



Town of Barnstable Zoning Board of Appeals

Agenda

July 25, 2012

The following hearing will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor commencing at 7:00 PM.

Meeting notice previously filed with Town Clerk

Introduction of Board Members

Approval of Minutes from May 23, 2012

Comprehensive Permit No. 2005-082 - **New**

Cotuit Equitable Housing, LLC Request for Minor Modification

Cotuit Equitable Housing, LLC has submitted a request for a minor modification of Comprehensive Permit No. 2005-082 Cotuit Meadows. The request is to designate Lot No. 8 for the construction of an affordable single-family dwelling unit and to designate Lot 7 for the construction of a market rate single-family dwelling unit.

The subject lots are addressed as 74 & 82 Pheasant Hill Circle, Cotuit, MA as shown on Assessor's Map 002 as Parcels 007 and 008.

7:05 PM Appeal No. 2012-040 - **New**

Hyannis Enterprise, Inc. d/b/a Hyannis Toyota

Hyannis Enterprise, Inc. d/b/a Hyannis Toyota is appealing a Notice of Zoning Ordinance Violation issued by the Zoning Enforcement Officer for the "[o]peration and advertisement of a car wash/vacuum for a fee and open to the general public" in alleged violation of Conditional Use Special Permit No. 2009-070. The Appellant denies it has violated the terms of the Special Permit and petitions the Board to issue a ruling that they are operating in conformity with the conditions set forth in the Special Permit. This appeal is filed in accordance with Massachusetts General Laws Ch. 40A §§8 and 15 and §240-125(B)(1)(a) zoning ordinance. The subject property is located at 1056 Iyannough Road, Hyannis, MA as shown on Assessor's Map 294 as parcel 072. It is in the Highway Business and Business Zoning Districts.

7:05 PM Appeal No. 2012-041 - **New**

Hyannis Enterprise, Inc. d/b/a Hyannis Toyota

Hyannis Enterprise, Inc. d/b/a Hyannis Toyota has petitioned to modify a condition of Conditional Use Special Permit No. 2009-070 that states "the car wash shall not be open to use by the public." The Petitioner seeks to amend this condition to be able to offer car wash service to all of its customers and their spouses and family members. The subject property is located at 1056 Iyannough Road, Hyannis, MA as shown on Assessor's Map 294 as parcel 072. It is in the Highway Business and Business Zoning Districts.

7:10 PM Appeal No. 2012-042 - **New**

Shay

Joseph F. Shay, Jr., has petitioned for a Special Permit in accordance with Section 240-92(B) - Nonconforming buildings or structures used as single- and two-family residences to expand a preexisting nonconforming dwelling into a front setback. The Petitioner is proposing to construct a second-floor deck which will provide covered parking on the north/east side of the existing nonconforming home. The new deck, proposed to be 7.9 feet from the property line, will intrude into the required building setback from Mount Vernon Avenue. The property is located at 76 Washington Avenue, Hyannis (Hyannis Port), MA as shown on Assessor's Map 287 as parcel 096. It is in a Residence F-1 zoning district.

NOTE: A request has been received to withdraw this application without prejudice.

7:00 PM **Appeal No. 2012-037 - New** **Lone Tree, LLC**

Lone Tree, LLC is appealing a decision of the Building Commissioner to deny a building permit application for construction a single-family dwelling based on the Doctrine of Merger. The appeal, filed in accordance with Massachusetts General Laws Chapter 40A §§8 and 15, seeks to establish that the lot addressed 58 Midpine Road is a buildable lot under M.G.L. Chapter 40A §6 and Barnstable Zoning Code §§240-90 and -91 Nonconforming Lots. The subject property is located at 58 Midpine Road, Barnstable (Cummaquid), MA as shown on Assessor's Map 356 as parcel 007. It is in a Residence F-2 zoning district.

7:00 PM **Appeal No. 2012-038 - New** **Joly Enterprises, Inc.**

Joly Enterprises, Inc. is appealing a decision of the Building Commissioner to deny a building permit application for construction a single-family dwelling based on the Doctrine of Merger. The appeal, filed in accordance with Massachusetts General Laws Ch. 40A §§8 and 15, seeks to establish that the lot addressed as 25 Merion Way is a buildable lot under M.G.L. Ch. 40A §6 and Barnstable Zoning Code §§240-90 and -91 Nonconforming Lots. The subject property is located at 25 Merion Way, Barnstable (Cummaquid), MA as shown on Assessor's Map 350 as parcel 023. It is in a Residence F-2 zoning district.

7:15 PM **Appeal No. 2012-043 - New** **Adams**

R. Christopher Adams has petitioned for a Special Permit to Section 240-47.1(A)(1) Family Apartments. The Petitioner is proposing to establish a family apartment of approximately 1,130 square feet in an existing attached addition. The property is located at 200 Palomino Drive, Barnstable, MA as shown on Assessor's Map 297 as parcel 045. It is in a Residence F-1 Zoning District.

7:20 PM **Appeal No. 2012-044 - New** **Edmonds**

Richard G. and Lillian S. Edmonds have applied for a variance to Section 240.47.1(A)(3) Family Apartments. The applicants are proposing to utilize approximately 465 square feet of an existing detached garage and to construct an addition of approximately 672 square feet to establish a detached family apartment. The property is located at 455 Sampsons Mill Road, Cotuit, MA as shown on Assessor's Map 039 as Parcel 150. It is in a Residence F zoning district.

7:20 PM **Appeal No. 2012-045 - New** **Edmonds**

Richard G. and Lillian S. Edmonds have petitioned for a Special Permit to Section 240.47.1(A)(1) Family Apartments. The applicants are proposing to utilize approximately 465 square feet of an existing detached garage and to construct an addition of approximately 672 square feet to establish a detached family apartment. A Special Permit is required for family apartments in excess of 800 sq.ft, but not exceeding 1,200 sq.ft. The property is located at 455 Sampsons Mill Road, Cotuit, MA as shown on Assessor's Map 039 as parcel 150. It is in a Residence F zoning district.

Open: Chair's Discussion

Upcoming Meetings:

August	*8 & 22
September	12 & 26
October	10 & 24
November	14
December	12
*NOTE: August 8th hearing to be cancelled	