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October 21, 2015

Dear Board of Appeals,

ZONING BOARD OF APPEALS

We are writing to appeal a building permit granted to John and Sue Zarba on 10/13/15. The permit is for a new 750 square foot, two-bedroom guesthouse on their property at 14 South Street. We live directly next door, at 10 Davis Ave.

Please see the attached site plan (Exhibit A). Our property is Parcel 199- Map 8. As you can see from the site plan, this structure will be right next to our home, in what is currently the Zarba's back yard. From this side of the house we have 3 windows, from which we currently view mostly green space, trees, and the cemetery. See attached photos, which were taken from our living room and dining area (Exhibit F). We are currently looking at a backhoe. This guest home will crowd our neighborhood, be right outside our dining room window and be very close to our outdoor deck. All privacy will be lost. This will greatly diminish our quality of life and the value of our property.

On Saturday October 10, 2015 when we noticed a large group of trees marked in orange tape at the Zarba's house, Keith called John Zarba. He left a message on John's cell phone. We simply thought that they were planning to do some tree work. Keith left a message that we have a dead tree that we would like to take down, so we would like the name of their tree guy to take it down while he was here.

On Friday October 17, 2015 at 3:50 PM Sue Zarba returned Keith's call. They waited to call us back until after October 13th, 2015 as that is the day their building permit was granted. She informed him they are planning to build a guesthouse on their property, and said "can you believe that you can do that without telling your neighbors?" She also told him they would be putting in a second septic system for the new structure. Can you really have two septic systems on a ¼ acre residential lot?

This information came as a total shock to us. We consider this our home. We have stopped renting and have spent from May to August here with our kids, who both worked on the island for the summer. We come once or twice a month all year long as our kids are away at school, and Keith works from home, so he can work from the Vineyard, and enjoys doing that when he is not travelling for work.

By the time Keith hung up from the call with Sue Zarba the town offices were closed for the weekend, but we immediately left a phone message for Mark Barbadoro, the Building Inspector, and followed up with an email. I have enclosed the email chain as documentation (Exhibit B).

We have read the zoning bylaws for an accessory or guest apartment, and know that the Zarbas are in violation of item 3.4.2 #2 (Exhibit E) which states:

"The house must have been owner occupied by the applicant for the five previous years and must continue to be owner occupied after the conversion is allowed. An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence; seasonal occupation by the owner shall not disqualify the applicant" We are requesting the building inspector have the Zarba's sign an affidavit stating the house (14 South Street) has been owner occupied the last 5 years and will continue to be so going forward as required by the town bylaws..

We have lived next door to the Zarba's rental property since we bought our house in 2006. They have never lived in this home. In the early years, they would stay there when it wasn't rented. Their main home was in Easton, MA. Feb 2009, they bought a lot at 111 Oak Lane, West Tisbury. They then built a home there, and sold their Easton home. That is where they have been living with their son Colby.

Today, we called both the West Tisbury and Oak Bluffs Town Clerks. We found out that John Zarba is registered to vote in West Tisbury and Sue is not registered in either town. Neither of them has ever been registered to vote at 14 South Street.

We have printed up the listing for Homeaway.com for the rental of 14 South Street. It is clearly available for rent anytime (Exhibit C).

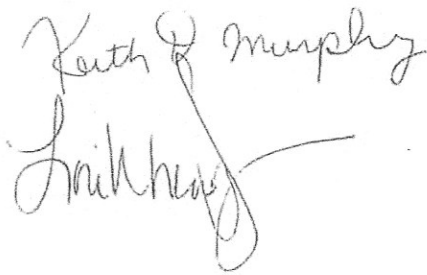
We have also enclosed a document from the home page of Premier Properties website, with some quotes from Sue Zarba highlighted (Exhibit D). She is promoting this type of real estate activity to her clients across the island. This could have severe negative consequences going forward as many residential property owners in Oak Bluffs and other towns could add guest homes to their property. Can we afford to increase the summer population by that much. Where will they all park. What about water usage? Imagine Five corners and the Triangle in August.

We would like you to stop this project from happening and consider preserving our beautiful town of Oak Bluffs, and help us to protect our neighborhood and home.

Sincerely,

Lori and Keith Murphy
10 Davis Ave
Oak Bluffs, MA

978-973-1564 (Lori)
617-803-1585 (Keith)

Handwritten signatures of Keith and Lori Murphy. The signature for Keith is written in a cursive style and is positioned above the signature for Lori, which is also in cursive and has a long horizontal flourish extending to the right.