

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TISBURY**  
**ZONING BOARD OF APPEALS**

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Douglas F. Best filed with the West Tisbury Town Clerk on May 7, 2021 ZBA Case File 2021-15**

**Applicant:** Douglas F. Best III, P.O. Box 1358, Vineyard Haven, MA 02568

**Property Owner:** Douglas F. Best III-Trustee of The Douglas F. Best III Revocable Trust, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1550 Page 541, dated November 9, 2020.

**Agent:** N/A

**Locus:** 1201 State Rd., West Tisbury, MA, 02575, Assessors Map 34 Lot 6, RU district, 3.06 acres.

**Plans:** 1) Site Plan prepared by Schofield, Barbini and Hoehn, Inc. dated April 9, 2021.  
2) Floor plan and elevations prepared by D. Best Construction dated March 30, 2021.  
All plans on file at the Zoning Board of Appeals office.

**Notice:** Certified abutters notified on April 16, 2021 and legal notice advertised in the Martha's Vineyard Times on April 15 and 22, 2021.

**Hearing & Request:** A Public Hearing was held on April 29, 2021 on an Application for a Special Permit from Douglas Best III to amend Special Permit #2015-39 and to add a carport with a second story deck requiring 26' of east side yard setback relief to a pre-existing, non-conforming structure (workshop) located at 1201 State Rd, Assessors' Map 34, Lot 6, RU District.

**Requirement:** Section 11.1-3 (A), 4.3-3(D) and 9.3-3 of the Zoning Bylaws.

**Present:** Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Andy Zaikis, Jeffrey and Kaye Casey Decker.

**Decision:** On April 29, 2021 the Zoning Board of Appeals voted to GRANT a Special Permit amending Special Permit #2015-39 and to add a carport with a second story deck requiring 26' of east side yard setback relief to a pre-existing, non-conforming structure (workshop) located at 1201 State Rd, Assessors' Map 34, Lot 6, RU District.

**Vote to Approve:** Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Andy Zaikis and Jeffrey Kaye.

**Abstained:** Casey Decker.

**Findings:** 1) The addition will be for storage of vehicles in the carport and a second story deck accessible from the existing workshop and an outdoor stairway.  
2) The proposed structure is less than 676 square feet.  
3)The square footage of the workshop will not be increased.  
4) The carport will be built on an existing concrete pad.  
5) The abutters on the Northeast who are most affected by the addition wrote in support of the application and there were no letters in opposition.  
6) The application was considered under the review criteria of Section 9.2-2 of the Zoning Bylaws and found to be in harmony with the intent of this bylaw.  
7) The extension or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure.

**Conditions:** N/A

**NOTE WELL: It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work.**

***NO VARIANCE OR SPECIAL PERMIT SHALL TAKE EFFECT UNTIL:***

- 1. A period of twenty days has elapsed from the date of the filing of the Board's written Decision with the Town Clerk, and the applicant has received a copy of the Decision bearing the certification of the Town Clerk that a period of twenty days has elapsed from the filing of the Decision and that no appeal has been filed, or the appeal has been denied or dismissed. The **Certified Decision** is recorded at the Dukes County Registry of Deeds and the recording fee has been paid at the Dukes County Registry of Deeds. **Only Original Documents will be accepted at the Registry.****
- 2. A receipt for the recording stamped by the Dukes County Registry of Deeds has been returned to the **Building & Zoning Inspector of West Tisbury** or to the office of the **West Tisbury Board of Appeals** who will turn over the receipt to the Building and Zoning Inspector.**
- 3. The applicants may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required by law.**

**Any person aggrieved by the Decision of the West Tisbury Board of Appeals may appeal to Superior Court and must notify the Town Clerk of the action and submit a copy of the complaint within twenty days after the decision has been filed in the office of the Town Clerk.**

**A Special Permit shall lapse in 2 years if not utilized. A Variance shall lapse in one year if not utilized.**

**The Building and Zoning Inspector may approve at his discretion, minor changes that come up during the building process. All major changes to the plans or significant material changes must be approved by the Zoning Board of Appeals. Please consult with the Inspector regarding any change. Failure to do so may nullify your permit and may require removal of the unapproved construction.**

Filed with the West Tisbury Town Clerk on May 7, 2021

I certify that no appeal has been made

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