



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

NOTICE OF DECISION **December 29, 2021**

RE: Spillane Appeal
Shawn Spillane
172 County Road
Map 16 Parcel 190

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued Public Hearing on **Thursday, December 16, 2021 at 7:20pm** via an hybrid In-Person/Zoom meeting in the Oak Bluffs Library Meeting Room on the application of the referenced petitioners seeking:

a Special Permit within Zoning Section 3.5.5, or any action related thereto, to add a walkout foundation with a 15.25 foot setback onto a conforming dwelling on a pre-existing and non-conforming lot in Residential Zone 1.

DECISION: A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 to allow the construction of a walk-out foundation onto a conforming dwelling on a pre-existing and non-conforming lot in Residential Zone 1. A roll call vote was taken. The board voted 4-0 to approve the Special Permit.

Procedural History:

- On October 6, 2021, the Zoning Board of Appeals (ZBA) received an application from Shawn Spillane.
- On November 4, 2021, abutters were noticed by mail and first publication in the MV Times,
- On November 11, 2021, second notice published in the MV Times,
- On November 18, 2021 the public hearing was opened and continued to December 16,
- On December 16, 2021, the following findings and decision were made.

Findings of Fact: Doug Pease and Lou Rogers made the following findings.


- the applicant is seeking a Special Permit under Zoning Bylaw 3.5.5 to add a walkout foundation to a conforming house,
- the lot is pre-existing and non-conforming with 9,148 sq. ft. located in Residential Zone 1 (Req.: 10,000 sq. ft.),
- the house is conforming and will not be altered,
- the proposed cement foundation will have a 15.25 foot side setback (Req.: 20 feet),
- the walkway will be near or below grade and so is not considered a structure,
- a safety rail can be attached,
- supports of any sort are not permitted as they would make this foundation a structure (which would require additional permits), and
- the foundation will not be visible and so will not have a detrimental effect on the neighborhood.

Vote:

Because this project will not have a detrimental effect on the neighborhood, Doug Pease moved to issue the Special Permit with the **Special Condition** that supports of any sort are not permitted as they would make this foundation a structure. Grace Guck seconded the motion.

All (Andrea Rogers, Grace Guck, Lou Rogers, and Doug Pease) voted in favor, so the motion passed unanimously (4-0).

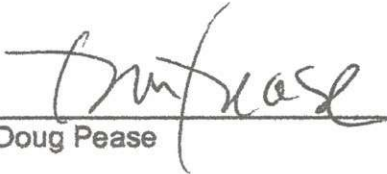
Members sitting for the Board of Appeals at this hearing were:



Andrea Rogers

Recused

Jonathan Holter



Doug Pease



Llewellyn Rogers

/s/ Grace Guck

Grace Guck

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