



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: August 26, 2008

PETITION NO. #4203

HEARING DATE: August 14, 2008

PETITIONER: CRB Media, Inc by: Denise Russell dba Seven Beans Coffee

**PROPERTY: 582 Route 28, West Yarmouth
Map and Parcel: 0031.132; Zoning District: B2
Book & Page# 22796/218**

MEMBERS PRESENT AND VOTING: David S. Reid, Chairman, John Richards, Joseph Sarnosky, Renie Hamman, Debra Martin.

It appearing that notice of said hearing has been given by sending notice thereof to the petitioner and all those owners of property deemed by the Board 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 petitioner seeks a Variance from bylaw §303, in order to have a menu sign at its drive-up window. The property is located in the B2 zone. The site was previously a bank, with two drive-up windows. Now the petitioner seeks to operate a coffee shop, with an accessory drive-up window. The Site Plan Review report includes a determination that there will be no increase in parking demand of this new business, therefore an upgrade of the parking facilities is not required.

The proposed menu sign will be attached to the rear of the building, at the drive-up sales window. It measures 48" wide by 30" tall. It displays the beverage menu for the coffee shop. The window and sign are beneath a small overhang/roof.

The bylaw permits menu signs only to be displayed at the main entrance to a restaurant, and even there not of this size. The petitioner represents that a sign at the drive-up window, for a coffee shop offering specialty items, is necessary, and would need to be of this size to be readable at the window. It will not be illuminated, and there will not be any loud speakers or intercom system used.

No one spoke in opposition to the proposal. The Board finds that the proposed sign is rather unobtrusive, not visible from the streets around the premises, and reasonably necessary for the operation proposed. Since the drive-up window previously existed, no upgrade to current parking and queuing requirements are triggered. The Board finds that it would be a substantial hardship for this business not to have such a sign at its window. Since no harm to the neighborhood or substantial derogation from the bylaw is foreseen, the relief appears modest under the circumstances.

Therefore, a motion was made by Mrs. Martin, seconded by Mr. Richards, to grant the Variance for the menu sign, as proposed, but limited to this business operation. The members voted unanimously in favor in favor of the motion. The Variance is therefore granted.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, a Variance shall lapse if the rights authorized herein are not excised within 12 months. (See MGL c40A §10)

David S. Reid, Clerk
Board of Appeals