

**WEST TISBURY ZONING BOARD OF APPEALS**  
**Minutes for Tuesday, September 26, 2019 meeting**  
**2<sup>nd</sup> Floor, West Tisbury Town Hall - @ 5:00 PM**  
**Approved at meeting on October 3, 2019**

**PRESENT:** Nancy Cole-Chair, Larry Schubert, Faren Worthington, Deborah Wells and Tony Cohen

**Also Present:**

Philip Pratt, Kathleen Skinner, N. Platt Johnson, Nancy Johnson, Moira Fitzgerald, Jason Gale, Annie Fisher, Joe Tierney, Building Inspector and Pam Thors, Board Administrator

**5:15 pm:** A hearing on an application from Philip Pratt for a Special Permit to enlarge an existing shed requiring 39 feet of setback relief under Section 4.2-2 (D) 4 of the Zoning Bylaws, Map 17 Lot 63, 85 Oak Ln, RU district.

The notice was read and the applicant presented the project. Mr. Pratt explained that the shed was on the property when they bought the house but was in severe disrepair. He said it was torn down and now they want to put the new shed in the same location and will also get rid of the second shed. He stated that the setback relief they are requesting is 39 feet. It is going to be used for gardening. Mr. Pratt said there would be no plumbing or electricity. It was verified that the shed will be 10x16 and 12'6" tall. It was confirmed that the original shed was permitted but was only described as "shed". After discussion of the location, it was determined that the shed actually needs 40 feet of setback relief from the side setback and 33 feet from the rear setback.

Toni mentioned that it would be good to condition the shed as non-habitable in the decision.

*A motion was made to close the Public Hearing and Open the Board Meeting*

*A motion was made to approve the application. The vote on the motion was unanimous.*

Nancy went over the 20 day appeal process.

**5:35 pm:** A hearing on an application from Robert Courcier, agent for Norman Johnson for a Variance under Section 10.3-2 of the Zoning Bylaws seeking relief from Zoning Bylaw Section 10.1-1 (C) which requires boundary monuments at each change of boundary direction, Map 15 Lot 26.121, 133 Indian Hill Rd, RU district.

The notice was read and Platt Johnson, the applicant presented the application. Nancy commented that Variances are very specific. Platt stated that they bought the property and in preparation for some renovation work, applied for a Building Permit. They were then told that they need boundary monuments placed at each change of direction of the lot lines. Platt said that the buildable areas had already been bounded but not the unbuildable areas (wetlands and part of the driveway). He said that he is there to ask for relief from the bylaw so as not to incur the expense involved with bounding the entire lot. He said that when the lot was surveyed, he put in rebar stakes rather than leave the wood stakes, which would eventually fall over and rot. Correspondence in favor of the variance sent by Doug Hoehn was read into the record, (see file). The driveway location was discussed. Larry said that when a property is sold, the bank gets annoyed if there is an easement over the property. He suggested that at some point it may be beneficial for the owners to put in the bounds so there is no question as to where the lot line is.

Joe Tierney, Building Inspector suggested that the bounds be set at the driveway intersection with the road. He said he has other oddly shaped lots that will be coming before the board for this Variance as well. He said he would like the Planning Board to require the bounds before a Form A subdivision is signed off on. He said that the bylaw is clear enough to allow the ZBA to approve this Variance. Larry stated that the shape of the lot and the topography brings the issue into their purview. Deborah read the bylaw, (10.3-2) and the board agreed that shape and topo apply here. Whether the bounds at the end of the driveway should be placed was discussed. Larry said that what is considered “Best Practice” for surveyors is to set concrete bounds. Larry said he is okay with no additional bounds being set since the lot lines are clearly outlined on the surveyed plan.

*A motion was made to close the Public Hearing and Open the Board Meeting.*

*A motion was made to approve the Special Permit due to the shape of the lot. The vote on the motion was unanimous.*

Nancy went over the 20 day appeal period.

Nancy asked Joe if he would be able to make the decision to allow this type of relief without an application before the ZBA. Joe said he would rather have the input from the ZBA on a case by case basis. He said he would speak to the Planning Board about requiring the bounds during the subdivision process.

**5:55 pm:** A hearing on an application from Anne Fisher for a Special Permit to add a deck to a preexisting nonconforming dwelling requiring 20 feet of setback relief under Sections 11.1-3 (A), 4.2-1 and 4.2-2 (C) of the Zoning Bylaws, Map 35 Lot 4, 137 Road to Great Neck, RU district.

The notice was read and Annie presented the project. She stated that she knows she needs two means of egress from her house and pointed out the existing one and the proposed porch and stairs which would access the second egress. She stated that she is looking for 20 feet of relief for the deck and stairs. Larry went over the amount of stair square footage allowed within the setback. He stated that the addition would increase the non-conformity of the structure by a very small amount.

*A motion was made to close the Public Hearing and Open the Board Meeting.*

*A motion was made to approve the Application for Special Permit. The vote on the motion was unanimous.*

Nancy read the email from John Rau who would like to be considered as a new board member. Pam said that there is still an Associate Member position open. Nancy asked her to write back stating that they would like John to come to the next meeting.

Nancy reviewed, approved and signed the updated job description for Board Administrator.

Nancy read the email from Peter Brown, attorney for the Coffin family who filed an application to Appeal the Decision of the Building Inspector. The email states that all parties involved wish to continue the hearing scheduled for October 3<sup>rd</sup>.

**6:15 pm:** A hearing on an application from Moira Fitzgerald, agent for Mark and Dede Gimbel for a Special Permit to construct an addition to a single family dwelling requiring 4 feet of setback relief under Section 4.3-3 (D) of the Zoning Bylaws, Map 32 Lot 7, 57 Tiasquam Rd, RU district.

The notice was read and Moira presented the application. She said that the owner would like to add on to the kitchen, add a dining area and a mudroom. She stated that the whole addition is 295 sf. and the kitchen addition requires 4 feet of setback relief.

*A motion was made to close the Public Hearing and open the Board Meeting.*

*A motion was made to approve the Special Permit. The vote on the motion was unanimous.*

Nancy reviewed the 20 day appeal period.

The board signed the Cottrell plans which had been corrected to show a half bath rather than a full bath.

The South Mountain plans were re-signed with corrections to the measurements of the Solar Storage building.

Jason Gale presented his request to change the building plans for his previously approved addition, (Special Permit # 2019-10. He told the board that he would like to build a full second story rather than just enclose the existing screen porch. Larry noted the increase in the total square footage of the house. Nancy stated that her opinion is that this is not a de minimus change and will require a new application to the board.

The meeting adjourned at 6:50pm.

Respectfully Submitted,  
Pam Thors, Board Administrator