



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: Nania Appeal**

Michael Nania

28 New York Avenue, **Map 8 Parcel 163**

The Oak Bluffs Zoning Board of Appeals continued a Public Hearing on Thursday, September 17, 2020 at 6:25 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 accessory structure - a nonconforming one-bedroom guest apartment, and reconstruct a nonconforming two-story 597 sq. ft. guest apartment on a nonconforming lot located in Residential Zone 1.***

**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 4-0 to approve the Special Permit.**

**Procedural History:**

- On June 15, 2020, the Zoning Board of Appeals (ZBA) received an application from Michael Nania seeking a Special Permit under 3.4 to allow the demolition of an existing accessory structure - a nonconforming one-bedroom guest apartment, and reconstruct a nonconforming two-story 597 sq. ft. guest apartment on a nonconforming lot located in Residential Zone 1.
- 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 20, 2020, the ZBA opened and continued the public hearing.
- On September 17, 2020, the ZBA continued the public hearing and made the following findings and decision:

**Findings of Fact:**

- An existing 4,900 square foot lot in residential zone one is non-conforming because it's required to have 10,000 square feet,
- The existing single family dwelling is non-conforming with side and rear setbacks not meeting the required 20 and 20 foot setbacks.
- The existing one story guest apartment is non-conforming with the side setbacks at 2.9 feet and in the rear 1.2 feet where the setback is required to be to 20 feet.
- The existing accessory structure was built in 1901 according to the Assessors card,

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which means that they have to have approval from the historical district.


- The proposed guest apartment is a two story 597 square foot one bedroom guest apartment on the existing footprint but on a new foundation.
- The proposed guest apartment will provide alternative housing for the elderly residents.
- The proposed guest apartment has a height of 24 feet three inches.
- The proposed plans are not substantially more detrimental to the neighborhood.

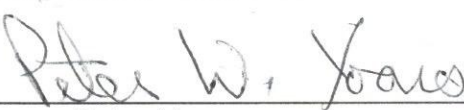
**Vote:**

Member Llewellyn Rogers made a motion to issue a special permit under Zoning Bylaw 3.4 to allow demolishing the non-conforming guest apartment and replacing it with a new non-conforming *two-story 597 sq. ft. guest apartment on a non-conforming lot located in Residential Zone one*, contingent on approval from the historic Commission.

Member Peter Yoars seconded the motion. *A roll call vote was taken and the board voted 4 to 0 (with Jonathan Holter abstaining) 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 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

Plan of Land in  
 Oak Bluffs, Massachusetts  
 Surveyed for  
 Michael J. Nania II  
 July 23, 2020 Scale 1 in. = 10 ft.

Deed Reference Book 1437 Page 1050  
 Plan Reference Plan Book 6 Page 10

Zoning District R-1

minimum lot size = 10,000 sq. ft.  
 minimum setbacks = front 20 ft. side 20 ft. rear 20 ft.

Gregory Marcella P.L.S.  
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 Oak Bluffs, Massachusetts 02557  
 774-521-5400  
 mvsurveyors@gmail.com

*Gregory Marcella*  
 Professional Land Surveyor  
 July 20, 2020  
 Date

O'NEILLY HOUSE ON FOUNDATION

