



DEPARTMENT OF BUILDING INSPECTION

Adam Wilson, Zoning Administrator

P.O. Box 1327

Oak Bluffs, MA 02557

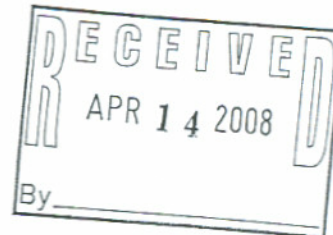
Ph. 508-693-3554 Ext. 123 Fax 508-693-5375

TO: MARK LONDON

FROM: ADAM

DATE 04/14/2008

SUBJECT: BRADLEY SQUARE DRI 612



The Bradley Square proposal has two components within the application that will test the elasticity of current zoning regulations with regards to use and setback dimensions. The first question the Board will need to address is the proposed use of the existing Denniston structure after renovation as a "cultural arts center" and "office space" in a residential district. At the present time, art galleries or studios are not allowed in any residential district. Since the renovated structure is proposed to be moved to the far end of the lot, in an area that is zoned R1, the Board will have to concur on a commercial/educational use design that is not specifically stated in the by-laws and therefore may be prohibited. At the present time only churches and schools are allowed in residential districts. Any other use would seek a variance and the Board of Appeals cannot grant a variance for use.

The second issue is the extension of B1 use into the R1 portion of the divided lot for the sole purpose of eliminating setback requirements for one of the two proposed 5 unit structures. Although there is a provision that allows such extension by special permit, the expansion of B1 has been primarily allowed for enlarging existing commercial use from Dukes County Avenue. With Bradley Square, the request allows expansion of residential use instead. The Board will have to answer if the intent of the by-law could be to accomplish that goal.

