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Case #: ZBA 2013-48
Date: June 28, 2013
Recommendation: Denial

PLANNING STAFF REPORT

Site: 51 McGrath Highway

Applicant Name: Paul Cook, Divine Signs
Applicant Address: 6 Norman St, Everett, MA
Property Owner Name: Sovran Acquisition Limited Partnership
Property Owner Address: 5166 Main Street, Williamville, NY
Agent Address: None

Legal Notice: Applicant, Paul Cook Divine Signs, and Owner, Sovran Acquisition Limited Partnership, seek a Variance (SZO §5.5) to install signs that do not meet the size and height requirements (§12.4) and Special Permit to revise case # ZBA 2007-48 in order to place additional signage on the building.

Zoning District/Ward: IA/Ward 2

Zoning Approval Sought: Variance and Special Permit

Date of Application: June 10, 2013

Dates of Public Hearing: Zoning Board of Appeals July 11, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The site is located in southeastern Somerville on an irregular shaped piece of land formed by the intersection of McGrath Highway and the commuter rail tracks. The subject property is 58,490 square feet and is zoned Industrial A (IA). The existing structure on the site is a three-story (plus basement) brick masonry building with a heavy timber structural frame. The existing building is 61,516 gross square feet.

The building was constructed in the 1920s for use as a factory. For several years and through 2000 it housed a furniture manufacturing company and more recently houses a self storage company.

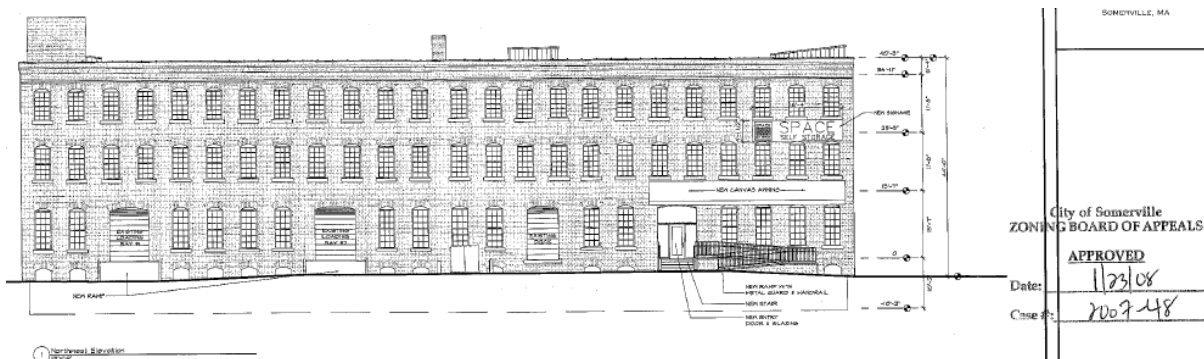
In March of 2000 the property owner applied for a height variance for three signs. The Zoning Board denied the request because the variance was not the minimum reasonable relief, the signs would not control and reduce visual clutter and blight and would not be in harmony with the City's historic and aesthetic qualities. There was an existing nonconforming sign for the furniture manufacturing business on the northwest corner of the building that the time that was presumably installed prior to the height regulation was in place. The March 30, 2000 staff report states this sign between the second and third story windows has been grandfathered at that height.

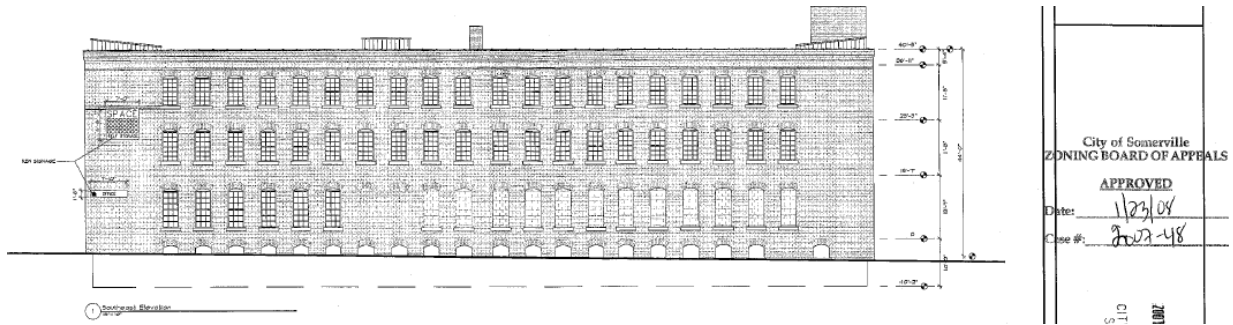


51 McGrath Highway – prior to 2000 variance request:

(left) nonconforming sign for furniture manufacturing on northwest wall, (right) conforming sign on southwest.

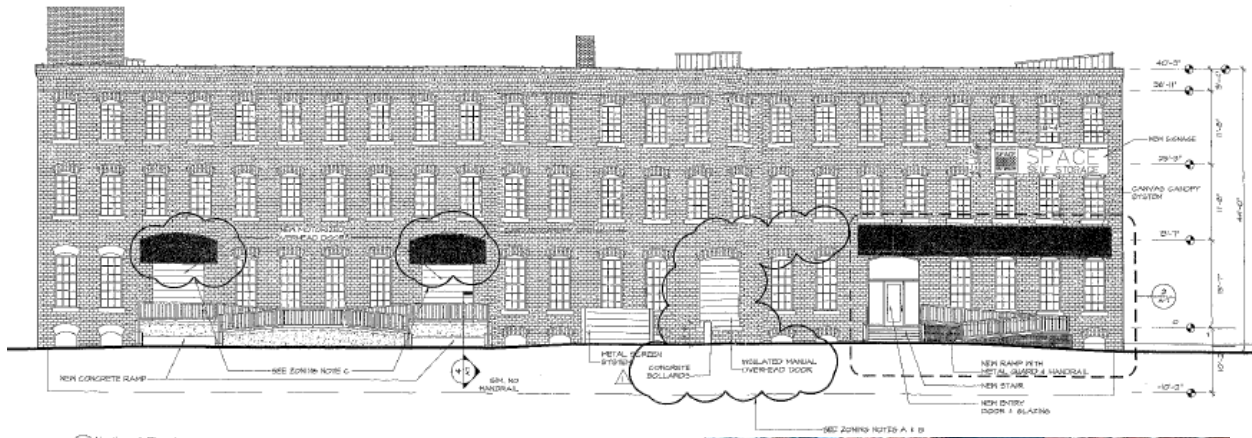
In January of 2008 the owner received approval to convert the use of the existing office/factory building into self storage and construct a new 38,400 gross square foot building for self storage. The nonconforming sign on the northwest side of the building was replaced with a self storage sign that was the same size and height as the furniture manufacturing business sign. The approved elevations also show two signs on the southeast elevation. One is conforming to the height requirements and one is not. The higher sign required a variance, which was not sought at the time. The staff report did not mention the signs although they were on the approved plans and they were installed. This approval also included a canopy over the main entrance to the building.





51 McGrath Highway – 2007 approved plans and photos of signage installed. Southwest sign over the second story windows should have required a variance.

In June of 2008 the owner received approval to revise Special Permit ZBA 2007-48 to reconfigure the parking and circulation layout and add two canopies to the façade (ZBA 2007-48-R0508).



51 McGrath Highway – plans and photos of canopies approved by revision to 2007 plans.

The self-storage company recently changed from Space Self Storage to Uncle Bob's Self Storage. Uncle Bob's has placed banners on the northwest, southwest and south east sides of the building for signage and these temporary signs should be removed.

2. Proposal: The proposal is to replace the awnings at the main entrance to the building on the parking lot side of the building, at the entrance on the southwest side of the building at the ground floor and over the two loading doors that were approved as part of the case ZBA 2007-48 and case ZBA 2007-48-R0508. The awnings would be vinyl.

The proposal also includes replacing the flat panel signs that had gooseneck lights that were between the second and third story windows on the northwest and southeast elevations with internally lit box signs that are 64 square feet.

Finally, the proposal includes installing a new sign on the southwest (McGrath Highway) side of the building that would be between the second and third story windows and the sign would be an LED face lit raceway with mounted channel letters. The sign would be 91 square feet.

3. Nature of Application: New signs on this structure cannot be higher than the top of the sills of the first level of windows above the first story and the size of the signs cannot be greater than 2 times the length of the building that faces the street per SZO Section 12.4.

The new sign on the McGrath Highway side of the building exceeds the height limit. The signs on the side of the building exceed the height limit although one sign was grandfathered and the other was inadvertently approved as part of the 2007/8 Special Permit with Site Plan Review.

The total size of the signs and awnings on the McGrath Highway (southwestern) and southeastern sides of the building are below the maximum square feet allowed; however, the signs and awnings total 340 square feet on the parking lot (northwest) side of the building and the limit is 320 square feet.

Since the work related to the original Special Permit with Site Plan Review has been complete and a final certificate of occupancy has been issued, a revision to this permit is not possible. Therefore technically a new Special Permit with Site Plan Review is required to change the approved signage.

4. Surrounding Neighborhood: The area surrounding of the site is zoned for both industrial and business uses. The elevated, four-lane McGrath Highway acts as a major barrier to the built environment to the south of the property. A series of railroad tracks line the northern property boundary, separating this site from the Brickbottom residential lofts and industrial uses further to the north. A neglected commercial and office space with a parking field lie to the east and provide the means of access/egress to the subject site. The surrounding buildings are industrial looking and have a variety of uses including a datacenter, reprographics, liquor store, and car wash. The building faces Twin City Plaza. The surrounding signs appear to meet the requirements of the zoning ordinance.

5. Impacts of Proposal: Replacing the previously approved signs and awnings from the 2007/8 approval would not be negatively impactful provided that the same style of signs and awnings were installed. The internally lit box signs on the sides of the building could be flat painted metal or wood signs with the existing gooseneck lighting. The internally illuminated box signs do not fit the character of the beautiful historic structure.

Placing a sign on the McGrath Highway sign would be negatively impactful. This sign would add visual clutter to the side of the building that has retained its historic appearance. Also, this side of the building is very close to the highway and drivers would be distracted as they would need to turn their head to see

the sign. The design of this sign is more attractive than the box-type sign proposed for the sides of the building; however, it still does not meet the quality of design that this building deserves.

6. Green Building Practices: The Applicant stated that the existing neon lights draw a lot of power and the new LED lights only use 12 volts. The new lighting will save energy.

7. Comments:

Ward Alderman: Has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW:

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

To change the signage approved as part of the original Special Permit with Site Plan Review for the site that has been complete, technically a new Special Permit with Site Plan Review is required. The following conditions apply to a change to the previously approved signage.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

Staff do NOT find that the proposed internally illuminated box and channel letter signs match the character of the building. The building is an old and well maintained factory building and these types of signs are typically seen on retail stores along major roadways.

Placing a sign on the McGrath Highway sign would be negatively impactful. This sign would add visual clutter to the side of the building that has retained its historic appearance. Also, this side of the building is very close to the highway and drivers would be distracted as they would need to turn their head to see the sign.

III. FINDINGS FOR VARIANCE (SZO §12.4):

In order to grant a variance for signage (§12.4) requirements the SPGA must make all of the certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”

The Applicant stated: All businesses must have a sign in order to grow and stay in business. This is a storage business and signs are vital to their success for purpose of identification of the business.

Staff find that the existing lot and structure are unique in that the height of the McGrath Highway makes it more difficult to see the signs below the sill of second story windows than if the road was at grade with

the base of the building. The prior self storage business left and it is unknown if the lack of visibility of the signs on this building contributed to financial hardship which caused them to close.

2. “The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.”

The Applicant stated: At a minimum this business has been a storage facility since 1997. The same use with a new name will continue to bring much needed tax dollars to the City of Somerville.

Staff find the variance requested is not the minimum variance that would grant reasonable relief to the owner and it is not necessary for a reasonable use of the building. The signs posted along the southeast and northwest sides of the building at an allowed height would be visible from McGrath Highway. Also, there is a number 51 on the McGrath Highway side of the building that provides direction for people trying to find the building. Addresses are not considered signage and do not need to meet the sign dimensional requirements.

3. “The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.”

The Applicant stated: The signs that are existing will be removed and replaced with new signs with a different name but the same use. The area in which this business is located is industrial and commercial in nature.

Staff find the proposed internally illuminated box and channel letter signs have not been designed to fit the character of a historic structure and would be detrimental. They would create visual clutter on the old and well maintained factory building that has retained most of its original features and detailing. These types of signs are typically seen on retail stores along major roadways.

Placing a sign on the McGrath Highway sign would be negatively impactful. This side of the building is very close to the highway and drivers would be distracted as they would need to turn their head to see the sign.

III. RECOMMENDATION

Special Permit with Site Plan Review and Variance

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **DENIAL** of the requested **SPECIAL PERMIT WITH SITE PLAN REVIEW AND VARIANCE**.

The Applicant could replace the signs and awnings that were approved as part of the original Special Permit with Site Plan Review and revision approval with the new company name and logo provided that the same size, material and lighting technology was used as was in the prior approval.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

