



Town of Oak Bluffs, Massachusetts  
Office of The Board of Appeals  
P.O. Box 1327  
Zoning Board of Appeals

**NOTICE OF DECISION**      **August 20, 2020**

**RE: Schawbel Appeal**  
Josh Schawbel  
52 Eastville Avenue, **Map 7 Parcel 119**

The Oak Bluffs Zoning Board of Appeals held a Public Hearing on Thursday, August 20, 2020 at 6:30 p.m. via Zoom virtual meeting on the application of the referenced petitioners seeking:

***a Special Permit within Zoning By-Laws 3.5.5, 9.1.A and 8.1, or any action related thereto, to allow the demolition of an existing single family dwelling and detached garage, and reconstruct a two-story single family dwelling on the property located Residential Zone 1, Flood Plain Overlay District, and Coastal District -Inland Zone.***

**DECISION:**      **A motion was made to approve the Special Permit under Zoning By-Law 3.5.5, 9.1.A and 8.1. A roll call vote was taken. The board voted 4-0 to approve the Special Permit.**

**Procedural History:**

- On July 30, 2020, the Zoning Board of Appeals (ZBA) received an application from George Sourati on behalf of Josh Schawbel seeking a Special Permit under **3.5.5; 9.1A** to allow the ridge height of the single family residence 26'3" above mean grade instead of 24'; **and 8.1 in the Floodplain Overlay District** to allow the construction of a single family residence, a driveway, a sewage disposal system and associated utilities all partially located below the 100-year flood elevation.
- On August 6, 2020, abutters were noticed. First publication in the MV Times.
- On August 13, 2020, second publication notice published in the MV Times.
- On August 19, 2020, a site plan review was held with representatives of the ZBA, Planning Board, Conservation Commission and Board of Health.
- On August 20, 2020, the ZBA opened and closed the public hearing and made the following findings and decision:

**Findings of Fact:**

- The proposed construction is conforming with front, side (21) and part of rear (31) setbacks (Req.: 20 ft.)
- A portion of the existing lot is located in the 100 Year Flood Zone (AE) in the Floodplain Overlay District.
- Per Bylaw 8.1.7, a site plan review committee reviewed this plan on August 19, 2020 and all issues brought up were addressed.

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**Vote:**

*Member L. Rogers made a motion to approve a Special Permit within Zoning Bylaws under 3.5.5, 8.1 and 9.1A, finding that the proposed plans are not detrimental to the neighborhood. **In doing so, he asked George Sourati to provide a letter confirming there would not be an increase in velocity.***

*Member D. Pease seconded. A roll call vote was taken and the board voted 4 to 0 to approve the Special Permit with the condition as stated.*

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

\_\_\_\_\_  
Andrea Rogers

\_\_\_\_\_  
Peter Yoars

\_\_\_\_\_  
Doug Pease

\_\_\_\_\_  
Llewellyn Rogers

*A copy of this decision was filed in the office of the Town Clerk, on August 25, 2020. 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: \_\_\_\_\_

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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