

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, March 22, 2018
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Tony Higgins, Toni Cohen, Julius Lowe, and Tucker Hubbell (Associate Member).

ABSENT: Bob Schwier (Associate Member)

Also Present: Shelyn Garcia, Patricia Linn, Rob Hauck, David Sprague, Laura Broach and George Sourati.

Hearing:

5:15 – A hearing on an application from Shelyn Garcia, for setback relief to move an existing 12’x16’ shed 30 feet from the southeast property line, under 4.2-2D4 of the zoning bylaws. Map 16 Lot 61, 560 State Road, RU district.

Nancy opened the hearing. Clare told the board that two emails were received today (4:30 pm), from Patricia Linn (Map 16 Lot 60) and Alan & Anne Reekie (Map 16 Lot 235), but due to the format they were created on she was unable to download them. Ms. Garcia is requesting 30’ of setback relief to relocate an existing 12’x16’ shed 20’ from the southeast property line (abutting the West Tisbury Transfer station – Map 16 Lot 234). Shelyn explained the existing shed has to be re-located to accommodate the installation of a sewage disposal system and planned future patio. The shed is used to house her birds (parrots, cockatoos and chickens). Patricia Linn (direct abutter) was not in favor of the application and voiced the following concerns; could the shed be moved further away from her property line, she stated they house animals on their property which are noisy and there are lights projecting from the shed in the evenings. Ms. Linn also read a letter from Alan & Anne Reekie; who also expressed concerns about the animal noises, particularly at night. The applicant meets the 50’ setback requirement from Ms. Linn’s property line. Regarding any complaints/concerns regarding the birds, or “farm animals” the neighbors should contact the Board of Health. Shelyn stated a light is on in the shed only when she is breeding her birds (which she only does by customer request). This would only take place January through March, the light being on from 2:30 to 7:00 pm. It was explained that the windows are blacked-out which eliminates any light that would project from the shed. As stated the shed will be used to keep birds (livestock). The board was in agreement that this use does comply with the agricultural rural character of the Town. Tony H. asked if, relocating the shed, it could be sited so the doors are facing away from Ms. Linn’s property. The applicant agreed this would not be a problem. The board told the applicant that any outdoor lighting would have to comply with section 8.6 of the WT Zoning Bylaws.

Julius moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. The board was in agreement that with the shed being sited with the doors facing away from Ms. Linn’s property as well as the windows being blacked out would eliminate any negative affect on her property. With no further discussion, Toni C. moved to approve the application as discussed. Larry seconded, the vote was unanimous. Nancy told Ms. Linn, that if she has any complaints/concerns regarding Mr. Oliveira’s on-going building project, to contact Mr. Tierney at the Building/Zoning Inspector’s office. Nancy explained the twenty day appeal period.

5:50 – A hearing on an application from David Sprague, for 21 feet of setback relief for an addition to an existing home. Also setback relief is requested for an addition to an existing shed, under 4.2-2D4 and 4.3-3(D) of the zoning bylaws. Map 10 Lot 13, 32 Stoney Hill Lane, RU district.

Nancy opened the meeting and the board introduced themselves to the applicant. *Correspondence: Letter dated 2/13/18, from the Stoney Hill Farms Homeowners Association Architectural Review Committee (SHFHAARC) in support of the applicant's proposal for the addition to the house. Email dated 3/15/18, from William Messenger (Map 10 Lot 155) supporting the project.* Mr. Sprague is requesting setback relief of 21 feet from the North property line (abutting Eighth Avenue which is a "paper road") for a 600 sq. ft. addition on the back of his residence. In addition David is looking for setback relief from Seventh Avenue (a paper road) for an addition to pre-existing shed. Clare explained to the board she had worked with the applicant to determine the amount of setback relief he would be asking for, but due to the fact that Seventh Avenue is a paper road and not owned by the applicant, it was unclear. David explained that Joe Tierney (Building Inspector) was at his property inspecting recently installed solar panels on his roof, Joe asked about the addition to the shed and if a permit had been pulled. David thought because the shed was less than 120 sq. ft. no permit would be necessary. David told the board the SHFHAARC did not have a problem with the addition to the shed.

The Board was in agreement that as the permanent granting authority the Zoning Board of Appeals would have no legal right to allow one to build on someone else's property even with the blessing of the road association. The board was sympathetic but he would have to move the shed and relocate it entirely on his property. The board allowed the applicant to relocate the shed on his property and with 49 feet of setback relief; the shed would be sited 1 foot off the property line. This would make the property less non-conforming when the shed is moved. The applicant understood and would comply with the Zoning Board's ruling. No correspondence was received from the direct abutter on the setback relief requested for the 600 foot addition. The board allowed 21 feet of setback relief from the north property line (abutting Eighth Avenue). The addition will be 29 feet from the property line; the addition is on the same plane as the existing dwelling and is no more non-conforming. Rob Hauck, a direct abutter (Lot 10 Lot 155), told the board that he and David have a good relationship and supports the project. He has asked David to plant evergreens to block the view and no outside lighting to face towards his property. Mr. Hauck stated that he would like to eliminate or curtail "urban sprawl" and limit the density in the neighborhood. Mr. Sprague agreed to Mr. Hauck requests. Julius moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. Toni C. moved to approve the application, Larry seconded. The vote was unanimous in favor; five standing members (Nancy, Larry, Toni C., Tony H. and Julius). Nancy explained the twenty day appeal period.

6:10 – A hearing on an application from George Sourati, agent for Peter Levine on an application for a variance (under ZBL: 10.3-2) from setback requirements to allow a detached bedroom to be located in an existing garage. The garage is located 8' from the road layout of Stone Bridge Road. Map 3 Lot 46, 16 Stone Bridge Road, RU District.

Nancy opened the hearing. *Correspondence: The following abutters were in favor of the project. David Lowe & Susan Mann (Map 3 Lot 59), Christopher Anderson & Makenzie Brookes (Map 3 Lot 47), Henry & Kari Leal (Map 3 Lot 58), Joseph & Penny Berini (Map 3 Lot 56). MV Land Bank Commission (Map 3 Lot 81); raised concerns about the water quality regarding Duarte's Pond and if the septic system is adequate for extra nitrogen generated by the new bedroom. Letter from the WT Planning Board dated March 20, 2018, stating their opposition to the project.*

George Sourati outlined the project and explained the reasons why the applicant is requesting a variance under ZBL 10.3-2. The applicant would like to convert the existing storage area above a pre-existing garage to a 398 sq. ft. detached bedroom.

A variance is requested to allow a non-habitable space to become a habitable space (detached bedroom) to be located 8 feet from the road layout of Stone Bridge Road, instead of the 50 foot setback required. The property is 3.0 acres and fronts Duarte Pond and Blackwater Brook, which is a River pursuant to the Wetlands Protection Act and the West Tisbury Wetlands Protection Bylaw and runs through the property. Due to the shape of the property and the location of the River, an addition to the house is not feasible as the Conservation Commission will not allow additional living space to be added to the house because it is located within the first 100' of a Riverfront Area. George informed the board the WT Board of Health has issued a permit for a three bedroom septic system. The third bedroom in the existing house will be decommissioned. Regarding the MV Land Banks concerns there will be no additional nitrogen loading which could affect Duarte's Pond. The foot print of the pre-existing garage is not being enlarged and there will be no change to the stairs (see site plan). Only one window is facing the road (west elevation). The board respects the WT Planning Board's view that the pre-existing garage is located right on the road but recognizes the fact that the abutting neighbors have no objection to the project. The most effected neighbor is approximately 200 feet away, there is really no impact upon the neighborhood. As stated earlier, the property limits the addition to the existing house, due to the Duarte's Pond and Blackwater Brook.

Julius moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. The board was in agreement that due to the topography of the land, with the river (Blackwater Brook) and the existing pond (Duarte's Pond) in close proximity this limits new construction. A literal enforcement of the provision of the bylaw would involve substantial hardship to the applicant not to be able to convert an existing storage space above the garage to a detached bedroom. The garage below will remain storage space (non-habitable). The board allowed setback relief of 8' from the property line along Stone Bridge Road, giving them 42 feet of setback relief, to convert storage space in an existing garage to a detached bedroom (habitable space). Larry moved to approved and grant a variance, specific to the reasons stated above. Julius, seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

Meeting adjourned at 7:15 pm

Respectfully submitted,
Clare Harrington
Administrator/ZBA

- Note: Minutes of March 22, 2018 approved May 3, 2018.