



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: March 20, 2009

PETITION NO: #4240

HEARING DATE: March 12, 2009

PETITIONER: John N. Papadonis

**PROPERTY: 14 Brookhill Lane, West Yarmouth
Map & Parcel: 0030.201 Zoning District: R25
Barnstable Land Court: Doc. 802,177 CTF#157921**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Debra Martin, Bryant Palmer, Robert Howard.

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 from bylaw §104.3.2, in order to add a one car garage with home office above to the existing single-family home. The lot contains 8,870 square feet of area, and is improved with a three bedroom single-family home. The petitioner's sketches show the proposed garage addition as being 14' x 26' that, when finished, will be 13.40 feet from the side lot line at its closest point. The office will be accessed only from within the home through the family room on the second floor; no direct access will be provided through the garage to the home. The home will remain a three-bedroom home.

No correspondence was received by the Board. The applicant indicated that he has spoken with his neighbor and will only remove vegetation and trees along the side of the new garage necessary for its construction. His sketches show no windows on the garage side, though the petitioner indicated his intention to install a stained glass window, which the Board encouraged.

The Board members discussed the request and agreed that this was a reasonable request and meets the criteria of the bylaw as it will not be substantially more detrimental to the neighborhood or the town than the existing non-conforming structure. Most homes in the neighborhood have garages and similar size lots.

Therefore, a motion was made by Mrs. Martin to approve the Special Permit as requested and represented on the following conditions; 1) the petitioner provide for the file, an as built plot plan and architectural plans after securing the foundation permit.

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, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw §103.2.5, MGL c40A §9)

Steven DeYoung, Chairman