



Town of Barnstable Zoning Board of Appeals



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Board Members:

Craig Larson – Chair Brian Florence – Vice Chair Alex Rodolakis – Clerk George Zevitas - Member David A. Hirsch – Associate Member
Herbert Bodensiek – Associate Member
James Tinsley – Town Council Liaison

Staff Support

Elizabeth Jenkins – Principal Planner - elizabeth.jenkins@town.barnstable.ma.us
Carol Puckett – Administrative Assistant – carol.puckett@town.barnstable.ma.us

Minutes

Wednesday, May 14, 2014

2nd Floor Hearing Room – 367 Main Street, Hyannis, MA

Craig Larson - Chair	Present
Brian Florence – Vice Chair	Present
Alex Rodolakis – Clerk	Absent
George Zevitas	Present
David Hirsch	Absent
Herbert Bodensiek	Present

Also present were Elizabeth Jenkins – Principal Planner and Carol Puckett – Administrative Assistant.

As a quorum has been met, Craig Larson call the meeting to order at 7:22 PM.

Call to Order

Introduction of Board Members – ***All members present introduce themselves.***

Notice of Recording – Craig Larson reads the following in to the record:

Please note that this meeting is recorded and broadcast on Channel 18 an in accordance with MGL Chapter 30A §20. I must inquire whether anyone is taping this meeting and to please make their presence known.

Approval of Minutes

March 26, 2014 and April 9, 2014

March 26, 2014

Motion is made by Craig Larson and seconded by Brian Florence to approve as submitted.

Vote:

All in favor

April 9, 2014

Motion is made by Craig Larson and seconded by Brian Florence to approve as submitted.

Vote:

All in favor

Old Business

7:00 PM Appeal No. 2014-018

Pacheco/Lucien

Wayne J. Pacheco and Nancy J. Lucien have petitioned for a Special Permit pursuant to §240-94 – Expansion of a preexisting nonconforming use. The petitioners seek expansion of a preexisting nonconforming use as a lodging house to allow at least seven, up to eight lodgers. The premises have been used as a lodging house for six lodgers since 1985. The property is located at 791 Pitcher’s Way, Hyannis, MA as shown on Assessor’s Map 271 as Parcel 159. It is located in the Residence C-1 Zoning District. Members assigned 04-23-14: Brian Florence, Alex Rodolakis, George Zevitas, David Hirsch, Craig Larson

Correspondence received from Attorney Moore indicating that her client would prefer to go forward with a full compliment of the board. Therefore, she is asking that this be continued to May 28, 2014 at 7:00 PM

Craig Larson states that a request by the applicant’s attorney has been submitted asking for a continuance.

Motion is made by Craig Larson and seconded by Brian Florence to grant a continuance to May 28, 2014 at 7:00 PM.

Vote:

All in favor

CONTINUED TO MAY 28, 2014 AT 7:00 PM

New Business

7:00 PM Appeal No. 2014-020

Leveroni

Timothy and Daniel Leveroni, Trustees of the JTD Harborview Realty Trust and Peter Leveroni, Trustee of the Leveroni Family Trust have applied for modification of Variance No. 1988-050, which granted relief from lot frontage and lot shape requirements to create two buildable lots. Additionally, or in the alternative, the Applicants seek a new variance to the two-acre minimum lot area requirements of the Resource Protection Overlay District. The Applicants are proposing to reconfigure a shared lot line and modify the shape of each lot through an even exchange of lot area. The properties are located at 845 & 853 Main Street, Cotuit, MA as shown on Assessor’s Map 035 as Parcels 059-001 and 059-002. They are located in the Residence F and Resource Protection Overlay Zoning Districts.

Craig Larson states that Attorney Jeffrey Ford has requested a continuance to June 11, 2014 at 7:00 PM.

Motion is made by Brian Florence and seconded by Craig Larson to continue to June 11, 2014 at 7:00 PM

Vote:

All in favor

CONTINUED TO JUNE 11, 2014 at 7:00 PM

7:01 PM Appeal No. 2014-021

Gevorgyan

Garik Gevorgyan has petitioned for a Special Permit pursuant to §240-94 for change of a nonconforming use to another nonconforming use and §240-93 for alteration of a nonconforming structure not used as a single- or two-family dwelling. The petitioner seeks to demolish an existing 120-seat restaurant and single-family dwelling and reconstruct two multi-family, three-unit dwellings with parking areas and other associated site improvements. The new construction will be more conforming than the existing structures, but will not meet all current setback requirements. The property is located at 36 Old Colony Road, Hyannis, MA as shown on Assessor’s Map 306 as Parcel 117. It is in the Residence B Zoning District.

Craig Larson states that an email has been received from Attorney David Lawler (Exhibit A) asking that this be continued to second hearing in June.

Motion is made by Craig Larson and seconded by Brian Florence to continue this to June 24, 2014 at 7:00 PM

Vote:

All in favor

CONTINUED TO JUNE 25, 2014 at 7:00 PM

Craig Larson calls the following appeal and reads it into the record:

7:02 PM Appeal No. 2014-022

Mai-Singh

Hong Mai-Singh, as prospective owner, has petitioned for a Special Permit in accordance with §240-47.1(A) Family Apartments. The petitioner is seeking to transfer existing Special Permit No. 2004-093 from the previous owner. The existing family apartment is approximately 1,051 square feet. The property is located at 5 Straightway North, Hyannis, MA as shown on Assessor's Map 271 as Parcel 003. It is in the Residence C-1 Zoning District.

**Members assigned tonight Craig Larson, Brian Florence, George Zevitas, Herbert Bodenseik
Representative: Attorney Jeffrey Johnson.**

The petitioners cannot be here as there is a medical emergency. The petitioner is the owner of the nail salon at the mall and will be moving here full time which is one of the requirements of the permit. Her sister, who is to be the tenant, is also here tonight. He explains that this is a situation where there was a previous family apartment and that the applicants agreed to purchase the house as it had the family apartment. He has reviewed the staff report and believes it is thorough and accurate.

Craig clarifies that there will be a deed restriction recorded on the property by the applicant. Attorney Johnson clarifies that they are aware that if the family member moves out that it would revert to a single-family dwelling. He states that Hong Mai-Singh and her family plan on moving here from NY and will rent the apartment to her sister. He clarifies that the husband lives in NY with the children, the owner has been renting a house, and once the house is purchased they will all be moving into the house.

Brian Florence makes findings:

Hong Mai-Singh, as prospective owner, has petitioned for a Special Permit in accordance with §240-47.1(A) Family Apartments. The petitioner is seeking to transfer existing Special Permit No. 2004-093 from the previous owner. The existing family apartment is approximately 1,051 square feet. The property is located at 5 Straightway North, Hyannis, MA as shown on Assessor's Map 271 as Parcel 003. It is in the Residence C-1 Zoning District.

- The application falls within a category specifically excepted in the ordinance for a grant of a special permit:

Section 240-47.1(A)(1) of the Zoning Ordinance allows for a family apartment greater than 800 square feet, not to exceed 1,200 square feet, with a Special Permit from the Zoning Board of Appeals.
- Site Plan Review is not required for single-family residential structures or family apartments.
- After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.

**Vote:
All in favor**

Craig Larson asks if there is anyone here from the public who would like to speak either in favor or in opposition. No one speaks.

Motion is made by Brian Florence to grant the relief being sought with the following conditions:

:

1. Special Permit No. 2014-022 is granted to Hong Mai-Singh to maintain a family apartment within the existing dwelling at 5 Straightway North, Hyannis.
2. The family apartment shall be limited to a one-bedroom unit not to exceed 1,051 square feet.
3. The family apartment shall be maintained in compliance with the requirements of §240-47.1.
4. The decision shall be recorded at the Barnstable County Registry of Deeds and copies of the recorded decision shall be submitted to the Zoning Board of Appeals Office and the Building Division prior to occupancy of the family apartment. The rights authorized by this special permit must be exercised within two years, unless extended.

Seconded by Craig Larson

Vote:

All in favor

GRANTED WITH CONDITONS

Motion is made by Craig Larson and seconded by Brian Florence to adjourn.

Vote:

All in favor