

## Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

GEORGE & JEAN SCHMIDT

v.

Decision #89-20

OLD KING'S HIGHWAY REGIONAL HISTORIC  
DISTRICT COMMITTEE FOR THE TOWN OF  
SANDWICH

On Tuesday, January 16, 1990 the Commission held a hearing on Appeal #89-20 filed by George & Jean Schmidt seeking review of a decision by the Sandwich Historic District Committee which had denied a Certificate of Appropriateness for the construction of a second story door and deck on property located at 19 Freeman Ave., Sandwich, Massachusetts.

Present were Brendan Joyce, Dennis; Allen Abrahamson Sandwich; Christopher Miner, Orleans; Willard Sheppard; Yarmouth; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; George Schmidt, Applicant; and Brenda Nolan, representing the Applicants.

The Committee's decision had been filed with the Town Clerk on December 14, 1989, and the appeal entered with the Commission on December 22, 1989, within the ten day appeal period.

Brenda Nolan addressed the Commission on behalf of the Applicants and stated that the Applicants were appealing the denial of the second story deck and door. She said the basis of the appeal was that the Sandwich Committee's decision in this matter did not appear to be consistent with their decisions in previous cases in the immediate area. She described the area and displayed plans of the proposed addition to the existing house and showed pictures of neighboring houses with second story decks. She stated that the plans in question conformed to the guidelines of the historic district and that the house would be better looking than any of the other homes in the area.

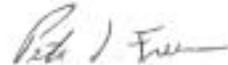
Allen Abrahamson, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for the denial of the deck and door. He distributed written materials regarding the application process and the appeal. He described the adoption of guidelines by the Sandwich Committee which placed this structure in a non-historic area which discouraged the erection of second story decks. He recounted the meeting at which the application was considered and ultimately approved as

amended (without the second story deck and door). He stated that there were some second story decks in the area and that there were some inappropriate houses in the area but they were approved before the guidelines in question were adopted in December of 1988. He stated that he felt that the Sandwich Committee had not been arbitrary but had been consistent in its approach to the issue of second story decks in this area.

After considerable discussion the Commission made the following determinations:

1. That, in this particular instance, there were conditions especially affecting this building, but not affecting the District generally, where the denial of the application would cause a substantial hardship to the Applicants.
2. That the approval of the application may, in this particular instance, be accomplished without substantial hardship to the public welfare and without substantial derogation from the intent and purposes of the Historic District Act.
3. That the Sandwich Committee did act in an erroneous manner in denying the Applicants' Certificate of Appropriateness as it pertained to the inclusion of a second story deck and door.
4. That the appeal be allowed and that a superceding Certificate of Appropriateness issue approving construction of the second story deck and door according to plans now on file with the Sandwich Historic District Committee.

Any person aggrieved by this decision has a right to appeal to the District Court Department, Barnstable Division, within 20 days of the filing of this decision with the Sandwich Town Clerk.



Peter L. Freeman  
Chairman

TOWN CLERK  
TOWN OF SANDWICH

JAN 22 1990

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