



## OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

### **NOTICE OF DECISION**      **October 20, 2022**

#### **RE: Rodrigues Appeal**

Edna Zizza and Gleyzielle Rodrigues

11 Summit Avenue **Map 16 Parcel 82**

The Oak Bluffs Zoning Board of Appeals opened a duly posted Public Hearing on Thursday, October 20, 2022 at 7:30PM via an in-person meeting in the Oak Bluffs Town Hall Meeting Room on the application of the referenced petitioners seeking a **Special Permit from the Oak Bluffs Zoning Bylaws Section 3.5.5 to demolish the existing residence and build a new house on the existing footprint on a non-conforming lot zoned R1.**

**DECISION:** A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 to demolish the existing home and to build a new house on a non-conforming lot zoned R1.

#### **Procedural History:**

- On September 28, 2022, the Zoning Board of Appeals (ZBA) received an application dated September 14, 2022 from Gleyzielle Rodrigues,
- The application was date-stamped by the Town Clerk on October 11, 2022,
- On October 6, 2022, abutters were noticed. First publication in the MV Times,
- On October 13, 2022, second notice published in the MV Times,
- On October 20, 2022 the ZBA hearing was opened and the following findings were made.

#### **Findings of Fact:** Doug Pease made the following findings.

- The applicant is seeking a Special Permit under Zoning Bylaw 3.5.5 to demolish the existing house and to build a new house on the existing footprint,
- the 5,000 sq. ft. lot located in R1 is pre-existing non-conforming. (10,000 required),
- the lot has 100ft road frontage (80ft required),
- the property is within the Watershed Resource Protection Overlay District and may need to be referred to the planning Board for a Special Permit,
- the existing non-conforming front and rear setbacks will not change, and
- this project is not more detrimental to the neighborhood because the proposed two story residence is within the existing footprint and the two-floor design is consistent with the neighborhood.

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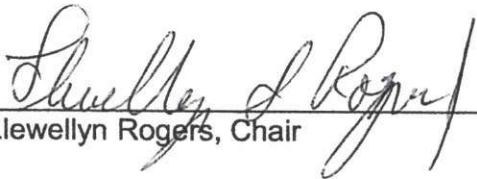
**Vote:**

Jonathan Holter moves that we approve the Special Permit within Zoning Bylaw 3.5.5 to allow the existing house to be demolished and replaced with a new two story residence on the existing footprint, with the following two **Special Conditions: (1) the height of the structure is within the Zoning bylaws, and (2) that the Building Department refer the project to the Planning Board if appropriate, as it is within the Watershed Resource Protection Overlay District.**

Doug Pease seconds the motion.

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

**Signing on behalf of the Zoning Board of Appeals is**

  
Llewellyn Rogers, Chair

A copy of this decision was filed in the office of the Town Clerk, on NOV. 16, 2022. 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 16, 2022

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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