

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, January 18, 2018
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Tony Higgins, Toni Cohen, Tucker Hubbell and Bob Schwier.

ABSENT: Julius Lowe

Also Present: Laura Broach, Peter Levine and Tony Cordray.

Minutes:

September 28, 2017 – moved and seconded, approved with corrections.

November 30, 2017 – moved and seconded, unanimously approved.

December 14, 2017 – moved and seconded, unanimously approved.

Hearing:

5:15 pm – A hearing on an application George Sourati, agent for Peter Levine to convert an existing detached garage into a detached bedroom under 4.3-3(D) of the zoning bylaws. Map 3 Lot 46, 16 Stone Bridge Road, RU District.

Nancy opened the hearing; no correspondence from abutters was received. George Sourati, agent for Peter Levine and Laura Broach, presented a site plan showing an existing garage, currently used for storage. They would like to convert it to a detached bedroom with a half bathroom. A copy of a letter dated September 20, 2017, sent to Michael Doucette, the contractor from the Zoning Inspector, rejecting the building permit application and referring him to the Zoning Board for a special permit under 4.2-2(3) and 4.3-3(D) was reviewed. Clare presented a copy of a document titled “Building Permit Application Review” dated June 14, 1982, signed off by the Planning Board regarding this property to build a 27’x23’ garage. It stipulated “if the building is ever to be used as a “dwelling” it should be placed at least 40’ from the side line and 50’ from the road. In a letter dated August 31, 2017, from the Planning Board to Mr. Tierney (Zoning Inspector), they honored the prior board’s determination regarding setback relief including a statement that a detached bedroom constitutes a dwelling unit. George told the board that the garage is approximately 8’ from Stone Bridge Road; the applicants are seeking 41’ of setback relief. George told the board that his conversations with the Building Inspector, Mr. Tierney disagreed with the Planning Board, that a detached bedroom was not a dwelling. Setback relief is required for a change of use; from a non-habitable space (garage) to a habitable space (detached bedroom). A discussion ensued comparing the definition of “habitable space” and how it was defined by the Planning Board 1982 in comparison to the current bylaw. The space is a total of 430 sq. ft., the board explained if a special permit was to be given, that detached bedrooms are limited to 400 sq. ft. currently there is no structure within approximately several hundred feet from the garage. The board could take this under advisement when considering any potential noise including lighting issues when looking at the change of use to a habitable space.

Ms. Broach explained that they are currently doing renovations to the house and their contractor could convert part of the first floor to a third bedroom. The garage space then could be a craft workshop/office space, with a half bath, for their use. The clients told the board they anticipated the ZBA may not give approval for the detached bedroom. The Planning Board would be the permit granting authority for a craft workshop. The discussion returned as to the location of the garage and the proximity to the road, also there is one window on the west side of the garage which faces the road. The discussion returned to the potential uses regarding the garage: studio, craft workshop or a detached bedroom and how the Board of Health reviews these options. The board suggested they speak to the Board of Health regarding all their options. The general consensus reached by the board was that they don't usually allow so much setback relief on a habitable space. Bob told the applicant that due to the topography of the property they could apply for a variance; which is site specific.

Nancy told the applicants if they were unsure how they would like to precede at this time an option could be to withdraw without prejudice. The ZBA could continue the hearing to allow the applicant time to speak with the BOH and the Planning Board for more information regarding the different options discussed tonight. Mr. Sourati requested the board table the hearing. Larry moved to table this hearing till 6:40 pm tonight. Tucker seconded, the vote was unanimous.

6:15 PM- A hearing on an application from William Luckey, for setback relief to convert an existing studio to an accessory apartment, under 4.3-3 and 4.2-2D4 of the zoning byalws. Map 7 Lot 74, 57 Longview Road, RU district.

Nancy opened the hearing; no correspondence was received regarding this application. Mr. Luckey explained to the board he would like to alter and expand an existing studio, to become a 741 sq. ft. accessory apartment to accommodate housing for his children. The accessory apartment will also have an unfinished basement for personal storage. Setback relief of 6' is needed. The addition to the existing structure will be 44' from the southeast property line. This will be a change of use from a studio to an accessory apartment; non-habitable to habitable space. Larry moved to close the board meeting and open public hearing. Larry explained that under the bylaw the property will be deed restricted as an affordable accessory apartment. The applicant/owner would comply with the Dukes County Regional Housing Authority rule and regulations which governs affordable housing. Larry moved to vote the application as presented. Toni C. seconded, the vote was unanimous, with one abstention (R. Hubbell). Nancy explained the twenty day appeal period.

6:40 pm - A hearing on an application from Julie Robinson for the following: to convert a existing barn to an accessory apartment including a home occupation for a upholstery shop/showroom, under 4.3-3 and 8.5-1B of the zoning bylaws. Map 17 Lot 2.9, 14 Catboat Lane, RU district.

Nancy opened the hearing; Correspondence: Anthony & Kathrine Cordray (Map 17 Lot 2.6) - raised concerns regarding commercial activity without a permit.

A copy of a violation letter from Building/Zoning Inspector, dated December 4, 2017, to Ms. Robinson, outlining several building code and zoning violations on the property, which are:

- 1) Conducting a commercial activity on the property without a permit.
- 2) Boat storage activity on the property.
- 3) Remove business sign from the property.
- 4) Cease use of the barn on the property as a detached bedroom.

Josh Robinson appeared before the board on behalf of his mother, Mrs. Robinson who is out of the country. Josh presented plans to change a portion of the existing barn to a 785 sq. ft. one-bedroom accessory apartment. A portion of the barn, as shown on the plan will include the upholstery shop/sewing room. The showroom will be located in 16'x16' entry room in the house. A new septic design plan is being prepared by George Sourati for a four bedroom septic system; the accessory apartment will be used by family only. Josh told the board the boats on the property belong to his father, himself and his cousin. They will not be storing boats on the property; one boat will be removed shortly with three boats remaining. The business portion of the sign has been removed. The home occupation/business will be by appointment only; Monday through Saturday, 9 am to 5 pm, closed Sunday. The business has one full time and one part-time employee. Parking as shown on the plan is for the business van and the employees. Josh explained to the board that he and his mother will comply with the zoning bylaws, and be a good neighbor.

Tony Cordray - direct abutter (Map 17 Lot 2.6). Mr. Cordray was initially concerned about the traffic and the impact on the neighborhood, but after hearing the proposal for the business was satisfied it would have a limited effect on his privacy and property. He did request that an existing stockade fence be replaced and extended along his property line. Josh told the board he is willing to accommodate his neighbor. With no further input from the audience, Bob moved to close the public hearing and open the board meeting. Toni C. seconded, the vote was unanimous. Nancy explained that an accessory apartment is deed restricted and can only be rented affordably, or by a family member.

The board reviewed the following conditions:

Hours: 9am to 5 pm; Monday thru Sat, Closed Sunday

Employees: one full time and one part-time.

A 6' stockade fence will be erected along the east property line, from bound to bound of Map 17 Lot 2.6, direct abutter Tony Cordray.

Prior to an occupancy permit being issued the fence will be installed as stated in the conditions.

Bob moved to vote the application with the findings and conditions as outlined, under 4.3-3 and 8.5-1B. Toni C. seconded, the vote was unanimous, with one abstention (R. Hubbell). Nancy explained the twenty day appeal period.

6:40 pm – Resume Levine hearing; The Levine application was tabled at 6:00 pm to permit the applicant and their agent to review the options discussed. Ms. Broach and Mr. Levine asked to withdraw their application without prejudice. Toni C. moved to allow the applicants to withdraw their application without prejudice. Bob seconded, the vote was unanimous, with one abstention (R. Hubbell).

Discussion:

SP 2017-19 Patient Centric of MV (Dispensary) - reconfiguration of floor plan.

Geoff Rose appeared before board to review changes to the interior of the lay-out of the dispensary. The board determined the changes were de-minimis in nature and did not require a new hearing. The board signed the amended plan showing the reconfiguration of the floor plan as presented. A letter will be drafted to the building inspector along with a copy of revised plan.

With no further business, the meeting adjourned at 8:00 pm.

Respectfully submitted,

Clare A. Harrington
Administrator/ZBA

- **Minutes approved at the January 25, 2018, meeting of the Zoning Board of Appeals.**