



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning (PPZ) Staff
SUBJECT: 230 Elm Street, ZP25-000027
POSTED: May 28th, 2025

RECOMMENDATION: Deny

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from PPZ staff to the Review Board members.

This memo summarizes the Hardship Variance request submitted for 230 Elm Street, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on May 16, 2025, and is scheduled for a public hearing on June 4th, 2025. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Classic Signs Inc. seeks to have an illuminated blade sign more than 10 feet from the principal entrance of a new commercial business in the Mid Rise 4 (MR4) district, which will require a Hardship Variance.

SUMMARY OF PROPOSAL

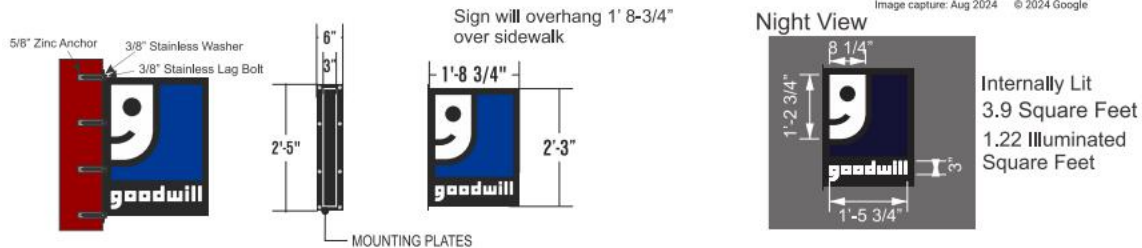
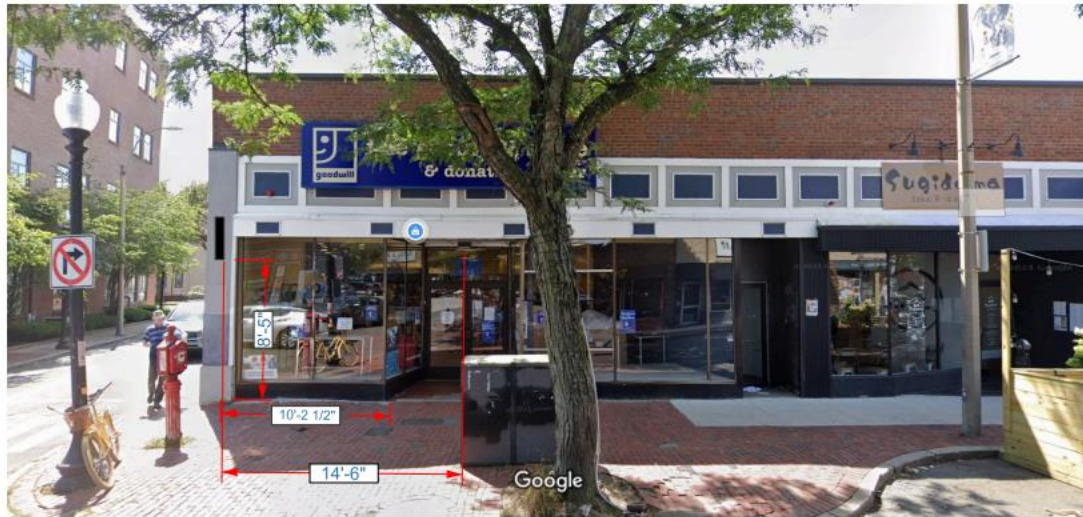
Classic Signs Inc. – Justin Parker is proposing to construct a noncompliant illuminated projecting sign, which requires a Hardship Variance for being located closer than 10' from the main entrance of the commercial business.

BACKGROUND

230 Elm Street is located on a Pedestrian Street and in the 0.25mi Transit Area in the Mid-Rise 4 zoning district (MR4) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis. Following the Board's decision regarding the Hardship Variance, if granted, the proposal would be by-right.

According to SZO §10.8.10.b, a blade sign must be located within ten (10) feet of the principal entrance for the commercial use that it identifies. This sign proposes a new blade sign to be located 10' 2 ½" from the principal entrance.

230 Elm St



ANALYSIS

The applicant addresses criterion 1, stating that the special circumstance exists because this unit has windows between the principal entrance and the closest part of the building where a sign can be affixed, which is the corner of the building. The applicant also argues that a special circumstance exists because the unit has a recessed doorway which adds to the total distance from the principal entrance. Staff does not believe that either of these instances creates a special circumstance for sign relief.

The applicant addresses criterion 2 arguing that the proposed sign conforms to all other sign requirements, other than the location where it can be affixed. The applicant claims that relief from the 10' distance stipulation would grant the ability for this unit to have a blade sign that identifies the business to pedestrian traffic and that the corner of the building would be the obvious choice of where to put this sign, as it is the closest portion of the building that is not a window. Generally, PPZ staff does not provide analysis or recommendations concerning the existence of actual hardship, financial or otherwise, regarding the second Hardship Variance criterion.

The applicant addresses criterion 3 by stating that the requested relief would not cause substantial detriment to the district as it would be in harmony with SZO §10.8.1.a "To provide property owners and tenants reasonable and effective means for identifying

street address, business name, goods sold or produced, and services provided to the public." The applicant also states there is a street between this building and the next, which creates a clear division between the businesses. The applicant claims even though the blade sign will be more than 10' from the principal entrance, they do not believe it will create any confusion as to which business the sign is referencing. Not allowing a noncompliant sign does not impede the use of the building and allow the tenant to carry out their commercial business activities. Staff emphasize that the Somerville Sign requirements should apply to all businesses uniformly, and complying with the sign requirements does not constitute a hardship; it would simply be holding each business to the same standards.

Upon analysis of the material submitted by the Applicant, PPZ Staff do not believe that the granting of the requested hardship variance would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the MR4 district, copied here:

Intent

- a) To implement the objectives of the Comprehensive Plan of the City of Somerville.
- b) To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings and neighborhood serving commercial uses.

Purpose

- a) To permit the development of multi-unit and mixed-use buildings that do not exceed 3 stories in height.
- b) To provide quality commercial spaces and permit small- scale, neighborhood serving commercial uses.
- c) To create dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.
- d) To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in general buildings.
- e) To permit increased residential density for buildings that meet the definition of a net zero ready building.

While PPZ staff do not believe that it would not substantially derogate from the intent of the MR4 district, it would undermine the broader purpose of the City of Somerville Sign Ordinance.

PPZ Staff do not believe that granting the requested hardship variance would support the broader intent of the Somerville Zoning Ordinance, including, but not limited to, the following:

- a. To implement the Comprehensive Plan of the City of Somerville and enforce officially adopted plans and policies.
- b. To permit development and redevelopment according to plans that are collaboratively developed with the Somerville community.
- a. Staff believe that allowing this hardship variance would set a precedent for future hardship variances for signage, which would be inappropriate in the context of the Somerville Zoning Ordinance (SZO) and its sign regulations. If the City would

like to entertain such signs, it should do so by amending the sign regulations in the SZO, not by granting such hardship variances.

Massachusetts courts have stated that variances will naturally deviate from the intent and purpose of a zoning ordinance to some degree and that the discretionary approval of a variance is defensible if the deviation is not substantial or significant in comparison to the intent and purpose for the district in appraising the effect of the proposal on the entire neighborhood, including future impacts and other development approved or denied in the general vicinity of the development site. Unlike other hardship variance applications, this variance would set a precedent for future signs on similarly scaled buildings.

CONSIDERATIONS & FINDINGS

In accordance with the Somerville Zoning Ordinance, the Zoning Board of Appeals may grant a Hardship Variance only upon deliberating and finding all of the following at the public hearing for each requested variance:

Hardship Variance Considerations

1. Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the MR4 zoning district in which the land or structure is located;
2. Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant, Classic Signs Inc., due to said special circumstances; and
3. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the MR4 district in this Ordinance or the Ordinance in general.

PERMIT CONDITIONS

Should the Board approve the required Hardship Variance for a noncompliant blade sign location, PPZ Staff recommends the following conditions:

Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.

Public Record

2. A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record.