TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-28
Petition of Wellesley Video
11 Forest Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 26, 1990 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street on the petition of WELLESLEY VIDEO requesting a variance from the terms of Section XXIIA and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the addition of two signs to an awning containing one permitted sign at its business premises at 11 FOREST STREET, in a Business District. Said additional awning signs would exceed the maximum number of signs allowed for a business establishment.

On April 9, 1990, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Adrian Wilkins, owner of Wellesley Video, who said he was requesting two additional signs as he is operating three different businesses within the same building and it is important that customers know that Wellesley Video does more than rent videos. Mr. Wilkins said that had the building been built as originally designed, it would have had 5 stores and 5 signs. Wellesley Video is asking for less than was originally intended and the total square footage of the three signs is less than what is allowed for one wall sign. Mr. Wilkins added that all of the suggestions of the Design Review Board have been incorporated into the awning design.

No other person present had any comment on the petition.

Statement of Facts

The property in question is located at 11 Forest Street in a Business District. The property is owned by Thomas J. Cummings and leased to Wellesley Video. Wellesley Video operates three different businesses on the premises: Video Rentals, One-Hour Photo, and Compact Discs. The petitioner is requesting a variance from the terms of Section XXIIA of the Zoning Bylaw to install two additional signs on the facade awning; one sign approximately 108.45 inches by 9 inches reading "Compact Discs"; and one sign approximately 103.34 inches by 9 inches reading "1 Hour Photo" at either end of the awning. The permitted sign in the center of the awning is approximately 171.64 inches by 12 inches reading "Wellesley Video". The total area of all three signs is 29 square feet which is less than the 50 square feet which is allowed by permit.

Drawings of the proposed signs, elevations and photographs were submitted.

A letter in support of the petition was received from Thomas J. Cummings, owner of the subject property.

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The Design Review Board held a preliminary review on March 8, 1990 and a final review on March 22, 1990 at which time the Board recommended centering the "Wellesley Video" sign between the two doors of the business; reduction of the height of the two additional signs from 12 inches to 9 inches; and changing the lettering on the "1 HR. PHOTO" to read "1 HOUR PHOTO".

The Planning Board, on April 10, 1990, voted to recommend no objection to the requested signs and supported the recommendations of the Design Review Board.

Decision

This Authority has made a careful study of the evidence presented. The two additional signs requested by the petitioner would exceed the maximum number of signs allowed pursuant to Section XXIIA of the Zoning Bylaw.

This Authority is of the opinion that due to the unique situation of the petitioner operating three different businesses in one building and the need to identify the presence of each of these businesses, that a literal enforcement of the provisions of Section XXIIA of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to install two additional awning signs in accordance with the submitted drawings as noted in the foregoing Statement of Facts.

The Inspector of Buildings is hereby authorized to issue a permit for said signs upon his receipt and approval of an application.

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

John A. Donovan, Jr., Chairman

Sumner H. Babcock

William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

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