



ZONING BOARD OF APPEALS
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81-64

Petition of Luda Bababekov

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, December 10, 1981, at 8 p.m. on the Petition of Luda Bababekov, requesting a Special Permit to erect a window sign at her business located on the second floor at 263 Washington Street. Said sign would violate Section XXIIA, Part C, Subpart 3a-1-(b) and Section XXIIA, Part C, Subpart 3a-4-(b) of the Zoning Bylaw. Request is made pursuant to Section XXV of the Zoning Bylaw.

On November 23, 1981, the petitioner filed a request for a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

The petitioner was not present at the hearing. No one was present either in favor or in opposition to the request.

Statement of Facts

The property involved is located at 263 Washington Street, in a Business Zone. The petitioner leases space on the second floor for a European Skin Care establishment, with an interior illuminated window sign 38" high and 96" wide, consisting of two colors, saying "Radiance European Skin Care by Luda". The existing sign violates the following parts of the Zoning Bylaw:

1. Section XXIIA, Part C, Subpart 3-a-1 (b), which states "The top of the sign shall not be more than fifteen (15) feet above the ground elevation at the first floor entrance." The existing sign, because it is on the second floor of the building, exceeds the height limitation.
2. Section XXIIA, Part C., Subpart 3 a 2 (b), which states: "Permanent signs visible through a window shall not occupy an area in excess of thirty percent of such window....."
3. Section XXIIA, Part C., Subpart 3 a 4 (b), which deals with internally illuminated signs.

The petitioner met with the Design Review Board on October 29, 1981 for preliminary design review, at which time the following alternatives were suggested to improve the

appearance of the sign:

- "1. Reduce the existing sign so as not to exceed the maximum 30% window coverage.....
- 2. Eliminate the existing sign and paint lettering directly on the window so as not to exceed the 30% maximum window coverage requirement.....
- 3. Place an externally illuminated sign outside the building between the existing "Nick's Pizza House" and "Sound Stations" signs..."

The petitioner responded to the preliminary Design Review recommendations by stating to the ZBA office that he would follow suggestion #1 and reduce the existing sign to 22" x 96".

On December 3, 1981, the Design Review Board met for final review and recommended the following:

- "1. Eliminate the existing sign and paint lettering directly on the window so as not to exceed the 30% maximum window coverage requirement.... or
- 2. Place an externally illuminated sign outside the building between the existing "Nick's Pizza House" and "Soundsations" signs....."

Decision

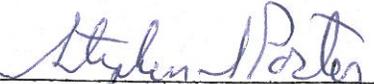
This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus.

The Board has taken into consideration the limitations to the petitioner in advertising a business located on the second floor. It is the opinion of this Authority that the petitioner should be allowed to maintain a hanging, interior, internally illuminated window sign at her place of business on the second floor of 263 Washington Street. However, the size of the sign should not exceed the 30% maximum window coverage requirement, and should be reduced to 22" by 96" as agreed to by the petitioner in response to the preliminary Design Review Board recommendation.

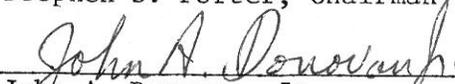
Therefore, this Authority grants the requested Special Permit for a sign to be located inside the window on the second floor at 263 Washington Street, internally illuminated, with the following restrictions:

- 1. That the size be reduced to 22" by 96".

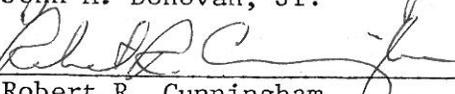
The Inspector of Buildings is hereby authorized to issue a sign permit upon receipt and approval of an application from the petitioner for said sign.



 Stephen S. Porter, Chairman



 John A. Donovan, Jr.



 Robert R. Cunningham

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