

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

August 26th, 2010

Re: Application of Ramon R. and Sheila R Elliott, 30 Graham Avenue, Oak Bluffs, MA.
Map 8, Lot 251

Applicants are seeking a special permit to relocate and enlarge a family room, extend a front porch, add bathrooms and a finished basement to a pre-existing, nonconforming residence.

A. Background

1. By application received August 6, 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 August 26th 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. Owners Ray & Sheila Elliott and Architect Sara Johnston explained what the nonconforming aspects of the house were. In relation to the side setbacks, the residence was only 16 and 9 feet from the property lines. She also stated the lot was undersized for an R1 residence. She stated the proposed additions will not increase any nonconformity and the 1 story addition will only extend the current setback distance. She explained that the 16 X 14' single story addition will go out the back of the structure and that the front porch extension will go to the 20 foot front setback as well. The existing side setbacks would remain the same. There was discussion on where the new bulkhead door would go. Sara said the intent of the renovations to the home was to change the floor plan around so that the living room would be in the back of the house and a bedroom in the front.

3. In the time for public comment, Kris read correspondence from Slater, who owns property within 300' of the Elliott's property asking that the proposed addition not be built on their property. Adam showed on the assessor's map that the two properties did not abut making the request moot.

Kris asked if anyone wished to speak on the application. No one did.

4. George 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. Although the lot is undersized, the proposed additions do not appear to overburden the lot;
- c. 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 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 Ray & Sheila Elliott to relocate and enlarge a family room, extend a front porch, add bathrooms and a finished basement to a pre-existing, nonconforming residence at 30 Graham Avenue.

(Kris Chvatal)

(Joe Re)

(Derek Tipton)

(Andrea Rogers)

(George Warren)

Received and filed in the Office of the Town Clerk:

Date: _____