



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: August 2, 2017

PETITION NO: #4701

HEARING DATE: July 27, 2017

PETITIONER: Brian K. Schroeck and Denise Schroeck

**PROPERTY: 45 Frost Avenue, West Yarmouth, MA
Map & Lot#: 0066.75; Zoning District: R-40
Ctf#: 142,937**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Dick Martin, Thomas Nickinello and Susan Brita.

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 Petitioners, Brian and Denise Schroeck, each appeared and did a fine job in presenting their Petition in connection with property located in an R-40 Zoning District at 45 Frost Avenue, West Yarmouth, MA. The Petition seeks to create a Family Related Apartment pursuant to Zoning By-law §407.

The Petitioner affirmed that the apartment was to be occupied by either themselves or Mr. Schroeck's in-laws Carl and Elisa Plache. Further, they stated that they fully understood that, if not occupied by a family member, it could not be further utilized as a separate apartment unless additional relief was sought and approved. The apartment will be 784 square feet.

Motion was made by Mr. Martin, seconded by Mr. Nickinello, to approve the Petition on the sole condition that all Health Department requirements be met. On this Motion, the Board voted unanimously in favor and the Special Permit was granted.

Incorporated hereto by reference are the Family Related Apartment Affidavit and the Declaration of Covenants for a Family Related Accessory Apartment.

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