

City of Malden

Massachusetts

Board of Appeal
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Malden, Massachusetts 02148

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BOARD OF APPEAL DECISION

January 16, 2019 Hearing

Petition of:

First Baptist Church of Malden for a variance of Section 3.35.13.2, Chapter 3 of the Revised Ordinances of 1991 as amended of the City of Malden, Sign Control Ordinances, namely, to reconstruct and increase dimensions of existing sign, at the property know as 493 Main Street, Malden, MA and also known by the City Assessor's Parcel ID #074-260-001.

Findings of Fact

Petitioner seeks a variance of Section 3.35.13.2 to construct a free standing sign. Petitioner is a religious congregation that presently uses 493 Malden Street as its place of worship. Petitioner represents that 493 Main Street is a large community facility, and due to decreases in Petitioner's membership, Petitioner needs to share this facility with other religious congregations and a local Boy Scout troop to make the use of 493 Malden Street viable. Petitioner seeks to construct a free-standing sign with each of the names of the occupants of 493 Malden Street. Presently, there are two free-standing signs on 493 Malden Street, with only "First Baptist Church" as the name on the signs.

Findings of Law

Section 3.35.12 of the City of Malden's Sign Control Ordinance permits the Board of Appeal, by variance, to allow deviation from the sign control requirements.

To grant a variance, the Board must find that (1) owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, (2) a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that (3) desirable relief may be granted without substantial detriment to the public good and (4) without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. G.L. c. 40A, § 10A. "[A] decision of the board of appeals granting a variance cannot stand unless the board specifically finds that each statutory requirement has been met." *Planning Bd. of Springfield v. Bd. of Appeals of Springfield*, 355 Mass. 460, 462 (1969).

The Board finds that 493 Malden Street has unique circumstances that justify a variance. The building on 493 Malden Street is a particularly large community facility, designed primarily for use by religious congregations. Given its size, and its intended use as a place of worship, it is understandable that multiple religious congregations need to use this facility to make it viable. A literal hardship of the Sign Control Ordinance would impose substantial hardship on petitioner, as it would limit them to a sign size that cannot accommodate the names of each of the entities who are using this building.

The Board finds that this relief does not pose substantial detriment to the public good, as 493 Malden Street is located near other businesses and facilities with signs of a similar size and design. For this reason, the Board finds that this sign will not denigrate the purpose of the Sign Control Ordinance.

Conclusion

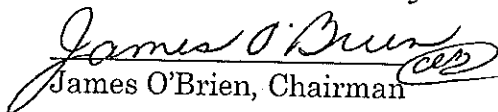
Upon motion by William Sullivan, which was seconded by John King, the Board voted unanimously in favor of Petitioner's request.


First Baptist Church of Malden's variance is GRANTED.

PURSUANT TO G.L. C. 40A, § 11, A COPY OF THIS DECISION SHALL BE RECORDED IN THE MIDDLESEX SOUTH REGISTRY OF DEEDS

Members of the Board Voting:

James O'Brien
William Sullivan
John King
Kathryn Bilgen
Adam Sherwin


James O'Brien, Chairman


Adam T. Sherwin, Esq.
Legal Member