



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS BOARD OF APPEAL

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FILE #
CITY CLERK, SALEM, MASS.

July 29, 2015

Decision

City of Salem Board of Appeals

Petition of JIMMY JOHN'S, seeking a Variance from the provisions of Sec. 8.2.6 Entrance Corridor Overlay District Signage of the Salem Zoning Ordinance to allow an internally illuminated blade sign faced with Jimmy John's logo at the property of 135 LAFAYETTE STREET (Map 34 Lot 307)(R3 Zoning District).

A public hearing on the above Petition was opened on July 15, 2015 pursuant to M.G.L Ch. 40A, § 11 and closed on this date with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, and James Hacker (alternate)).

The Petitioner seeks a Variance requesting relief from Sec. 8.2.6 Entrance Corridor Overlay District Signage of the Salem Zoning Ordinance to allow an internally illuminated blade sign faced with Jimmy John's logo.

Statements of fact:

1. Ms. Cronin of Viewpoint Sign & Awning Northborough, MA presented the petition on behalf of the applicant Bendsen Signs & Graphics to secure permits on behalf of Jimmy John's restaurant.
2. In the petition date-stamped June 23, 2015, the petitioner requested a Variance from the provisions of Sec. 8.2.6 Entrance Corridor Overlay District Signage to allow an internally illuminated blade sign faced with the Jimmy John's logo.
3. The proposed internally illuminated blade sign is approximately 52" projection, 42" diameter and 6" deep, faced with the Jimmy John's logo to be mounted to the exterior brick wall at 135 Lafayette Street.
4. The Department of Planning and Community Development submitted a letter to the Zoning Board of Appeals requesting the Board to deny the permit for the following reasons:
 - a. The City's Commercial Design Guidelines, state, "Internally lighted signs are not recommended in the Urban Renewal Areas and Entrance Corridors."
 - b. The City is emphatic about not approving internally illuminated signage in Salem's downtown or along entrance corridors and feels that the approval of the proposal will encourage additional similar proposals.
 - c. The location of the proposed sign is at a newly developed building in the Point neighborhood where the City and other partners are improving the area's aesthetics.
 - d. An externally illuminated blade sign is a more appropriate option for this location.
 - e. Other Jimmy John's locations utilize externally illuminated signage.
5. The requested relief, if granted, would allow the Petitioner to allow an internally illuminated blade sign faced with the Jimmy John's logo.

6. At the public hearing no members of the public spoke in favor and one (1) person spoke opposition to, the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project does not meet the provisions of the City of Salem Zoning Ordinance:

Findings for Variance:

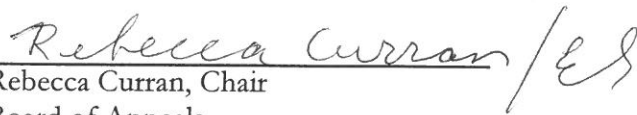
1. The Board found that there are no special conditions and circumstances that especially affect the land, building, or structure involved as it is located in an entrance corridor with other businesses in the district. Further, allowing an internally illuminated sign would set precedent for other surrounding businesses in this district to install internally illuminated signs not in accordance with Commercial Design Guidelines and Sec. 8.2.6 *Entrance Corridor Overlay District Signage*.
2. Literal enforcement of the provisions of the Ordinance would not create a substantial and unique hardship and allowing an internally illuminated sign as there are many examples of alternative options that are in keeping with the Commercial Design Guidelines and Sec. 8.2.6 *Entrance Corridor Overlay District Signage*.
3. The desired relief may not be granted without nullifying or substantially derogating from the intent of the district or purpose of the City of Salem Zoning Ordinance.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted none (0) in favor and five (5) opposed (Peter A. Copelas (Vice-Chair), Jimmy Tsitsinos, Mike Duffy, Tom Watkins, and James Hacker (alternate), to grant a Variance requesting relief from Sec. 8.2.6 *Entrance Corridor Overlay District Signage* of the Salem Zoning Ordinance to allow an internally illuminated blade sign faced with Jimmy John's logo, subject to the following **terms, conditions and safeguards**:

Standard Conditions:

1. The Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. A Certificate of Inspection shall be obtained.
6. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.

The Board denied the request.


Rebecca Curran, Chair
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.