

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

NOTICE OF DECISION **September 17, 2020**

RE: Lieberman Appeal

Michael Lieberman

8 Kenney Road, Map 7 Parcel 241.1

The Oak Bluffs Zoning Board of Appeals held a Public Hearing on Thursday, September 17, 2020 at 7:00 p.m. via Zoom virtual meeting on the application of the referenced petitioners seeking:

a Special Permit within Zoning By-Laws 3.5.5, or any action related thereto, to allow enclosing existing down well opening to crawlspace on a pre-existing, nonconforming single family dwelling; as well as a shed detached addition constructed of standard framing, a 30x80" exterior door with matching roof and siding on a conforming lot located in Residential Zone 1.

DECISION: A motion was made to approve the Special Permit under Zoning By-Law 3.5.5. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.

Procedural History:

- On August 1, 2020, the Zoning Board of Appeals (ZBA) received an application from Michael Lieberman seeking a Special Permit under Zoning By-Laws 3.5.5, or any action related thereto, to allow enclosing existing down well opening to crawlspace on a pre-existing, nonconforming single family dwelling; as well as a shed detached addition constructed of standard framing, a 30x80" exterior door with matching roof and siding on a conforming lot located in Residential Zone 1.
- On September 3, 2020, abutters were noticed. First publication in the MV Times.
- On September 10, 2020, second notice published in the MV Times.
- On September 17, 2020, the ZBA opened and closed the public hearing and made the following findings and decision:

Findings of Fact:

- The lot is conforming because it is 10,029 square feet and 10,000 square feet is required in residential zone 1.
- The property is non-conforming because one of the side setbacks is less than the required 20 feet.
- The proposed shed is located on the non-conforming side of the house.

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Vote:

Member Jonathan Holter made a motion to issue the Special Permit after finding that the increased nonconformity is not more substantially detrimental to the neighborhood than the existing nonconformity.

Member Llewellyn Rogers seconded the motion.

A roll call vote was taken and the board voted unanimously (5 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

Jonathan Holter

A copy of this decision was filed in the office of the Town Clerk, on September 23, 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: September 23 2020

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

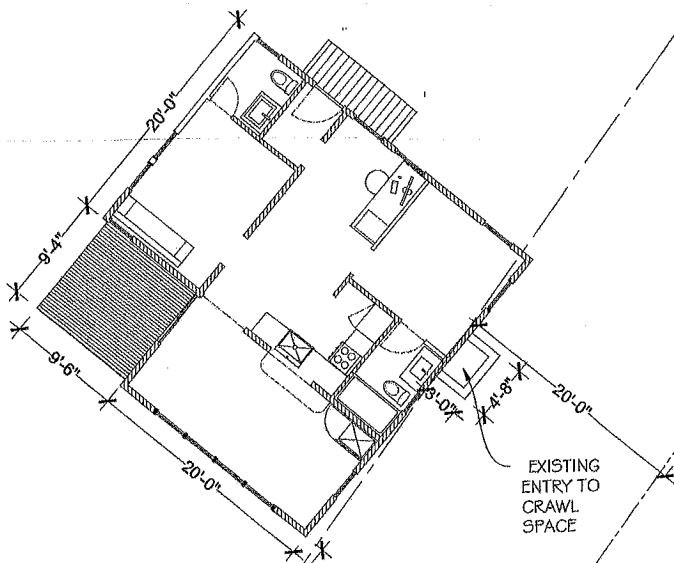
October 14 2020

Peter W. Yeans

Andre Papp

KENNEY ROAD
80'-0"

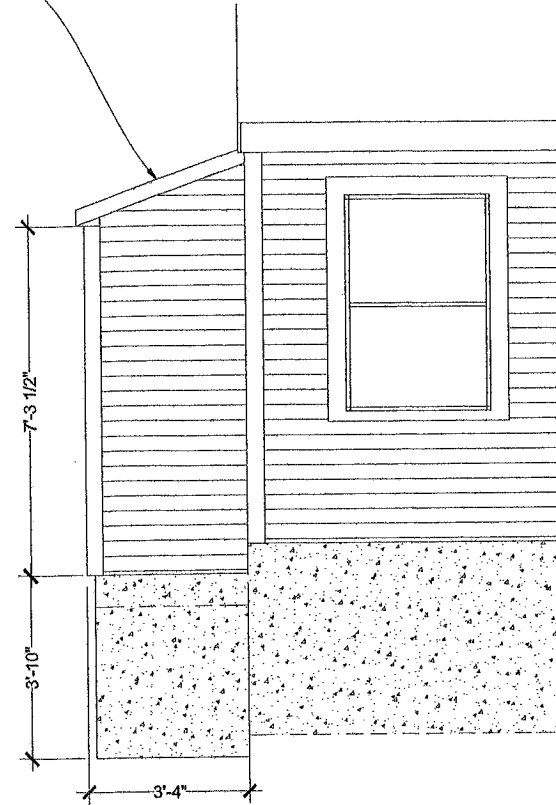
8 KENNEY ROAD
ASSESORS PARCEL
7 - 241.1



69'-8"

134'-6"

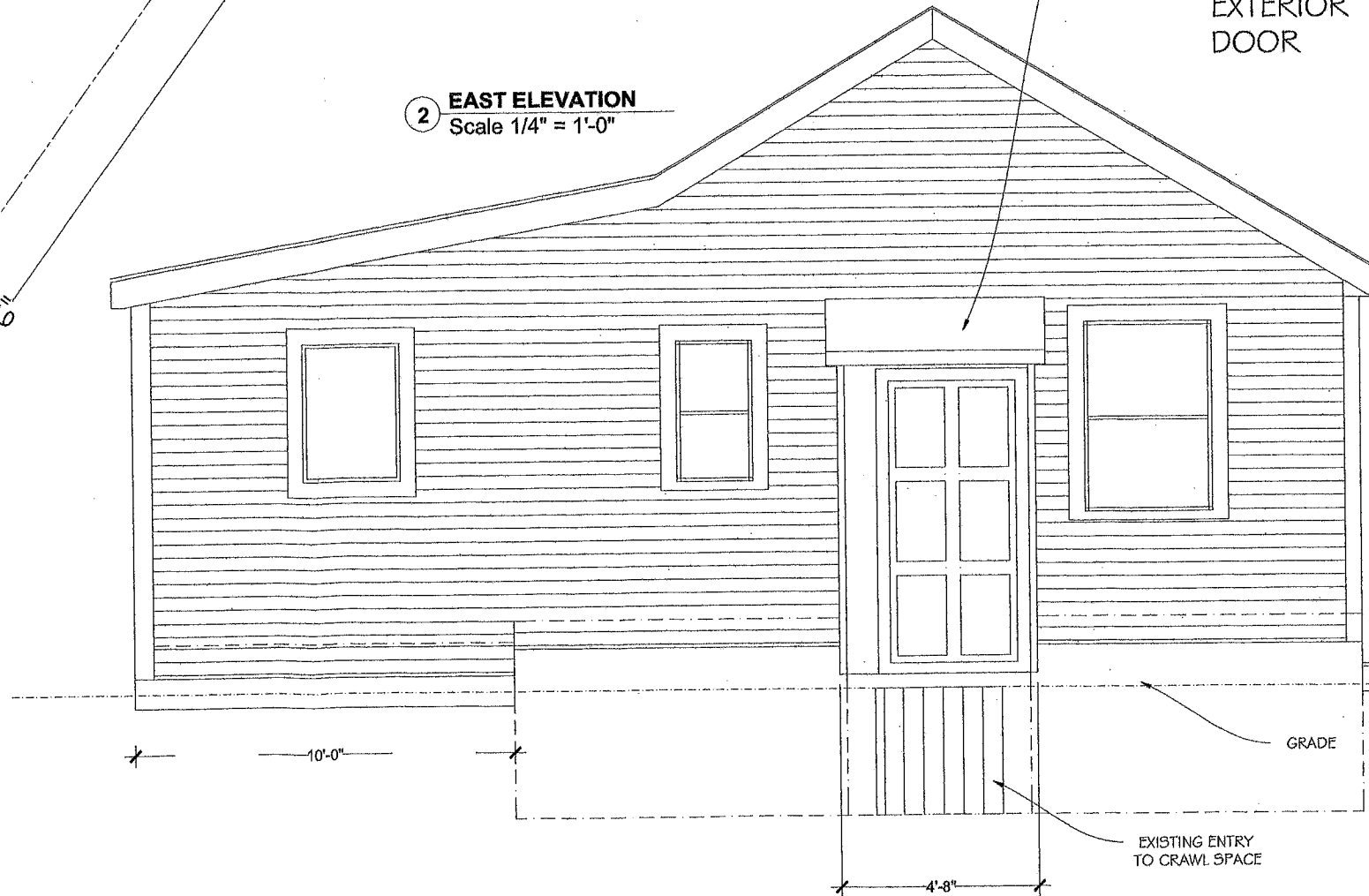
PROPOSED
BULKHEAD
ADDITION



3 NORTH ELEVATION DETAIL
Scale 1/4" = 1'-0"

PROPOSED
SHED TO
ENCLOSE
ENTRY TO
CRAWL SPACE
W/ 36X80"
EXTERIOR
DOOR

2 EAST ELEVATION
Scale 1/4" = 1'-0"



MICHAEL LIEBERMAN
BOX #3102
OAK BLUFFS, MA
02557
(508)560-1041

PROPOSED BULKHEAD ADDITION

MAP: 7
LOT: 241

MICHAEL LIEBERMAN
ADDITION AND GARAGE
8 KENNEY RD.
OAK BLUFFS, MA 02557

PERMIT:
DATE: 06.11.20
SCALE: 1" = 20'-0"

DRAWING NO.
A9