



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: **November 13, 2009**

PETITION NO: **#4284**

HEARING DATE: **November 12, 2009**

PETITIONER: **Van Veen Family Trust, Peter C. Van Veen, Trustee**

PROPERTY: **3 Ebb Road, Yarmouthport**
Map & Parcel: 0137.41; Zoning District: R40
Book & Page#: 17055/150

MEMBERS PRESENT AND VOTING: **Steven DeYoung, Chairman, Joseph Sarnosky, Diane Moudouris, Sean Igoe, Debra Martin, and David S. Reid, Alternate.**

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The applicant seeks a Special Permit or Variance from bylaw §104.3.2, to erect a partial second floor addition. The locus is improved with a 984 square foot single-family two bedroom home and contains approximately 11,903 square feet of area. The property received a Variance (#1651) in 1980 to allow a land swap with the abutting lot, increasing the side setback (Mayfair Road side) to 14' +/- to make better access to their septic system. The proposal would add a second story bedroom, bathroom, and a 4' x 12' deck.

Prior to the commencement of a hearing on the merits, the petitioner requested (by email) of the Board leave to withdraw this petition, without prejudice. He indicated that the proposal did not receive Old Kings Highway Committee approval and they wish to seek an alternative design. Since no objection to the request was made, a motion was made by, Mr. Igoe, seconded by Mrs. Moudouris, to allow the petition to be withdrawn, without prejudice. The Board members voted unanimously in favor. The petition was therefore withdrawn without prejudice.

Steven DeYoung, Chairman