

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

April 29th, 2010

Re: Application of Pamela D. Bundy, 11 High Meadow Lane, Oak Bluffs, MA.
Map 35, Lot 39

Applicant is seeking a special permit to add a two car garage and enclose an existing deck to a pre-existing, nonconforming residence.

A. Background

1. By application received April 13, 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 April 29th 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. Architect Darren Reubans from Terrain Associates and Pamela came before the board. Darren showed that the house did not meet the side and rear setbacks for an R2 residence. He also showed that there is also a shed that is over the property line in a "greenbelt" conservation area.

Darren said that of the 24 houses between the entrance to the subdivision and the applicant's house, 14 have attached two car garages. He showed pictures of other homes in the Meadow View neighborhood that have the same typical style of garage with habitable space above that they are applying for. He said an additional 584 sq. feet was being added to the 1st floor of the residence and 624 sq. feet on the 2nd floor. The additional living space on the 2nd floor is to expand the current master bedroom. The height of the structure remains the same at 29 feet. He said there are currently 4 bedrooms. Darren said that enclosing the deck will only be to increase the living room area. Pamela said the expansion is to accommodate having more room for family members that visit. Darren stated that the current nonconforming rear setback where the deck sits is 18 ½ feet from the property line and the proposed garage addition will reduce that rear setback down another 8 feet.

3. In the time for public comment, Kris read correspondence from James & Helen Donahue at 13 High Meadow Lane letter objecting to the proposed plans. A letter was read from

Stephen Robinson of the Meadow View Farm's Property Association Architectural Approval Committee that also objected to the proposed changes as the garage intrudes upon setbacks and other exterior architectural features. Kris read a letter from Darren to the MVF committee outlining the exterior features they would comply with in order to obtain approval. Kris asked if anyone wished to speak on the application. Fred Roven, whose real estate brokerage represents the Bundy's, stated that the addition will make the house look more like the other houses in the neighborhood. Darren proposed that the existing shed, which is over the property line, could be moved to a conforming spot on the property as a condition for approval.

4. George made a motion to approve the plans as presented with a condition that the nonconforming shed be relocated to a conforming part of the lot. 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 applicant has the right to apply for a special permit under zbl 3.5.5;
- b. The abutting neighbor most affected by the proposed changes is silent;
- c. The neighbor who objects is on the other side of the property's proposed changes;
- d. The open space nature of the lot and the greenbelt behind it can allow for further expansion into the setback.
- e. The applicant's request to alter and add to the existing structure is 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 Pamela D. Bundy to add a two car garage and enclose an existing deck to the pre-existing, nonconforming residence at 11 High Meadow Lane.

_____	_____
(Kris Chvatal)	(Andrea Rogers)

_____	_____
(Derek Tipton)	(Peter Palches)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date:_____