

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TIS BURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Eben Armer. Filed *with the West Tisbury Town Clerk on May 24, 2016. ZBA Case File 2016-12.*

Applicant: Eben Armer, P.O. Box 1653, West Tisbury, MA 02575.

Owner: Eben Armer, P.O. Box 1653, West Tisbury, MA 02575, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 994 Page 739, dated April 6, 2004.

Agent:

Locus: 51 New Lane; Assessors Map 31 Lot 53, West Tisbury, MA 02575, RU District, 1.95 acres.

Plans: 1) Site Plan prepared for Eben Armer by Vineyard Land Surveying & Engineering, Inc., dated February 11, 2016. 2) Floor plans showing a 22' x 32' accessory structure. Plans on file in the ZBA office.

Notice: Certified abutters list mailing sent out on April 29, 2016, and advertised in the Martha's Vineyard Times on April 28 and May 5, 2016.

Hearing & Request:

May 12, 2016: An application for a special permit from Eben Armer for setback relief to build a 704 square foot accessory structure/shed for personal storage requiring setback relief of 25' from the south property line and 3' from the west property line.

Requirement: Section 11.2-2 of the Zoning Bylaws: Accessory Structures on Non-Conforming lot: Non-habitable detached or attached accessory structures which will not meet current setback requirements and/or exceed 676 sq. ft. in floor area, may be allowed by special permit from the Board of Appeals provided that the Board finds such construction or alteration is in harmony with the residential development in the zoning district and not detrimental to the neighborhood. Setback relief for a non-habitable accessory structure may be granted under Section 4.2-2D

Present: Nancy Cole (Chairman), Larry Schubert, Tony Higgins, Robert Schwier and Julius Lowe

Absent: Roger Hubbell and Toni Cohen

Abstained:

Decision: The Zoning Board of Appeals voted unanimously to GRANT with CONDITIONS a special permit for a 22' x 32' non-habitable accessory structure (shed) for personal storage only with 25 feet of setback relief from the southern property line and 3 feet from the west property line.

Vote for: Nancy Cole (Chairman), Larry Schubert, Tony Higgins, Bob Schwier and Julius Lowe.

Vote Against:

Findings:

- 1) The accessory structure applied for will not be substantially more detrimental to the neighborhood and Town, and the construction is in harmony with similar development in the neighborhood and town in scope, size and design.

- 2) As shown on the site plan the accessory structure/shed will be 25' from the southeast corner of the building to the property line and 47 feet from the northwest corner of the building to the property line. The height of the accessory structure/shed is 13 feet 6 inches. The setback relief granted will not be detrimental to the neighborhood.
- 3) This application met the review requirements of section 9.2-2.

Conditions:

- 1) The accessory structure is non-habitable for personal storage only.

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. 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.**
3. 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.
4. **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.**
5. **Note well: You must obtain a Building Permit from the Building/Zoning Inspectors Office prior to construction of the project.**

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 year 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 24, 2016. _____

I certify that no appeal has been made _____