



PATRICK J. SULLIVAN
DIRECTOR

City of New Bedford

Department of Planning, Housing & Community Development

608 Pleasant St, New Bedford, Massachusetts 02740
Telephone: (508) 979.1500 Facsimile: (508) 979.1575

STAFF COMMENTS

ZONING BOARD OF APPEALS MEETING

June 15, 2016

Case # 4235: **VARIANCE**
128 Union Street
Map:47, Lot: 5

Owner: 128 Union Street LLC d/b/a
DeMello International Center
128 Union Street
New Bedford, MA 02740

Applicant: Poyant Signs
125 Samuel Barnet Blvd
New Bedford, MA 02745



Overview of Request: The petitioner has submitted an application for a **Variance** relative to the subject property located within a Mixed Use Business [MUB] zoning district. The petitioner proposes to erect a 27 square foot cabinet on top of an existing monument sign. The proposed addition to the sign increases the sign area to 54 square feet, where a maximum of 25 square feet is allowed under zoning ordinance. The increased sign area therefore requires a variance.

As with all variances, the board must find that 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 ZBA must find that 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. Additionally, the ZBA must find that 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 86,478 sq. ft. subject lot comprising a downtown city block is bound by Union Street to the north, Second Street to the east, School Street to the South, and Acushnet Avenue to the north. It has 161'± frontage on Union Street and is 449'± in depth.



The property contains a five story commercial office building (134'x190') in the northern half of the site and a 118 space parking lot in the southern half of the site. A drive-thru banking ATM is located on the east side of the building. The property has branded directional signage at all entrances, "Santander" wall signs on three sides, over the drive-thru ATM, enclosed inside the glass of the Union Street entrance, and on a monument sign located on the northeast corner of the site. The existing monument sign has an overall height of 4.5'± with a sign area 27 square foot sign area (3'x9').

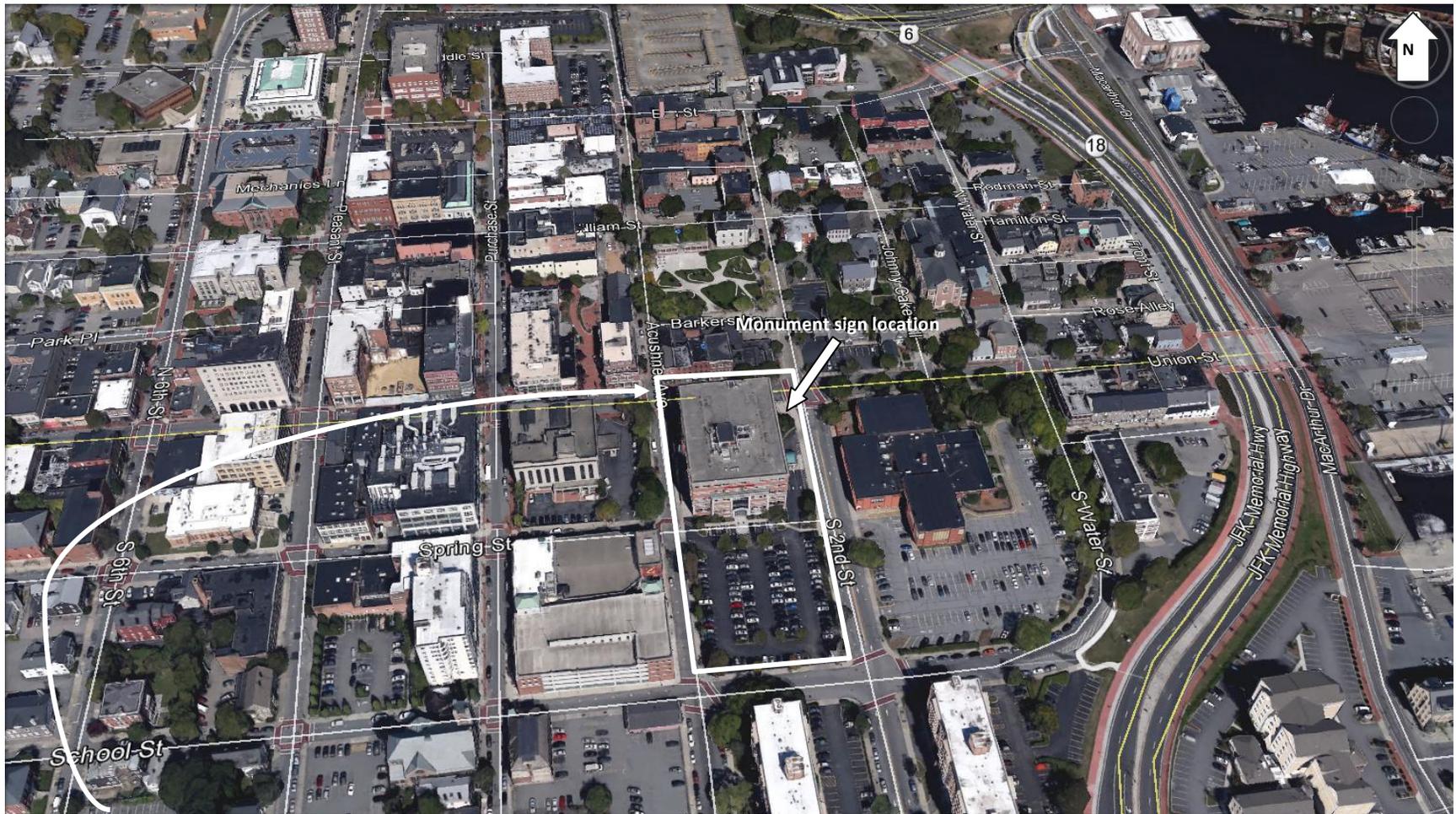
As the subject site is located within the city's downtown, the surrounding neighborhood is mixed use with commercial and residential uses present. Neighboring properties range from two-story to four-story buildings. The YMCA (to the east), St. Anne's Credit Union (northeast) and the Union Square/RMS Mortgage building (to the west), each have a ground sign. There is an upward slope west along the Union Street side of the property and along Union Street itself heading towards this property.

Proposal: The petitioner proposes to erect a 3'x9' cabinet onto the existing monument (ground) sign; this would result in an overall 7.5' sign height and a sign area of 54 square feet. The petition states "the existing building is a large structure in size which requires proportionate signage. In addition, the proximity of the building to the street limits the visibility of the structure until the driver is at the building. Without the new addition to the ground sign, drivers and pedestrians will not be clear as to the name of the building." The petition further states, "The proposed addition is low to the ground & not obtrusive to the landscape. It is modest compared to other sign structures on abutting properties. The new sign does not interfere with any safety concerns for drivers nor does it block or interfere with any other sign or structure that it abuts."

As part of the applicant's rebranding of this building, the petitioner has indicated they will be changing existing wall signage from the current "Santander" to "DeMello International Center." This wall signage has *not* been cited by the Commissioner of Inspectional Services as requiring any zoning relief and is therefore not part of the ZBA's review at this time.

This proposal for an addition to the existing ground sign was reviewed by the Planning Board at its June 8th, 2016 meeting. The Planning Board granted the Special Permit for a Ground Sign with the condition that the sign be contingent upon the approval by the Zoning Board of Appeals.

For Board Member Consideration: The existing monument sign area at 27 square feet, exceeds the 25 square foot maximum allowed under the city's zoning ordinance. The existing monument sign was permitted prior to the current zoning ordinance and therefore is a "legally existing nonconforming sign." The additional cabinet brings the total sign area to 54 square feet, just over double the maximum sign area allowed in the mixed use business district. The sign is positioned such that it is visible to pedestrians and vehicles at the Union Street and Second Street intersection. Best visibility is traveling west uphill on Union Street or south on North Second Street (on foot as N. Second Street is one-way north for vehicular traffic). Vehicles and pedestrians traveling eastward do not/will not see the sign until they have reached the intersection due to the location and angle of the sign. The existing limitations of visibility are therefore attributable more to location and angle than sign area or size. The building is one of the largest in the downtown area and as noted, is surrounded by other commercial buildings that have freestanding signage.



128 Union Street Map: 47, Lot: 5

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

© 2016 Google

Google earth

41°38'01.81" N 70°55'28.27" W elev: 107 ft. eye alt: 1446 ft