



**TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION**

YARMOUTH TOWN CLERK

'19SEP19PM2:58 REC

**FILED WITH TOWN CLERK: September 19, 2019**

**PETITION: #4818**

**HEARING DATE: September 12, 2019**

**PETITIONER: Brian Librandi**

**PROPERTY: 111 North Main Street, South Yarmouth  
Map and Parcel: 0070.27; Zoning District: R-40  
Book/Page: 30939/257**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Tom Nickinello, Susan Brita, and Tom Baron.**

It appearing that notice of the hearing has been given by sending notice to the petitioners and all of those owners of property deemed to be affected thereby, and to the public by posting notice of the hearing and published in *The Register*, the hearing was opened and held on the date stated above.

The owner seeks a Special Permit under by-law §407 and/or Variances from §407.2 (#9) and §407.2.1 (#2) for creation of an Accessory Apartment which property will not be owner occupied.

The Petitioner, Brian Librandi, along with his father-in-law were present. The Petitioner gave the history of the property from the time when he purchased it, the dwellings on the property at that time and how it became two separate dwelling units and both rental units.

A lengthy discussion continued between the Board and Mr. Librandi regarding the creation of the illegal apartment in the garage unit without securing any Building Permits. The Board had received historical information from Mr. James Brandolini, Deputy Building Commissioner that this property had not been inspected, no Building Permits were issued creating an illegal apartment. These rentals do not have an occupancy permit nor have they been inspected by the Town's Housing Inspector and listed on their records.

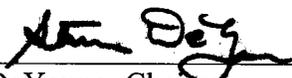
Mr. Brandolini was present at the hearing and explained the Violation letters that were sent to the Petitioner informing him that he was in violation and that he is required to apply to the Board of Appeals. During the course of time fines were imposed and held in abeyance until the Petitioner

filed an application with the Board of Appeals. These fines still stand and will be handled by the Building Department.

The Board itself had many concerns with the project and it appeared that the Petitioner would not receive a favorable vote. The Petitioner was provided the options as to how he could proceed and asked that the Petition be allowed to be withdrawn, without prejudice.

Mr. Igoe made a Motion, seconded by Mr. Baron to allow withdrawal of the Special Permit, without prejudice, to which a unanimous favorable vote was given.

Mr. Igoe made a Motion, seconded by Mr. Baron to allow withdrawal of the Variances, without prejudice, to which a unanimous favorable vote was given.

  
\_\_\_\_\_  
Steven DeYoung, Chairman