



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

**NOTICE OF DECISION      May 20, 2021**

**RE: Williams Appeal**  
Donald and Georgette Williams  
23 Tuckernuck Avenue, **Map 10 Parcel 124**

The Oak Bluffs Zoning Board of Appeals opened a continued Public Hearing on Thursday, May 20, 2021 at 6:15pm 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 the removal of parts of the pre-existing and non-conforming dwelling which will be replaced with a two-story addition within the building footprint, 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 - for the removal of the rear parts of the dwelling and the construction of a two story addition within the existing footprint. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.**

**Procedural History:**

- On March 26, 2021, the Zoning Board of Appeals (ZBA) received an application from Donald and Georgette Williams 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 March 31, 2021,
- On April 1, 2021, abutters were noticed. First publication in the MV Times.
- On April 8, 2021, second notice published in the MV Times.
- On April 15, 2021, the ZBA opened the public hearing.
- On April 15, 2021, the ZBA continued the public hearing since there were local elections that day and the ZBA is prohibited by Chapter 40A from holding hearings on an election day.
- On May 20, 2021, the ZBA continued the public hearing and made the following findings.

**Findings of Fact:**

- The property at 23 Tuckernuck Avenue is Map 10 Parcel 124,
- a Special Permit is required under Zoning Bylaw 3.5.5,
- the lot is non-confirming at 5,227 square feet (10,000sq. ft. required),
- the lot does not meet the either the frontage requirement of 80 feet or the setbacks (20/20/20ft. required),
- there currently is an encroachment onto the neighboring property to the north,
- the encroachment will be removed,
- the overall height of the building will not change and is well below the 32 foot maximum, and
- Board members Lou Rogers, Andrea Rogers, Jonathan Holter, and Grace Guck all visited the site.

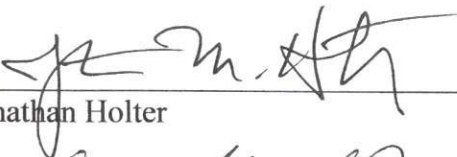
**RE: Williams Appeal, 23 Tuckernuck Avenue, Map 10 Parcel 124**

**Vote:**

*Jonathan Holter makes a motion to approve the Special Permit as presented because it is less detrimental to the neighborhood with the improved setbacks and correcting the encroachment. This approval is conditional in that approvals from the Copeland District, Wastewater Department, and the Board of Health must be provided. 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

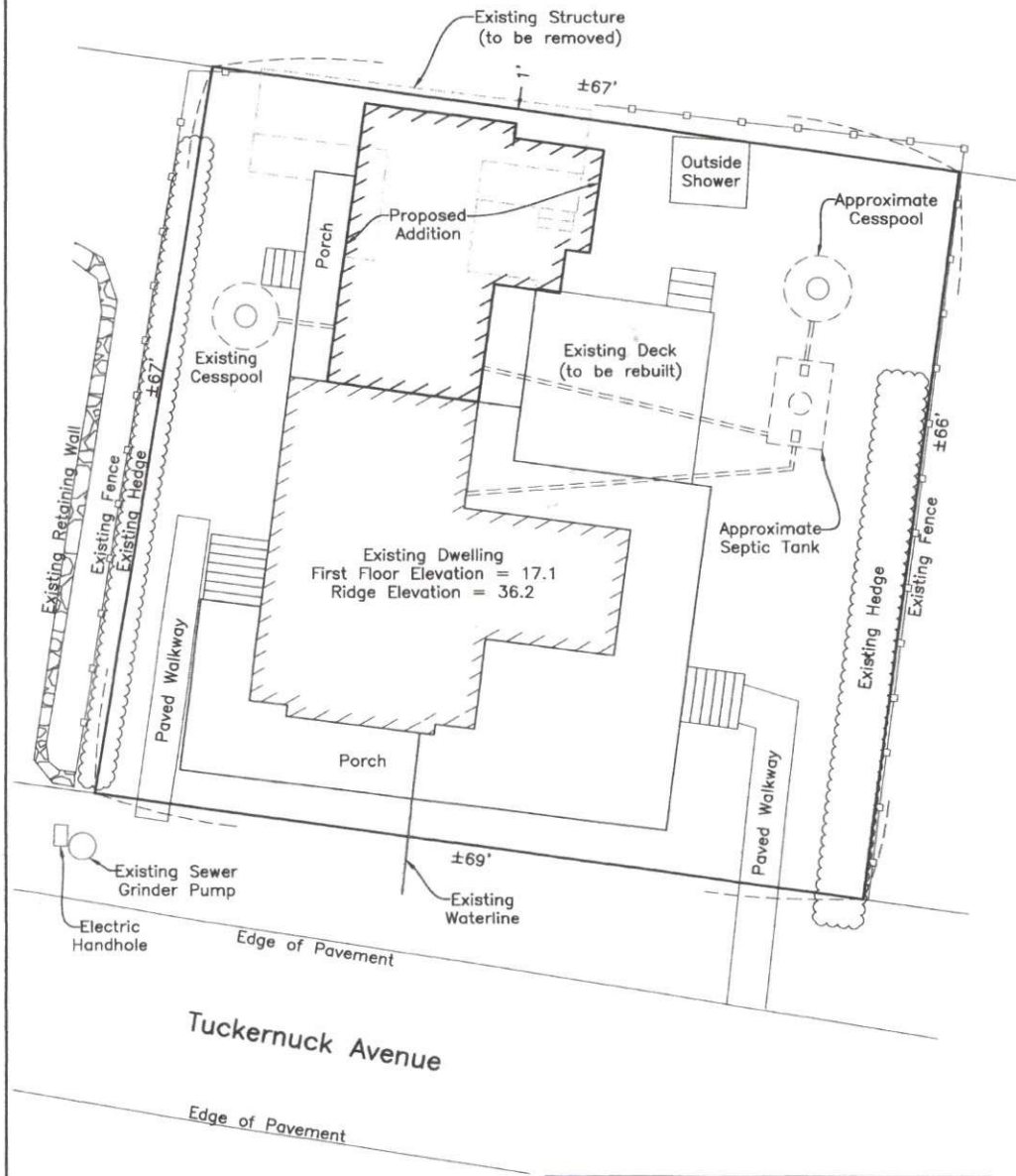
I hereby certify that no appeal has been filed within the twenty-day period following the date of the filing of this decision.

Attest: \_\_\_\_\_  
Colleen Morris, Town Clerk

**RE: Williams Appeal, 23 Tuckernuck Avenue, Map 10 Parcel 124**

**Notes:**

1. Elevation Datum N.A.V.D.88 (O.P.U.S. observation).
2. FEMA Flood Zone AE10 (Elev = 10)  
Map No. 25007C0108J (effective date July 20, 2016)
3. Existing Septic System to be abandoned and filled.
4. Existing structure to be tied into town sewer.



Site Plan of Land  
in Oak Bluffs, Mass.  
Prepared for  
Donald Williams

April 6, 2021 Scale: 1"=10'



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