

Zoning Board of Appeals  
Town of Oak Bluffs

Kris Chvatal, Chairman

Members:

Derek Tipton

Joe Re

George Warren

Peter Palches

Associate Members:

Andrea Rogers

Peter Yoars

NOTICE OF DECISION

January 21<sup>st</sup>, 2010

Re: Application of Ronald W & Bonnie J Kenny, 6 Pulpit Rock Road, Oak Bluffs,  
MA. Map 43, Lot 2

Applicant is seeking a **Special Permit** to build a 20 X 24 foot two floor addition and entryway on to a pre-existing, nonconforming residence.

A. Background

1. By application received December 28, 2009 from the Town Clerk's office, a hearing was requested from the applicants on the request before the Board of Appeals.

B. Summary of Meeting

2. On January 21<sup>st</sup> Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, Joseph Re, Peter Palches, Derek Tipton and Andrea Rogers were present. Representing the applicants was architect Architect Greg Milne and Ron Kenny. They first explained to the board that the house is in the Waterview Farm subdivision. Greg pointed out the nonconforming aspects of the residence and lot size. The application asks to build a two floor addition and entryway onto the house. Kris read the approval letter from the Waterview Association. The existing square footage of the residence and the proposed additional footage were discussed. Ron pointed out that the existing deck would remain. Board members were shown that the addition is on the side of the house facing towards Osprey Lane and does not encroach toward any neighbor. Adam stated that the applicant had Board of Health approval for the proposed additional bedroom. -There was discussion on the trees taken down by the next door neighbor. Kris reminded the board that the subdivision is R-3 and that no resident can conform to R-3 requirements for 60,000 sq. foot lots and 50' setbacks. The proposed plan showed a decrease in the side setback going from 47.2 → 28.3 feet and the rear setback from 29.9 → 20.5 feet. The height of the residence goes from 21'9" → 22'10". Kris said prior applications from Waterview have been approved using R-2 guidelines.

3. No one spoke either for or against the project during public comment. A letter of complaint about noise from Richard Conrad from 8 Pulpit Rock Rd. was read by Ron. He and the board discussed the minimal rental history of the property.

4. Peter made a motion to approve the plans as presented. The motion carried 5 – 0.

#### C. Decision

5. 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

6. 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 residence is on a large enough lot and the addition does not overburden it.
- 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. Any changes to the project receiving a special permit, no matter how minor, have to be brought back to the Board for further approval.

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 Ronald W & Bonnie J Kenny of 6 Pulpit Rock Road to build a 20 X 24 foot two floor addition and entryway on to a pre-existing, nonconforming residence.

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

\_\_\_\_\_  
(Andrea Rogers)

\_\_\_\_\_  
(Derek Tipton)

\_\_\_\_\_  
(Peter Palches)

\_\_\_\_\_  
(Joe Re)

Received and filed in the Office of the Town Clerk:

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

