



OAK BLUFFS ZONING BOARD OF APPEALS
P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

NOTICE OF DECISION May 20, 2021

RE: Scotland Appeal
Glenn and Diane Scotland
48 Tuckernuck Avenue, Map 11 Parcel 92

The Oak Bluffs Zoning Board of Appeals opened a duly posted Public Hearing on Thursday, May 20, 2021 at 8:36pm via Zoom virtual meeting on the application of the referenced petitioners seeking:

a Special Permit from the Oak Bluffs Zoning Bylaws Section 3.5.5, to alter a pre-existing non-conforming dwelling, on an undersized lot in Residential Zone 1.

DECISION: **A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 – with special conditions – to alter a pre-existing and non-conforming dwelling. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.**

Procedural History:

- On April 13, 2021, the Zoning Board of Appeals (ZBA) received an application from Glenn and Diane Scotland seeking a Special Permit under Zoning By-Law Section 3.5.5, to alter a pre-existing and non-conforming dwelling in Residential Zone 1.
- The application was received and stamped by the Town Clerk on April 21, 2021,
- On May 6, 2021, abutters were noticed. First publication in the MV Times.
- On May 13, 2021, second notice published in the MV Times.
- On May 20, 2021, the ZBA opened the public hearing.
- On May 20, 2021, the ZBA made the following findings.

Findings of Fact:

- A Special Permit is requested under Section 3.5.5 of the Oak Bluffs Zoning Bylaws,
- the 3,920 square foot lot in Residential Zone 1 is undersized (10,000 feet required),
- the dwelling is non-conforming because three setbacks are less than the required 20 feet,
- the existing outdoor shower encroaches onto the adjacent unnamed avenue,
- three members (Jonathan Holter, Andrea Rogers, and Lou Rogers) visited the property, and
- that this project is not more detrimental to the neighborhood because the setbacks do not change and the renovations return this Victorian house to its Victorian roots by removing the 1970s era additions.

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Vote:

Jonathan Holter moved to approve the Special Permit with the following conditions: (1) the proposed outdoor shower is removed from the plans, and (2) the Copeland Plan Review Committee approves the plans. Doug Pease seconded the motion. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

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

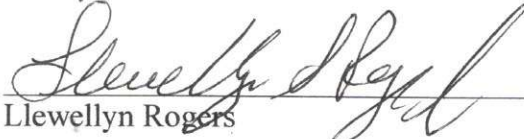


Andrea Rogers



Jonathan Holter

Doug Pease



Llewellyn Rogers



Grace Guck

A copy of this decision was filed in the office of the Town Clerk, on June 3, 2021. 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: June 3 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

