

A Short History of DRI 549 with Local Boards - West Tisbury Map 16 Lot 82

April 5, 2000 – West Tisbury ZBA

Jim Hart submitted plans for a two-bedroom house with 25-foot setbacks for which he was seeking permission to have a home occupation with out personally occupying the dwelling.

May 3, 2000 – West Tisbury ZBA

Mr. Hart asked to withdraw his application so that he could build his house and not have to wait two years to apply again. He was told that there was a new by-law under consideration that would allow businesses up to 2,000 sf would be allowed on existing 20,000 sf lots in the Business District. He said he was committed to building a house for his family on this property and his application was withdrawn.

November 6, 2000 – West Tisbury Planning Board

Jim Hart submits a plan to the Planning Board for a mixed-use building for his plumbing business and an apartment above. The proposed building would require setback relief for the ZBA and apparently had already been approved for a well and septic form the Board of Health. The Board asked why the plan had 16 parking spaces for a business and an apartment. He said it was to accommodate the maximum number of employees and residents on site. The Board asked if the parking would be paved. Mr. Hart replied that it would not be paved unless required. The Board approved the Site Plan contingent on only developing parking spaces 11-16 in the back of the property and any additional parking would be developed following Planning Board review and approval.

January 3, 2001 – West Tisbury ZBA

The ZBA opened a Hearing that was continued to January 10 and which was further continued to January 24, 2001 to consider granting setback relief to a building of 1,964 sf.

January 8, 2001 – West Tisbury Planning Board

The Planning Board discussed a ZBA interpretation of Section 4.4-2 of the WT Zoning By-laws as it applies to this property. The debate was whether the square footage of the apartment should be counted when considering whether a project required a Special Permit from the ZBA for being over 3,000 square feet. Mr. Hart was proposing a 2-story 2,000 sf footprint building but was claiming he was not subject to a ZBA Special Permit because Section 4.4-2 says "apartments over non-residential uses are permitted by right subject to Site Plan Review in the MB District and shall not be counted toward the maximum floor area for the structure." The Board said that the Section was intended to encourage apartments and not meant to exempt the apartment floor area when determining whether a project requires Site Plan Review or a Special Permit.

January 24, 2001 – West Tisbury ZBA

The ZBA voted to grant a variance with conditions on an application to build a 2,000 square foot building to be sited 11-feet from the northeasterly side yard lot line. Mr. Hart was told during the hearing that in order to develop the second-story apartment the project would have to be referred to the MVC for DRI Review. Mr. Hart chose to modify the use of the second story to be attic/storage rather than a habitable apartment in order to avoid MVC DRI Referral. The applicant offered to lower the roof and ridge lines and reduce the number of parking spaces since the use was being lessened. The ZBA granted 19-feet of setback relief which included a lower roof and a reduction in parking spaces to eight (8). Changes to the structure, use, and parking would require further consideration by the appropriate Boards.

October 1, 2001 – West Tisbury Planning Board

Mr. Hart requested a change to his Plan Approval to shift the driveway 10-feet to save 7 trees. The Hearing was continued to October 29. On October 29 the Planning Board granted the shift of the driveway 10-feet and the parking by 20-feet to the northeast.

January 9, 2002 – West Tisbury ZBA

Jim Hart filed a request to amend a Variance granted January 2001 to change dog-house style dormers to shed dormers. The Board questioned the need to increase the second-story space for attic/storage. The Hearing was continued to January 30, 2001 at which point the project was referred to the MVC for DRI Review. Mr. Hart withdrew the amendment request in order to avoid MVC DRI Review.