

Pam Thors

From: Derek Avakian <derek.avakian@verizon.net>
Sent: Thursday, March 5, 2020 2:13 PM
To: zba@westtisbury-ma.gov
Subject: Avakian ZBA Hearing

Pam, could you please forward me any correspondence from abutters regarding our proposal for 220 Vineyard Meadow Farms.

Thank You,

Derek Avakian
Vineyard Construction Services LLC
Edgartown, MA 02539
(Cell) 774-521-9747

www.vineyardconstructionservices.com

Please excuse any spelling errors, this message was sent from my iPhone

Pam Thors

From: Kitty Zilla Cheung Zilla <kitty.c.zilla@me.com>
Sent: Thursday, March 5, 2020 5:57 AM
To: Pam Thors (zba@westtisbury-ma.gov)
Cc: Chris Zilla
Subject: Upcoming ZBA Hearing on 12-March re 220 Vineyard Meadow Farms Road

Good morning Pam,

We saw this legal notice in the MV Times today regarding our neighbour seeking for a setback relief for a couple accessory structures they plan to construct and as the main abutter we obviously are significantly impacted by our neighbor's proposal. With the basic information we have at this stage, we will clearly be against this setback relief request as A) it is quite a significant request (10ft in multiple spots that impact our lot) and B) all the lots on Vineyard Meadow Farms Road are already undersized and nonconforming which makes any setback relief request more impactful to abutters.

We had several initial questions that we hoped you might be able to help us with:

- 1) Does the town have the Avakian's proposed plan and any other public information for this construction so we can visualise the impact and can that be emailed to us. Obviously, we are in Hong Kong so mail takes substantial time. If you can't email the plan to us but if we had someone come by the office today or tomorrow would they be able to make copies/photos and that way we can make the most informed decision.
- 2) If we are, in the end, against this setback relief what do we specifically need to do to reflect our position as the main abutter being significantly impacted. Do we need to draft an official letter and are there any guidelines on what it should include? Can we draft the letter ourselves (without hiring a lawyer)?
- 3) If we are against this setback relief can the town override our position? After the ZBA decision, is there still a 28 day appeal process from both sides regardless of the decision? We don't know the details of this process and are not sure how much can be shared.
- 4) Obviously if we were on Martha's Vineyard right now we would attend the meeting in person but as we are in Hong Kong and also considering the COVID Virus and possible quarantine procedures we won't be able to attend. Does not attending in person have an impact or lessen our position against allowing this relief?
- 5) The Avakian's have yet to make any contact with us since they purchased the vacant lot this summer. Do you have a contact for them and could you share it with us as we would like to reach out and make contact and potentially discuss aspects of their plans.

Fundamentally, we are not against our neighbour's rights to construct their new house, swimming pool, garage with an apartment above as long as it conforms to the Town's bylaws. There have in fact been several neighbours building and renovating in the past few years but within the setback lines. It is the significant request for setback relief that is highly concerning to us as it impacts us directly. We would like to understand our neighbour's proposed plan better before we form our final conclusions.

We appreciate your time in advance and we may also followup this email with a call tomorrow as the time before the hearing is quickly approaching.

Best regards, Chris and Kitty Zilla

Z

Received
3/12/20 (PW)

16B Hong Kong Garden
8 Seymour Road
Mid-Levels, Hong Kong

224 Vineyard Meadow Farms Rd
West Tisbury, MA
02575

czilla@mac.com/kitty.c.zilla@me.com

12th March 2020

Via Email

Zoning Board of Appeals
West Tisbury Town Hall
West Tisbury, MA 02575

RE: Application of Derek and Brooke Avakian for Setback Relief

Dear ZBA Board Members,

As the owner of 224 Vineyard Meadow Farms Road, I am the direct abutter to the south so both setback relief requests directly impact our lot and my family. I am emailing the ZBA this letter to be read at the meeting as I live out of state for part of the year otherwise I would have certainly attended in person but hopefully my comments will be reflected in the ultimate ZBA decision.

We have owned 224VMF for 20 years and chose to make our home in West Tisbury and on VMF Road in particular due to the peace and privacy that it provides us. I also want to be clear from the start that our family welcomes the Avakian's as neighbours and by right they are entitled to build their home and allowed structures on this vacant lot within the applicable setbacks which were established when their lot was created.

The main purpose of this letter is to register and voice our objections to both 10ft setback relief requests.

One of the stated goals of the West Tisbury Zoning Bylaws is "protecting the rural and natural character...and providing scenic and ecologically healthy environment", and as such, setback lines are a crucial element to ensure that goal. Any planning/construction must allow for and consider proper separation and privacy between lots. As the main abutter I hope my voice and objections are heard and valued as these relief requests will impact our lot significantly.

Mr Avakian, an active Island builder, purchased this vacant and buildable lot in late 2019. He clearly was aware of its narrow shape (common for lots on VMF Road) and any building constraints including the normal and necessary compliance with mandatory setback requirements. He is not suffering any hardship as his current plan includes a main house, a pool with cabana structure as well as a sizeable garage structure with liveable space above. 220 Vineyard Meadow Farms is a 1.4acre non-conforming lot (one of the smallest lots in the development) thus any setback relief requests' impact on abutters is magnified.

A cursory examination of the proposed site plan shows that there is enough space to site this pool within the applicable setback lines without having to move it closer to our shared property line. I believe it is poor precedent to allow any setback relief for a large pool on a small lot that can be downsized slightly or moved slightly which would comply with existing setbacks. Pools are active and noisy as they are social gathering places. Providing setback relief for the pool/cabana is particularly concerning to us due to lack of privacy, increased noise and altered sight line of the natural setting in our neighbourhood.

Mr Avakian made comments included on the plan that a 20x40 pool was approved for our lot. This is correct and we have a 3.2acre lot and placed the pool well within required setback lines. In fact our pool will be over 175ft away from the lot line of our abutter to the south. His proposal is placing an active pool a mere 40ft away from our main and only living space.

Mr Avakian's plan also requests a total of 20ft of setback relief for a proposed garage and apartment structure. He is requesting 10ft relief from both the north lot (214 VMF Road) as well as 10ft relief from the south lot (my house on 224 VMF Road). The proposed garage and living space structure it is quite sizeable at 34x28ft and could be reduced or reconfigured elsewhere on the lot within existing setback lines. It appears to us that this proposed structure is an oversized structure designed to maximise garage and living space for his lot while creating a deterrent to his abutters. The proposed garage structure is also two stories high and including the decks and stairways is nearly as large as their proposed main house thus constructing it 10ft closer to our lot increases its visibility and reduces our natural view and sight lines.

In conclusion, I am strongly against both 10ft setback relief requests and hope the ZBA can understand and sympathise with my concerns. Mr Avakian is a professional builder and purchased the lot fully aware of setback requirements and should comply with them. The plan doesn't include any mandatory plantings or solid privacy fencing on the south border which might provide some necessary privacy and screening from noise. Pool structures and associated noise and social activity will impact our privacy significantly and the pool can be reconfigured or simply shifted to the north to comply with the setback requirements.

I believe that the ZBA should protect abutters rights when at all possible and believe that allowing significant setback relief in a number of accessory structures is a bad precedent. The use of special permits to sidestep zoning weakens the setback requirements and sets precedent that can be repeated over and over again

I thank you in advance for your serious consideration on this matter. In my humble opinion, the ZBA should not grant relief to allow a development plan that alters the Town's characteristics. Clearly this is not what the residents of West Tisbury, including my family, want to see.

Sincerely,



Christopher Zilla

Pam Thors

From: darlaouz@aol.com
Sent: Tuesday, March 10, 2020 12:21 PM
To: zba@westtisbury-ma.gov
Subject: Ouzunoff Response to ZBA meeting March 12

Hi Pam,

Please find our comments regarding the proposed plans for the lot that abuts our property in West Tisbury. I tried to express our feelings regarding the requested setback relief as well as indicate a few other concerns. I understand that these will be read at the meeting. I wish we were able to be there, but at this point I am unable to do so.

Thanks again for your time and your thoughts regarding this issue.

Kindly,
Carla Ouzunoff

Zoning Board of Appeals
West Tisbury Town Hall
West Tisbury, MA 02575

March 9, 2020

Dear Members of the Zoning Board,

Thanks for providing an opportunity for us to share our thoughts with you regarding the proposed construction on the lot adjoining our property at 214 Vineyard Meadow Farms Rd. We are unable to attend this meeting, I recently had back surgery and am not able to travel. Since we have been given the opportunity, we do want to express our concerns and our objection to part of this proposal.

We have owned this property for 27 years. It has been a haven for us. We come to the island for the peace, privacy and renewal it provides us. While we knew there was an adjoining parcel, we had hoped that it would not be developed and we could continue to enjoy the natural beauty of the surrounding pines, oaks, the occasional whippoorwill and the lady slippers which share our property with us. That said, we have no objection to anyone wanting to share in this same environment with us. We only hope that it could be done with minimum impact and with respect to the current requirements. The very nature of our zoning law is to protect and preserve the environment which we have grown to value. We believe these regulations were put in place for that purpose and should be acknowledged and respected.

It is our understanding that there are two issues on the proposal. In regards to the placement of the pool and cabana. The setback relief that is being requested currently does not infringe upon our property line, it places the pool further from our property, therefore we cannot issue an objection. It is possible when all is said and done, this may change and if the pool area is moved and requires a special permit for setback relief from our property, then we would, in fact, object to that situation. At present, this proposal does impact the owners along the southern property line and we do feel it is important for their opinion to be heard in this matter as well.

Another concern, which is not addressed in the appeal, is the proposed driveway. This looks to be running very close to our property line. At present there are quite a few trees and shrubs which would act as a natural screen between both properties. I cannot tell if the intention is to remove all of the trees and undergrowth or if any will be allowed to remain. It appears that some screening will be planted, we are very hopeful that the current growth is not all removed. If it is, we would request that the Avakians would consider adding additional screening material, ideally evergreen material, between our two properties along a substantial portion of the proposed driveway. Our main living area is situated so that we would be facing the pool and proposed garage site, as well as cars coming and going from the accessory apartment. This would substantially alter the privacy and quiet which we now enjoy. Anything that can be done to keep the tranquil and natural setting of this area would be most welcome.

Our objection regarding the proposal is the setback relief requested to build the garage with apartment. We have another concern related to the garage as well. Because Mr Avakian is in the construction business, we hope the construction of a large garage will not lend itself to a collection of construction vehicles being garaged on the property. Of course, during the build phase, we know all sorts of vehicles will be employed. We just do not want to see a continuance of these vehicles being housed on this residential property once the work is finalized.

Regarding the setback request. We would like to have the garage building conform to the current regulations. It is a large 2 story building which will certainly be visible from our home. Putting it 10' closer to our property line feels more intrusive. Frankly, it seems like there is a lot being planned to go into a small lot. These are long narrow lots, the shape provides very little space between our lot and the adjoining lot on the other side of the Avakian property (the Zilla family property). We feel the property setback lines provide critical and needed protection in preserving the rural nature of this area and the value of our respective properties. We have a small, one car, one story garage which is proportional to the size of our lot. The proposed maximum sized garage being considered in this petition is too large for this lot and should not, in itself, present any reason or basis for a setback exception.

Our vineyard home is something we dreamed about and worked towards for many years. Now that we have just entered our retirement, we are planning on spending much more time on the island. We thank you for hearing and considering our comments in this matter. We are hopeful that we can arrive at an acceptable outcome for all parties involved.

Sincerely,

Greg and Carla Ouzunoff

BY EMAIL ONLY TO THE ZBA

received
March 11, 2020

March 10, 2020

Zoning Board of Appeals
West Tisbury Town Hall
West Tisbury, MA 02575

RE: Zoning Appeal of Derek and Brooke Avakian

Dear Board Members:

First of all, I apologize for not being able to attend this hearing in person to voice my concerns. I write this letter to the Board in support of the positions of my neighbors in opposition to the petitioners' request for several setback reliefs from existing setback limitations on their proposed development of their recently purchased building lot at 220 Vineyard Meadow Farms Road. I am the owner of 219 Vineyard Meadow Farms Road, which is located on the opposite side of the road across from the proposed development. The requested setback reliefs encompassed in this petition involve a 10 foot relief for the placement of a proposed swimming pool and a 20 foot relief for the siting of a proposed garage/apartment.

The lot in issue, 220 Vineyard Meadow Farms Road, is one of the smallest building lots of the 113 buildable lots in the Vineyard Meadow Farms Road development at 1.4 acres in size. My own lot, 219 Vineyard Meadow Farms Road, is of comparable small size at 1.4 acres and I recently completed the building of my residential home on that lot several years ago. As such, I am very familiar with the challenges and difficulties of planning the siting and size of a home and accessory structures on a buildable lot of this size within the applicable setback lines required by West Tisbury. After numerous drafts and designs with my architect, we were eventually able to propose a plan for a home with a pool and a detached garage/apartment that could be built within these applicable limits. While my proposed pool and garage/apartment are not as large as the ones proposed by the petitioners', the point I am trying to make is that the building and placement of these accessory structures is far from impossible on a lot of this size.

Setback limitations are designed to specifically insure a certain measure of buffer zone space between adjoining property owners and to generally provide a similar measure of spacing throughout the community at large. With those protections in mind, relief from such setbacks should be sparingly granted and critically evaluated when considered for accessory building such as those in this appeal. While relief from such setbacks will have substantial and tangible adverse impacts on adjoining property owners, such relief will also impact the overall value of homes within and nearby as neighboring lots become overbuilt and needlessly crowded.

With the exception of the Zilla family who own an adjoining lot to the petitioners, none of the homes around my lot have or propose to build a pool and a garage/apartment as large as those being proposed in this petition. By comparison, the Zillas own the largest lot in the development (at 3.2 acres over twice the size of the petitioners' 1.4 acres). Unlike the present situation, their proposed accessory buildings are proportional to the size of their lot and well within the required setback limits. I would respectfully suggest that the petitioners in their appeal have pushed the sites of their accessory buildings into the setback areas in an effort to increase the usable footprint of their lot. This is particularly true with respect to the pool location given that it could easily be simply relocated into the middle of the lot to avoid the proposed intrusion into the south setback limit. Such a simple and achievable repositioning of the pool would bring it into setback compliance while avoiding any complaints or concerns of the adjoining neighbors. As for the garage/apartment, the proposed building should be resized from its maximum scale to fit within the applicable setbacks.

For all of the above reasons, I would ask the Board to deny the requested setback reliefs being sought by the petitioners.

Sincerely,

Andrew Zaikis
219 Vineyard Meadow Farms Road
West Tisbury, MA 02575
617-791-7945
andyzaikis@gmail.com