



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

JUN 7 8 55 AM '90

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY
WILLIAM E. POLLETTA
FRANKLIN R. PARKER
SUMNER H. BABCOCK

ZBA 90-32
Nick's Pizza
263 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special 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, Wellesley, on the petition of NICK'S PIZZA 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 continued existence of two internally illuminated unpermitted window signs, which exceed the maximum number of signs allowed for a business establishment; and a Special Permit pursuant to the provisions of Section XXIIA and Section XXV of the Zoning Bylaw to allow the continued internal illumination of said window signs at its business premises at 263 WASHINGTON STREET, in a Business District.

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 Peter Mirogiannis, owner of the pizza shop, who said that the signs were present in the shop when he purchased it in 1967, and that no one has complained about them until now. No one can see the wall sign above the store. People in cars can see the signs in the windows and know the shop is open when the signs are lit. He said that since he has turned off the signs, he has been losing business.

No other person present had any comment on the petition.

Statement of Facts

The property in question is located at 263 Washington Street, in a Business District. The premises are owned by the Levin Hozid Realty Trust and are leased by the petitioner.

The petitioner is requesting a variance to allow the two unpermitted internally illuminated window signs, one 32 inches by 9 inches, the other 35 inches by 26 inches, both with red letters within a white frame, to remain. These two signs are in addition to the permitted wall sign and are in excess of the one sign per business establishment allowed under Section XXIIA of the Zoning Bylaw. A Special Permit is also requested to continue to internally illuminate the two window signs.

The two signs have been in existence prior to 1967 and neither has a sign permit. On March 22, 1990, the Inspector of Buildings notified the petitioner that the unauthorized signs must be removed immediately, and that an application for a variance and a Special Permit must be made to the Board of Appeals which, if granted, would allow the signs to be erected legally.

ZBA 90-32
Petition of Nick's Pizza
263 Washington Street

JUN 7 8 55 AM '90

Photographs of the signs were submitted.

The Planning Board, on April 24, 1990, voted to strongly oppose the granting of the petition.

RECEIVED
TOWN ENGINEERING DEPARTMENT
WELLINGTON, WA 98181

Decision

This Authority has made a careful study of the evidence presented. The petitioner is requesting a variance to allow the continued existence of two unpermitted window signs and a Special Permit to continue to internally illuminate said signs.

It is the opinion of this Authority that due to the nature of the business, the special hours of operation of said business, and the fact that the signs do not name the business, but the products sold therein, that identification in addition to the one authorized wall sign is necessary. However, it is the further opinion of this Authority that one additional internally illuminated window sign will accomplish the intended purpose of identification of product and hours of operation.

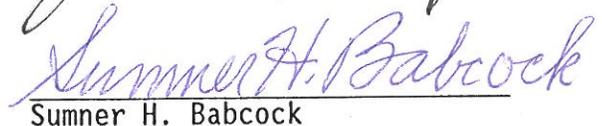
Therefore, a variance from Section XXIIA is hereby granted for one additional window sign, no larger than 35 inches by 16 inches with red letters within a white frame; and a Special Permit pursuant to Section XXIIA is hereby granted to internally illuminate said sign subject to the following conditions:

1. That the second internally illuminated window sign be totally removed from the premises and that proof of said removal shall be submitted to the office of the Board of Appeals prior to the issuance of a Sign Permit.
2. That no second window sign, internally or externally illuminated, ever be erected on the premises.
3. That the allowed window sign be internally illuminated only during the hours in which the business is open to the public.

The Inspector of Buildings is hereby authorized to issue a permit for one internally illuminated window sign 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

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta