



## OAK BLUFFS ZONING BOARD OF APPEALS

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

### NOTICE OF DECISION      August 19, 2021

#### **RE: Grimaldi Appeal**

Russell and AnnMarie Grimaldi  
7 Elliott Avenue, Map 4 Parcel 142

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

***a Special Permit within Zoning By-Laws Section 3.5.5 or any action related thereto, to allow the renovation of and additions to the pre-existing and non-conforming structure, on a conforming lot in Residential Zone 1.***

**DECISION:**      A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 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 **July 21, 2021**, the Zoning Board of Appeals (ZBA) received an application from Russell and AnnMarie Grimaldi 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 lot Zoned R1,
- The application was received and stamped by the Town Clerk on **July 21, 2021**,
- On August 5, 2021, abutters were noticed. First publication in the MV Times,
- On August 12, 2021, second notice published in the MV Times,
- On August 19, 2021, the ZBA opened the public hearing,
- On August 19, 2021, the ZBA made the following findings and decision.

#### **Findings of Fact:**

- The lot is conforming because it is 17,031 square feet (R1 minimum is 10,000sq. ft.) and has more than 80 ft. of road frontage,
- The dwelling is non-conforming because the front setback is 16.9 feet and the side setback is 16.6 feet with 20 feet required,
- The side setback will change, as it will be reduced to 16 feet, and
- The second side setback and the proposed new rear setback are both much greater than the required 20 feet.

#### **Vote:**

*Anndrea Rogers moved to approve the Special Permit under Zoning Bylaw 3.5.5 since the minor changes to the backside of the house will not have a detrimental effect on the neighborhood. Jonathan Holter 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).*

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

\_\_\_\_\_  
Andrea Rogers

\_\_\_\_\_  
Jonathan Holter

\_\_\_\_\_  
Doug Pease

\_\_\_\_\_  
Llewellyn Rogers

\_\_\_\_\_  
Grace Guck

*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).*

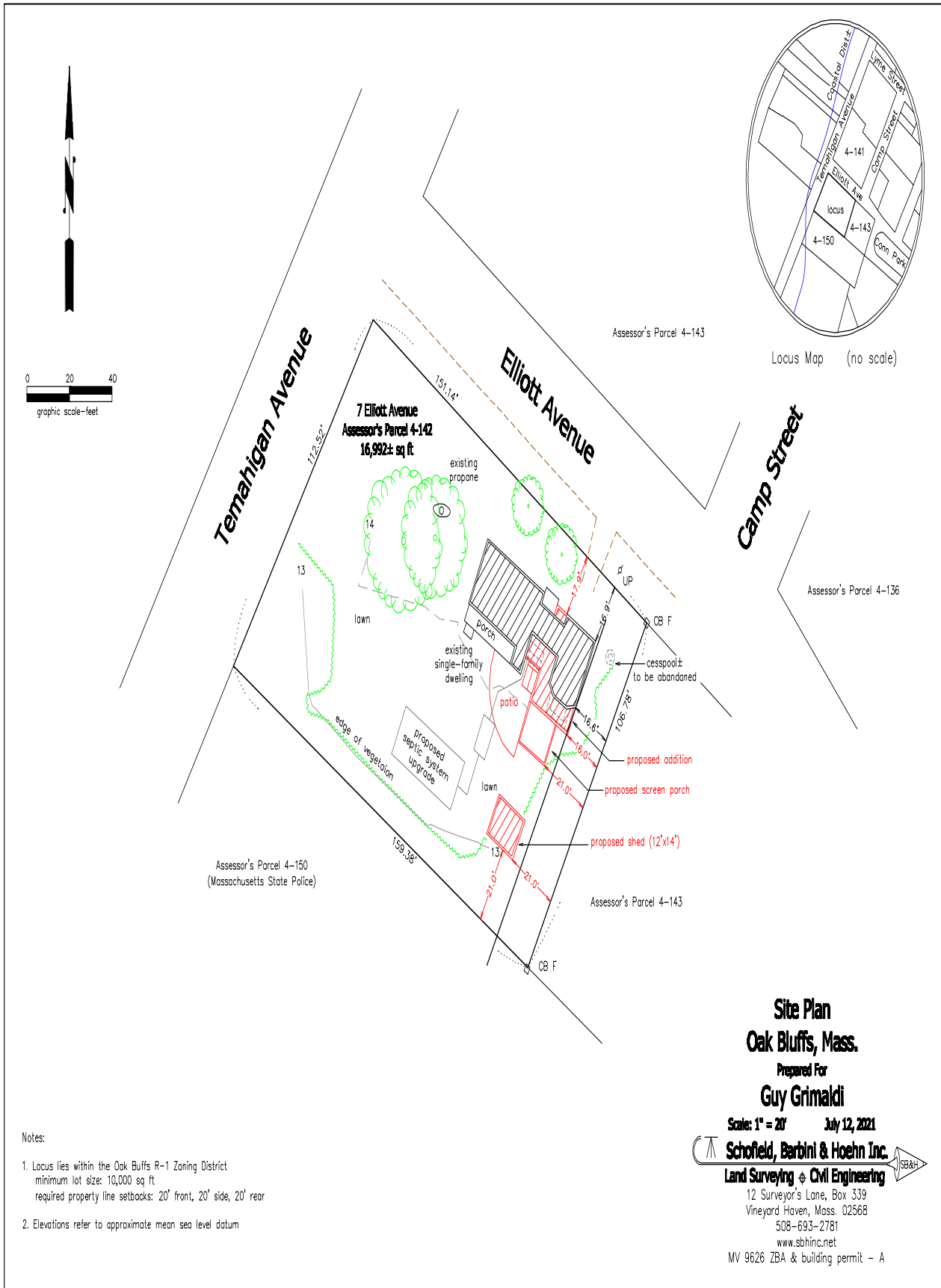
Received and filed in the Office of the Town Clerk:

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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**Notes:**

1. Locus lies within the Oak Bluffs R-1 Zoning District  
 minimum lot size: 10,000 sq ft  
 required property line setbacks: 20' front, 20' side, 20' rear
2. Elevations refer to approximate mean sea level datum

**Site Plan  
 Oak Bluffs, Mass.**

Prepared For  
**Guy Grimaldi**

Scale: 1" = 20' July 12, 2021

**Schofield, Barbini & Hoehn Inc.**  
 Land Surveying & Civil Engineering

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 www.sbhinc.net

MV 9626 ZBA & building permit - A