

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES DECEMBER 17, 2009
HOWES HOUSE AT 7 PM**

PRESENT: Eric Whitman, Tucker Hubbell, Tony Higgins, Bob Schwier, Nancy Cole, Toni Cohen

ABSENT: Larry Schubert

ALSO PRESENT: Bob Andrews, Mary Kenworth, Chuck Sullivan

HEARINGS

7:20 An application by Bob Andrews on behalf of Jill and Paul Ruddock for a Special Permit for 1) an 18' by 42.5' in-ground pool with associated patio, equipment pad and fencing; 2) 8' of setback relief for pool at nearest corner from south bound and 5' of setback relief for equipment pad at nearest corner. Sects. 3.1-1, 8.5-4 and 11.2-2 of Zoning Bylaw; 229 Pond Rd; Map 30 Lot 2.54; RU District. *No Correspondence*

Bob Andrews presented his application plans, explaining that the house was built in the middle of the lot and at an angle, making it a little problematical to site the pool at the rear completely within the setback. They are asking the ZBA for setback relief from the bound for one corner because without it, the pool would be too close to the septic tank and field. The pool equipment pad will be located next to other mechanical equipment for the house and garage. The fencing will meet required State codes. Lights will be according to Town zoning regulations. There was no one in attendance for the hearing and no correspondence. Citing that the corner encroachment was not a negative issue for the neighborhood in their opinion, and that the pool met the zoning requirements, the special permit was granted with the usual pool conditions.

BUSINESS

- Approval of site plan for Kenworth Restaurant at Map 22 Lot 54: Owner Mary Kenworth, architect Chuck Sullivan and landscaper John Hoff hosted a site visit on the Restaurant's premises on December 11. The completed landscaping and parking plan was presented and discussed; all then walked the property with the plan, looking at trees to be re-located or taken down and where more vegetation will be planted. Suggestions for more screening and fencing for a neighbor to the rear were accepted and became part of the plan, as were other suggestions. The low lights will be on a timer. The shed to be enlarged and used as an office will be moved slightly and will be further from the lot line in so doing. The Board approved and signed off on the amended plan at tonight's meeting. They will make another site visit in May to view the finished work. Mary had explained, in a misunderstanding, her builder added a shower to the small basement employee bathroom; rather than 25 sq ft allowed; it is now 80. There is ample room for it in the basement but it takes it slightly over the allowable 2,000 sq ft of usable floor space for a non-residential building in the RU District. Mary said they had eliminated 16 sq ft at some juncture, and the fireplace area would not be counted as well. The Board said the shower did not have to be taken out; it could be allowed as part of the special permit; they asked for a compilation of square footage from Chuck Sullivan.

- The minutes of November 25 were approved.

OTHER CORRESPONDENCE

- **Planning Board, letter re Connie Breese vet practice:** The following text of the response by the ZBA sums up this discussion. Thank you for the copy of your December 10 letter to Ernie Mendenhall. The ZBA met last night and discussed the situation and asked me to write to you on their behalf. They'd like to make it very clear that they did not grant Connie Breese or property owner Nancy Dole a Special Permit for a veterinary practice in the VR District. Rather, Nancy had contacted the Board when Connie became a possible tenant and wrote in depth about how this would only be an office, not a place where animals are treated; that Connie treated animals where they lived. Nancy has a Special Permit for office uses in her building.

Connie Breese confirmed she would not be treating animals on site in conversation with Eric (Whitman). Based on Connie's statements and Nancy's detailed correspondence, the Board agreed this was an office use under the granted Special Permit and requested that Connie contact the Board of Health. They were a little skeptical about how Connie could keep drop-in clients from showing up. The Board agrees that treating or operating on animals would not be allowable under the office use Special Permit, particularly as it is a prohibited use in the VR District. I've given Simone a copy of Nancy's correspondence FYI.

- **Planning Board re Yoga Barn schedule and number of practitioners:** The following text of the response by the ZBA sums up this discussion: Thank you for the Yoga Barn schedule and asking for the ZBA's comments on the subject. The Board met last night and asked me to write you on their behalf. They plan to look at the matter more in depth on January 7; to read the minutes and decision, and will get back to you after that. It was made clear to the Jarrells that only three people could be working there at one time, including themselves. Looking at the schedule, the ZBA didn't feel it showed more than 3 people at any one time, including another person doing massage, say, but agree that advertising a roster of ten instructors is pushing the concept of home occupation. Also, the flyer gives the address as South Road, *Chilmark*.

On the other hand, as far as the ZBA is aware, there have been no traffic, parking, or other issues brought to their or Ernie's attention.

The meeting was adjourned at 8:30.

Respectfully submitted, Julie Keefe, Board Admin.