



TOWN OF YARMOUTH
BOARD OF APPEALS

SPECIAL PERMIT EXTENSION

FILED WITH TOWN CLERK: April 29, 2009

PETITION NO: #4192

HEARING DATE: April 23, 2009

PETITIONER: Jason & Jennifer Watkins, Trustees of Enterprise Road Realty Trust

PROPERTY: 5 Corporation Road, Yarmouthport
Map & Parcel: 0093.28.1 Zoning District: B3 APD

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Diane Moudouris, Joseph Sarnosky, Sean Igoe, Debra Martin, and Richard Neitz, non-voting Alternate.

The Petitioner previously sought and obtained a Special Permit under bylaw §202.5 (use N11) and a Variance from §301.1 relating to parking.

The Special Permit and Variance were, for the reasons stated in Petition No. 4192, granted and filed 06/25/08. The Petitioner now seeks to extend the grants of the relief citing the current economic downturn and the difficulty this has caused in proceeding with the project in the timeframe originally contemplated. Mindful that the Variance would lapse if not exercised within one year of its grant and the Special Permit within two years if a substantial use thereof had not been undertaken, the Petitioner seeks to have the granted relief extended for six months from the date of grant.

There being no opposition to such request and the members of the Board generally believing the project to be of benefit to the community and neighborhood, together with recognition of the impact of the economy of the Petitioner's planned development, it was felt the request for extension was reasonable.

A motion was made by Mr. Igoe, seconded by Ms. Moudouris to grant the requested extension of the Variance entered in Petition No. 4192 by six months from the date of the original grant, or until December 25, 2009. The members voted unanimously in favor of the motion and it was, therefore, granted.

To the extent necessary, the requirement for the substantial use of the Special Permit previously granted to the Petitioner shall also be considered to be extended to such date or such later date as the petitioner may, by law, be entitled. All conditions previously set-forth remain in full force and effect.

Steven DeYoung, Chairman

