



## OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

### **NOTICE OF DECISION**      **December 15, 2022**

**RE: Stewart Appeal  
Shelley and Ann Stewart  
15 Overview Lane Map 34 Parcel 45**

The Oak Bluffs Zoning Board of Appeals opened a duly posted In-Person Public Hearing on **Thursday, December 15, 2022 at 6:41pm** in the Oak Bluffs Town Hall Downstairs Meeting Room, 56 School Street, on the application of the referenced petitioners seeking:

***A Special Permit within Oak Bluffs Zoning Bylaws 3.5.5 or any action related thereto, to move an existing detached bedroom twenty feet to a new conforming location on a conforming lot in Residential Zone 3.***

#### **Procedural History:**

- On October 28, 2022, the Zoning Board of Appeals (ZBA) received an application from Gene Erez, Dukess County Builders, seeking a Special Permit under Zoning Bylaw Section 3.5.5; to move an existing detached bedroom twenty feet to a new conforming location on a conforming lot.
- The application was date stamped by the Town Clerk on November 10, 2022.
- On December 1, 2022, abutters were noticed. First publication in the MV Times.
- On December 8, 2022, second publication notice published in the MV Times.
- On December 15, 2022, the ZBA opened the public hearing and made the following findings and decision:

#### **Findings of Fact** Jonathan Holter made the following findings of fact:

- a Special Permit is requested under Zoning Bylaw Sections 3.5.5 and 4.4.4 to move an existing detached bedroom twenty feet to a new conforming location,
- the lot is zoned R3,
- Shelley and Ann Steward Toomey purchased the property on September 23, 2013,
- the lot is conforming with 60,000 square feet (60,000 required),
- the proposed detached bedroom will be approximately 396 square feet,
- the setbacks for the detached bedroom in its new location will be 56.5 feet, there has been no correspondence in favor or opposed to this project, 3 members visited the site, and
- this project is not be substantially more detrimental to the neighborhood because it the meets zoning requirements.

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**Vote**

Jonathan Holter moves to approve the Special Permit under Zoning Bylaw Sections 3.5.5 and 4.4.4 with **two Special Conditions that (1) the interior wet bar and walls of the proposed detached bedroom will be removed to meet zoning requirements, and (2) these changes must be shown on a revised site plan.** Grace Guck seconds the motion.

All (Andrea Rogers, Lou Rogers, Grace Guck, 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

*By a vote of the Oak Bluffs Zoning Board of Appeals on September 15, 2022, certified by Town Clerk Colleen Morris, and recorded in the Dukes County Registry of Deeds in Book 01638 Page 341, Llewellyn Rogers was authorized to be the sole signatory on behalf of the Board relative to Section 81K through 81GG of Chapter 41 of the General Laws.*

*A copy of this decision was filed in the office of the Town Clerk, on \_\_\_\_\_. 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).*

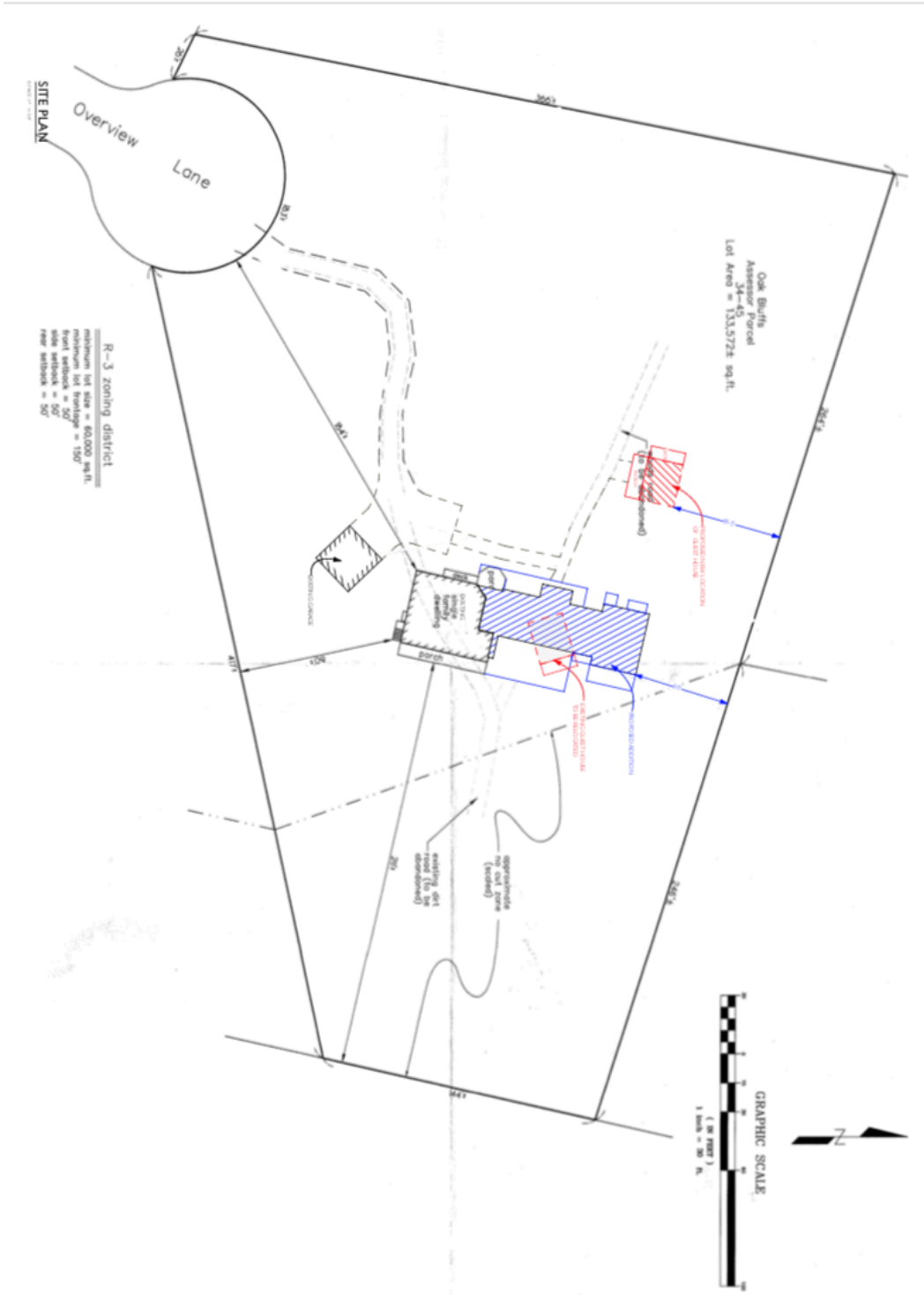
Received and filed in the Office of the Town Clerk:

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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A-002	DATE	
	SCALE	
	PROJECT	Shelley Residence 15 OVERVIEW LANE, OAK BLUFFS, MA PROPOSED SITE PLAN
PROJECT NO.	2302-1-08	
DATE	03-27-11	
SCALE	AS SHOWN	