



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

NOTICE OF DECISION June 24, 2021

RE: Jenson/Blackwood Family Trust Appeal

The Bradley Roy Jenson and Carolyn Jean Blackwood Family Trust
274 Seaview Avenue, Map 19 Parcel 9

The Oak Bluffs Zoning Board of Appeals opened a continued Public Hearing on Thursday, June 24, 2021 at 6:45PM on the application of the referenced petitioners seeking:

a Special Permit within Zoning By-Laws 3.5.5 and 8.1.5.2 or any action related thereto, to allow renovation and reconstruction of the pre-existing and non-conforming dwelling and garage on an undersized lot in the Shore Zone of the Coastal District and in the Floodplain Overlay District in Residential Zone 3.

DECISION:

A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 and 8.1.5.2 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 March 15, 2021, the Zoning Board of Appeals (ZBA) received an application from Douglas Hoehn, agent for the Bradley Roy Jenson and Carolyn Jean Blackwood Family Trust, seeking a Special Permit under Zoning By-Law Sections 3.5.5 and 8.1.5.2, to alter a pre-existing and non-conforming structures in Residential Zone 3,
- 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 and continued it to May 20, 2021,
- On May 20, 2021. the hearing was continued to June 17, 2021,
- Due to a lack of a quorum, the meeting was rescheduled for June 24, 2021,
- On June 24, 2021, the ZBA made the following findings.

Findings of Fact:


- The 30,492 square foot lot is non-conforming (60,000 sq. ft. required),
- The lot is zoned Residential 3 (R3),
- The pre-existing house is non-conforming with existing setbacks of 27ft., 13 ft, and approximately 50ft (50/50/50 ft. required road/side/to water),
- The proposal does not change the setbacks for the house,
- The ridgeline of the proposed house does not change (24 feet, 32 foot maximum),
- The preexisting garage is non-conforming with existing setbacks of 27ft, 1ft, and approximately 20ft (10 ft. minimum),
- The proposed garage will be moved away from the shoreline and out of a wetland, with a side setback increased to 4ft., while the road setback remains unchanged,
- The height of the proposed garage is going to increase by 4.75 feet, to 18 feet 7 inches (32 foot maximum),
- Four Board members (Lou Rogers, Andrea Rogers, Grace Guck, and Jonathan Holter) have visited the site.

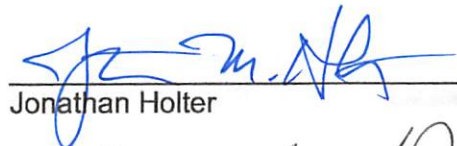
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Vote:

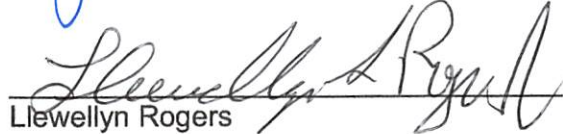
Jonathan Holter moved to approve the Special Permit after determining that this project is not more detrimental to the neighborhood since it will reduce the non-conformities by moving the garage out of the wetland and further away from the side boundary, and by eliminating the existing guest apartment in the residence. Lou Rogers adds a **condition** that a special drywell be built to handle the pool's drawdown and the backwash from the pool's filters. 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

July 8 2021

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: July 8 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: Jensen Blackwood Appeal, 274 Seaview Avenue, Map 19 Parcel 9

