

Zoning Board of Appeals Decisions Decisions for: 10-16-2014

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DECISION OF FALMOUTH ZONING BOARD OF APPEALS

APPEAL NO: 115-13

APPLICANT/OWNER: STEPHEN J. RUDY and MARGARET M. RUDY
of East Falmouth, MA

DEED/CERTIFICATE: Book 7697 / Page 267

SUBJECT PROPERTY: 175 Sandwich Road, East Falmouth, MA
Map 34, Section 04, Parcel 007, Lot 000

Under a date of December 10, 2013 Attorney Kevin P. Klauer, II, filed an Appeal with the Falmouth Town Clerk pursuant to MGL Chapter 40A, Sections 8 and 15 and Section 240-202 of the Code of Falmouth regarding the determination of the Assistant Zoning Enforcement Officer that property known as 175 Sandwich Road in East Falmouth is restricted as a single-family dwelling.

Notice of the hearing was duly given as required by Section 11 of Chapter 40A, M.G.L., as well as notices sent to all persons deemed to be affected thereby as they appear on the tax list, and at which hearing(s), at the Board's discretion, relevant and appropriate testimony is heard.

A public hearing was scheduled for February 6, 2014 but a quorum of the Board was not produced and said hearing was re-scheduled for February 27, 2014.

The Hearing Notice was read into the record at the opening of the hearing on February 27, 2014 by then acting clerk Matthew McNamara.

February 27, 2014 hearing: Correspondence from Appellant's attorney was submitted requesting that the hearing be continued to April 17, 2014 with the willingness of the Appellant to sign of waiver to extend the 100 day hearing process. The Board voted 4 - 0 to continue the hearing to April 17, 2014 at 6:30 PM. [The Appellant's attorney signed a waiver on March 3, 2014 extending the hearing process to May 5, 2014.]

On April 17, 2014 the Appellant's attorney requested that the hearing be continued to July 24, 2014 with a second waiver to extend the hearing process. The Board voted 5 - 0 to continue the hearing to July 24, 2014 at 6:30 PM. [On April 17, 2014 the Appellant's attorney signed a waiver extending the hearing process to August 10, 2014.]

On July 24, 2014 the Appellant's attorney requested that the hearing be continued to October 16, 2014. The Board voted 5 - 0 to continue the hearing to October 16, 2014 at 6:30 PM. [On August 4, 2014 a third waiver was signed extending the hearing process to October 29, 2014.]

October 16, 2014 hearing: Board Members sitting were Chairman David Haddad, Clerk Kimberly Bielan, Member Matthew McNamara, Member Patricia Johnson and Associate Mark Cool.

Clerk Bielan read into the record correspondence from Appellant's attorney, Kevin P. Klauer, II with Ament Law Firm, requesting to withdraw the Appeal as there is application for Special Permit pending with the Board of Appeals.

Member McNamara made a motion to grant withdrawal of the Appeal without prejudice. Member Bielan seconded the motion.

NOW THEREFORE

BE IT RESOLVED, that the Board of Appeals (herein referred to as Board) being of the opinion aforesaid and acting under the provisions of the Code of Falmouth voted 5 - 0 to Grant the Appellant to Withdraw the Appeal Without Prejudice regarding the determination of the Zoning Enforcement Agent that 175 Sandwich Road in East Falmouth, MA is restricted as a single-family dwelling.

Decision of the Falmouth Zoning Board of Appeals Continued:

Appeal Number: 115-13

Appellant: Stephen J. Rudy and Margaret M. Rudy of East Falmouth, MA

Subject Property: 175 Sandwich Road, East Falmouth, MA
Map 34, Section 04, Parcel 007, Lot 000

Action: The Board of Appeals, by the signature below, being present, certifies the vote of the Board as follows for the above referenced:

Vote: 5 – 0 to Grant the Appellant to Withdraw the Appeal Without Prejudice of the Zoning Enforcement Agent’s determination regarding 175 Sandwich Road, East Falmouth, MA.

David Haddad, Board Chairman

_____ Date Filed With Town Clerk

Notice is hereby given that any appeal from this Decision shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after the date of filing of this Decision in the office of the Falmouth Town Clerk.

Notes:

115-13 Rudy - 175 Sandwich Rd / Appeal of BC / Withdrawn w/o prejudice posted 10/22/14 mm