



**TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION**

FILED WITH TOWN CLERK: May 15, 2013

PETITION: #4447

HEARING DATE: May 9, 2013

PETITIONER: Philip Summers

**PROPERTY: 303 Route 28, West Yarmouth, MA
Map and Parcel: 030.27; Zoning District: B2
Book/Page: 26097/276**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Bryant Palmer, Richard Neitz, and Robert Howard.

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 Petitioner seeks a Variance from Zoning By-law §104.3.1 to re-establish the pre-existing non-conforming use of the second floor apartment.

Prior to the commencement of the hearing the Petitioner submitted a letter dated May 3, 2013 seeking withdrawal of the Petition without prejudice.

On Motion made by Mr. Igoe, seconded by Mr. Neitz to allow withdrawal of the Petition without prejudice, it was unanimously voted in favor.

Steven DeYoung, Chairman