

Received by the Town Clerk:

Date:

[Signature]

Application complete _____

Application incomplete _____

Signed: _____

APPLICATION COVER PAGE

Date: 4/25/22

Date Received by ZBA: 4/29/22

Name of Applicant and Mailing Address: TABITHA CALHETA

PO Box 2855, EDGARTOWN MA, 02539

Email Address: tabitha@calhetaconstruction.com Telephone Number: (508) 939-0679

Name of Owner and Mailing Address (If not Applicant): _____

Map and Lot #: 30-26

Street Address of Subject Property: 27 HEATHER TRAIL

Applicant is: OWNER (Owner, Tenant, Purchaser, Other)

Nature of Application (Special Permit, Appeal, Variance): APPEAL

Applicable Section of Zoning Bylaw: Section 4.2-2E + 14.2 Definitions

Date of Denial by Building Inspector, Zoning Inspector, or Planning Board (If Applicable): 4/25/22
Chapter 40 A section 8 + 15

Plot Plan: Must provide a plan by a registered surveyor showing the total property with the existing buildings, including the proposed project, all setback distances to be provided.

Plans: 2 sets of scaled drawings of floor plans that show total sq. ft. per floor (measured from exterior of wall), at least 2 elevations with one showing proposed height to ridge. If the project is an addition to existing structure please clearly identify proposed work.

Description of proposed project: Please attach a detailed narrative.

I have read the overview of the ZBA process attached to this application and completed all sections of the application cover page and therefore request a hearing before the West Tisbury Zoning Board of Appeals with reference to the above noted application.

Signed: Tabitha Calheta

Title(s): Homeowner

Application fee of \$200.00 is required. Date Paid: 4/29/22 CK # 1648



Town of West Tisbury
BUILDING & ZONING INSPECTOR
West Tisbury, Massachusetts 02575

April 25, 2022

Michael & Tabitha Calheta IV
P.O. Box 2855
West Tisbury, Ma 02539

Re: 27 Heather Trail- Detached Bedroom

Dear Tabitha,

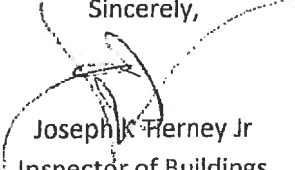
Thank you for reaching out with your question on whether a washing machine and a clothes dryer are allowed in a detached bedroom.

According to Section 4.4-2(E) and Section 14.2 Definitions- Bedroom, Detached, of the West Tisbury Zoning Bylaws, a detached bedroom may only have toilet/sanitary facilities and a washer and clothes dryer would not be allowed.

Feel free to contact me if you have any additional questions.

If you feel aggrieved by this determination you may appeal to the Zoning Board of Appeals within 30 days of this notice.

Sincerely,


Joseph K. Herney Jr
Inspector of Buildings
Town of West Tisbury

COPY

Cc: ZBA
Planning Board

Tabitha Calheta
27 Heather Trail
West Tisbury, MA 0275
508.939.0079 cell
508.338.2566 home
tabitha@calhetaconstruction.com

Zoning Board of Appeals
Town of West Tisbury

April 25, 2022

This application is to appeal the written denial by the Building Inspector, Joe Tierney, dated April 25, 2022, to allow a washer and dryer in the detached bedroom we are constructing at our property (27 Heather Trail). The following contains reasoning opposing the building inspector's *interpretation* of the bylaws referring to detached bedrooms.

Please review the following points following the referenced bylaws

Section 4.2-2 E. Detached Bedrooms

Detached bedrooms, with or without toilet facilities, shall be considered part of the dwelling unit with which they are associated. Detached bedrooms are limited to 400 square feet.

- The plans and currently framed structure are 398 square feet of living space
- Building plans were approved by Board of Health and Building Department on September 27, 2021
- All items addressed in the referenced by law are approved and met by the Building Department

Section 14.2 Definitions

Bedroom, Detached: *Any bedroom that is located within a structure not physically connected with the main house. Such bedroom shall not have a kitchen but may include a sanitary facility that shall share septic facility for the main house. Detached bedrooms shall each have a maximum area of 400 square feet.*

- The referenced bylaw does not indicate excluded appliances other than "kitchen". Washer and dryers are not considered a kitchen appliance by building code standards as written
- Washer and dryers are appliances commonly found in closets and bathrooms. It is not unreasonable to include these items in a detached bedroom, that has a bathroom and closet the washer and dryer can be installed
- Washer/Dryers are not an item that creates a room, like a stove makes a kitchen. It is a convenience, much like the mini fridge that IS allowed in the detached bedroom

The detached bedroom's purpose is for my parents and my in-laws to spend time with us, while still living independently. It is not a hotel room, with bare minimum hotel accommodations. Residential bedrooms, whether attached or detached from main structure, are spaced for comfort and convenience. Providing this to our families includes a washer and dryer that doesn't require them taking laundry downstairs or to main structure, which is arguably unsafe for the elderly.

In summary, there is no exclusion in the bylaws that even hint that a washer and dryer can't be installed. Not only does it not explicitly state washers and dryers are excluded, I argue that washers and dryers are commonly found in the spaces allowed in a detached bedroom, specifically the *sanitary facility* (bathroom). I believe the intended purpose of detached bedrooms, for visiting friends and family, supports the inclusion of washers and dryers in spaces allowed.

Regards,

A handwritten signature in cursive script that reads "Tabitha Calheta". The signature is written in black ink and is positioned above the typed name.

Tabitha Calheta
27 Heather Trail
West Tisbury, MA 02575