

64-7

TOWN OF WELLESLEY



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BOARD OF APPEAL

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Appeal of Billy Bell, Inc.

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:10 p.m. on March 4, 1964, on the appeal of Billy Bell, Inc., from the refusal of the Inspector of Buildings to issue a permit to alter his existing standing sign at 999 Worcester Street, which violates the requirements of Section XXIII, Part C, Subpart 3, Business Areas, 1 (d) 1, Standing Signs, of the Zoning By-law.

Donald O'Callahan, attorney, represented the appellant at the hearing.

The Planning Board opposed the granting of the request in its report.

On February 12, 1964, the Inspector of Buildings notified the appellant in writing that his application for a permit to reletter his sign had been refused as it violated the Zoning By-law for the above-mentioned reasons. On the same date the appellant took an appeal in writing and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The sign involved is located within a Business District and is an existing standing sign located approximately 6" back from Route 9, Worcester Street. It is approximately 8'4" x 17'6" and stands thirty-eight feet above ground level at the highest point and is supported by two steel columns 16" wide approximately 20' above grade and 7' below grade.

Presently it contains the lettering, "Billy Bell Restaurant and Pancakes." It is the desire of the owner to delete the words "Billy Bell" and "Pancakes" and change it to read, "Bill & Judy's Restaurant Delicatessen".

The present owner purchased the business and the name Billy Bell in June of 1963, and has been operating under the name since then. The former owner operated under the name of "Dew Drop Inn, Inc.," and later changed the name to "Billy Bell". The name "Billy Bell" has become associated with pancakes which no longer are the principal food served by the new owner and he is seeking permission, therefore, to change the name to "Bill & Judy's Restaurant Delicatessen." A plan of the proposed change was submitted which showed that the proposed lettering would consist of 12" black plastic letters reading "Bill & Judy's" and "Delicatessen" and 24" red plastic letters reading "Restaurant", all on a white plastic background internally illuminated.

Decision

In the opinion of two members of the Board, Messrs. Aldrich and Fraser, to require petitioner at this time to alter subject sign so as to comply in all respects with the Zoning By-law would necessarily involve substantial and unwarranted financial hardship for petitioner since it would require relocation of the sign, reduction in size and height and a change of colors. They feel that the desired relief, appropriately conditioned, can and should be granted under the

provisions of Part E (Special Permits) of Section XXIIA of the Zoning By-law in harmony with the general purpose and intent of said Section and without injury to the neighborhood nor to traffic and safety conditions and without detriment to the public safety and welfare.

However, since the third member of the Board, Mr. Lowell, is of the opinion that granting the relief requested would be inconsistent with the express purpose and intent of the Zoning By-law and since the granting of relief requires concurrence with all members of the Board, the appeal is denied.


Richard O. Aldrich


F. Lester Fraser


Dana T. Lowell

Filed with Town Clerk _____