

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 Lynn E. Howell, 12 Vineyard Avenue, Oak Bluffs, MA. Map 11, Lot 219

Applicant is seeking a special permit to expand the sunroom and existing kitchen and add additional 2nd floor space to a pre-existing, nonconforming residence.

A. Background

1. By application received April 2, 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 Joe Re were present. Architect Chuck Sullivan explained that the applicant is looking to expand a sunroom and existing kitchen and add additional 2nd floor space to a pre-existing, nonconforming residence. He said that the residence is on a conforming lot but doesn't meet the front setback for an R1 residence. Chuck explained that the additions don't add anymore to the existing side and rear setbacks. He explained that some of the space will go from one to 2 story additional space. He said the number of bedrooms will be moved upstairs but the bedroom count (3) remains the same. Chuck said there is 500 sq. feet in additional living space and 114 sq. feet in deck space.

3. In the time for public comment, Kris read correspondence from 2 abutting neighbors who approved of the proposed plans. He asked if anyone wished to speak on the application. No one did.

4. 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 applicant has the right to apply for a special permit under zbl 3.5.5;
- b. The proposed alteration and addition is not substantially more detrimental to the neighborhood than the existing nonconforming residence.

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 Lynn E. Howell to expand the sunroom and existing kitchen and add additional 2nd floor space to a pre-existing, nonconforming residence at 12 Vineyard Avenue.

(Kris Chvatal)

(Joe Re)

(Derek Tipton)

(Peter Palches)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date:_____