



Town of Barnstable
Zoning Board of Appeals
Agenda
May 21, 2008

Revised as of 05-14-08

7:00 PM Appeal 2008-028 Childs
Modification Variance No. 2000-024 & 1975-093

This appeal has requested a withdrawal without prejudice as it was incorrectly noticed under the name of Randall E. Childs when it should have been noticed under RELD Corporation. A new application has been submitted and is scheduled for the June 11 hearing. April 28, 2008 letter from Attorney Bruce P. Gilmore is enclosed.

Randall E. Childs has applied for a Modification of Variance No. 2000-024 and 1975-093. The modification seeks to change Condition No. 1 of Variance 2000-024 that now restricts the number of office suites to four. The modification seeks to allow for six office suites in the existing building. The property is addressed as 1047 Falmouth Road (Route 28), Hyannis, MA and is shown on Assessor's Map 250 as parcel 004. The property is in a Residence D-1 Zoning District.

7:00 PM Appeal 2008-008 - Continued Oyster Harbor Club
Expand/Alter Nonconforming Use

Opened February 27, 2008, continued, March 12, 2008, April 30, 2008, and to May 21, 2008
Continued for Attorney Town Attorney's Office input into the issue of building a new additional building (for an accessory use) on a lot upon which an existing preexisting nonconforming use exists. Request letter of May 2, 2008, and follow-up clarification letter of May 8, 2008 are enclosed. A copy of Attorney Edward W. Kirk May 14, 2008 correspondence to Tow Attorney Ruth Weil is enclosed.

Town Attorney, Ruth Weil communicated to staff that her office will need additional time to review and communicate to the Board on this issue. Staff has communicated this to Attorneys Kirk and Murphy and staff anticipates they will be requesting a continuance of this appeal to the June 11th. or July 9th. meeting of the Board.

Members: Ron S. Jansson, James Hatfield, John T. Norman, Jeremy Gilmore, Gail C. Nightingale
No Alternates

Oyster Harbors Club, Inc. has petitioned for Special Permits pursuant to Section 240-93.B Alteration and Expansion of a Nonconforming Buildings or Structures Not Used as Single or Two-Family Dwellings; and Section 240-94.B Expansion of a Preexisting Nonconforming Use. The petitioner seeks to remodel an existing 573 sq.ft., children's play center and to add another accessory building consisting of 1,096 sq.ft., to also be used as a children's play center. The

buildings and use is accessory to the principal nonconforming use of the property as a Club House. The subject property is located as shown on Assessor's Map 053 as Parcel 012 Lot 001, addressed as 170 Grand Island Drive, Osterville, MA 02655, in a Residence F-1 Zoning District.

**7:15 PM Appeal 2008-034 Cardarelli
Bulk Variance to Reconfiguration Lots**

Staff understands that all of the Cardarelli Applications will not be going forward at this hearing and that a request for a continuance to June 11th will be made by Attorney Mark Boudreau.

Staff Report and Application Materials will be transmitted to the Board Members with the June 11th meeting materials.

John F. Cardarelli has applied for a Variance to Section 240-25.E, Bulk Regulations, minimum front yard setback. The variance is sought in conjunction with a reconfiguration of the subject lots in order to allow the existing nonconforming building addressed as 644 West Main Street, Hyannis MA to remain situated 53.7 feet off West Main Street when zoning requires a 60-foot front yard setback. The subject property is shown as "Lot A" on plans submitted. That lot being a part of the reconfiguration of property addressed as 644 West Main Street, 626 West Main Street and 29 Dunn's Pond Road, Hyannis MA and is shown on Assessor's Map 249 as parcels 133, 095 and 132. The property is zoned Highway Business and Residence B Zoning.

**7:15 PM Appeal 2008-030 Cardarelli
Conditional Use Special Permit – Restaurant**

John F. Cardarelli has petitioned for a Conditional Use Special Permit pursuant to Section 240-25.C of the Zoning Ordinance. The petitioner seeks the permit to allow for the operation of the existing restaurant and existing apartments located above. It is to include accessory retail sales as related to the restaurant business. The permit is for the existing building addressed as 644 West Main Street, Hyannis MA situated on the reconfigured "Lot A" shown on plans submitted. That lot being a part of the reconfiguration of property addressed as 644 West Main Street, 626 West Main Street and 29 Dunn's Pond Road, Hyannis MA and is shown on Assessor's Map 249 as parcels 133, 095 and 132. The property is zoned Highway Business and Residence B Zoning.

**7:15 PM Appeal 2008-031 Cardarelli
Conditional Use Special Permit – Retail Sales
Seafood**

John F. Cardarelli has petitioned for a Conditional Use Special Permit pursuant to Section 240-25.C of the Zoning Ordinance. The petitioner seeks the permit to allow for the redevelopment of "Lot B" shown on the plan submitted with a 7,103 sq.ft., building to be used as wholesale and retail sales of seafood, including accessory office space for the business. Lot B is a part of the reconfiguration of property addressed as 644 West Main Street, 626 West Main Street and 29 Dunn's Pond Road, Hyannis MA and is shown on Assessor's Map 249 as parcels 133, 095 and 132. The property is zoned Highway Business and Residence B Zoning.

**7:15 PM Appeal 2008-029 Cardarelli
Permit Preexisting Structural Nonconformity Lot A**

John F. Cardarelli has petitioned for a Special Permit pursuant to Section 240-93.B of the Zoning Ordinance for the alterations or expansions in a pre-existing nonconforming building or structure. The petitioner seeks the permit to allow for the existing restaurant on a proposed "Lot A" and the redevelopment on proposed "Lot B" as shown on a plan submitted. The permit is sought for the accessory site improvements of parking and landscaping. The proposed improvements do not conform to the specific requirements of zoning but are no more nonconforming than the existing site conditions. They include front yard landscaping and parking requirements, and lot coverage for Lot A. The lots are a reconfiguration of property addressed as 644 West Main Street, 626 West Main Street and 29 Dunn's Pond Road, Hyannis MA and is shown on Assessor's Map 249 as parcels 133, 095 and 132. The property is zoned Highway Business, Residence B Zoning and is located in a Groundwater Protection Overlay District.

**7:15 PM Appeal 2008-032 Cardarelli
Permit Preexisting Structural Nonconformity Lot B**

John F. Cardarelli has petitioned for a Special Permit pursuant to Section 240-93.B of the Zoning Ordinance for the alterations or expansions in a preexisting nonconforming building or structure. The petitioner seeks the permit to allow for the proposed redevelopment on a proposed "Lot B" shown on a plan submitted. The permit is sought for allow the development of the 7,103 sq.ft., building to be located 31.2 off Dunn's Pond Road. The location being an expansion of the nonconformity of the existing building located on the property. The lot is a reconfiguration of property addressed as 644 West Main Street, 626 West Main Street and 29 Dunn's Pond Road, Hyannis MA and is shown on Assessor's Map 249 as parcels 133, 095 and 132. The property is zoned Highway Business, Residence B Zoning.

**7:15 PM Appeal 2008-033 Cardarelli
Bulk Variance Minimum Front Yard**

John F. Cardarelli has applied for a Variance to Section 240-25.E, Bulk Regulations, Minimum Front Yard setback. The variance is sought in the alternative to the above petition for a special permit to allow for the 7,103 sq.ft. building to be located on the proposed 'Lot B' 31.2 feet off Dunn's Pond Road when the zoning requires a minimum front yard setback of 60 feet. The lot is a reconfiguration of property addressed as 644 West Main Street, 626 West Main Street and 29 Dunn's Pond Road, Hyannis MA and is shown on Assessor's Map 249 as parcels 133, 095 and 132. The property is zoned Highway Business, Residence B Zoning.

**7:30 PM Appeal 2008-036 Estate of Charles F. Crocker, Jr.
Appeal Issuance of Building Permit at 68 Pilots
Way**

Staff Report, Application and Attorney Patrick Butler's Addendum in support of the appeal are enclosed.

Priscilla Dreier as Executrix of the Estate of Charles F. Crocker, Jr., has appealed the issuance of a building permit to develop a single-family dwelling at 68 Pilots Way, Barnstable, MA. The subject property is a 2.13 acre lot owned by Katie E. Gruner. It is shown on Assessor's Map 237 as parcel 007-001. The property is in a Residence F Zoning District.

Open Chairman's Discussion
