

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES NOVEMBER 1, 2006**  
**TOWN HALL 7 PM**

**PRESENT:** Chair Eric Whitman, Tucker Hubbell, Tony Higgins, Bob Schwier, Larry Schubert

**ABSENT:** Nancy Cole, Toni Cohen

**ALSO PRESENT for All or Part of the Meeting:** Gail Rowe, Mathew Sudarsky, Nick Thayer, Steve Chumsae

**BUSINESS**

- The written decision for the Bananas Gallery limited Special Permit was reviewed and approved as amended. Eric restated he felt the use was very benign and that the building and lot had not changed in size or character. He compared the use of the lot with, for example, the big business Cottles has become.
- The minutes of Oct. 4 were reviewed and approved as amended.

**OTHER CORRESPONDENCE**

Report of phone call with Don Schmidt re agricultural use

**HEARINGS**

**7:30 An application by Gail Rowe for a Special Permit to build two 14' by 28' detached single story garages:** The rear garage to need setback relief at the rear west and side south bounds and the front garage at the side south bound. Sect. 11.2-2 of Zoning Bylaw; Map 29 Lot 69; 137 Charles Neck Way; RU District. *Correspondence: 1) Abutters John and Elizabeth Doyle. Correspondence on file in ZBA office and available to be read.*

The notice and correspondence were read. The Doyles' concerns were that the 1.6 acre lot already has a house and guest house on it and felt the 2 garages would create a high structural density for the lot; and could the garages be converted to other uses in the future? Steve Chumsae attended on behalf of Ms. Rowe's builder Randy Simon.

The Board looked at a Vineyard Land Surveying Site Plan submitted, as asked for by the office, as supplemental to the original submittals. It was now clear that the front garage did not require any setback relief, and as it was under 676 sq ft (on an under 3 acre lot) did not require a special permit. Ms. Rowe explained there was a narrow shed on the lot where garden tools, etc are kept. She wants to store a vehicle in each garage and a ride on mower. She said there was not an adequate site to combine the 2 structures into one 2-car garage; she preferred the separate garages. Steve Chumsae reported that there is a fence to the rear of the property that does not denote the rear bound; it's about 5' beyond. There are stone bounds demarcating the property's bounds.

Abutters Mathew Sudarsky and Nick Thayer said that after seeing the plans, they had no objections. After further discussion, the following findings were established, and the hearing closed. The vote was unanimous to grant the Special Permit for the garage, with the condition that both garages remain garages, not become habitable.

- 1.) The applicant requested 20' of setback relief from the rear bound for a 14' by 28' garage. The ZBA modified that request, with the owner's consent, by changing the dimensions to be 16' by 24' and giving setback relief of 4' on the southern side bound, and 14' on the rear west bound. The relief granted will not be detrimental to the neighborhood, particularly as the abutting rear property is a large tract of undeveloped land with an unclear title.*

- 2.) *The structure will be single story and 384 sq ft. A second similarly sized garage is also being built on the property, but this structure will meet all setbacks, and does not exceed 676 sq ft on an under 3 acre lot, and therefore does not require a Special Permit from the ZBA.*
- 3.) *The accessory structure applied for will not be substantially more detrimental to the neighborhood and Town, and the construction is in harmony with similar development in the neighborhood and town in scope, size, and design.*
- 4.) *This application met the review requirements of Section 9.2-2.*

*Conditions:*

1. *The garages shown on the approved Site Plan referenced above may not be used for habitable use.*

The meeting was adjourned at 8:25 PM.

Respectfully submitted, Julie Keefe, Board Admin.