

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

March 4th, 2010

Re: Application of Alan Hobart & Kathleen Conway Terrence, 9 Wood Duck Way, Oak Bluffs, MA. Map 48, Lot 36

Applicants are seeking a **Special Permit** for an alteration and addition to a pre-existing, nonconforming residence

A. Background

1. By application received February 1, 2010 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 March 4th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, George Warren, Peter Palches, Derek Tipton and Andrea Rogers were present. Builder Chip Mitchell and Alan Hobart presented a plan to alter the house and repair it after it had been damaged a year ago. The addition is incorporated into repair of the main house. Chip stated that the addition will reduce the nonconforming rear setback that is currently 0 feet to 2.5 feet. He also pointed out that there will be another addition adding a second floor to another part of the residence that cantilevers out over the property. The project proposes to build a 14 X 31foot 1st floor addition using part of an existing carport that will add a new kitchen and office and a 17 X 26.5 foot 2nd floor addition which will add another bedroom & bath to the residence.

3. In the time for public comment, Gary Shriver, a direct abutter, spoke of his support. Five letters of support for the project were read.

5. Peter made a motion to approve the plans as presented. 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.

D. 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 zbl 3.5.5;
- b. the applicants are showing a reduction in the existing nonconformity. The requested changes do not appear to overburden the lot;
- c. The total increase in new living space (650 square feet) was deemed to be not substantially more detrimental to the neighborhood than what currently exists.

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 Alan Hobart & Kathleen Conway Terrence for an alteration and addition to a pre-existing, nonconforming residence at 9 Wood Duck Way

(Kris Chvatal)

(Andrea Rogers)

(Derek Tipton)

(Peter Palches)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date:_____

