



OAK BLUFFS ZONING BOARD OF APPEALS

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

NOTICE OF DECISION November 3, 2021

RE: Hopson Appeal
Michael Hopson
151 Barnes Road, **Map 15 Parcel 2**

The Oak Bluffs Zoning Board of Appeals opened a continued Public Hearing on Thursday, October 21, 2021 at 7:14PM via an In-Person meeting in the Oak Bluffs Library Meeting Room on the application of the referenced petitioners seeking:

a Special Permit within Zoning By-Laws Section 3.4.2 or any action relate thereto, to construct an accessory apartment above an existing garage, on a conforming lot in Residential Zone 3.

DECISION: A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 to allow the construction of habitable space above a non-conforming garage on a conforming lot Zoned R3. A roll call vote was taken. The board voted 4-0 to approve the Special Permit.

Procedural History:

- On August 17, 2021, the Zoning Board of Appeals (ZBA) received an application from Michael Hopson,
- The application was stamped by the Town Clerk on August 30, 2021,
- On September 2, 2021, abutters were noticed. First publication in the MV Times,
- On September 9, 2021, second notice published in the MV Times,
- On September 16, 2021, the ZBA opened the public hearing,
- On September 16, 2021, the hearing was continued to October 21, 2021, and
- On October 21, 2021, the ZBA re-opened the hearing and made the following findings and decision.

Findings of Fact: Jonathan Holter made the following findings.

- The applicant is seeking a Special Permit under Section 3.4.2 to construct an accessory apartment in the unfinished space above their non-conforming garage on a conforming lot in Residential Zone 3,
- The kitchen and full bathroom have been withdrawn from the appeal, so now they are seeking a Special Permit to finish the upstairs as habitable space under Section 3.5.5, and
- The garage is non-conforming because of the 1.5 feet setback from a paper road.

Vote:

Andrea Rogers moves to approve the Special Permit for habitable space above the non-conforming garage under Zoning Section 3.5.5 with a deed restriction that the space is not an apartment and cannot be rented. Jonathan Holter seconds the motion.

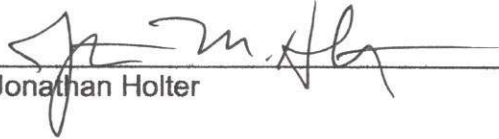
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A roll call vote was taken and all (Andrea Rogers, Lou Rogers, Grace Guck, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

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



Andrea Rogers



Jonathan Holter



Grace Guck



Llewellyn Rogers → *arrived*

A copy of this decision was filed in the office of the Town Clerk, on November 4, 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: November 4 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

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