

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, July 2, 2026

Meeting Minutes

Approved July 23, 2026 (6-0)

Present: Larry Schubert, Julius Lowe, Deborah Wells, Casey Decker, Sebastian Hiatt

Absent: Kim Leaird (*Administrator*), Pat Barrett, Andy Zaikis

Also Present: Rosemarie Ovian, Matthew Ovian, Susan Wasserman, Annie Holmes, Bryan Bosevy, Paul Carlson, Elizabeth Churchill, Alan Steele, Maggie Mulqueen, Jeffrey Cassis, Patti Cassis, Jordan Hoehn

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5:00 pm – Minutes of June 11, 2026 meeting were approved 5-0. Larry appointed associate member Sebastian Hiatt to the full board.

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5:15 pm – A public hearing on an application for a Special Permit from **Anne Ronella Holmes** to allow the construction of a non-habitable accessory structure (barn) over 676 sq. ft on a pre-existing non-conforming lot in front of a primary dwelling requiring 23 feet of front yard setback relief under Sections 11.2-2 and 4.2-2D4 of the West Tisbury Zoning Bylaw at **16 Looks Pond Way, Map 32 Lot 46**, in the RU district.

Larry read the hearing notice at 5:15pm. Present was Annie Holmes with Brian Bickley. Larry read into the record correspondence from the Planning Board, which reviewed the proposal and referred the application to the Zoning Board of Appeals for its consideration.

The applicant's written narrative was read into the record. Ms. Holmes explained that she wished to construct a traditional timber-frame barn built of sustainably harvested white oak to provide storage for her son's wooden boats, including a Beetle Cat he had recently completed through a wooden boatbuilding program, as well as shelter for her two horses. She stated that the existing run-in shed used for the horses was no longer adequate during severe winter weather and that the proposed barn would better protect the animals. She also anticipated a small area where her son could perform woodworking associated with maintaining his boats. The property historically contained a barn where the present house now stands and she believed the proposed structure would restore the traditional agricultural character of the property. She carefully selected the location and design to complement the neighborhood and noted that her abutting neighbor supported the proposal.

Board members reviewed the site plan and discussed the unusual configuration of the lot, noting that the frontage consisted of a narrow access strip and that the proposed location required setback relief because the barn would be situated in front of the principal dwelling. Ms. Holmes said that relocating the barn to comply with the setback requirements would adversely affect the open field, require removal of existing vegetation, and interfere with the reserve septic area. She stated that the proposed location best preserved the existing field and maintained the historic appearance of the property.

During public comment, abutters Paul Carlson and Elizabeth Churchill sought clarification regarding the height of the barn, the location of doors and access, the proposed relocation of an existing shed, the location of a future paddock, manure management, potential woodworking activities, future horse use, lighting, and whether any commercial activity was contemplated. Additional questions were raised

regarding the proposed second-floor storage area, possible future vehicle access, and the location of an existing camper on the property. Abutter Alan Steele also requested clarification regarding the definition of a non-habitable structure, vehicle access, and the relocation of existing structures.

Ms. Holmes said the barn would be approximately 24 feet in height, well below the maximum height permitted by the bylaw, and that the second floor would be used exclusively for storage, including hay and other agricultural materials. No insulation, plumbing, heating, sanitary facilities, or bedrooms are planned and therefore the building would remain a non-habitable accessory structure. No commercial woodworking or other business activity was proposed and the applicant acknowledged that any future commercial use would require additional Board approval.

Only two horses are to be housed in the barn and a modest fenced paddock would likely be constructed adjacent to the building rather than allowing the horses unrestricted access throughout the property. Larry noted that manure management is regulated separately and remains the property owner's responsibility, with enforcement by the Board of Health if necessary.

Board members and the applicant also discussed access to the barn, confirming that the existing driveway would remain unchanged and that access would be provided from the existing turnaround area. The proposed doors and windows would be incorporated into the final design using salvaged architectural materials, with the primary access oriented toward the paddock and storage areas.

Additional discussion focused on exterior lighting. Larry reviewed the Town's Dark Sky lighting requirements, noting that exterior fixtures are generally prohibited above the eave line and must be fully shielded. The applicant stated that she was committed to minimizing exterior lighting and confirmed that no excessive exterior illumination was intended.

Questions were also raised regarding an existing camper located on the property. The applicant explained that the camper was not occupied, was not used as a dwelling, and had been offered for sale. The Chair initially suggested that removal of the camper prior to issuance of a Certificate of Use could be considered as a condition of approval; however, following Board discussion, members concluded that because the camper was a legally parked registered vehicle and was unrelated to the requested setback relief, no such condition was appropriate.

A motion was made and seconded to close the hearing and open the board meeting.

The Board found that the requested setback relief was driven largely by the unique configuration of the lot, the location of the existing field and septic reserve area, and the applicant's desire to preserve the rural character of the property. The Board also noted that the proposal involved a non-habitable agricultural accessory structure that complied with applicable height limitations and that concerns regarding lighting were already addressed by the Town's lighting bylaw.

A motion was made and was seconded to GRANT the Special Permit. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 5-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, C. Decker-yes, S. Hiatt-yes

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5:30 pm – (Continued from June 11, 2026) A public hearing on an APPEAL filed by Joshua Gothard on behalf of **Eleven Music LLC** to Appeal of the April 23, 2026 determination made by the Building Inspector

and requests a SPECIAL PERMIT after the fact for the alteration of a pre-existing non-conforming, non-habitable detached accessory structure (studio) that does not meet setback requirements. Applicant also requests a Special Permit to relocate an existing shed from the property line to 1.5' from the property line. Both are requests under sections 11.1-3B, 4.2-2D4 and 11.2-2 of the West Tisbury Zoning Bylaw at **11 Music St., Map 32 Lot 60** in the VR district. The Appeal is made under M.G.L. c.40A §§8 and 14.

Larry read the hearing notice at 5:50pm. Present was property owner Joshua Gothard. The hearing was continued from June 11 to allow additional review of the property's permitting history and consultation with Town staff.

The Board again reviewed the procedural history of the project. The reconstruction of the deteriorated structure followed Historic District Commission approval and issuance of the required building permit. The increase in height was necessary to accommodate a proper foundation and current building code requirements, and the need for a Special Permit was not identified until construction was substantially complete. Mr. Gothard responded to questions from the Board and clarified aspects of the reconstruction and permitting process.

The Board discussed that the appeal before it concerned the Building Inspector's determination that a Special Permit was required after the fact, due solely to the approximately 2.5-foot increase in building height and distinguished that issue from broader concerns regarding the redevelopment of the property that had been raised by abutters during prior hearings. Members reviewed the permitting history and noted that the applicant had proceeded through the Town's permitting process in reliance upon permits that had been issued and that the Building Inspector had reviewed the project during multiple stages of construction before identifying the zoning issue.

Abutters Rosemarie Ovian and her brother Matthew Ovian reiterated concerns regarding changes to the structure, including questions about the increase in building height, modifications to the approved plans, the use of the upper floor, and whether the project as ultimately constructed differed materially from the project previously reviewed by the Historic District Commission and other Town boards. They also questioned whether the project should have undergone additional zoning review before construction was completed.

A motion was made and seconded to close the hearing and open the board meeting.

During deliberation, Julius said that regardless of whether the matter proceeded as an appeal or through a Special Permit hearing, he could not support requiring the applicant to undertake the substantial expense of lowering the completed structure after it had been permitted and constructed through the Town's review process. He stated that the applicant had relied upon the permits issued and that granting the appeal was the more appropriate course of action. Casey and Deborah expressed agreement with that reasoning. The Board generally agreed that the applicant had acted in reliance upon permits issued by the Town and that requiring the completed structure to be altered under the circumstances would be inequitable.

A motion was made and was seconded to grant and uphold the applicant's appeal of the Building Inspector's determination. A roll call vote was with the following resulting votes. Motion passed 5-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, C. Decker-yes, S. Hiatt-yes

Larry went over the 20-day appeal period. As a result, the Board did not proceed with the advertised Special Permit request for building height relief. Larry further stated that the remaining portion of the

application concerning relocation of the existing shed should be submitted under a separate application if necessary.

Following the vote, Larry explained that the Board's jurisdiction in this matter was limited to reviewing the Building Inspector's determination that a Special Permit was required because of the increase in height. He acknowledged the frustration expressed by the abutters that the issue had not been identified earlier in the permitting process but said that the Board could not revisit prior approvals issued by other Town boards, nor re-evaluate the overall redevelopment of the property through the pending appeal. The Board concluded that the issue before it was limited to whether the approximately 2.5-foot increase in height required an after-the-fact Special Permit and determined that the additional height resulted from code-compliant reconstruction rather than an expansion requiring such relief.

Julius also acknowledged the frustration experienced by the abutters and apologized on behalf of the Town for the procedural oversight, while emphasizing that it was not the result of any action by the applicant. Mr. Gothard further noted that notice had been provided during the Historic District Commission review, where the proposed increase in height had been disclosed as part of the reconstruction plans.

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5:45 pm – A public hearing on an on an application for a Special Permit from Schofield, Barbini & Hoehn Inc. on behalf of **Natalie Penicaud Volcko** to allow the construction of an accessory structure (garage with ADU) over 676 sq. ft on a pre-existing non-conforming lot under Sections 11.2-2 and 4.2-2A3 of the West Tisbury Zoning Bylaw at **170 Waldrons Bottom Rd., Map 37 Lot 35.1**, in the RU district.

Larry read the hearing notice at 6:38pm. Representing the applicant was Jordan Hoehn, who summarized the proposal and reviewed the property's zoning history. He explained that the lot was created in 1991 as a three-acre parcel and had consistently been treated by the Town as a conforming lot for more than thirty years, with building permits issued for the original dwelling and subsequent renovations. He noted that the current Building Inspector had determined that the area occupied by a private roadway easement should be deducted from the lot area pursuant to Section 4.2-2A3, resulting in the lot being classified as nonconforming. Mr. Hoehn said that there was a reasonable legal question as to whether that bylaw provision applied to this particular roadway configuration but explained that, rather than pursuing a legal determination, the applicants elected to seek the required Special Permit.

The proposed structure is consistent with the surrounding neighborhood. Mr. Hoehn noted that many nearby properties contain garages and accessory structures of similar scale. The proposed garage includes an accessory dwelling unit (ADU) of less than 900 square feet and that the project was intended to provide year-round housing while maintaining the residential character of the property.

Board members discussed the history of the lot, prior building permits issued by the Town, and the interpretation of the roadway area provisions of the Zoning Bylaw. Special Permits for accessory structures exceeding 676 square feet on nonconforming lots are routinely considered by the Board and this proposed structure is appropriate for a lot of this size and character. Discussion also addressed the layout of the proposed garage, the location of the ADU, existing driveway access, and compliance with applicable setback requirements.

The Chair read into the record a letter from the Planning Board, which had reviewed the application and referred it to the Zoning Board of Appeals without comment.

No testimony was offered regarding the application. During the hearing, several members of the public entered the meeting believing it concerned the previously denied West Tisbury Auto Care application. The Chair explained that the Board had denied that application at its prior meeting and briefly described the appeal process before returning to the matter before the Board.

A motion was made and seconded to close the hearing and open the board meeting.
There was no further discussion.

A motion was made and was seconded to GRANT the Special Permit.
Larry went over the 20-day appeal period and the requirement that the decision be recorded prior to issuance of a building permit.

A roll call vote was taken with the following resulting votes. Motion passed 5-0.
L. Schubert-yes, J. Lowe-yes, D. Wells-yes, C. Decker-yes, S. Hiatt-yes

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The Meeting adjourned at 7:00 p.m.

Respectfully submitted,
Kim Leaird, Board Administrator