

# TOWN OF PROVINCETOWN

## ZONING BOARD OF APPEALS

MEETING MINUTES OF AUGUST 23, 2001

### Meeting Held in Town Hall

**Members Present:** Gary Reinhardt (Chair), Peter Bez (Vice Chair), Larry Mahan (Clerk), Esther Czyoski, Peter McDonough, Steve Melamed

**Members Absent:** None

**Others Present:** Rachel Crosby (Recording Secretary)

### WORK SESSION

Chair Gary Reinhardt called the Work Session to order at 6:45 PM.

#### PENDING DECISIONS

**2001-053 4 Commodore Avenue, Peter A. T. Page on behalf of James Anderson –**

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Peter Bez read the decision. *Esther Czyoski moved to accept as written, Larry Mahan seconded and it was so voted, 5-0.*

Steve Melamed left the meeting at 6:48 PM.

#### MINUTES

**August 2, 2001 –** *Peter Bez moved to approve as written, Peter McDonough seconded, and it was so voted, 5-0.*

Gary Reinhardt postponed the Work Session at 6:50 P.M.

### PUBLIC HEARING

Chair Gary Reinhardt convened the public hearing at 7:00 P.M. and explained the public hearing procedures to the public. Five members of the Board were present and one was absent.

**2001-059 1 Creek Round Hill Road, John W. Dapprich –**

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Mr. Dapprich and Mr. Rose appeared to present the application which is for a Variance from the dimensional schedule for setbacks under Article I Section 1320 of the Zoning By-Laws. Presentation: Have insect problem; cannot build screened patio; proposed gazebo will be screened-in; both Bradford Street and Creek Round Hill Road are considered frontage and therefore increase setback requirements; many neighbors are in favor; gazebo is 10' by 10'. Public Comment: One person spoke in favor, no one spoke in opposition. There were two letters in favor and none in opposition. The applicant submitted a written request to withdraw without prejudice. *Peter Bez moved to accept the withdrawal without prejudice, Esther Czyoski seconded and it was so voted, 5-0.*

**2001-060 8 Commercial Street, Alix Ritchie –**

Gary Reinhardt, Peter Bez, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. Ms Ritchie appeared to present the application which is for a Special Permit for deviation from scale under Article VII Section 7102 of the Zoning By-Laws. Presentation: Wants to extend upper bumpout; construction not previously finished, creating leaks in kitchen ceiling; needs structural repair; wants to move bathroom from hallway; addition would be a 7% increase and about 9 scale units; lot size exceeds 31,000 and could be sub-divided; would accept condition of no further sub-division, with caveat of being able to enter into conservation easement; not increasing footprint or occupancy. Public Comment: Three persons spoke in favor. No one spoke in opposition. There were two letters in favor and none in opposition.

**Board Findings of Fact:**

- Existing structure is 115.37 scale units.
- Will be adding 9.41 scale units.
- Proposed total scale units are 124.41
- Neighborhood average scale is 63.31 units
- Allowable 25% increase would allow 79.14 scale units
- Lot size is 31,644 square feet.
- Proposed increase is in rear of building and not visible from surrounding neighborhood.
- There three speakers and three letters in favor.

*Peter Bez moved to grant a Special Permit under Article VII Section 7102 of the Zoning By-Laws, Larry Mahan seconded and it was so voted, 5-0. Esther Czyoski will write the decision.*

**2001-061 10 Snows Lane, Gary Delius and Bob McCandless –**

Gary Reinhardt, Larry Mahan, Esther Czyoski, Peter McDonough sat on case. The applicant accepted a four member Board. Mr. Delius, Mr. McCandless and Mr. Thompson appeared to present the application, which is for a Special Permit for deviation from scale under Article VII Section 7102 E3 of the Zoning By-Laws. Presentation: Wants to expand by adding dormer and a utility space and to add secondary egress; also adding decks and new dwelling unit. Public Comment: Two persons spoke in favor. There was one speaker with concerns. There were ten letters in favor and none in opposition.

Taken under consideration to allow Board members to conduct individual site visits.

**2001-058 265-267 Commercial Street, Resort Restaurant Management, Inc. d.b.a. Stephanie's represented by Jonathan Louis on behalf of Judith Cicero -**

Applicant did not appear. Application is for a Special Permit for change of service layout with no increase in seating under Article I Section 1260 of the Zoning By-Laws. Postponed until September 6, 2001.

Chair Gary Reinhardt closed the Public Hearing at 8:19 P.M.

**WORK SESSION**

Chair Gary Reinhardt reconvened the Work Session at 8:19 P.M.

**MISCELLANEOUS**

- The Board discussed several locations in Town where it appears that business owners are violating Zoning By-Laws and/or Special Permit conditions. Also discussed was the proliferation of ATM machines.

**NEXT MEETING**

- ⌘ Next meeting will be on September 6 , 2001 at 6:45 P.M. Peter Bez will act as Chair in Gary Reinhardt's absence.

**ADJOURNMENT**

*Larry Mahan moved to adjourn at 8:32P.M. and it was so voted unanimously.*

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 These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on \_\_\_\_\_, 2001

Respectfully Submitted:

\_\_\_\_\_  
 Zoning Board of Appeals Signature

\_\_\_\_\_  
 Title

*Rachel Crosby*  
 On-call secretary