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ZONING BOARD OF APPEALS

STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: June 18, 2020
STAFF REPORT: June 8, 2020

Case #4418: VARIANCE

Property: 543 North Street
Map: 55 Lot: 281

Zoning: Mixed Used Business (MUB)

Owner: JCOM Holdings, LLC
PO Box 4023
New Bedford, MA 02741

Applicant: Poyant Signs,
C/O Christopher Ramm
125 Samuel Barnet Road
New Bedford, MA 02745



543 North Street
Looking north from North Street

Overview of Request: Notice is given of a public hearing on the petition of: **JCOM Holdings LLC**, (Po Box 4023, New Bedford, MA 02741) and **Poyant Signs, C/O Christopher Ramm** (125 Samuel Barnet Road, New Bedford, MA 02745) for a **Variance** under Chapter 9, Comprehensive Zoning Sections 3200 (sign regulations), 3201 (purpose), 3210 (general regulations), 3250 (regulation governing particular types of signs), 3254 (ground signs), 3255 (area restrictions for ground signs) and 3256 (location restrictions); relative to property located at **543 North Street**, Assessors' map 55 lot 281 in a Mixed Use Business [MUB] zoned district. The petitioner proposes to install a 33 SF Pylon Sign per plans filed.

Note: The proposal also requires **Ground Sign Site Plan Review from the Planning Board**. The proposal is scheduled to be heard Wednesday, June 10, 2020 via a Zoom Meeting.

	Existing	Allowed	Proposed
Area of Ground Sign SF	0	25'	33'

As with all **Variances**, the board must find:

- There are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located.
- If the city were to literally enforce the zoning ordinance, due to these circumstances unique to this land or structure, it would mean substantial hardship to the petitioner.
- The granting of the variance would not take away from the purpose of the zoning ordinance nor would it cause substantial detriment to the public good.

Existing Conditions: The project site is a 111,539 SF, corner lot, located on the northeast corner of North and Watson Street. North Street being a one way street that merges onto US State Highway (Route 6), a highly traveled main roadway in the City of New Bedford. The site has frontage on three streets: 211.53'± on North Street, 360.80'± on Watson Street and 136.08± on Cornell Street.

There is an existing 36,290 SF single-story concrete, medical office style building located in the rear northern portion of the site in a Mixed use Business (MUB) zoned district. The subject site currently hosts Southcoast Health Medical Center.

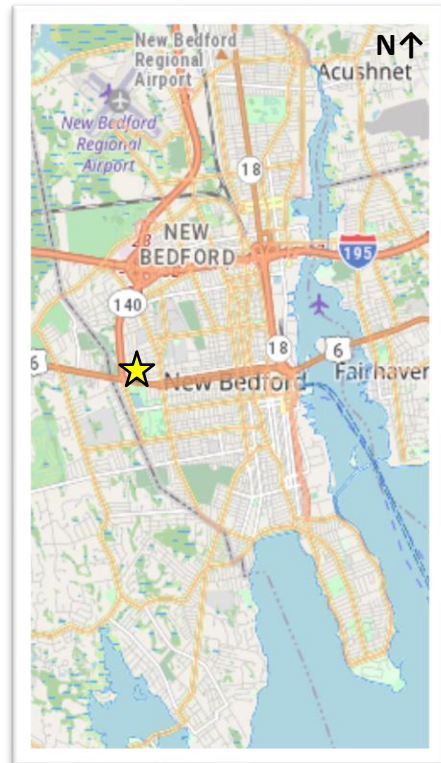
The lot is predominately impervious, with an asphalt parking area encompassing the entire building on the east, south and west side of the site. A 6Ft. wooden fence borders the eastern property line and a stone fence with greenery borders the rear northern property line. At this time there is no Pylon Sign on the site for the subject property.

There are three existing curb cuts; one located southerly along the frontage of the site on North Street, one westerly on Cornell Street and one on Watson Street located on the east side of the site.

The surrounding neighborhood consists of commercial, medical, residential and fast food uses. Directly abutting the site southwest is a Sunoco Gas Station, directly northwest is Child and Family Services. Further west across Cornell Street is Walgreens Pharmacy and a Dunkin Donuts Restaurant. Directly east across Watson Street is Continental Garage and several residential dwellings. Directly south across North Street is a small memorial park and further south across US State Highway (Route 6) is Buttonwood Park Zoo. Directly behind the site northerly is a residential neighborhood.

Proposal: The petitioner proposes to install a new 33 SF Pylon Sign per plans filed. The proposed Pylon sign would be located along the southern frontage of the site on North Street.

The proposed pylon sign has an overall sign area 33 SF, with an overall height of 15', width of 8'-5", and 2'-1.5" depth. The sign as proposed includes a double face internally illuminated cabinet on the top (7'-11" SF). The base of the sign will be painted in aluminum cool gray (1'.5"H x 1'.5"W x 3'.16"L). The internally



illuminated sign face as proposed would be white with cool grey lettering and a turquoise colored logo. The sign wording is to include "South Coast Health" and the address "543 North Street".

The proposed new pylon sign exceeds the maximum allowable 25 SF dimensional requirement for a ground sign in a Mixed Use Business (MUB) zoned district and therefore requires a **variance**.

For Consideration: In considering each of the criteria necessary to grant the **Variance** appeal, staff offers the following for the board's consideration:

- There are circumstances relating to the soil conditions, shape or topography which especially affect the land in question, but which do not affect generally the zoning district in which the land or structure in question is located. The petitioner states the lot has a unique shape in such that it is located on the corner of North and Watson. North being a one-way that runs into Route 6, a highly traveled main road in the city of New Bedford. The petitioner notes the purpose of this new sign is to ensure that traffic traveling on Route 6 (a four lane road) can safely read the message. Additionally, the petitioner states most patients would be traveling from Route 6 and need to be able to clearly locate the medical facility from this main road. Staff acknowledges the project site is a 111,539 SF, corner lot, located on the northeast corner of North and Watson Street; with frontage on three streets: 211.53'± on North Street, 360.80'± on Watson Street and 136.08± on Cornell Street.



- If the city were to literally enforce the zoning ordinance, due to these circumstances unique to this land or structure, it would mean substantial hardship to the petitioner. The petitioner states the literal enforcement of the Zoning Ordinance would cause a substantial hardship. The petitioner explains the property falls at an intersection of where North Street (a one way street) merges with Route 6. The building structure is pushed back off of North street with the main entrance to the facility on the side of the building on Watson Street. The petitioner also notes the property is surrounded by many other commercial properties with large freestanding signs, the size of the proposed sign will help patients identify the property while driving down Route 6 with ease of visibility. In order to be economically viable and visible, proper signage for the establishment is critical. Staff Acknowledges the presence of other nonconforming signage in the immediate vicinity of the project site.
- The granting of the variance would not take away from the purpose of the zoning ordinance nor would it cause substantial detriment to the public good. The petitioner states the main sign panel is 33 SF where the actual text within the panel is 12 SF which keeps the branding portion within the 25 square feet allowed, and therefore would not take away from the integrity of the zoning ordinance. The petitioner notes the neighborhood is primarily commercial with similar sized signs, which would be unaffected by the addition of a new-ylon freestanding sign. Additionally, the petitioner states that the requested relief may be granted without substantial detriment to the public good because

the proposed signage is in keeping with the commercial nature of the immediate neighborhood and the requested relief would ensure the economic viability and visibility of the property. Staff acknowledges the surrounding area is predominantly comprised of fast food restaurants, medical, retail and commercial uses.

543 North Street Map: 55 Lot: 281

NOTE: Property line is approximate; for discussion purposes, only.

