



Town of Barnstable
Zoning Board of Appeals
Agenda
December 10, 2008

Revised as of 12-09-08

7:00 PM	Appeal 2008-069	Cunniff Variance Family Apartment Provisions
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Staff Report and Application Materials distributed

Richard M. Cunniff and Pauline A. Cunniff have applied for a Variance to Section 240-47.1.A Family Apartments. The applicants are seeking to develop and use an existing detached barn located on the property for a family apartment. The variance is requested to allow for the apartment unit to be detached and to be located in the existing structure that is nonconforming with respect to the minimum required front yard setback from Old Neck Lane. The property is addressed 2275 Main Street (Route 6A) West Barnstable, MA and is shown on Assessor's Map 237 as Parcel 033. It is in the Residence F-2 Zoning District.

7:10 PM	Appeal 2008-068	Pigott Special Permit Demo/Rebuild
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Staff Report and Application Materials distributed

Prudence Pigott has petitioned for a Special Permit pursuant to Section 240-91 H(2) Nonconforming Lot - Developed Lot Protection. The petitioner is seeking a Special Permit to allow for the demolition of the existing dwelling and to rebuilding of a new, 1,990 sq.ft., single-family dwelling on the undersized lot of less than 10,000 sq.ft. of upland. The location of the proposed dwelling does not conform to the required minimum yard setbacks, however they are more conforming than the established yard setbacks of the existing structure. The subject property is addressed 71 and 0 Sunset Lane, Barnstable, MA and is shown on Assessor's Map 301 as Parcels 024 and 023. The property is in a Residence B Zoning District.

7:30 PM	Appeal 2008-008 – Continued	Oyster Harbor Club Expand/Alter Nonconforming Use
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Originally Opened February 27, 2008, continued; March 12, 2008, April 30, 2008, May 21, 2008, June 11, 2008 and to June 23, 2008, Moved to September 10, 2008, Re-noticed Anew due to the loss in quorum and Opened October 15, 2008, continued to December 10, 2008. 270 day Extension Filed, Decision Due February 19, 2009.

No Members Assigned - No Testimony Taken

Letter from Attorney J. Douglas Murphy requesting a continuance of this appeal to February of 2009. Staff Recommends continuance to February 25, 2009 @ 7:00 PM.

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.

Open Executive Session

Town Attorney Ruth J. Weil has requested an executive session with the Board to discuss pending litigation.

**7:45 PM Appeal 2008-036 - Continued Estate of Charles F. Crocker, Jr.
Appeal of Building Permit for 68 Pilots Way**

Noticed for May 21, 2008, Moved to and Opened on June 11, 2008, Continued to August 6, 2008, Moved to September 10, 2008, continued October 15, 2008 and to December 10, 2008. 180 day Extension filed, Decision Due February 13, 2009.

No Members Assigned, No testimony Taken.
Copy of Staff Report and Applications materials attached.

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.

**8:00 PM Appeal 2008-066 Nirvana Coffee Company Inc.
Coffee House Conditional Uses Special Permit**

Staff Report and Application Materials distributed.

David Lancaster d/b/a Nirvana Coffee Company Inc. has petitioned for a Special Permit pursuant to Section 240-24.C(1) Conditional Uses in the VB-A Business District. The petitioner is seeking a Special Permit to allow for a coffee house, food-service establishment. The property is addressed 3206 Main Street (Route 6A) Barnstable, MA and is shown on Assessor's Map 300 as Parcel 008. The property is in the Village Business A District.

**8:00 PM Appeal 2008-067 Nirvana Coffee Company Inc.
Reduction In Parking Special Permit**

David Lancaster d/b/a Nirvana Coffee Company Inc. has petitioned for a Special Permit pursuant to Section 240-57 Circumstances Warranting Reduction of Parking Requirements. The petitioner is seeking to provide eight (8) seats within the coffee house without providing the required off-street parking. The property is addressed 3206 Main Street (Route 6A) Barnstable, MA and is shown on Assessor's Map 300 as Parcel 008. The property is in the Village Business A District.

8:15 PM

Appeal No. 2008-071

TD Banknorth

Staff Report and Application Materials distributed

Pursuant to Section 240-39.M(1)(a), the Shopping Center Redevelopment Overlay District, TD Banknorth has petitioned for a Special Permit or in the alternative a Modification of Special Permit No.1998-31 issued to the Cape Cod Mall Nominee Trust. The petitioner is seeking to demolish an existing freestanding building of 4,400 sq.ft. and rebuild a new 3,000 sq.ft. bank building with three drive-thru lanes. The subject property is commonly known as a part of the Cape Cod Mall and the building is addressed as 226 Falmouth Road (Route 28) Hyannis, MA. It is shown on Assessor's Map 293 as Parcel 043. It is in the HB, Highway Business Zoning District and in the SCROD, Shopping Center Redevelopment Overlay District.

Open

Variance Nos. 2007-092 & 097

Vagas

Request for 6-Month Extension of Variances

Copy of Staff Report attached.

By letter received November 24, 2008, Thomas and Dona-Maria Vages are requesting a 6-month extension for Variance Nos. 2007-092 and 097 issued to property addressed 293 Old Craigville Road, Hyannis, MA. The subject lot is shown on Assessor's Map 247, as parcel 104-001. The variance was issued to legalize undersized lots created by an Approval Not Required plan recorded June of 2006 and allow demolish of a cottage on Lot #1 of that plan and rebuild a new one-bedroom single-family dwelling.

Open Chairman's Discussion
