

Zoning Board of Appeals

From: Bruce Bullen <brucebullen@gmail.com>
Sent: Tuesday, April 4, 2023 3:33 PM
To: zba@westtisbury-ma.gov
Subject: 89 Pond Road

April 3, 2023

TO: ZBA members and Building Inspector

RE:89 Pond Road West Tisbury: application for building permit and application for ZBA relief:

As you know we are proposing to make minor changes to an existing pool house / bedroom.

We purchased the property in September after moving from Katama where we owned for 35 years. Our adult son moved in with us when Covid hit. Our Katama home became too small. We are retired and have lived on the Vineyard full time for the last 7 years.

We searched for properties that offered a separate sleeping area for our son. He eats meals with us but wants to have a separate bedroom next to the house and live as independently as possible. Before we purchased this property we had our broker check with the West Tisbury building department. He was assured by Mr Fisher that the pool house with a bedroom was permitted. We would not have bought this particular house had we been told otherwise.

We applied for relief to expand a pre-existing nonconforming use because the Building Inspector advised us that detached bedrooms were limited to 400 sf. We learned for the first time at the ZBA hearing in March that the Building Inspector takes the position that the current pool house structure as used was not permitted originally in 1997 nor is it allowed under current zoning laws.

We have assumed that the structure with a bedroom was permitted as this structure has been used as a pool house with bedroom since 1997. We were concerned that our expansion of living space in the first floor (by moving the pool equipment outside) might be considered an alteration of a nonconforming use because the maximum size of a detached bedroom had been at 400 sf in 2015. That is why we applied to ZBA.

Since the March hearing we reviewed the zoning bylaw in effect in 1997-98 when our house and the pool house were built. That ordinance, section 3.124, allowed for a detached subordinate dwelling to exist with total habitable space not to exceed 800 sf, provided the use was limited to family members. No kitchen was ever installed, nor do we propose one. There is no provision for a detached bedroom in the 1997-8 ordinance, and therefore no application was made for one.

The definition of bedroom in the 1997 bylaw, section 9.0, includes a sleeping loft. The original pool house plan submitted to the building department in 1997 identifies such a loft. The entire habitable space in the pool house did not exceed 800 sf.

For these reasons we believe the pool house and bedroom were properly permitted in 1997. We are seeking a small increase in the habitable square footage with no change to the use or structure footprint.

We are aware that all communities on Martha's Vineyard are most concerned with providing affordable housing to all its residents. We know first hand that there is no other option for our family to provide independent living space for our son than the home and separate living space 89 Pond Road offers.

We have provided copies of the 1997 zoning ordinance referenced above.

Bruce and Maria Bullen