

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

July 15th, 2010

Re: Application of Angela P. Laiken, 425 Barnes Road, Oak Bluffs, MA. Map 36, Lot 6.1

Applicant is seeking **Special Permits** to add an addition on to a pre-existing, nonconforming residence that is in the Shore Zone of the Coastal District.

A. Background

1. By application received July 6th, 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 July 15th Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, George Warren, Peter Yoars, Derek Tipton and Joe Re were present. David Laiken and his son Eli sat with the board and 1st explained that the house and lot are all nonconforming. The proposal is to convert an existing patio porch into a three season sun room. The site plan showed that the house is in the shore zone. David stated that they had met with the Conservation Commission and their plan has been approved.

Kris said the board should consider two separate permits under 3.5.5 because the residence is nonconforming and 9.6.1 because the structure is in the Coastal District.

3. In the time for public comment, No one spoke either for or against the proposed change to the residence and there was no correspondence to be read.

4. Kris then asked for a consideration of a special permit to alter and add to the pre-existing, nonconforming residence under zoning by-law 3.5.5. Board members reviewed the nonconforming aspects of the residence and stated that the proposed sun room would not create a new nonconformity.

5. Joe 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 is not substantially more detrimental to the neighborhood than the existing nonconforming residence.

E. Summary of Meeting Pt. II

8. Board members made a determination that the alteration to the residence does not increase the plumbing facilities nor requires an increase in the sanitary disposal system.

9. Peter made a motion to approve the plans as presented. The motion carried 5 – 0

F. Decision

10. 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.

G. Reasons/Findings

11. 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 9.6.A.1;
- b. The application appears to have no additional plumbing or increase in sanitary disposal facilities in the Shore Zone of the Coastal District.

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 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 unanimously to grant **special permits** to Angela P. Laiken to build an addition on to a pre-existing, nonconforming residence that is in the Shore Zone of the Coastal District at 69 Brush Pond Road.

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| (Kris Chvatal) | (Joe Re) |

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| _____ | _____ |
| (Derek Tipton) | (Peter Yoars) |

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| _____ |
| (George Warren) |

Received and filed in the Office of the Town Clerk:

Date:_____