

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

**PRESENT:** Eric Whitman (Chair), Tucker Hubbell, Bob Schwier, Tony Higgins, Toni Cohen

**ABSENT:** Larry Schubert, Nancy Cole

**ALSO PRESENT:** Vickie Thurber, Scott McArthur, Ian Thurber

**BUSINESS**

The minutes of June 3 were approved.

**HEARINGS**

**7:20** An application by Vickie Thurber and Scott McArthur for a Special Permit to replace an existing dwelling in the Mixed Business District with a one bedroom dwelling with 3 attached retail units; and an application for a Variance to use square footage on the property that is in the RU District to make the required 20,000 sq ft needed in the MB Dist. The lot presently has 19,090 sq ft in the MB district. Sects. 11.2-3, 11.1-3A, 10.3-3. 3.1-1 and 9.3-1B of Zoning Bylaws; Map 16, Lots 101, 237 & 238; 510, 514 and 518 State Rd. *Correspondence: 1) Abutter Tea Lane Associates, in favor*

The applicants submitted revised floor plans and elevations done by architect Sam Sherman. The plot and parking plans and description were done by the applicants. Their submittals consisted of: 1) First and Second Floor Plan, THURBER dated 6/17/09; 2) East Elevation and North Elevation, THURBER, dated 6-17-09; 3) Description of Proposal dated May 22, 2009; 4) Letter from George Sourati, P.E, dated May 12, 2009; Parking and Landscape Plan dated 5-28-09; Plot Plan and Building Envelope dated 5-28-09.

The following findings contain the substance of the hearing and the information provided:

**Findings:**

- 1) The construction 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.
- 2) The existing small house on the property is pre-existing, non-conforming by setbacks, approximately 30' from the rear lot line. The present setback requirement is 40'. The new construction will not encroach more that the pre-existing non-conforming building.
- 3) The 3 commercial units will total approximately 1,600 sq ft. There will be a full basement under the whole structure. The commercial units will have access to use the basement for storage. There will be a handicap bathroom available to the 3 businesses.
- 4) The applicants are limited in type of use by allowable sewage flow. They have an engineer's decision on this issue and are going through the Board of Health on this issue.
- 5) Businesses under 3,000 sq ft require Site Plan Approval from the Planning Board. The Zoning Board performed Site Plan Review and approval of change of use as part of the hearing. The Planning Board henceforth will perform Site Plan Review as to the use of the commercial rental units. Mixed Business use in this District is part of the intent of the Zoning Bylaw.

- 6) The applicants will use their existing drive as access, as sharing one with the abutting Tea Lane Associates would mean more of a loss of trees on the property and would destroy screening in place between the two properties.
- 7) The applicants will provide 6 parking spaces and one handicap space. The spaces are to the side of the building and the applicants have submitted plans to screen the parking from the road.
- 8) The applicants own a total of 23,9000 sq ft. One parcel is 19,090 sq ft and is wholly in the Mixed Business District. The applicants need 910 more sq ft to satisfy the dimensional requirement for the size of a business lot, which is 20,000 sq ft. Two very small parcels abutting this parcel and owned by the applicants comprise the rest of the square footage owned by the applicants. These small parcels lie outside the Mixed Business District. The Board finds that the desired relief can be granted without substantial detriment to the neighborhood or the public good and without nullifying or substantially derogating from the purpose of the bylaw.

The Zoning Board of Appeals voted unanimously to grant with conditions a Special Permit to replace an existing dwelling in the Mixed Business District with a one bedroom dwelling with 3 attached retail units; 2) unanimously grant a variance to use square footage on the property that is in the Rural District to make the required 20,000 sq ft needed in the MB District. The lot presently has 19,090 sq ft in the MB district; 3) unanimously grant Site Plan approval for a change in use from residential to mixed business (business/residential) as per the applicant's submittals.

The Condition is: The applicants must provide the Board with more dimensional detail written on the building plans: the total square footage of the commercial area and of the residential area, and more dimensions concerning the elevations submitted.

#### **OTHER CORRESPONDENCE**

Phone calls from Anderson & Krieger and American Tower inquiring about applying and Pre-App Conferences.

The meeting was adjourned at 8 PM.

Respectfully submitted, Julie Keefe, Bd. Admin.