

Town of Barnstable
Zoning Board of Appeals
Agenda
November 04, 2009

All hearings are scheduled for 7:00 P.M.

Draft as of 10-20-09

Appeal No. 2009-062 - New

Carlson
Appeal of an Administrative Official

Staff Report & Application Materials enclosed.

Bryan E. and Anne W. Carlson have appealed a Cease and Desist Order dated August 29, 2009 issued by the Building Division. The order requests that the owners abate the renting of the property for short term events and functions as that use is in violation of Section 240-11(A)1 Principal Permitted Uses that restricts the use of the property to that of a single-family dwelling. The appeal was made pursuant to MGL Chapter 40A, Section 15, seeking the Board's ruling that the renting of the property for weddings and other events is permitted under the ordinance. The property is addressed 3095 Main Street (Route 6A), Barnstable, MA and is shown on Assessor's Map 279 as parcel 038-001. It is in a Residence F-2 Zoning District.

Appeal Nos. 2009-064 & 063 – New

Purcell

Staff Report & Application Materials enclosed.

Appeal No. 2009-064
family Use

Special Permit Expand Nonconforming Two-

James E. and Kelly M. Purcell have petitioned for a special permit in accordance with Section 240-94.B Expansion of a Pre-existing Nonconforming Use. The petitioners are seeking to expand and alter the two-family use of the property by rebuilding the dwelling that fronts on Hawes Avenue with a new two-story, 2,650 gross square foot, three-bedroom structure. The property is addressed 99 Hawes Avenue, Hyannis, MA. It is shown on Assessor's Map 323 as parcel 012. It is in a Residence B Zoning District

Appeal No. 2009-063
Structures

Special Permit Nonconforming Buildings or

James E. and Kelly M. Purcell have petitioned for a special permit in accordance with Section 240-92.B Nonconforming Buildings or Structures Used as a Single- and Two-family Residence. The petitioners are seeking the permit to rebuild the new dwelling in the same position as the existing building that is located 5-feet off the easterly property line and not in conformity to the required 10-foot side yard setback. The property is addressed as 99 Hawes Avenue, Hyannis, MA. It is shown on Assessor's Map 323 as parcel 012. It is in a Residence B Zoning District

Appeal No. 2009-004 – Continued

Kohler

Appeal of Building Commissioner & Seeks

Enforcement

Follow-up Staff Report enclosed.

Opened January 28, 2009, continued April 1, 2009, May 20, 2009, July 8, 2009, September 23, 2009 and to November 4, 2009

Members Assigned: William H. Newton, Alex Rodolakis, Brian Florence, George T. Zevitas, Laura F. Shufelt

Continued to allow for site visits and for further review of materials by Board Members.

Peter and Rose Kohler have appealed the decision of the Building Commissioner issued September 22, 2008 regarding EAC Disposal d/b/a Cape Resources Company. The appellants are appealing the Building Commissioner's determination that no enforcement action is needed with respects to the activities being carried on by Cape Resources Company at 280 Old Falmouth Road, Marstons Mills, MA. The property at issue is shown on Assessor's Map 100 as parcel 008. The appeal is being made pursuant to MGL Chapter 40A, Section 15 and is seeking the enforcement of the terms and conditions of the Zoning Board of Appeals Decision issued in Appeal No. 1996-014. The subject property is in a Residence F Zoning District and a GP Groundwater Protection Overlay District.

Appeal No. 2009-025 - Continued

EAC Disposal, Inc. Modification of Variance No. 1996-14

Opened April 1, 2009, continued, May 20, 2009, August 5, 2009, September 23, 2009 and to November 4, 2009.

This Appeal was continued to allow the Applicant to further refine the proposed site plan.

Members Assigned: William H. Newton, Michael T. Hersey, Alex Rodolakis, Brian Florence, Laura F. Shufelt - Associates Members Present: Nikolas J. Atsalis, George T. Zevitas

EAC Disposal, Inc., d/b/a Cape Resources Company has applied for a Modification of Variance No. 1996-14. The modification is sought to allow for revisions to the site that include a new wood processor and staging area, alteration to interior site circulation, and additions and alterations to screening berms and landscape. The property is addressed 280 Old Falmouth Road, Marstons Mills, MA as shown on Assessor's Map 100 as parcel 008. The lot is in a Residence F Zoning District.

Open

Chairman's Discussion
