

233 Hillspoint Rd ZBA#7773 Appeal

Applicant: Attorney Philip Pires. Prepared by C. Tyminski, AICP

Owner: 233 LLC



Approx. 2016. Showing the pre-existing non-conforming restaurant headed North along Hillspoint.



December 2019. Front corner entrance views headed North along Hillspoint.



December 2019. South Façade view headed North along Hillspoint.



December 2019. Rear Façade, view on northeast corner showing proximity of new, unapproved landing to adjacent neighbor.

Proposal.

- This application is an Appeal of the Decision of the Deputy Director to issue a Cease & Desist and to revoke Zoning Permit #42345 for work being done at 233 Hillspoint Road.
- A complaint was submitted of a possible violation and resulted in staff visiting the site on 12/19/2019 (Zoning Officers) and 12/20/2019 (Deputy Director).
- It was determined that what was being constructed was inconsistent with the P&Z and ZBA approved plans. The applicant submitted plans that were not approved by either Board to receive their zoning permit.
- There are many inconsistencies with the approved plans, some of which include the replacement of open balconies with a solid **stucco chimney**, the change in **roof materials**, the lower level is now open and not enclosed with grading and stone retaining walls and stone veneer.
- A **new landing** for a newly located entrance was constructed outside the scope of the Zoning Permit and the P&Z and ZBA approvals and is constructed within the setbacks.
- An elevator shaft was constructed closer to the street outside the scope of the Zoning Permit, the P&Z and ZBA approvals.

History of the Residential Use on this Property:

- 01/02/20 Appeal # 7773 filed to overturn the decision of the Deputy Director to issue a Cease & Desist and to Revoke Zoning Permit (#42345).
- 12/23/19 Stop Work Order issued by the Building Department.
- 12/20/19 Cease and Desist issued for construction of new single-family residence not in compliance with plan approved by ZBA #7629 and P&Z approvals.
- 12/20/19 Revocation of Zoning Permit #42345 for construction not in compliance with approved plans.
- 12/19/19 Complaint received regarding construction not in compliance with approved plans. A new deck/ landing was also installed.
- 11/26/18 Zoning Permit #42345 issued for construction of new single-family residence per ZBA approval #7629 and CAM approval #18-035. Plans submitted for the zoning permit were inconsistent with approvals.
- 7/26/18 Coastal Site Plan Application #18-035 APPROVED by the Planning and Zoning Commission for construction of new single-family residence.
- 5/08/18 Zoning Board of Appeals (#7629) application APPROVED for relief from coverage and setback variances for a modified proposal from 2017 which included a house which was not only reduced in size but included changes of material. The pool was also removed from this proposal.
- 12/5/17 Zoning Board of Appeals application (#7592) DENIED for lot coverage and setback for the construction of a new single-family residence on this property. This proposal included a new pool and a larger house, and the Board stated that the applicant failed to establish a hardship.