



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

NOTICE OF DECISION December 29, 2021

RE: Chandler Appeal
Kerry Chandler
Kerry D. Chandler Revocable Trust
67 Dukes County Avenue Map 11 Parcel 353

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued Public Hearing on **Thursday, December 16, 2021 at 7:05pm** via an hybrid In-Person/Zoom meeting in the Oak Bluffs Library Meeting Room on the application of the referenced petitioners seeking:

a Special Permit within Zoning Section 8.1.5.2, or any action related thereto, to demolish a building located below the 100 year flood elevation and the construction of a new single family residence with associated utilities a conforming dwelling on a pre-existing and non-conforming lot in Zone B1.

DECISION: A motion was made to approve the Special Permit under Zoning Bylaw Section 8.1.5.2 to allow the demolition of a boarded up residence and the construction of a new residence on a conforming lot Zoned B1. A roll call vote was taken. The board voted 4-0 to approve the Special Permit.

Procedural History:

- On October 5, 2021, the Zoning Board of Appeals (ZBA) received an application from Kerry Chandler, Trustee of the Kerry D. Chandler Revocable Trust,
- On November 4, 2021, abutters were noticed by mail and first publication in the MV Times,
- On November 11, 2021, second notice published in the MV Times,
- On November 15, the project was referred to the Martha's Vineyard Commission as a Development of regional Impact,
- On November 19, the MVC notified the Town that they did not concur with the referral, allowing the Town to proceed with their permitting,
- On August 19, 2021 the public hearing was opened and continued each month pending decisions by other Town Boards,
- On December 16, 2021, the following findings and decision were made.

Findings of Fact: Doug Pease made the following findings.


- The applicant is seeking a Special Permit under Zoning Bylaw 8.1.5.2 to demolish the existing building and replace it with a new single family residence,
- the existing 5,227 sq. ft. lot located in Business Zone 1 is conforming. (No minimum size requirement),
- the proposed single family residence will conform to zoning with a front setback of 24 feet (5 feet required),
- the engineering requirements of zoning bylaw 8.1.5.2 are met,
- the project has been approved by the Conservation Commission, and
- the neighborhood will benefit from the removal of the old boarded up existing structure, and constructing a new house will improve the aesthetics of the neighborhood.

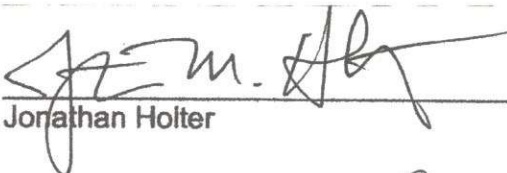
Vote:

Doug Pease moved to issue the Special Permit with the following **Special Conditions** that both a rodent inspection report and an asbestos inspection report must be prepared and submitted to the Building Inspector before a Building Permit is issued. This project is an aesthetic improvement to the neighborhood as it removes and replaces the existing boarded-up structure. Jonathan Holter seconded the motion.

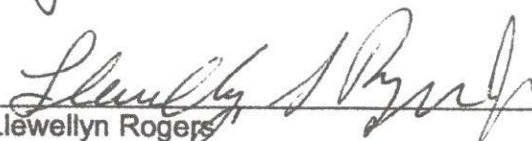
All (Andrea Rogers, Grace Guck, Lou Rogers, Jonathan Holter, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

Members sitting for the Board of Appeals at this hearing were:


Andrea Rogers


Jonathan Holter


Doug Pease


Llewellyn Rogers

/s/ Grace Guck

Grace Guck

A copy of this decision was filed in the office of the Town Clerk, on December ³⁰, 2021. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk, excepting that such timeframe may be suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020 (Covid-19).

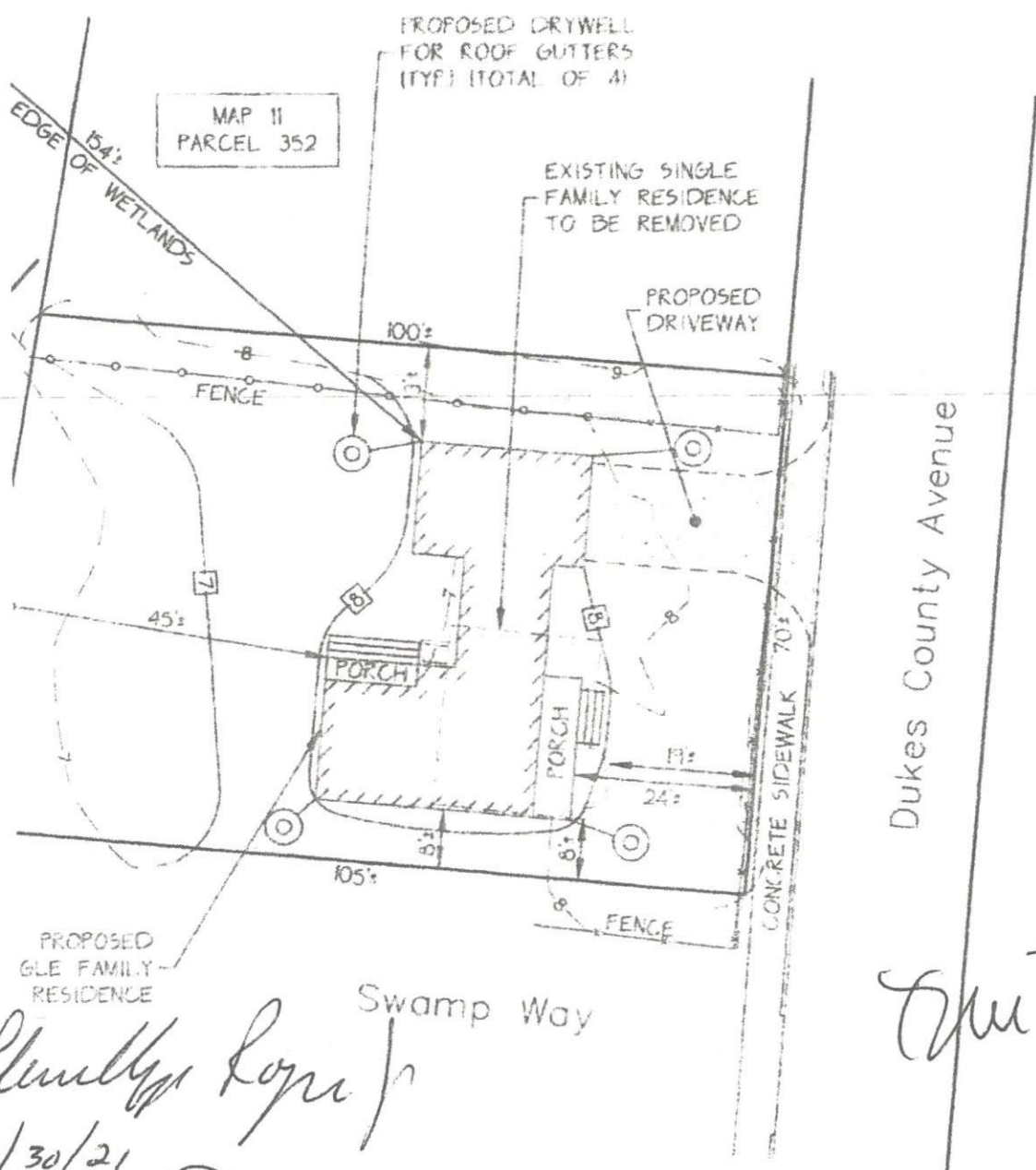
Received and filed in the Office of the Town Clerk:

Date: DECEMBER 30, 2021

I hereby certify that no appeal has been filed within the twenty-day period following the date of the filing of this decision.

Attest: _____
Colleen Morris, Town Clerk

RE: Chandler Appeal, 67 Dukes County Avenue, Map 11 Parcel 353



Shelly Lopez
12/30/21

Opriose
12/30/21

Andre Doy
12/30/21

J. M. H.
12/30/21

- NOTES:
1. LOT AREA: 7,179 SQ. FT.
 2. DATUM: NAVD 1988.
 3. THE ENTIRE LOT LIES WITHIN THE 100 YEAR FLOOD AREA, 100 YEAR FLOOD ELEVATION: 10.0 (ZONE AE) (FROM FEMA F.I.R.M. MAP REVISED JULY 20, 2016)