

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TIS BURY**  
**ZONING BOARD OF APPEALS**

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF William C. & Diane E. Luckey filed with the West Tisbury Town Clerk on January 29, 2018, Special Permit 2018-02.**

**Applicant:** William C. & Dianne E. Luckey, P.O. Box 936, West Tisbury, MA 02575

**Property Owner:** William C. & Dianne E. Luckey, at the Dukes County Registry of Deeds and described in Book 1141 Page 625, dated January 24, 2008.

**Agent:**

**Locus:** 57 Longview Road, West Tisbury, Map 7 Lot 74, RU District -1.20 acres.

**Plans:** 1) Septic Tank Tie in Plan prepared by Vineyard Land Surveying & Engineering, dated November 20, 2017  
2) Floor plans including elevation plans, prepared by Maurice O'Connor, Architect, dated December 6, 2017. All plans on file at the Zoning Board of Appeals Office.

**Notice:** Certified abutters list mailed on January 3, 2018, and advertised in the Martha's Vineyard Times on January 4 and January 11, 2018.

**Hearing & Request:**

The hearing was held on January 18, 2018 for a special permit filed by William Luckey, for setback relief to convert an existing studio to a one-bedroom accessory apartment, under 4.4-3 and 4.2-2D of the Zoning Bylaws.

**Requirement:** Section 4.4-3(A) 1 through 8, (Accessory Apartments) and 4.2-2D4 (setback relief) of the West Tisbury Zoning Bylaws.

**Present:** Nancy Cole, Tony Higgins, Larry Schubert, Toni Cohen, Roger Hubbell and Robert Schwier.

**Absent:** Julius Lowe

**Decision:** On January 18, 2018, the Zoning Board of Appeals voted to grant a special permit with conditions to convert an existing studio to a one-bedroom 741 sq. ft. accessory apartment. The addition/alternation will be 44 feet from the southeast property line, with 6 feet of setback relief granted. A change of use from a non-habitable space (studio) to habitable space (accessory apartment), this special permit is allowed under 4.4-3(A) (Accessory Apartment), 4.2-2D (setback relief) and 9.2-2 (Review Criteria) of the Zoning Bylaws.

**Vote for:** Nancy Cole, Tony Higgins, Toni Cohen, Larry Schubert, Bob Schwier and Roger Hubbell.

**Abstained:** Roger Hubbell.

**Findings:**

- 1) The Board approved the submitted plan detailing the alternation of an existing studio to a one-bedroom accessory apartment (total of 741 sq. ft.) which satisfies the dimensional requirements of Section 4.4-3(C); the unfinished basement will be used for personal storage only.
- 2) Setback relief of 6' is granted. The alternation/addition to the structure will be 44' from the southeast property line.

- 3) There is a change in use from a non-habitable space (studio) to a habitable space (accessory apartment).
- 4) There was no correspondence filed by any of the direct abutters.
- 5) The plan details two egresses for the apartment.
- 6) The structure applied for will not be substantially detrimental to the neighborhood and town, and the construction is in harmony with similar developments in the neighborhood and town.
- 7) The application met the Review Criteria of Section 9.2-2 of the West Tisbury Zoning Bylaws.
- 8) The change of use from a studio to an accessory apartment requires that the structure comply with the bylaw requirements under 4.4-3 (accessory apartments) and 4.4-4 (occupancy restrictions on apartments)

**Conditions:**

- 1) If the apartment is rented it **must** be rented affordably and **comply** with all the requirement of Section 4.4-3(A-B) and 4.4-4(A-C) of the West Tisbury Zoning Bylaws. The applicant **must** adhere to the occupancy restrictions and will sign an affidavit with the Building & Zoning Inspector attesting to their understanding of these restrictions and their intention to comply. The special permit granted for this accessory apartment is deed restricted.

**The applicant will obtain all other permits or authorization required by the Town of West Tisbury before proceeding with any work.**

**NO VARIANCE OR A 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 January 29, 2018. \_\_\_\_\_

I certify that no appeal has been made \_\_\_\_\_





