



TOWN OF WELLESLEY

MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
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235-1664

Appeal of Esther H. Switzler

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 8:15 p.m. on June 24, 1965, on the appeal of Esther H. Switzler, from the order of the Inspector of Buildings to remove an existing non-conforming sign from the premises at 980 Worcester Street, owned by Thomas R. Varney.

The reason for such order was that said sign was redesigned in violation of Section XXIIIA, Subpart 3. a. 1. (d) of the Zoning By-law which prohibits standing signs unless obtaining a special permit from the Board of Appeal and Part D, Non-conforming Signs, which provides that a non-conforming sign legally erected prior to the adoption of this section may be continued to be maintained, but shall not be enlarged, reworded, redesigned or altered in any way unless it is brought into conformity. Said appeal was taken under the provisions of Section XXIIIA, Subpart 3.2.7. and Part E of the Zoning By-law.

The appellant and her son spoke in support of the appeal at the hearing.

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

On June 1, 1965, the Inspector of Buildings notified the appellant in writing that the sign involved had been erected in violation of Section XXIIIA of the Zoning By-law as no permit had been obtained for its erection, and as it was a standing sign no permit could be issued by the Building Inspector until approval had been obtained from the Board of Appeal. On June 6, 1965, the appellant took an appeal from such order and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

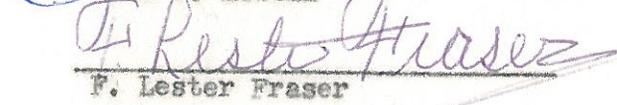
The property involved is located on the southerly side of Worcester Street within a Business "A" District. The appellant seeks permission which will allow the relettered sign involved to remain unaltered. The sign, which has been in the same location for the past eight years, was formerly used by the owner of the property to advertise his heating business. When the appellant took office space in the building on the premises, the sign was given to her to be relettered. It is an unlighted hanging sign 2' x 4' mounted on a 16' wooden post with the wording, "Esther Switzler, Realtor, 236-1299," with red and black lettering on a white background. The supporting post of the sign is located three feet back from Worcester Street, with a four-foot arm extending in the direction of the street. It was pointed out that if the sign were affixed to the building in conformity with the Sign Code, it would be difficult to see it from the street and due to the nature of the appellant's business, it is necessary to notify the public of the existence and location of her office. Plans of the sign were submitted showing the wording and its location.

Decision

Section XXIIIA, Part C. Subpart 3.2.1. (d) of the Zoning By-law prohibits standing signs except in particular instances when a permit is granted by this Board after it finds, (1) that the nature of the use of the premises, or the location of the building with reference to the street or streets is such that a standing sign or signs may be permitted in harmony with the general purpose and intent of the by-law, or (2) that the particular sign will be in harmony with the general purpose and intent of the by-law and will not be injurious to the neighborhood in which the sign is to be located nor to traffic and safety conditions, or otherwise detrimental to the public safety and welfare.

It is the opinion of this Board that the relettered sign involved is in harmony with the general purpose and intent of Section XXIIIA, and will not be injurious to the neighborhood nor to traffic and safety conditions, nor otherwise detrimental to the public safety and welfare. Other signs in the immediate neighborhood which were erected prior to the enactment of the Sign Code, are considerably larger than the one involved, and to deny the appellant permission to allow her sign to remain, would result, in the opinion of this Board, in undue hardship to her.

Accordingly, the Board hereby grants permission for the existing sign to remain in its present location as shown on the plan submitted and on file with this Board subject to the condition that the sign on the westerly side of the building on the premises shall be removed.

  
Garrett S. Hoag  
  
Dana T. Lowell  
  
F. Lester Fraser

Filed with Board of Appeal \_\_\_\_\_

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