

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

June 24th, 2010

Re: Application of Maurice O'Connor, 79 Linton Avenue, Oak Bluffs, MA. Map 7, Lot 117

Applicant is seeking a special permit to add a 791 square foot addition to a pre-existing, nonconforming residence.

A. Background

1. By application received June 7, 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 June 24th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, George Warren, Andrea Rogers, Derek Tipton and Joe Re were present. Owner Mo O'Connor explained that the lot is undersized and the existing structure is in the setbacks. Kris saw from the site plan that the residence is 15 feet from the front of the lot and 10 feet from the rear. Mo said the plan is to replace the kitchen and add a second floor for a master bedroom and a bathroom and a couple of closets. Kris asked about current building height. Mo said it's 13 – 14 feet. The proposed addition would raise the roof height to 22 feet.

3. In the time for public comment, Kris read correspondence from a direct abutting neighbor, Frank Redd of 10 County Road, who approved of the proposed plans. He asked if anyone wished to speak on the application. No one did.

4. Derek 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 zbl 3.5.5;

b. The proposed 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 Maurice O’Connor to add a 791 square foot addition to a pre-existing, nonconforming residence at 79 Linton Avenue.

(Kris Chvatal)

(Joe Re)

(Derek Tipton)

(Andrea Rogers)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date:_____