

COMMONWEALTH OF MASSACHUSETTS
CITY OF GARDNER
ZONING BOARD OF APPEALS
DECISION

NAME: Rolland F. Rochon
ADDRESS: 61 Otter River Road, Winchendon, MA 01475

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CLERK'S OFFICE
GARDNER MA

DECISION OF THE BOARD OF APPEALS REGARDING THE USE OF THE PREMISES LOCATED ON:

73 City Hall Avenue

IN THE CITY OF GARDNER, THE PREMISES BEING MORE PARTICULARLY DESCRIBED IN A DEED DULY RECORDED IN WORCESTER DISTRICT REGISTRY OF DEEDS:

BOOK 22472 PAGE 360

ON APPLICATION DATED March 26, 2014 FOR A Variance TO:

Install a roof mounted sign at 73 City Hall Avenue, Gardner, MA. Parcel ID #M22-4-16, owned by People's Fuel, Inc. (Denied a building permit by the Building Commissioner because it does not comply with section 675-940 C, in Commercial I zoning district, of the Gardner City Code.)

The Zoning Board of Appeals at its May 20, 2014 meeting voted unanimously to grant the Variance to Rolland F. Rochon to install a roof mounted sign at 73 City Hall Avenue, Parcel ID #M22-4-16.

The Public Hearing was held on May 20, 2014. The Applicant proposes to install a sign, 2' x 12' on the roof at 73 City Hall Avenue. This is the same sign, with lettering changed and mounting brackets as was used by People's Fuel & Trucking, Inc. for over thirty six years. The sign is proposed to be internally illuminated. It is to be on a timer and will comply with the Ordinance.

At the public hearing, the Applicant addressed the three conditions for granting a Variance. The sign does not create or aggravate a safety hazard. A sign of the same design had been on the building for more than thirty six years and had caused no problems. It was taken down in early 2012 when the company was sold.

While the sign does derogate from the intent of the ordinance, the original sign caused no problems or issues. The building is located within the downtown commercial district and appropriate signage should be and is the intent of the ordinance.

The Applicant attempted to address the criteria of a hardship related to shape, topography, or soil conditions. In this instance, a hardship does not exist as the building has existed for decades. The sign that is proposed is to be placed on the top of the on-story building. In this instance, the Board believes a literal interpretation of the Ordinance would be unfair burden upon the Applicant. The façade of the building is such that a sign could not be installed without covering up windows or requiring significant alterations to the façade. Additionally the building structure in and of itself is a hardship because the building has a flat roof and the sign will be above the roof line. Had the roof style been mansard, the sign would have been allowed on the roof.

The Owner of the property was present at the hearing and supported the application.

The Variance is approved as submitted.

Rochon...dec
#14-05-1

ANY PERSON AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS OR ANY SPECIAL PERMIT/VARIANCE GRANTING AUTHORITY, WHETHER OR NOT PREVIOUSLY A PARTY TO THE PROCEEDING, OR ANY MUNICIPAL OFFICER OR BOARD MAY APPEAL EITHER TO THE SUPERIOR COURT, DISTRICT COURT, OR LAND COURT DEPARTMENT OF THE TRIAL COURT FOR THE COUNTY IN WHICH THE LAND CONCERNED IS SITUATED BY BRINGING AN ACTION WITHIN TWENTY (20) DAYS AFTER THE DECISION HAS BEEN FILED IN THE OFFICE OF THE CITY OR TOWN CLERK. (M.G.L. SECTION 17, CHAPTER 40A)

A COPY OF THIS DECISION HAS THIS DAY BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK, CITY OF GARDNER:

CERTIFIED THIS 2nd DAY OF June, 2014

<i>Randall W. Heglin</i> <i>dk</i>	<i>Michael D. Gerry</i>	<i>Anthony J. Asmar</i> <i>dk</i>
Randall W. Heglin, Acting Chairman	Michael D. Gerry, Clerk	Anthony J. Asmar, Third Member

I, Alan L. Agnelli, City Clerk, City of Gardner, hereby certify the attached decision by the Zoning Board of Appeals was filed with my office on _____ and that twenty days have elapsed since the filing of said decision with my office and that no appeal concerning said decision has been filed or that any appeal that has been filed has been dismissed or denied.

Dated

Alan L. Agnelli, City Clerk