



# Town of Barnstable

# Zoning Board of Appeals



[www.town.barnstable.ma.us/ZoningBoard](http://www.town.barnstable.ma.us/ZoningBoard)

#### Board Members:

Brian Florence – Vice Chair Alex Rodolakis – Clerk George Zevitas – Member David A. Hirsch – Associate Member  
Herbert Bodensiek – Associate Member Robin Young – Associate Member Matthew Levesque – Associate Member  
James Tinsley – Town Council Liaison

#### Staff Support

Elizabeth Jenkins – Principal Planner – [elizabeth.jenkins@town.barnstable.ma.us](mailto:elizabeth.jenkins@town.barnstable.ma.us)  
Carol Puckett – Administrative Assistant – [carol.puckett@town.barnstable.ma.us](mailto:carol.puckett@town.barnstable.ma.us)

## Agenda

**Wednesday, May 13, 2015**

2<sup>nd</sup> Floor Hearing Room – 367 Main Street, Hyannis, MA

### Call to Order

Introduction of Board Members

### Notice of Recording

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

### Minutes

Minutes from March 25, 2015, April 8, 2015 and April 22, 2015

### New Business

#### **7:00 PM Appeal No. 2015-021**

#### **Bassil**

Elie Bassil, Trustee has petitioned for a Special Permit pursuant to §240-25(C)1 (Conditional Uses in the Highway Business District) to convert 1,270 square feet of automotive repair space to retail space; the automotive repair use will be abandoned. The property is located at 199 Falmouth Road, Hyannis, MA as shown on Assessor's Map 311 as Parcel 079. It is in the Highway Business (HB) and Groundwater Protection (GP) Overlay Districts.

#### **7:01 PM Appeal No. 2015-022**

#### **Sullivan**

John D. Sullivan, et al has appealed the decision of an Administrative Official issued March 13, 2015 pursuant to Massachusetts General Law Chapter 40A Sections 3, 7, 8 and 15, specifically respecting Section 3 which states in part "notwithstanding any general or special law to the contrary, local land use and health and safety laws, regulations, practices, ordinances, bylaws and decisions from a city or town shall not discriminate against a disabled person...No dimensional lot requirement of a zoning ordinance or bylaw, including but not limited to set back, front yard, side yard, rear yard and open space shall apply to handicapped access ramps on private property used solely for the purpose of facilitating ingress or egress of a physically handicapped person." This is an appeal from the denial of the Building Commissioner's March 15, 2015 to the Appellant's request for a building permit to construct a handicapped access ramp at the private residence of the Appellant. The property is located at 564 Old Craigville Beach Road, Centerville, MA as shown on Assessor's Map 226 as Parcel 177. It is in the Residence B Zoning District.

**7:02 PM Appeal No. 2015-023**

**Pacheco/Lucien**

Wayne J. Pacheco and Nancy Lucien have petitioned to modify Special Permit No. 2014-018 pursuant to Massachusetts General Law Chapter 40A Section 14. The petitioners seek to delete Condition No. 3 of the decision, which requires “any kitchen or other improvements that represent a second unit on the property be removed by the owner with the required permits from the Building Division.” The Petitioners stated reason for the request is the decision conflicts with Barnstable Ordinance Chapter 501, Article IV Sections 501-28 and 501-29. The property is located at 791 Pitchers Way, Hyannis MA as shown on Assessor’s Map 271 as Parcel 159. It is in the Residence C-1 Zoning District.

**7:03 PM**

**Appeal No. 2015-025**

**Laham Management & Leasing, Inc**

Laham Management and Leasing, Inc has applied for a use variance from the provisions of Section 240-24.1.6 (OM Zoning District) to establish parking to be used in conjunction with the existing abutting automobile dealership. The Applicant also seeks, to the extent required, a dimensional variance from Section 240-24.1.6(C) as to minimum lot area, minimum lot frontage and landscape setbacks. The property is located at 157 Stevens Street, Hyannis, MA as shown on Assessor’s Map 309 as Parcel 240. It is zoned OM Office/ Multi-Family Residential Zoning District.

**Other Business**

Next regularly scheduled hearings are May 27, June 10, June 24

**Correspondence**

**Adjourn**

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Board may go into executive session. The Board may also act on items in an order other than they appear on this agenda.

\* Public files are available for viewing during normal business hours at the Zoning Board of Appeals office located at 200 Main Street, Hyannis, MA