



OAK BLUFFS ZONING BOARD OF APPEALS

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

NOTICE OF DECISION August 19, 2021

RE: Moujabber Appeal

Joseph Moujabber

10 Oak Bluffs Avenue, **Map 9 Parcel 34**

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued Public Hearing on Thursday, August 19, 2021 at 6:20PM on the application of the referenced petitioners seeking:

a Special Permit within Oak Bluffs Zoning Bylaws Sections 3.5.5 and 8.1.5.2, or any action related thereto, to allow the demolition of a commercial building built in 1917 and the construction of a commercial building with a one bedroom apartment on a lot zoned Business 1.

DECISION:

A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 and 8.1.5.2 to demolish and replace a pre-existing and non-conforming commercial structure with an upstairs apartment. A roll call vote was taken. The board voted 4-0 to approve the Special Permit.

Procedural History:

- On May 18, 2021, the Zoning Board of Appeals (ZBA) received an application from Joseph Moujabber seeking a Special Permit under Zoning By-Law Sections 3.5.5 for relief from setbacks to alter a pre-existing and non-conforming structure on a Zone d B1,
- The application was received and stamped by the Town Clerk on May 26, 2021,
- On June 10, 2021, abutters were noticed. First publication in the MV Times,
- On June 17, 2021, second notice published in the MV Times,
- On June 22, 2021 this project was referred to the Martha's Vineyard Commission (MVC) as a Development of Regional Impact,
- On June 24, 2021, the ZBA opened the public hearing and continued it to July 15, 2021,
- O)July 15, 2021 the hearing was continued to August 19, 2021,
- On August 2021, the MVC declined to hear this a appeal and sent it back to the ZBA,
- On August 19, 2021, the ZBA made the following findings and decision.

Findings of Fact:

- the proposal is seeking a Special Permit under Zoning Bylaws 3.5.5 and 8.1.5.2 to demolish a building dating to 1917 and replace it with a commercial building with a second floor apartment,
- the property is zoned Business 1,
- the height of the proposed building is about 25 feet,
- the footprint has been reduced and will not encroach onto adjacent property,
- this project was reviewed by the Conservation Commission and the Oak Bluffs Historic District, and
- the project was referred to the Martha's Vineyard Commission as a Development of Regional Impact but they decided they did not need to review it.

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Vote:

Doug Pease moves to grant a Special Permit under Zoning Bylaws 3.5.5 and 8.1.5.2 since the requirements under the latter bylaw have been addressed by the Conservation Commission and the project is not more detrimental to the neighborhood. Andrea Rogers adds a special condition:

- 1. A registered professional engineer must certify in writing that the activity will not cause an increase in wave runup, a deflection or channelization of flood waters, or an increase in the velocity of flow, as is required by 8.1.5.2.*

Andrea Rogers seconds the motion. Andrea Rogers, Lou Rogers, Grace Guck, and Doug Pease all voted in favor, so the motion passed unanimously (4-0, Jonathan Holter recused himself from this hearing).

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

Andrea Rogers

Grace Guck

Doug Pease

Llewellyn Rogers

A copy of this decision was filed in the office of the Town Clerk, on August __, 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

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