



**Town of Barnstable  
Zoning Board of Appeals  
Decision and Notice**

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**Appeal No. 2009-071 - Reilley**

**Appeal of Building Commissioner**

Appeal of a Cease and Desist Order dated October 9, 2009 issued by the Building Division ordering abatement of "creating, renting or utilizing in any fashion a third unit on the premises addressed 111 Sea Street, Hyannis.

**Summary:** **Upheld the Cease and Desist Order**  
**Appellant:** Lei Z. Reilley  
**Property Address:** 111 Sea Street, Hyannis, MA  
**Assessor's Map, Parcel:** Map 307, Parcel 068  
**Zoning:** Residence B Zoning District

**Relief Requested and Background:**

In this case, the Appellant has appealed the decision of an Administrative Official, the Zoning Enforcement Officer, Robin C. Anderson. Ms Anderson, acting on behalf of the Building Commissioner, has issued a Notice of Zoning Ordinance Violation and Order to Cease, Desist and Abate the use of the building at 111 Sea Street for any use other than that of a two-family dwelling. Apparently, a third unit has been developed within the structure and that unit violates the permitted use of the structure as a two-family.

**Procedural & Hearing Summary:**

The zoning violation notice and order was issued on October 9, 2009. On November 6, 2009, within 30 days of the issuance of the order, the property owner, Ms Lei Reilley, filed an appeal with the Town Clerk's Office and at the Office of the Zoning Board of Appeals. Ms Reilley specified the grounds for the appeal, contending that the third living unit is legal. A public hearing before the Zoning Board of Appeals was duly advertised and notice sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened December 9, 2009 and continued to January 27, 2010; at which time the Board found to uphold the October 9, 2009 Building Division Order issued for the premises addressed 111 Sea Street, Hyannis, MA. Board Members deciding this appeal were William H. Newton, Craig G. Larson, Alex M. Rodolakis, Brian Florence, and Board Chair, Laura F. Shufelt.

The Appellant, Ms Lei Reilley represented herself at the hearing. Mr. Carl Burridge assisted Ms Reilley with her presentation to the Board. Ms. Reilley stated that the third apartment unit existed when she purchased the building in 2008. She noted she had purchased the building from the bank after the prior owner defaulted on the mortgage.



Ms. Reilley submitted a copy of the 1995 Assessor's card that stated the use of the property is that of a three-family. She noted that the third unit is a small one bedroom unit with only four rooms and is currently rented to a single person.

The Board asked several questions and clarified that the Appellant does not reside at the property. They also suggested that she may wish to consider the affordable housing program to attempt to solve the zoning issue.

The public was invited to speak. Robert L. Whitehead Jr., a direct abutter to the property at 19 Summerside Lane, spoke in support of upholding the Building Division's Order, citing issues of overcrowding in the building, lack of on-site parking and stating that, at times, the tenants have disrupted the peace. Threse Quill of 32 Summerside Lane stated that Mr. Whitehead has characterized her concerns and she also supports upholding the Building Division's Order.

The Board members discussed the issues questioning if Ms. Reilley ever had a legal two-family.

**Findings of Fact:**

At the hearing of January 27, 2010, the Board unanimously made the following findings of fact:

1. Appeal 2009-071 is that of Lei Z. Reilley who has appealed a Cease and Desist Order dated October 9, 2009 issued by the Building Division for property addressed 111 Sea Street, Hyannis, MA. It is shown on Assessor's Map 307 as parcel 068 and is zoned Residence B.
2. The order requested that the owner Lei Z. Reilley abate the use of the property as a three-family. There has been no evidence submitted that the use of the property as a three-family is legal. Therefore, the Building Commissioner and his staff have responded appropriately and have acted fairly and in a judicious manner in issuing this order.

**Motion:**

Based upon the findings, a motion was duly made and seconded to uphold the Cease and Desist Order dated October 9, 2009 issued by the Building Division for the premises addressed 111 Sea Street, Hyannis.

The vote was as follows:

AYE: William H. Newton, Craig G. Larson, Alex M. Rodolakis, Brian Florence, Laura F. Shufelt  
NAY: None

**Ordered:**

Appeal No. 2009-071 has upheld the decision of the Building Commissioner. Appeals of this decision, if any, shall be made pursuant to MGL Chapter 40A, Section 17, within twenty (20) days after the date of the filing of this decision. A copy of which must be filed in the office of the Barnstable Town Clerk.

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Laura F. Shufelt, Chair

\_\_\_\_\_  
Date Signed



I, Linda Hutchenrider, Clerk of the Town of Barnstable, Barnstable County, Massachusetts, hereby certify that twenty (20) days have elapsed since the Zoning Board of Appeals filed this decision and that no appeal of the decision has been filed in the office of the Town Clerk.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ under the pains and penalties of perjury.

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Linda Hutchenrider, Town Clerk