



OAK BLUFFS ZONING BOARD OF APPEALS

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

NOTICE OF DECISION November 3, 2021

**RE: Silva-Higham Appeal
Cynthia Silva-Higham
23 Schoolhouse Village Map 50 Parcel 20**

The Oak Bluffs Zoning Board of Appeals opened a Public Hearing on Thursday, October 21, 2021 at 6:41pm 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 Sections 3.4, or any action related thereto, to build an accessory unit above a pre-existing non-conforming garage and attached to a pre-existing and non-conforming dwelling on a pre-existing and non-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 addition of a second kitchen and another bedroom and bathroom above the garage in a pre-existing and non-conforming house. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.

Procedural History:

- On September 14, 2021, the Zoning Board of Appeals (ZBA) received an application from Cynthia Silva-Higham,
- The application was received and stamped by the Town Clerk on October 6, 2021,
- On October 7, 2021, abutters were noticed. First publication in the MV Times,
- On October 14, 2021, second notice published in the MV Times,
- On October 21, 2021, the ZBA opened the public hearing,
- On October 21, 2021, the ZBA made the following findings and decision.

Findings of Fact: Doug Pease made the following findings.

- The applicants initially requested a Special Permit to build an accessory apartment under Zoning Bylaw 3.4,
- They are now requesting a Special Permit under Zoning Bylaw 3.5.5 to expand the house to include a second kitchen and another bedroom and bathroom to be built above a pre-existing and non-conforming garage,
- The proposed ridgeline will match that of the existing house which is less than 32 feet above grade, t
- The lot is pre-existing and non-conforming, and
- Special conditions are need to ensure that the new living space cannot be rented as it is not an accessory apartment.

Vote:

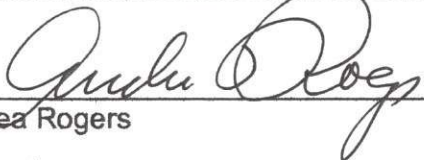
Jonathan Holter moves to approve the Special Permit under Zoning Bylaw 3.5.5 to allow the expansion of the non-conforming house on a non-conforming lot with the following special conditions: (1) the space is not a rentable apartment, and (2) the ridgeline will be less than 32 feet and will match that of the original house. This project will not have a detrimental effect on the neighborhood since the construction will be within the existing footprint and there were four letters

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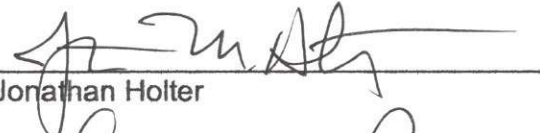
of support from abutters. Doug Pease seconded the motion.

A roll call vote was taken and all (Andrea Rogers, Lou Rogers, Grace Guck, Jonathan Holter, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

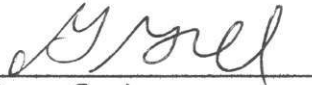
Members sitting for the Board of Appeals at this hearing were:




Andrea Rogers



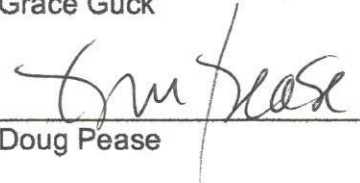
Jonathan Holter



Grace Guck



Llewellyn Rogers



Doug Pease

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).

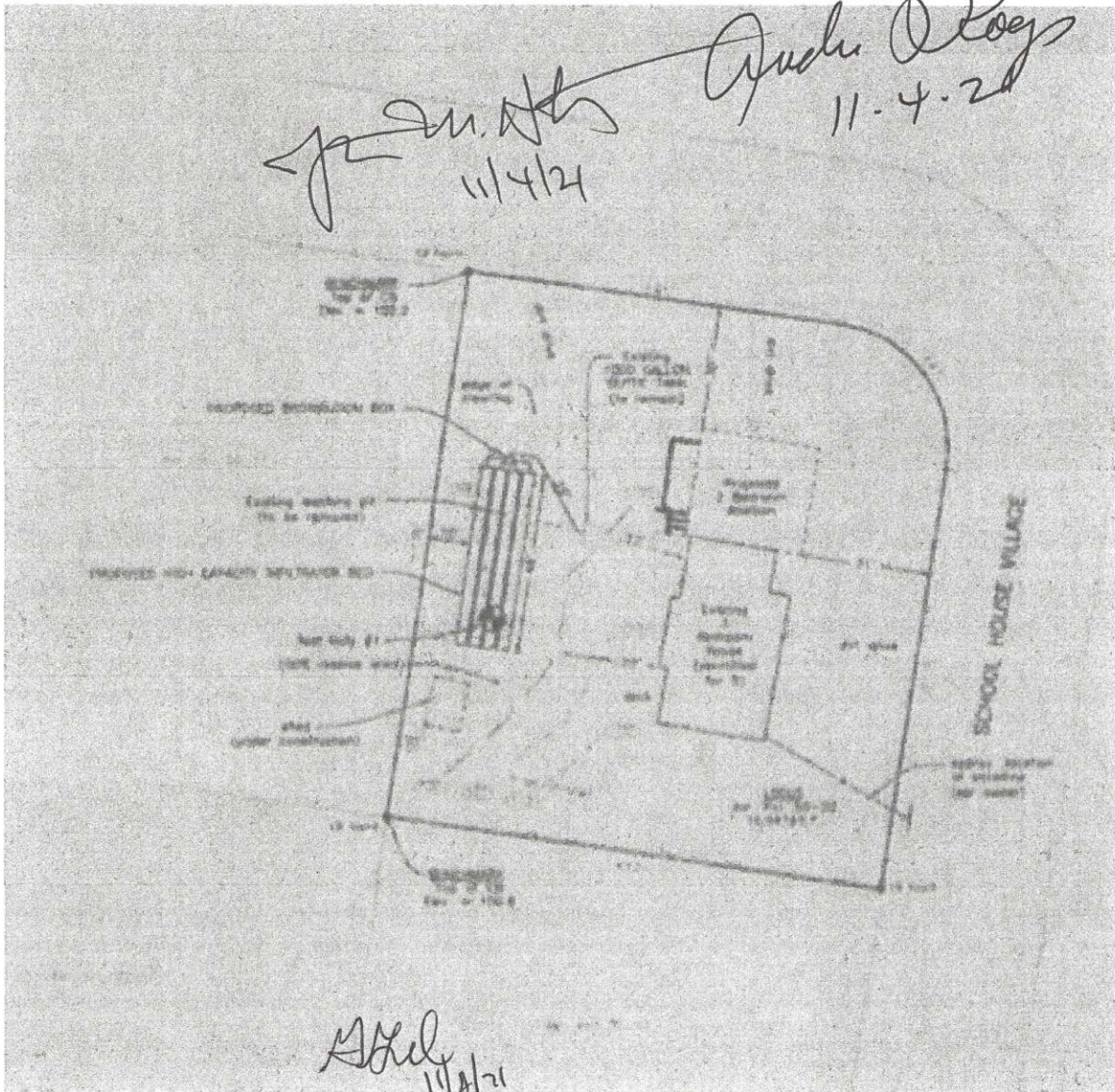
Received and filed in the Office of the Town Clerk:

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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John Smith
11/4/21

Andre Roy
11-4-21

Abel
11/8/21

Trutcase
11/4/21