



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: Staudt Appeal

Susan W. and Thomas P. Staudt
239 East Chop Drive, **Map 2 Parcel 1**

The Oak Bluffs Zoning Board of Appeals held a Public Hearing on Thursday, September 17, 2020 at 6:45 p.m. via Zoom virtual meeting on the application of the referenced petitioners seeking:

a Special Permit within Zoning By-Laws 3.4, or any action related thereto, to allow the demolition of an existing garage with 10-foot side setback and replace at 20ft side yard setback with new garage and attached 750 sq. ft. Accessory Apartment on a conforming lot located in Residential Zone 2.

DECISION: **A motion was made to approve the Special Permit under Zoning By-Law 3.4. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.**

Procedural History:

- On August 14, 2020, the Zoning Board of Appeals (ZBA) received an application from Bruce MacNelly on behalf of Susan W. and Thomas P Staudt seeking a Special Permit under *Zoning By-Laws 3.4, or any action related thereto, to allow the demolition of an existing garage with 10-foot side setback and replace at 20ft side yard setback with new garage and attached 750 sq. ft. Accessory Apartment on a conforming lot located in Residential Zone 2.*
- 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:

- An existing 37,026 square foot lot in residential zone two is conforming because it's required to have 20,000 square feet,
- The existing garage is going to be demolished.
- The seaward part of the lot is within the Coastal District but the structure is 50 feet outside the Coastal District.
- The front setback of the proposed garage and accessory apartment is 25 feet which conforms to the zoning requirements.

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- The side setback of the proposed garage and accessory apartment is 21 feet which conforms to zoning because it is larger than the required 20 feet.
- The property has been owner-occupied since 2011.

Vote:

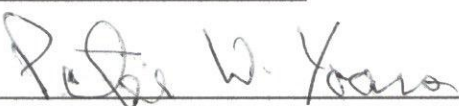
Member Llewellyn Rogers made a motion to issue a Special Permit under Zoning Bylaw 3.4 to allow demolishing the conforming garage and replacing it with a new conforming garage with an attached 750 square foot two-story accessory apartment on a *conforming lot located in Residential Zone two*, with the condition that the internal door into the garage must be eliminated to meet Zoning Bylaws. The positives of this project outweigh the negatives.

Member Peter Yoars 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).

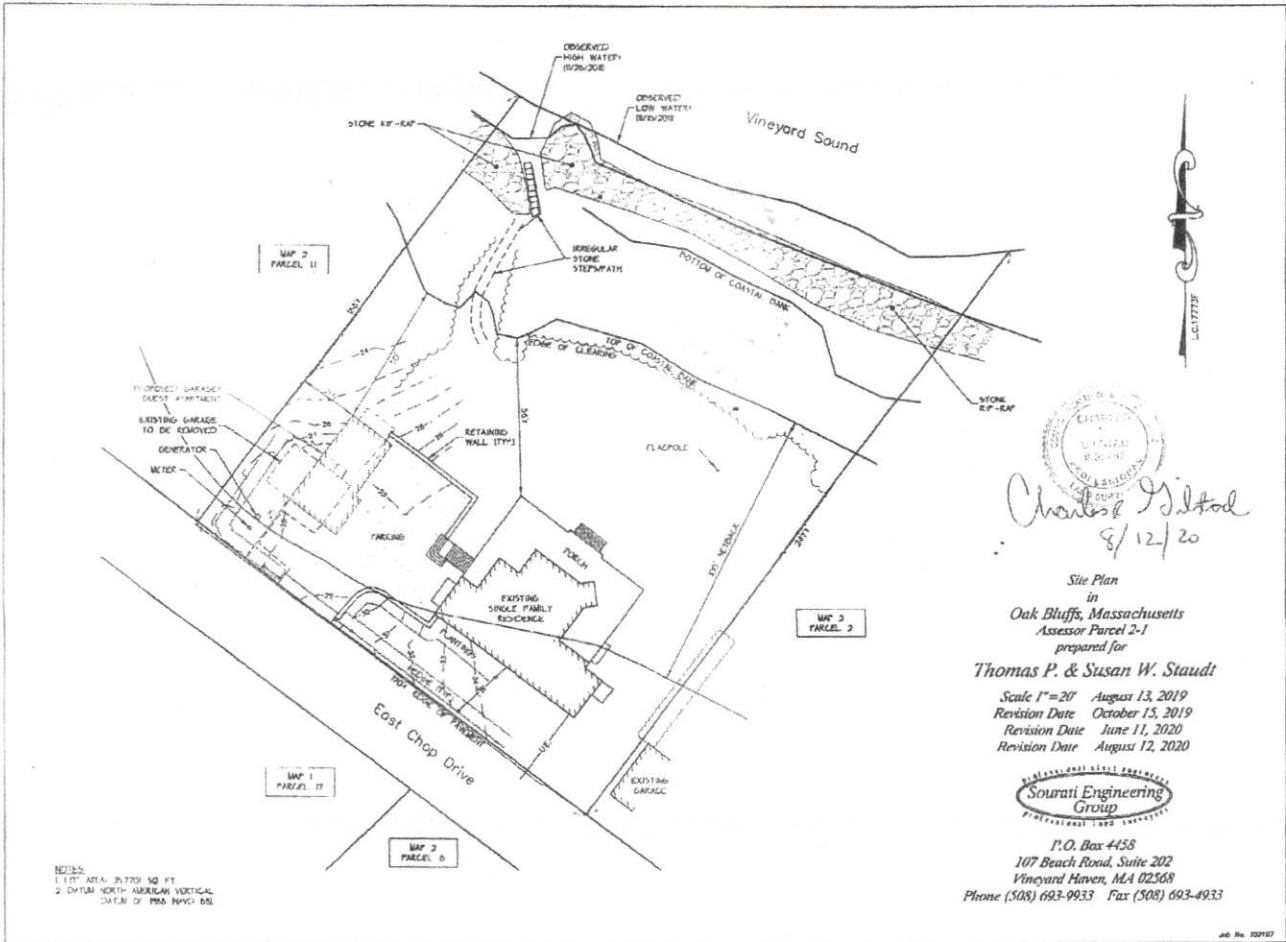
Received and filed in the Office of the Town Clerk:

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



NOTES:
 1. 1" = 20' HORIZONTAL
 2. DATUM: NORTH AMERICAN VERTICAL
 3. DATUM: OF 1988 NAD 83


 Charles J. D'Amico
 8/12/20

Site Plan
 in
 Oak Bluffs, Massachusetts
 Assessor Parcel 2-1
 prepared for
 Thomas P. & Susan W. Staudt
 Scale 1"=20' August 13, 2019
 Revision Date October 15, 2019
 Revision Date June 11, 2020
 Revision Date August 12, 2020


 Sourati Engineering Group
 PROFESSIONAL ENGINEERS

P.O. Box 4455
 107 Beach Road, Suite 202
 Vineyard Haven, MA 02568
 Phone (508) 693-9933 Fax (508) 693-4933