

CITY OF FRAMINGHAM
ZONING BOARD OF APPEALS

150 Concord Street B2
Framingham, MA 01702

CITY OF FRAMINGHAM
CITY CLERK'S OFFICE

2018 OCT 23 P 1:37

BOARD OF APPEALS CASE NO. S18-07

PETITION OF EMILY'S INTERIORS INC. AND TWIN HOLDINGS, LLC

DATE OF DECISION: OCTOBER 9, 2018

1. Application

This document is the DECISION of the Framingham Zoning Board of Appeals (hereinafter the Board) acting as the Sign Appeals Board on the Application of EMILY'S INTERIORS, INC. and TWIN HOLDINGS, LLC (hereinafter the Applicant), for property located at 248 WORCESTER ROAD (hereinafter the Site). This Decision is in response to an Appeal of the Building Commissioner's determination that proposed sign is prohibited and a Petition for a Variance to the Sign Bylaw for that same sign (hereinafter the Application).

2. Applicant

Emily's Interiors, Inc.
248 Worcester Road
Framingham, MA

Property Owner

Twin Holdings, LLC
248 Worcester Road
Framingham, MA

3. Location

Property is located at 248 Worcester Road and is identified by Assessors' Parcel ID 128-86-9365-000 (hereinafter the Site).

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on October 9, 2018 the Board voted to GRANT a VARIANCE and OVERTURN the Building Commissioner's determination by a unanimous vote of three (3) members sitting on the Application. The record of the vote is stated as follows:

EDWARD COSGROVE	YES
JOSEPH NORTON	YES
RICK MCKENNA	YES

5. Proceedings

The Application was received by the Board on September 12, 2018 pursuant to the City of Framingham's Sign Bylaw, Article VII of the General Bylaws. A duly-noticed public hearing was held by the Board on the Application on October 9, 2018 at 7:45 P.M. in the Ablondi Room of the Memorial Building. Board Members Edward "Ted" Cosgrove, Joseph Norton, Rick McKenna, and Alternate Stephen Meltzer were present throughout the proceedings. The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision constitute the record of the proceedings, may be referred to in the Office of the Zoning Board of Appeals at the Memorial Building.

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Mr. Michael Connors, representative from Emily's Interiors, introduced himself and explained the request to reface the top panel of an existing freestanding sign.

Mr. Cosgrove asked how Emily's Interiors and Stone Inc. are associated. Mr. Connors responded, Emily's Interiors has a separate keyed entrance within the building and occupies the second floor through a sublease with Stone Inc. Mr. Cosgrove asked if the businesses are two separate operations. Mr. Connors confirmed and responded, yes. He disclosed that Emily's Interiors does business with Stone Inc. however, they are two separate entities. Board members and members of the public voiced no concerns.

6. Exhibits

Submitted for the Board's deliberation were the following exhibits:

- 6.1 Sign Permit Applications filed with the Building Official, denied on August 22, 2018.
- 6.2 Application for Hearing before the Zoning Board of Appeals filed with the City Clerk on September 14, 2018.
- 6.3 Filing fee in the amount of \$250.00.
- 6.4 Treasurer and Collector comments, dated September 12, 2018.
- 6.5 Sign Officer comments, dated September 17, 2018.
- 6.6 Conceptual image of proposed sign panel, submitted with the application.
- 6.7 Photograph depicting existing freestanding sign, submitted with the application.
- 6.8 Google map entitled, "Untitled Map – 248 Worcester Road – Site Plan", depicting location of existing sign, submitted with the application.

Exhibit 6.6 and 6.7 shall hereinafter be referred to as "the Plans".

7. Findings and Conclusions

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

- 7.1 The property is located within the Business (B) zoning district and Regional Center (RC) overlay district.
- 7.2 On August 22, 2018, the Building Official denied a sign permit application for a freestanding sign under §1.12.2.b.2 and §1.6.19 of the Sign Bylaw.
- 7.3 On September 14, 2018, the Applicant filed with the City Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of appealing the Building Commissioner's denial and obtaining a Variance from the Sign Bylaw.
- 7.4 Notice of the public hearing was duly published in "THE METROWEST DAILY NEWS" on September 24 and October 1, 2018 and mailed to all parties-in-interest, as defined in §1.12.4.b of the Sign Bylaw.
- 7.5 The Applicant is seeking to add a sign panel to the existing blank space, on an existing freestanding sign. Per the Sign Bylaw, a wall sign or freestanding signs for individual businesses that do not have building frontage and a separate exterior public entrance

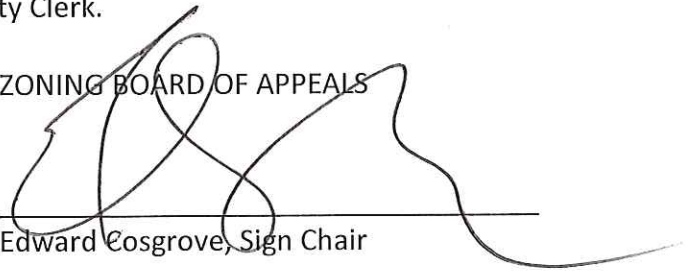
into the business, and are not completely separated by interior walls with no access from any adjacent business, are prohibited.

- 7.6 The Variance standard established by the City of Framingham's Sign Bylaw, §1.12.2.b is a demanding criterion. A Variance may be granted from the limitations imposed by the Sign Bylaw if it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street, or the topography of the land are such that said Variance may be permitted without being contrary to the public good. The Applicant must demonstrate that compliance with the Bylaw presents a hardship to the Applicant. The hardship must relate exclusively to the specific and unique circumstance of the situation faced by the Applicant, and not apply generally to other land, buildings or structures in the same zoning district.
- 7.7 The Board finds that the nature of the use of the premises is such that a variance may be permitted without being contrary to the public good, and that compliance with the Bylaw would present a hardship to the Applicant. *The Board is satisfied that the intent of the Sign Bylaw is respected with the proposed sign. Although a separate exterior entrance is not provided, there is a separately keyed door and Emily's Interiors occupies a completely separate space on the second floor. The businesses are not related.*
- 7.8 The Board finds that relief from the Sign Bylaw may be granted without substantial detriment to the public good and surrounding properties, and without degradation of the neighborhood's visual environment, or causing a traffic or pedestrian hazard. *The proposed signage is an improvement over the existing sign, which has a large blank space where a second business sign is meant to go.*
- 7.9 The Board therefore moved to OVERTURN the Building Commissioner's determination and APPROVE the Variance Application, subject to the following conditions:
- 7.9.1 The sign shall be located and constructed as shown on the Plans.

8. Appeals

Appeals, if any, shall be made pursuant to Sign Bylaw, §1.12.6.f. and shall be filed within sixty (60) days after the date of filing this Decision with the City Clerk.

ZONING BOARD OF APPEALS

By: 
Edward Cosgrove, Sign Chair