



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: July 21, 2016

PETITION NO: #4652

HEARING DATE: July 14, 2016

PETITIONER: Judith R. Borne

**PROPERTY: 140 Kates Path (Kings Way), YarmouthPort, MA
Map & Lot#: 0142.1; Zoning District: R-40
Doc.#:1,278,350; Ctf#:C240-140**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Bryant Palmer, Doug Campbell and Dick Martin.

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 Petitioner is Judith Borne who seeks the grant of a Special Permit in order to add a 6 foot extension to the end of an existing deck and connect the same to another existing deck at her property located at 140 Kates Path, YarmouthPort, MA, property located in an R-40 Zoning District. The Petitioner did a fine job presenting her Petition in connection with her desire to connect two existing decks on her condominium unit located in the so-called "Kings Way Condominiums". Any exterior construction in connection with these units requires zoning relief.

No one spoke in opposition to the Petition and no exhibits were received. The relief sought by the Petitioner was well incorporated into both photographs and depictions. The addition of this modest decking will facilitate significantly greater enjoyment of the existing decks. The grant of such relief will not result in any hazard, nuisance or congestion to the neighborhood nor substantial detriment or harm to the existing or future character of the neighborhood or town. The Association of homeowners within this complex of condominiums has approved the addition to this deck.

Motion was made by Mr. Palmer and seconded by Mr. Martin to grant the Special Permit as prayed for by the Petition and without condition. On this Motion so made and seconded the Board voted unanimously in favor and so the Special Permit was therefore granted.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. 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, MGL c40A §9)

Steven DeYoung, Chairman