

Town of Barnstable
Zoning Board of Appeals
Agenda
May 12, 2010

All hearings are scheduled for 7:00 P.M.
Revised as of 05-05-10

Appeal No. 2009-068 - Continued

Tonsberg
Special Permit Demo/Rebuild on Nonconforming Lots

Opened, November 18, 2009, continued February 10, 2009, moved to February 24, 2010, continued April 14, 2010, and to May 12, 2010, at request of applicant.

Staff Report and Application Materials previously distributed to the Board.

This appeal has been continued in order to allow for processing of a Cape Cod Commission Hardship Exemption from the District of Critical Planning Concern Centerville Beach Nomination.

No Members Assigned, No Testimony Given

Decision Due: May 27, 2010

Frederick and Roberta Tonsberg have petitioned for a Special Permit pursuant to Section 240-91.H(2), Developed Lot Protection, Demolition and Rebuilding on Nonconforming Lots. The petitioner seeks to demolish the existing dwelling located on the property and reconstruct a new dwelling not in compliance with current setback requirements for the district. The property is addressed as 2 Short Beach Road, Centerville, MA and is shown on Assessor's Map 206 as parcel 044. The property is in a Residence D-1 Zoning District.

Appeal No. 2010-003 - Continued

Gregory
Expand Nonconforming Structure & Accessory Uses

Opened January 27, 2010, continued to March 10, 2010, April 14, 2010, and to May 12, 2010. This was continued to allow for the review and input of the Town Attorney's Office.

Members Assigned: William H. Newton, Brian Florence, Alex M. Rodolakis, James F. McGillen, Laura F. Shufelt
Decision Due: July 22, 2010

Copy of April 26, 2010 review request letter is attached.

Nathaniel A. Gregory has petitioned for a Special Permit pursuant to Section 240-93 B – Alteration or Expansion of a Pre-existing Nonconforming Structure and a Special Permit pursuant to Section 240-44 A – Accessory Uses. According to the application submitted, the petitioner seeks the "construction of a pier to replace a prior pier" on an accessory lot located across the road from the principal lot on which the single-family dwelling it serves is located. The principal residential lot is addressed 428 Wianno Avenue, Osterville, MA and is shown on Assessor's Map 163 as Parcel 024. The accessory lot is addressed 320 East Bay Road, Osterville, MA and is shown on Assessor's Map 163 as Parcel 020. Both lots are in a Residential F-1 Zoning District.

Appeal No. 2010-017 - New

**Rivera
Special Permit for a 1,200 sq.ft. Family Apartment**

Staff Report and Application Materials attached.

Mauro O. Rivera and Aida G. Rivera have petitioned for a Special Permit pursuant to Section 240-47.1.A(1) Family Apartments in order to allow a family apartment located in the main dwelling to exceed 800 square feet but not more than 1200 square feet. The subject property is shown on Assessor's Map 246 as Parcel 070 and addressed 34 Strawberry Hill Road, Centerville, MA. The lot is in a Residence B Zoning District.

Appeal No. 2010-018 - New

**Vinagre
Variance for a Detached Family Apartment**

Staff Report and Application Materials attached.

Norberto H. Vinagre has applied for a Variance to Section 240-47.1. Family Apartments. The applicant seeks a variance to allow for an existing apartment unit that is located in a detached structure to be utilized as a family apartment. The subject property is shown on Assessor's Map 209 as Parcel 071 and addressed 122 Old Stage Road, Centerville, MA. It is in a Residential D-1 and a Residential C Zoning Districts.

Appeal No. 2010-019 – New

**Osterville Historical Society, Inc.
Appeal of the Building Commissioner**

Staff Report and Application Materials attached.

Osterville Historical Society, Inc., has appealed the Building Commissioner's determination that the operation of a part-time, seasonal farmer's market is not primarily or dominantly related to the educational purpose of the Osterville Historical Society and is therefore not permitted as a part of the exempt use of the property at 155 West Bay Road, Osterville, MA. The appellant is seeking the Zoning Board's reversal of the Commissioner's determination. The subject property is shown on Assessor's Map 116 as Parcel 86, addressed 115 West Bay Road, Osterville, MA. It is in a Residential C Zoning Districts.

Open

Chairman's Discussion
