_\_\_\_\_  
(Gail Barmakian)

Received and filed in the Office of the Town Clerk:

Date:\_\_\_\_\_