

Town of Barnstable
Zoning Board of Appeals
Agenda
April 15, 2009

Draft as of 04-010-09

7:00 PM Appeal No. 2007-107 - Continued Berry
Request for a One-Year Extension

Administrative Process discussed by the Board on January 14, 2009, continued February 11, 2009, and to April 15, 2009.

This was continued to allow for legislative action to consider amending of the Zoning Ordinance to clarify the Board's authority to extend special permits. A proposed amendment to Section 240-125.C, that would provide for extensions of special permits, has been drafted. It is scheduled for a joint Town Council and Planning Board public hearing on May 7, 2009.

It is staff understanding that a request for a continuance will be made.

Members Assigned: Alex Rodolakis, Craig Larson, Michael Hersey, William Newton, Laura Shufelt

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.

Open Comp. Permit No. 2003-090 JDJ Housing Development – Village Green
6-Month Extension Request

A letter from Attorney Eliza Cox, JDJ Housing Development LLC, has requested an additional 6-month extension of time for implementing Comprehensive Permit No. 2003-090 issued for the development of the "Village Green".

760 CMR 56.07 (12) provides for a comprehensive permit to be administratively extended without the need for a public hearing.

Comprehensive Permit No. 2003-90, was issued July 9, 2004. Prior to the expiration of the permit the Board granted a one-year extension of the permit to July 9, 2008, a second extension of 6-months to January 9, 2009, and third extension to July 9, 2009.

Comprehensive Permit No. 2003-090 as modified authorized development of 148 rental apartment units in five (5) three-story buildings on 14.32 acres. Forty (40) units are to be affordable rental and eleven (11) units committed to "workforce housing". The Comprehensive Permit was issued to JDJ Housing Development, LLC for property addresses as 770 Independence Drive, Barnstable, MA as shown on Assessor's Map 332, as Parcel 010-1. It is zoned Industrial and is in a Wellhead and Groundwater Protection Overlay Districts.

7:30 PM

Appeal No. 2009-028

**Seltzer
Alteration/Expansion Nonconforming Building**

Staff Report and Application Materials enclosed

Mark W. Seltzer & Barbara Bengen-Seltzer have petitioned for a Special Permit pursuant to Section 240-92B - Alteration or Expansion of a Nonconforming buildings or structures used as single- and two-family residences. The petitioners are seeking the permit to allow for an addition that encroaches into the 100-foot setback requirement off Route 28. The property is located at 1 Vermeer Court, Osterville, MA. It is shown on Assessor's Map 145 as Parcel 082. It is in a Residence C Zoning District.

7:45 PM

Appeal No. 2009-027

**Rubin Hyannis LLC.
Modification or New Conditional Use Permit**

Staff Report, Application Materials and an April 10, 2009 Memorandum in Support from Attorney Eliza Cox is enclosed.

Rubin Hyannis LLC., has petitioned for a Modification of Conditional Use Special Permit No. 1994-082 issued to John F. Cabana or, in the alternative, a new Conditional Use Special Permit pursuant to Section 240-25.C to allow an expansion of a retail furniture gallery and store. The petitioner proposes to remodel the interior of the existing furniture gallery and convert approximately 6,900 square feet of gross floor area within the basement from storage to a showroom. The property is located at 20 Airport Road, Hyannis, MA and is presently occupied by a Bernie & Phyl's Furniture Store. It is shown on Assessor's Map 294 as Parcel 010. It is zoned BH - Highway Business, B - Business, and Ind - Industrial.

7:45 PM

Appeal No. 2009-026

**Rubin Hyannis LLC.
Modification or New Parking Special Permit**

Rubin Hyannis LLC., has petitioned for a Modification of Special Permit No. 1994-081 issued to John F. Cabana or, in the alternative, a new Special Permit pursuant to Section 240-57 - Circumstances Warranting Reduction of Parking Requirements. The petition seeks to maintain 37 on-site parking spaces for the remodeled and expanded furniture gallery retails sales and storage area that would under the zoning ordinance now require 103 on-site parking spaces. The property is located at 20 Airport Road, Hyannis, MA and is presently occupied by a Bernie & Phyl's Furniture Store. It is shown on Assessor's Map 294 as Parcel 010. It is zoned BH - Highway Business, B - Business, and Ind - Industrial.

Open Chairman's Discussion
