



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

NOTICE OF DECISION **February 18, 2021**

RE: Ashley Appeal
Glenda Manley Ashley
5 Canonicus Ave., **Map 10 Parcel 153**

On Thursday, February 18, 2021 at 6:07PM, Acting Chair Lou Rogers opened a duly posted and continued public hearing on the application of Glenda Ashley, Map 10 Parcel 153 seeking:

a Special Permit within Zoning By-Laws 3.5.5, or any action related thereto, to allow the demolition and replacement of existing two-story single family dwelling on an undersized lot in Residential Zone 2.

DECISION: A motion was made a motion to approve the Special Permit under Zoning By-law 3.5.5. A roll call vote was taken. The board voted 4-1 to approve the Special Permit.

Procedural History:

- On August 26, 2020, the Zoning Board of Appeals (ZBA) received an application from Glenda Ashley seeking a Special Permit under **3.5.5, to allow the demolition and replacement of an existing nonconforming dwelling in Residential Zone 2.**
- On September 3, 2020 abutters were notified and Notice first published in the MV Times.
- On September 10, 2020, the second Notice published in the MV Times.
- On September 17, 2020, the ZBA opened and continued the public hearing to get the decisions of other Town Boards.
- The hearings were continued every month while still waiting for other Board's decisions.
- At the February 18 hearing, the following decision was made:

Findings of Fact: The lot is:

- located in Residential Zone 2,
- non-conforming because the lot size is 3,920 sq. ft. while the R-2 requirement is 20,000 sq. ft.
- non-conforming because the road frontage is 46.22 ft. while the R-2 requirement is 115 ft.
- non-conforming because the existing setbacks are 0/4.8 & 8.2/17.6 ft., and the proposed setbacks are 0.9/4.8 and 6.6/17.6 ft., while the R-2 requirements are 25/20/20 ft. (front/side/rear).
- conforming because the roof height is 22ft., and will increase to 24.67ft., while the R-2 maximum is 32 ft.
- The existing front steps encroach on the road layout by 1.5ft., and the existing carport encroaches on the neighboring property by 0.7ft.
- The Conservation commission has approved this project with conditions,
- The Board of Health has approved the plans for the new septic system, and
- the Cottage City Historic District, Copeland District, and the Oak Bluffs Historic Commission have all approved this project.

Motion:

- Doug Pease moves that we approve this project as submitted with conditions.

- The ZBA finds that the alterations to the proposed house and property are not substantially more detrimental to the neighborhood than the existing non-conforming use, the neighboring houses have similar setbacks, the encroachments onto adjacent properties will be removed, and that abutters approved this project.
- Andrea Rogers seconded the motion.

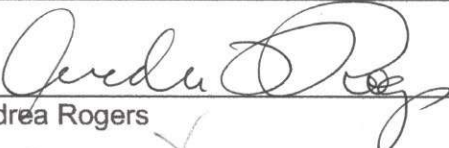
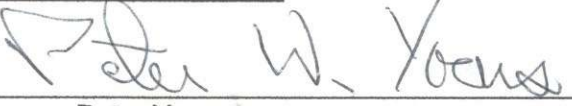
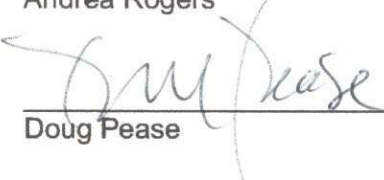
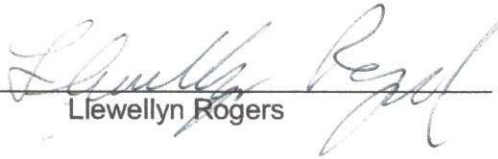
Conditions:

- The following condition was added: The applicant will send the ZBA the written decisions of all other Town Boards that have reviewed this project.

Vote:

A roll call vote was taken and the board voted 4 to 1 to approve the Special Permit with the condition as stated. Voting in favor were Andrea Rogers, Doug Pease, Peter Yoars, and Jonathan Holter, while Lou Rogers was opposed. The motion carries.

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

 Andrea Rogers	 Peter Yoars
 Doug Pease	 Llewellyn Rogers

/s/ Jonathan Holter

Jonathan Holter

February 26 2021

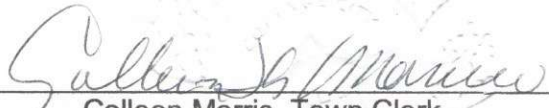
A copy of this decision was filed in the office of the Town Clerk, on ~~November 30, 2020~~. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk, excepting 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: February 26 2021

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

March 19 2021

