



Town of Barnstable
Zoning Board of Appeals
Agenda
March 26, 2008
Revised as of 02-28-08

7:00 PM Appeal 2008-018 – Continued Setterlund/Salted Realty Trust
Bulk Variance Minimum Lot Area

Opened February 27, 2008, Continued to March 26, 2008

No Members Assigned - No Testimony taken

Richard Setterlund, Trustee of Salted Realty Trust, has applied for a Variance to Section 240-13.E Bulk Regulations, Minimum Lot Area. The applicant is seeking the variance for a 33,390 sq.ft., undersized non-buildable lot to be developed for zoning purposes and to construct a single-family dwelling. The property is addressed as 71 Tonela Lane Cummaquid, MA, as shown on Assessor's Map 336 as parcel 063. It is in a Residence F-1 Zoning District.

7:15 PM Appeal 2008 – 021 - New Johnson
Special Permit Nonconforming Single-Family

Bruce W. Johnson and Denise T. Johnson have petitioned for a Special Permit pursuant to Section 240-92(B) – Nonconforming Buildings or Structures Used as Single-Family Residences. The petitioners seek to expand the existing nonconforming dwelling with a 12 by 15-foot addition. The addition is located 13.3 feet off Island Avenue and 10.4 feet off the side property line. The proposed addition does not conform to the required 30-foot front yard setback and the 15-foot side yard setback. The property is addressed as 46 Island Avenue, Hyannisport, MA, and is shown on Assessor's Map 265 as parcel 021. It is in a Residence F-1 Zoning District.

7:15 PM Appeal 2008 – 022 - New Johnson
Bulk Variance Setbacks

Bruce W. Johnson and Denise T. Johnson have applied for a Variance to Section 240-13.E Bulk Regulations, Minimum Front Yard Setback and Minimum Side Yard Setback. The applicants seek to expand the existing nonconforming dwelling with a 12 by 15-foot addition. The addition is located 13.3 feet off Island Avenue and 10.4 feet off the side property line. The proposed addition does not conform to the required 30-foot front yard setback and the 15-foot side yard setback. The property is addressed as 46 Island Avenue, Hyannisport, MA, and is shown on Assessor's Map 265 as parcel 021. It is in a Residence F-1 Zoning District.

7:30 PM Appeal 2008 – 023 - New Zenovic
Modification Special Permit No. 2006-102

Joseph Zenovic has petitioned for a modification of Special Permit No. 2006-102 issued pursuant to Section 240-91.H(2) for the demolition of the existing dwelling and the rebuilding of a new single-family dwelling on a lot of less than 10,000 sq.ft. The modification is sought to convert the area that was proposed for the garage to that of added living area for an expanded kitchen

and an enclosed porch. The property is addressed as 153 Bay Shore Road, Hyannis, MA, and is shown on Assessor's Map 325 as Parcel 098. It is in a Residence B Zoning District.

7:45 PM

Appeal 2006-024 – Continued

Corey

Conditional Use in a Highway Business

Members: Ron S. Jansson, James Hatfield, Daniel M. Creedon, Kelly Kevin Lydon, John T. Norman

No Alternates

Opened March 22, 2006 continued April 12, 2006, May 24, 2006, July 26, 2006, September 13, 2006, November 15, 2006, January 3, 2007, January 31, 2007, March 28, 2007, May 23, 2007, July 11, 2007, September 26, 2007, November 7, 2007, January 9, 2008, January 30, 2008, February 13, 2007, February 27, 2008, and to March 26, 2008.

Continued for Peer Consultants review of traffic and rework of conditions based upon revised plans submitted that eliminated the access roadway onto Wequaquet Lane.

Draft findings and conditions, based upon staff prior conditions and have been submitted from Attorneys Butler and Cox for Appeal 2006-024 – Conditional Use Special Permit (attached).

Donald J. Corey, Jr., has petitioned for a Special Permit pursuant to Section 240-25 (C)(1) Conditional Use in a Highway Business District and a Modification of Special Permit 1969-66 issued to Father McSwiney Associates Inc. The applicant seeks to demolish the existing Knights of Columbus Hall and redevelop the site with a 9,801 sq.ft. retail building and related site improvements. Use of the site is to be that of retail sales of liquor. The property is addressed as 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA, as shown on Assessor's record as Map 250 as parcel 065, in a Highway Business and Residence D-1 Zoning District.

7:45 PM

Appeals 2007-009 & 010 – Continued

Corey

Opened January 31, 2007, continued March 28, 2007, May 23, 2007, July 11, 2007, September 26, 2007, November 7, 2007, January 9, 2008, January 30, 2008, February 13, 2007, and to February 27, 2008.

Given the plan changes, Staff anticipates that Appeals 2007-009 & 010 will be requested to be withdrawn.

Appeal 2007-009

Conditional Use Special Permit

Donald J. Corey, Jr., has petitioned for a Special Permit pursuant to Section 240-25(C) Conditional Use in a Highway Business Zoning District. The applicant seeks to designate a 30-foot wide easement from Wequaquet Lane to property addressed as 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA. The easement is to be developed as a driveway for access to and egress from a proposed commercial development of 1030 Falmouth Road. The easement and drive is to be created over land addressed as 28 and 0 Wequaquet Lane, Centerville, MA, and 0 and 1030 Falmouth Road, Centerville/Hyannis, MA. The property is shown on Assessor's Map 250 as parcels 024, 023X02, 023X01 and 065. The land is zoned Residence D-1 and Highway Business.

Appeal 2007-010

Use Variance for Driveway

Donald J. Corey, Jr., has applied for Variances to Section 240-11(A) Principal Permitted Uses and Section 240-11(E) Bulk Regulations of the Residence D-1 Zoning District. The applicant seeks to

designate a 30-foot wide easement from Wequaquet Lane to property addressed as 1030 Falmouth Road (Route 28), Centerville/Hyannis, MA. The easement is to be developed as a driveway for access to and egress from a proposed commercial development of 1030 Falmouth Road. The easement and drive is to be created over land addressed; 28 and 0 Wequaquet Lane, Centerville, MA, and 0 and 1030 Falmouth Road, Centerville/Hyannis, MA. The property is shown on Assessor's Map 250 as parcels 024, 023X02, 023X01 and 065. The land is zoned Residence D-1 and Highway Business.

7:45 PM

**Noticed Anew - Continued Corey
Appeal 2006-024, Appeal 2007-009 and Appeal 2007-010**

These appeals were also re-noticed anew to allow for a new public hearing to be heard should it be necessary for quorum. Public Notices were the same as above with the notation "This Appeal is being re-noticed to allow for a new public hearing if necessary."

Opened January 9, 2008, continued to January 30, 2008, February 13, 2008, February 27, 2008, and to March 26, 2008.

No Members Assigned - No Testimony taken

Open Chairman's Discussion
