



BARNSTABLE
TOWN CLERK

'09 FEB 25 P4:12

Town of Barnstable
Zoning Board of Appeals
Notice of Withdrawn Without Prejudice

Appeal No. 2009-003

Steven Hirsch & Steven Hirsch Trustee 131 Ocean View Realty Trust

Special Permit - Section 240-92 Expansion/Alteration of a Nonconforming Single- family Dwelling

Summary: Withdrawn Without Prejudice
Petitioner: Steven E. Hirsch and 131 Ocean View Realty Trust, Steven E. Hirsch Trustee
Property Address: 131 Ocean View Avenue, Cotuit, MA.
Assessor's Map/Parcel: Map 034 Parcel 060
Zoning: Residence F Zoning District

Relief Requested and Background:

Appeal No. 2009-003 is seeking to expand and alter a pre-existing, nonconforming, single family dwelling located at 131 Ocean View Avenue in Cotuit. According to information submitted the property is a 36,887 sq.ft., lot developed with a five-bedroom, 4,066 sq.ft., two-story, single-family dwelling. The structure dates back to 1850

According to the application submitted the applicant is seeking to add an additional 1,137 sq.ft. to the dwelling. A November 14, 2008 letter from Arthur P. Traczyk, Regulatory Review Planner was entered into the file suggesting that the plans should be submitted to the Building Division for review for an as-of-right building permit pursuant to Section 240-92.A(1) of the Zoning Ordinance. The Building Commissioner discussed the proposed addition with the builder, Mr. Miller, and on February 9, 2009 issued a letter stating that if a 10-foot rear and side yard setback is maintained with all additions, no zoning relief would be needed for that proposed alteration and expansion of the dwelling.

Procedural & Hearing Summary:

This appeal was filed at the Town Clerk's Office and at the Office of the Zoning Board of Appeals on November 10, 2008. An Extension of Time for holding the public hearing and for filing of the decision was executed. A public hearing before the Zoning Board of Appeals was duly advertised and notice sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened January 14, 2009 and continued to February 11, 2009 at the request of the applicant's representative, Attorney Kevin M. Kirrane.

At the continuance Board Chair, Laura F. Shufelt read a February 9, 2009 letter from Attorney Kirrane citing that initial review of the plans by the Building Division indicated that the building permit for the proposed expansion and alteration should issue as-of-right and therefore the special permit relief requested would not be necessary. The letter requested that this appeal be withdrawn.

Motion:

At the February 11, 2009 hearing of the Board, a motion was duly made and seconded to grant the request to withdraw Appeal No.2009-003 without prejudice.

The vote was as follows:

AYE: William H. Newton, Michael P. Hersey, Craig G. Larson, Nikolas J. Atsalis, George T. Zevitas, Laura F. Shufelt

NAY: None

Ordered:

Appeal No. 2009-003 has been withdrawn without prejudice. Appeal of this decision, if any, shall be made pursuant to MGL Ch. 40A, Sec. 17, within twenty days after the filing of this decision.

Laura F. Shufelt
Laura F. Shufelt, Chair

2/25/09
Date Signed

I, Linda Hutchenrider, Clerk of the Town of Barnstable, Barnstable County, Massachusetts, hereby certify that twenty (20) days have elapsed since the Zoning Board of Appeals filed this decision and that no appeal of the decision has been filed in the office of the Town Clerk.

Signed and sealed this _____ day of _____ under the pains and penalties of perjury.

Linda Hutchenrider, Town Clerk