



## OAK BLUFFS ZONING BOARD OF APPEALS

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

### NOTICE OF DECISION      February 17, 2022

#### **RE: Donato Appeal**

Laiana Donato

15 Schoolhouse Village, **Map 50 Parcel 11**

The Oak Bluffs Zoning Board of Appeals opened a duly posted Public Hearing on Thursday, February 17, 2022 at 6:05PM via an hybrid In-Person/Zoom meeting in the Oak Bluffs School 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 enlarging of an existing deck on a non-conforming residence on a 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 *enlarging of an existing deck on a non-conforming residence on a non-conforming lot in Residential Zone 3*. A roll call vote was taken, and the board voted 4-0 to approve the Special Permit.**

#### **Procedural History:**

- On January 24, 2022, the Zoning Board of Appeals (ZBA) received an application from Laiana Donato,
- The application was stamped by the Town Clerk on February 2, 2022,
- On February 3 2022, abutters were noticed. First publication in the MV Times,
- On February 10, 2022, second notice published in the MV Times,
- On February 17, 2022, the ZBA opened the public hearing and made the following findings and decision.

#### **Findings of Fact:** Andrea Rogers made the following findings.

- The lot is zoned R-3,
- the lot is non-conforming because it is too small (16,130 sq. ft., 50,000 required) and does not have the required frontage (approximately 121 ft./ 150 required),
- the side setback will not be reduced from the required 50 feet because the deck height is only 25 inches above grade, and
- by Zoning Bylaw 3.5.5, this small low deck expansion will not be more detrimental to the neighborhood.

#### **Vote:**

Andrea Rogers moved that the ZBA issue a Special Permit under Zoning bylaw 3.5.5 to allow the construction of the deck with **two Special Conditions: (1) the proposed deck will not be more than 30 inches above grade, and (2) the proposed deck will remain a flat, open-air deck, unenclosed and uncovered (no roof, screening, etc.)**. Doug Pease seconded the motion.

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

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

**(Absent)**

\_\_\_\_\_  
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 \_\_\_\_\_, 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: \_\_\_\_\_

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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**Plot Plan**

Scale: 1"=20'

Lot Area: 28,746± sq ft

