

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-55

Petition of Diamond Glass Company (Helena Litz)

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, December 16, 1982 on the petition of Diamond Glass Company and Helena Litz, requesting a Special Permit to erect a standing sign at 148 Cedar Street, violating Section XXIIA, Part C, Subpart 3-a of the Zoning Bylaw. Said request is made pursuant to Section XXV of the Zoning Bylaw.

On November 24, 1982, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the request at the hearing was Thomas Lubker, tenant and proprietor of Diamond Glass Company, who stated that he rents the building from Helena Litz, and needs a sign at the street to identify his business. If the sign were set back the required 15 feet, it would not be visible from one direction because of a tree and a fence. Michael Litz, representing Helena Litz, owner of the property, stated that the building in question was built about twenty years ago by Mr. Litz and used as a machine shop. Part of the building lies in a Business District, part in Residential.

Present at the hearing in favor of the petition was Gordon Miller, 150 Cedar Street, an abutter to the property. Present at the hearing in opposition to the petition was John Krolikowski, 10 Sheehan Circle, who stated that he was opposed to the standing sign at the street but does not object to the sign on the building.

Statement of Facts

The property involved is located at 148 Cedar Street, containing 10,740 square feet of land. Part of the property is zoned Residential and part is Business zoned. A dwelling exists in the Residential District, occupied as a residence by Helena Litz, owner of the property. Another building on the property was built about twenty years ago by Mr. Litz to be used as a machine shop. Part of that building lies in a Business District, part in Residential. Helena Litz rents the building now to Thomas Lubker for his business, Diamond Glass Company.

Arthur LaConte, Zoning Enforcement Officer, noted that a standing sign at 148 Cedar Street existed without a sign permit and notified Helena Litz of the violation. The petitioner, Mr. Lubker, subsequently filed an application for a Special Permit.

Mr. Lubker is requesting permission to have a standing sign 31" by 31", hanging from a 6 foot post, to be located 1'2" from the left side lot line and 3'6" from the sidewalk. He claims that the location is necessary for visibility from the street. Another sign, 2' by 4', is located on the wall of the building rented by Diamond Glass, in the Business zone. The Zoning Bylaw restricts the number of signs on a business property to one exterior sign for each business establishment.

A Plot Plan was submitted, drawn by Gleason Engineering Company, dated 1962. A location plan was submitted, showing the two existing signs. Sketches were also submitted showing the size and design of the sign.

The Design Review Board conducted a preliminary review of the application and voted at its meeting of November 17, 1982 that it had no objection to the sign's design or location and recommended that the special permit be granted.

The Planning Board, at its meeting of December 7, 1982, voted to support the recommendations of the Design Review Board.

A letter was received from Frederick C. Yartanes, 152 Cedar Street, abutter to the property at 148 Cedar Street, dated December 16, 1982, opposing the location, color, and size of the standing sign and recommending alternatives.

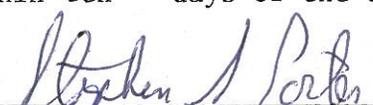
Decision

This Authority has made a careful study of the evidence presented.

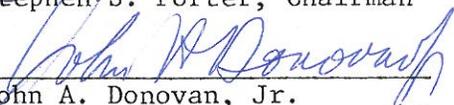
The property at 148 Cedar Street is unique in that part of it is a Residential District and part of it is a Business District. Because the business area constitutes such a narrow strip of land between the building and the street, there is not sufficient space for the location of a standing sign. Section XXIIA Part C, Subpart 3-7-b-2 states that no standing signs shall be located within 15 feet of any property boundary line.

It is the opinion of this Authority that, in addition to the fact that there is not sufficient space to allow a standing sign, a sign such as requested is offensive to the residential neighborhood which is in such close proximity to Diamond Glass Company, and not in harmony with the general purpose and intent of the Bylaw.

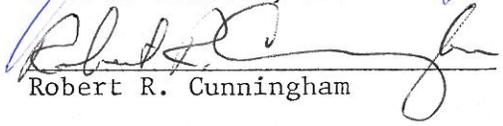
Therefore, the requested Special Permit is denied and the petition is hereby dismissed. The petitioner is ordered to remove the standing sign within ten days of the date of this decision.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



Robert R. Cunningham

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