

**Zoning Board of Appeals
Minutes of Meeting 1/16/2020
Oak Bluffs Council on Aging Building**

Members present: Andrea Rogers, Peter Yoars, Llewellyn Rogers, and Jonathan Holter
Members absent: Doug Pease

Chairman Rogers opened the meeting at 6:00 pm.

***Minutes** from December – Approved unanimously

***Next Meeting Date:** February 20, 2020 at 6 pm

RE: Zarba Appeal

John Zarba and Susan Lemoie-Zarba
14R South Street, **Map 8 Parcel 199.1**

*On January 16, 2020 at 6:00 pm, Chairman A. Rogers opened a duly posted public meeting on the application of Map 8 Parcel 153 seeking:

***To act on a remand order from the Massachusetts Land Court in case number 17 MISC 00139,
Zarba v. Board of Appeals, on appeal from an order of the Building Inspector dated November 1, 2016.***

A quorum consisting of Chairman Andrea Rogers, Peter Yoars, Llewellyn Rogers, and Jonathan Holter was present. Chairman Rogers stated that a Land Court decision issued on December 26, 2019. The board must issue a decision, reverse the building inspector's enforcement order and order the building inspector to issue a certificate of occupancy for the guest apartment.

Member L. Rogers made a motion to accept the order from the Land Court case number 17 MISC 00139 Zarba v. Board of Appeals, on appeal from an order of the Building Inspector dated November 1, 2016, and order the building inspector to issue a certificate of occupancy and Member Yoars seconded it. The board voted 4 to 0 to order the building official to issue a certificate of occupancy for the guest apartment.

RE: Ritter Project

William Ritter

10 Spruce Avenue, **Map 8 Parcel 153**

*On January 16, 2020 at 6:05 pm, Chairman A. Rogers opened a duly posted public hearing on the application of Map 8 Parcel 153 seeking:

an amendment to a Special Permit with Zoning Bylaws 3.5.5, or any action related thereto, to allow demolition and reconstruction of a pre-existing nonconforming single family dwelling located on a nonconforming lot located in Residential Zone 1 and Copeland District.

A quorum consisting of Chairman Andrea Rogers, Peter Yoars, Llewellyn Rogers, and Jonathan Holter was present. Woody Mitchell and Bill Potter, Squash Meadow represented the applicant. The existing (5936 sf) lot located in Residential Zone 1 and the Copeland District is nonconforming. This project was approved May 16, 2019 and amended on October 17, 2019 for a Special Permit to allow the construction of a nonconforming two-story single family dwelling with basement and decks. The applicant is seeking amendment to those special permits. The amendment involves the extension of a wraparound front porch (263 sf). With the amendments the new nonconforming setbacks are: front 7 feet, side 5 feet, and rear 13 feet

Chairman Rogers opened the floor to public comment. One letter in favor of the project was received from the Shabicas. Chairman Rogers closed the floor to public comment. *The board made the following findings and decision;*

Member Rogers made a finding that existing (5936 sf) lot located in Residential Zone 1 and the Copeland District is nonconforming. (Req.: 10,000 sf) The board agreed unanimously.

Member Rogers made a finding that the existing single family dwelling is nonconforming with setbacks. (Req.: 20/20/20 feet) The board agreed unanimously.

Member Rogers made a finding that the proposed two-story single family dwelling (1st FL- 1066 sf, 2nd FL-1066 sf) with basement (1066 sf) and decks (176 sf), (263 sf) is nonconforming with front (7 ft.), side (5 ft.), and rear (13 ft.) setbacks. The board agreed unanimously.

Member Rogers made finding that the proposed amendment (the extension of a wraparound front porch) to the Special Permit issued May 16, 2019 and October 17, 2019 was an improvement to the project. The board agreed unanimously.

Member Holter made a finding that the proposed single family dwelling was not substantially more detrimental to the neighborhood and does not overburden the lot. The board agreed unanimously.

Member Holter made a motion to approve the amendments to a Special Permits issued May 16, 2019 and October 17, 2019 within Zoning Bylaws 3.5.5, or any action related thereto, to allow demolition and reconstruction of a pre-existing nonconforming single family dwelling located on a nonconforming lot and Member Rogers seconded it. The board voted 4 to 0 to approve the amendments to the Special Permits issued May 16, 2019 and October 17, 2019.

RE: Henson Project

William and Mary Henson
247 East Chop Drive, **Map 2 Parcel 1.1**

*On January 16, 2020 at 6:15 pm, Chairman A. Rogers opened a duly posted public hearing on the application of Map 2 Parcel 1.1 seeking:

a Special Permit with Zoning Bylaws 3.5.5, 9.1.A, 8.1.5 or any action related thereto, to allow renovations and construction of a deck addition and enclosed stairway on a pre-existing, nonconforming on a nonconforming lot located in Residential Zone 2, the VE Zone of the Flood Plain and the Shore Zone of the Coastal District.

A quorum consisting of Chairman Andrea Rogers, Peter Yoars, Llewellyn Rogers, and Jonathan Holter was present. Tracy Smith, SBH, Inc. representing the applicant sent a letter requesting a continuance because the application was still with ConCom.

The board and applicant agreed to continue the hearing to February 20th, 2020 at 6:05 pm.

RE: Low Project

Sanford H. Low
15 Farm Pond Road, **Map 19 Parcel 27**

*On January 16, 2020 at 6:20pm, Chairman A. Rogers opened a duly posted public hearing on the application of Map 19 Parcel 27 seeking:

a Variance and Special Permit with Zoning Bylaws 4.4.2, 9.1.A, 8.1.5 or any action related thereto, to allow the construction of an accessory-studio on a nonconforming lot located in Residential Zone 3, Flood Plain and Coastal District.

A quorum consisting of Chairman Andrea Rogers, Peter Yoars, Llewellyn Rogers, and Jonathan Holter was present. Mr. Low was presented plans for an accessory structure- an artist's studio. The existing (50,000 sf) lot is undersized and located in Residential Zone 3, the Coastal District (Inland and Shore Zone) and the AE Zone of the Flood Plain. (Req.: 60,000 sf) The existing single family dwelling is conforming with all setbacks. (Req.: 50 feet) The proposed accessory structure is 256 sf and would have a ten foot setback. He wanted the structure to be close to the main dwelling. He chose the location because the structure would form a buffer between him and his neighbor. Also he did not want to block his neighbor's views.

Chairman Rogers opened the floor to public comment. Letters in favor of the project were received from Halsted Sullivan, Shirley Hall, El Edwards, Gina Cenkl, Ron Moore, Rebecca Everett, Peter Pease, and Nina Howell. Chairman Rogers close the floor to public comment.

The proposed structure will have electricity but no plumbing. The project has been approved by ConCom with an order of conditions. Chairman Rogers explained that the applicant needed a Variance and two Special Permits. The Special Permits were needed to build a structure in the Flood Plain (AE Zone) and Coastal District (Shore Zone). The Variance was needed to change the use for a garage and an artist's studio (conditioned space). The Chairman suggested that the applicant submit a letter of intent that would be reviewed by Town Counsel. The applicant will send a letter of intent to the clerk who will forward it to the chairman and Town Counsel.

The board and applicant agreed to continue the hearing to March 19th, 2020 at 6:15 pm.

RE: Kriegstein Project

Henry J. Kriegstein, Joan B. Kriegstein, Kriegstein Realty Trust
20 Hubbard Lane, Map 22 Parcel 11.1

*On January 16, 2020 at 6:45 pm, Chairman A. Rogers opened a duly posted public hearing on the application of Map 22 Parcel 11.1 seeking:

*a Variance and Special Permit with Zoning Bylaws 4.1.3, 9.1.A or any action related thereto,
to allow the construction of a nonconforming addition
to a single family dwelling located on a lot in Residential Zone 3 and Coastal District.*

A quorum consisting of Chairman Andrea Rogers, Peter Yoars, Llewellyn Rogers, and Jonathan Holter was present. George Sourati and Martin Tomassian represented the applicant. Henry and Joan Kriegstein were present. Mr. Sourati presented plans for an addition to a single family dwelling located in Residential Zone 3 and Coastal District-Shore Zone. The applicant at the last meeting requested a five-member board to be present to vote. The board only had four members present. The clerk was concerned that the application was approaching the 100-day time limit. Mr. Tomassian stated that he would send a letter waiving any time limits and suggested the date of May 21, 2020.

The board and applicant agreed to continue the hearing to February 20, 2020 at 6:30 pm.

Meeting adjourned at 7:15 p.m.

*Respectfully Submitted,
Colleen Morris, Clerk/ZBA*