



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

NOTICE OF DECISION February 18, 2021

RE: Winston's Kitchen Appeal
Winston and Lisa Christie
1 East Chop Drive, **Map 8 Parcel 137**

The Oak Bluffs Zoning Board of Appeals held a Public Hearing on Thursday, February 18, 2021 at 8:40PM via Zoom virtual meeting on the application of the referenced petitioners seeking:

A Variance or Special Permit within Zoning Bylaws 2.3.1.5, 3.5.5, or any action related thereto, to allow a business change from a tackle shop to a take-out sandwich shop in Residential Zone 2.

DECISION: **A motion was made to approve a Special Permit under Zoning Bylaw 3.5.5 with conditions. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.**

Procedural History:

- On January 28, 2021, the Zoning Board of Appeals (ZBA) received an application from Winston and Lisa Christie seeking a Special Permit under Sections 3.5.5 to allow a business change from a tackle shop to a take-out sandwich shop.
- On February 4, 2021, abutters were notified. First publication of Legal Notice in the MV Times.
- On February 11, 2021, second publication of Legal Notice in the MV Times.
- On February 3, 2021, the agenda, including a legal notice, was received by the Town Clerk and posted in the Town Hall.
- On February 18, 2021, the ZBA held a public hearing, and made the following findings and decision.

Findings of Fact:

- The lot is conforming because the 22,677 sq. ft. lot exceeds the required 20,000 sq. ft. in Residential Zone 2,
- the pre-existing building is non-conforming because it is immediately adjacent to the harbor and does not meet the setbacks of 20 feet from the side property boundary,
- the footprint of the building is not changing, and
- Zoning Bylaw 3.5.5 is the appropriate bylaw that will change the business use from a tackle shop to a take-out sandwich shop.

Motion:

- Doug Pease made a motion to approve the proposal to change the business from a tackle shop to a take-out sandwich shop **with conditions**.
- This change benefits the neighborhood because there is no place to get a sandwich along this part of the harborfront, the building is already used for a business, and the footprint will not change. Furthermore, the neighbors support the sandwich shop. This proposal will not more detrimental to the neighborhood if the Town

and the property owner address the existing safety issues concerning vehicular and pedestrian access through the parking lot.

- The motion was seconded by Lou Rogers.

Conditions:

- The following conditions were added: **The applicant will send the ZBA letters from the Board of Health and the Wastewater Department approving this project, the footprint of the existing building will not change, and that the Town and the property owner work together to resolve the safety issues concerning vehicular and pedestrian access through the parking lot.**

Vote

A roll call vote was taken and the board voted 5 to 0 to approve the Special Permit with the condition as stated. Unanimous.

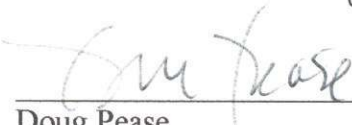
Members sitting for the Board of Appeals at this hearing were:




Andrea Rogers



Peter Yoars



Doug Pease



Lou Rogers

/s/ Jonathan Holter

Jonathan Holter


A copy of this decision was filed in the office of the Town Clerk, on ²⁶February 2, 2021. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk, excepting that such timeframe may be suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020 (Covid-19).

Received and filed in the Office of the Town Clerk:

Date: February 26 2021

I hereby certify that no appeal has been filed within the twenty-day period following the date of the filing of this decision.

Attest:



Colleen Morris, Town Clerk

March 19 2021

Winston's Kitchen 850 Sq. Ft.

#1

