

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, July 28, 2022
Meeting Minutes

Approved August 11, 2022

Present: Julius Lowe, Deborah Wells, Jeffrey Kaye, Andy Zaikis, Casey Decker

Absent: Larry Schubert

Also Present: Kim Leaird (*Board Administrator*), Mark Kiley, Michael Franken, Anna Alley, Robert Russillo, John Alley Jr., Bruce Rayvid, John Fuller, Doug Sederholm

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5:00 pm – Board discussed the June 23 meeting minutes. Jeffrey requested the audio, Deborah had some edits/questions. Kim to contact Pam.

5:15 pm – (*Continuation from May 26, 2022*): A public hearing on an application for a Special Permit from **David J. Reed** to allow the operation of a Service Business (wedding venue) under section 8.5-2 of the West Tisbury Zoning Bylaws at 371 Edgartown Rd., Assessors' **Map 30, Lot 4**, RU District. *This application was referred to the MVC and will not be reviewed by them until August 22, 2022.*

Julius read the hearing notice. Per Alex Elvin, Mr. Reed requested an August 22 extension to meet with the LUPC. It was moved and seconded to continue the hearing without testimony to September 22 at 5:35pm and to extend the deadline to October 15, 2022 for the board to take final action on the application of Mr. Reed. Julius signed on behalf of the board.

*A roll call vote was taken with the following resulting votes. Motion passed 5-0.
J. Lowe-yes, D. Wells-yes, J. Kaye-yes, A. Zaikis-yes, C. Decker-yes*

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Informal Hearing – **Mark Kiley** of 696 State Road, Assessors **Map 22, Lot 27**, was granted a special permit in 2011 (2011-15) to alter and extend a pre-existing, non-conforming (PENC) house with the condition he demolish the existing house. He would like to retain approximately 8'x12' of the existing dwelling as a shed. The building inspector asked that he go to the ZBA to see if there would be an issue in retaining a portion of the former dwelling when it was to be demolished per special permit. Julius asked if it meets setbacks, it's a "new use" even if it's PENC. It's the newer portion of the older structure (built around 1980) and he'd rather not take it down and replace it with another shed or hoop tent.

A motion was made and seconded that this is a *de minimis* request and that Kim would write a letter on behalf of the board letting the building inspector know.

Old Business – **Leah Houghton** of 20 Hopps Farm Rd., Assessors **Map 16, Lot 247**, was granted a special permit in 2019 (2019-43) for an Accessory Apartment that has since lapsed after more than two years. She asked if it could be extended, but the board determined she must re-apply.

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5:35 pm – A public hearing on an Application for a Special Permit from **Anna Alley** to construct a One-Bedroom Affordable Accessory Apartment above a three-car garage which will replace a pre-existing,

non-conforming structure on a lot located in the Major Roads Zone under section 4.4-3A, 6.2-3D2 and 11.1-3A of the West Tisbury Zoning Bylaws at 1058 State Rd., Assessors' **Map 32, Lot 92**, VR District.

Julius read the hearing notice. Anna Alley and Robert Russillo presented the project: a 3-car a garage with an affordable apartment above.

Property is in the Historic District and was reviewed on 6/6/2022 with approval to demolish the existing garage and build a new 3-car garage with a second story [affordable] apartment.

The board reviewed the plans and determined that new plans are required that properly show the second egress to be signed off by Joe. Elevation must be ground to ridge – 24ft maximum in this district.

A letter was received and read into the record from the Planning Board referring it back to the ZBA for its consideration without comment. There was no other correspondence on this application.

A motion was made and seconded to close the hearing and open the board meeting.

Discussion followed about how it is a change of use but it's decreasing the non-conformity by enlarging the setbacks (from 12.7 and 13.6 feet to 20 feet). There was consensus that before this could move forward a revised plan must be submitted.

A motion was made and seconded to continue this hearing to August 4 at 5:00 pm at which time the new plans will be reviewed and a vote to approve entertained.

A roll call vote was taken with the following resulting votes. Motion passed 5-0.

J. Lowe-yes, D. Wells-yes, J. Kaye-yes, A. Zaikis-yes, C. Decker-yes

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5:55 pm – A public hearing on an Application for a Special Permit from **Michael Franken** to construct a Pool with a 520 sf. Pool House with Detached Bedroom under section 8.5-4C of the West Tisbury Zoning Bylaws at 688 Old County Rd., Assessors' **Map 31, Lot 17-2**, RU District.

Julius read the hearing notice. Michael Franken presented his plans – they are in the final stages of construction of their main residence and are seeking permission to build a pool house located about 70 ft west of the main house. It will be encircled by natural habitat and is well within setbacks on 3 acres. The pool house is just under 13 ft elevation with a flat roof. The entire pool depth is 4'11". There is a planned utility sink outside.

A motion was made and seconded to close the hearing and open the board meeting.

There were no other board questions or deliberations. A letter was received from the Planning Board referring it back to the ZBA for its consideration without comment.

Julius said there are blanket pool requirements and will be part of the decision and briefly went over them.

A vote to approve the Special Permit was taken with the following resulting votes. Motion passed 5-0.

J. Lowe-yes, D. Wells-yes, J. Kaye-yes, A. Zaikis-yes, C. Decker-yes

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6:15 pm – A public hearing on an Application for a Special Permit from **Bruce Rayvid** to construct an addition to a Pre-Existing, Non-Conforming dwelling requiring 2.7' of east side yard setback relief and 2.1' of west side yard setback relief under sections 11.1-3A and 4.3-3D of the Zoning Bylaws at 26 Brushbroom Ln. Assessor's **Map 31, Lot 106.1** RU District.

Julius read the hearing notice. Casey Decker recused himself. Bruce Rayvid and John Fuller presented the project which is to add 12 ft to each side of the dwelling. It will be insulated and heated with heat pumps.

The side setbacks were determined to be incorrect: The applicant is asking for 9.7' (not 2.7') of east side yard setback relief and 7.1' (not 2.1') of west side yard setback relief. An error was made in advertising the setback relief sought. After discussion, with no negative letters from abutters as well as no objection from the abutter present, the board determined they would approve the request but with the correct setback numbers.

A letter was received from the Planning Board referring it back to the ZBA for its consideration without comment.

Abutter Doug Sederholm was in attendance and said he had no objection to the project. He did ask if the ZBA had any authority on construction hours. He would like to see hours not go beyond 7am to 6pm Monday-Saturday with no work on Sundays. Julius said we could represent that in a Finding vs. a Condition.

A motion was made and seconded to close the hearing and open the board meeting.
There were no other board questions or deliberations.

A vote to approve the Special Permit with the correct setback relief stated was taken with the following resulting votes. Motion passed 4-0.
J. Lowe-yes, D. Wells-yes, J. Kaye-yes, A. Zaikis-yes

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Approval of Minutes

- The June 23rd meeting minutes were reviewed and approved with corrections with one abstention. *Motion passed 3-0-1 : J. Lowe-yes, D. Wells-yes, J. Kaye-abstain, A. Zaikis- yes (C. Decker was not present)*
- The June 30th meeting minutes were reviewed and approved with corrections. Motion passed 5-0.
- The July 14th meeting minutes were reviewed and approved. Motion passed 5-0.

Upcoming Meetings

August 4, August 11, and August 25.

The Meeting adjourned at 6:50 pm.

Respectfully Submitted,
Kim Leaird, Board Administrator