

Old King's Highway Regional Historic District Commission
P.O. Box 2187, Hyannis, Mass. 02601
Telephone 508-775-5793

KARL M. CHRISTIANSON and
ANDREA A. CHRISTIANSON

v.

Decision #93-18

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

On Tuesday, January 4, 1994 the Commission held a hearing on Appeal #93-18 filed by Karl M. Christianson and Andrea A. Christianson seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for alterations to a building located at 3225 Main Street, Barnstable, Massachusetts.

Present were Pat Rothermel, Dennis; Janet Francis, Brewster; Paul Shoemaker, Barnstable; Christopher Miner, Orleans; David Moeller, Yarmouth; Robert G. Brown, Commission Counsel; John Blaisdell, Superintendent of Buildings and Grounds for Barnstable County; and Karl and Andrea Christianson, Appellants.

The Committee's decision had been filed with the Town Clerk on December 1, 1993, and the appeal entered with the Commission on December 10, 1993, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Karl Christianson, Appellant, addressed the Commission in favor of the appeal. He identified the building in question as being the Cape Cod Commission building on Main Street in Barnstable Village. He stated that when the building was converted from a hardware store to an office building the greenhouse in the rear of the building was left in place because of a long time tenant in the building. He said that the tenant is now retiring and he would like to replace the current greenhouse with a shed-type structure.

TOWN CLERK
BARNSTABLE, MASS.

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John Blaisdell, Superintendent of Buildings and Grounds for Barnstable County, addressed the Commission in favor of the appeal. He stated that what the Appellant is trying to do is make a non-conforming building less non-conforming. He said the changes will not increase the footprint of the building and would not make the building any higher. He did state that the pitch of the building would be below the recommended level but added that the pitch will be unchanged from what it currently is.

THE COMMITTEE'S PRESENTATION:

Paul Shoemaker, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He stated that the Barnstable Committee was influenced by a previous stipulation between the Committee and the Appellants. Apparently, any stipulation between the Committee and the Appellants is oral and there is no written record of it. In addition the Barnstable Committee felt that the proposed changes would, in fact, be an expansion of the building's footprint.

DISCUSSION:

In general discussion, various members of the Commission expressed the opinion that, while the Barnstable Committee acted in good faith, its reliance on the memory of a stipulation for which no written records exists must be considered erroneous.

FINDINGS:

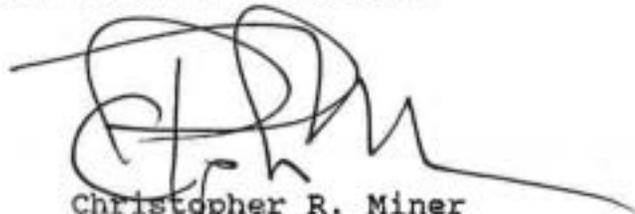
The Commission made the following Findings of Fact:

1. That the Barnstable Committee acted in an erroneous manner in determining that the Appellants' application was inappropriate for the area. 4-0-1.
2. That a Superceding Certificate of Appropriateness be issued in accordance with plans now on file with the Barnstable Committee. 4-0-1.

DETERMINATION:

Based on the above findings the appeal is allowed and a Superceding Certificate of Appropriateness has been issued by the Commission. 4-0-1.

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 Barnstable Town Clerk.

A handwritten signature in black ink, appearing to read 'C. R. Miner', with a long horizontal line extending to the right.

Christopher R. Miner
Chairman