

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

February 18th, 2010

Re: Application of Elinor P Hackney, 21 Pennacook Ave, Oak Bluffs, MA.
Map 10, Lot 95

Applicant is seeking a **Special Permit** to convert an existing nonconforming accessory structure into a guest apartment with less than 7,500 sq. feet of open space on the lot which is unpaved and unoccupied by any structure.

A. Background

1. By application received January 29, 2010 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 February 18th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, Joseph Re, Peter Palches, Derek Tipton and George Warren were present. Architect Doug Ulwick said the Reed's have owned the property since the 1960's. Doug showed a site plan that shows the lot doesn't have 7,500 square feet on it. He said the lot does have four parking spaces which, in the neighborhood is at least two more than what most people have. He said it's a nonconforming two car garage which will be turned into a one bedroom apartment. He said he has all the necessary sign offs from wastewater, water department and Cottage City Historic District. Doug showed that the conversion won't change the existing setbacks. There will be a monitor cupola added to the garage but there won't be any change to the garage other than replacing one of the doors with windows. He said the additional loft space is 66 sq. feet. Doug said the intent for the owner is to live in the guest house during the summer and rent out the main residence. He showed on the plan an entry court patio area to create privacy between the main and guest house. There was talk of the main house being a single family home. Doug showed there was a vacant lot behind the garage. Doug talked about how the project works in a modest fashion by not moving the garage and simply renovating it.

3. During public comment, Bill Reagan from Pequot Avenue spoke of his support for the project. Doug submitted correspondence from direct abutters approving of the proposed plans.

4. Joe made a motion to approve the plans as presented. The motion carried 4 – 1.

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 3.4.3;
- b. There are other homes in the neighborhood that also have detached accessory dwellings despite the fact that none meet the open space condition;
- c. The applicant is seeking permission to convert a garage that doesn't add any additional buildings to the town;
- d. The applicant has gotten approvals from other review boards allowing the conversion.

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 Elinor P. Hackney to convert an existing nonconforming accessory structure into a guest apartment with less than 7,500 sq. feet of open space on the lot which is unpaved and unoccupied by any structure.

(Kris Chvatal)

(George Warren)

(Derek Tipton)

(Joe Re)

Received and filed in the Office of the Town Clerk:

Date:_____