

Town of Barnstable
Zoning Board of Appeals
Agenda
January 14, 2009
Draft as of 01-07-09

7:00 PM **Appeal No. 2009-002 - New** **Tokarz/Walsh**
Modification Variance No. 2003-155

Staff Report and Application Materials enclosed

Deborah Tokarz as owner of 1271 Old Stage Road, Marstons Mills, MA and Richard Walsh as future owner of 1283 Old Stage Road, Marstons Mills, MA, have applied for a Modification of Variance No. 2003-155 issued to Anne St. Cyr. The applicants are requesting the removal of Condition No. 3 of that Variance requiring that the two lots to only have and share one curb cut on Old Stage Road. The subject properties are addressed as 1271 & 1283 Old Stage Road, Marstons Mills, MA and are shown on Assessor's Map 150 as Parcels 078 & 079. The subject properties are in a Residence F Zoning District.

7:15 PM **Appeal No. 2009-003 - New** **Hirsch**
Expand/Alter a Nonconforming
Dwelling

A January 6, 2009 letter from the applicant's representative, Attorney Kevin Kirrane was received requesting a continuance of this appeal to the February 11, 2009 meeting of the Board.

The continuance is requested to allow for review of the plans for an as-of-right building permit. Copy of Attorney Kirrane's January 6th letter and copy of staff's letter of November 14, 2008 enclosed. No report has been completed at this time and no application materials transmitted herein.

Steven Hirsch and Steven Hirsch as Trustee of the 131 Ocean View Realty Trust has petitioned for a Special Permit pursuant to Section 240-92 Nonconforming buildings or structures used as single- and two-family residences. The petitioner is seeking to modify a single family structure with a portion of its reconstruction encroaching into a 10 foot side yard setback though no closer than existing encroachment.

The subject property is addressed as 131 Ocean View Avenue, Cotuit, MA and is shown on Assessor's Map 034 as Parcel 060. The subject property is located in a Residence F Zoning District.

7:30 PM **Remand Appeal No. 2007-048** **Burke**

Remanded for Additional Conditions

Staff Report and Remand enclosed

By Agreement for Judgment, the decision issued in Appeal No. 2007-048 by the Zoning Board to Joseph H. Burke, Jr. and F. William Burke for construction and use of a timber stairs for beach access on an accessory lot has been remanded back to the Board for insertion of two additional conditions. The essence of the two added conditions are to restrict the use of the accessory lot to that of beach access only and limit the use to only that land area the Burkes are entitled to use. The principal residential lot is addressed 242 Sea View Avenue, Osterville, MA and is shown on Assessor's Map 138 as parcel 011. The accessory lot is addressed 249 Sea View Avenue, Osterville, MA and is shown on Assessor's Map 138 parcel 034. Both lots are in a Residential F-1 Zoning District.

Open

Special Permit No. 2007-107

**Berry
Request for a One-Year Extension**

Staff Report and Request Materials enclosed

By letter dated December 19, 2008 from Attorney Eliza Cox, John P. Berry and Margaret D. Berry have requested a one-year extension of Special Permit No. 2007-107 issued January 23, 2008 for the demolition of an existing nonconforming dwelling and rebuilding of a new dwelling maintaining the nonconforming front yard setback. The request is being made pursuant to MGL Chapter 40A, Section 9. The subject lot is addressed 111 Ocean Drive, West Hyannisport, MA and is shown on Assessor's Map 266 as parcel 005. It is in a Residence B Zoning District.

Note

Comprehensive Permit No. 2005-013

**Mill Pond Estates - Starboard, LLC
Minor Modification for Permit Transfer**

Attorney Michael F. Schulz has verbally communicated to staff that he may again be submitting the request to transfer the ownership of Comprehensive Permit No. 2005-013 "Mill Pond Estates" from Starboard, LLC to Mill Pond Osterville Associates LLC, Paul T. Caggiano and Brady P. Otey, Mangers.

As of this date, no formal request has been submitted.

Open Chairman's Discussion
