



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

**NOTICE OF DECISION      March 18, 2021**

**RE: O'Connor Appeal**  
Kathleen and Michael O'Connor  
30 Sea Glen Road, Map 38 Parcel 2

The Oak Bluffs Zoning Board of Appeals opened a Public Hearing on Thursday, February 18, 2021 at 7:30 p.m. 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 expansion of the existing living room, kitchen, and bedroom on the first floor of a pre-existing and non-conforming dwelling, on an undersized lot in Residential Zone 3.*

**DECISION:**      **A motion was made to approve the Special Permit under Zoning By-Law 3.5.5. A roll call vote was taken. The board voted 4-0 to approve the Special Permit.**

**Procedural History:**

- On January 27, 2021, the Zoning Board of Appeals (ZBA) received an application from Darran Reubens on behalf of Kathleen and Michael O'Connor seeking a Special Permit under Section 3.5.5 to increase the size of their house.
- The application was received and stamped by the Town Clerk on February 8, 2021,
- On February 4, 2021, abutters were noticed. First publication in the MV Times.
- On February 11, 2021, second notice published in the MV Times.
- On February 18, 2021, the ZBA opened the public hearing.
- On February 18, 2021, the ZBA continued the public hearing so the applicant can revise their proposal.
- On March 18, 2021, the ZBA opened the continued public hearing and made the following findings and decision.

**Findings of Fact:**

- The proposed additions to the kitchen, living room, and bedroom require a Special permit under Section 3.5.5,
- the property is Zoned R-3,
- the lot is undersized with only 10,800 square feet (60,000 sq. ft. required),
- the existing house is non-conforming because of the front (31.1 feet), side (15.25 and 25.5 feet), and rear (46.5 ft.) setbacks do not meet the required 50 feet,
- The front and east side setbacks for the proposed house are unchanged,
- The western side setback is increased to 22.6 feet,
- The rear setback for the proposed house becomes conforming, with an increased setback of 50 feet,
- An abutters concern about the reduced setbacks of the first proposal were addressed in the revised proposal, which reduces the non-conformity of the existing house.

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**Vote:**

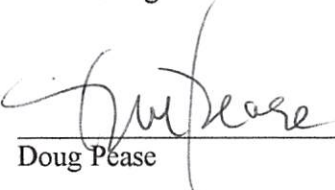
*Doug Pease made a motion to approve the Special Permit under Zoning Bylaw 3.5.5 because the proposed alterations to the house reduces the non-conformity, and so is not more detrimental to the neighborhood.*

*Jonathan Holter secondes the motion. All (Andrea Rogers, Lou Rogers, Jonathan Holter, and Doug Pease) voted in favor, so the motion passed unanimously (4-0).*

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

  
\_\_\_\_\_  
Andrea Rogers

  
\_\_\_\_\_  
Jonathan Holter

  
\_\_\_\_\_  
Doug Pease

/s/ Llewellyn Rogers  
\_\_\_\_\_  
Llewellyn Rogers

*A copy of this decision was filed in the office of the Town Clerk, on March 30, 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: 

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

