



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JUN 7 8 56 AM '90

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ZBA 90-34
Petition of Loui's Coffee Shop
9 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 LOUI'S COFFEE SHOP 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 5 unpermitted non-illuminated window signs and one unpermitted internally illuminated window sign 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 one window sign at its business premises at 9 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 Elias Avranitis, owner of the coffee shop, who said that he had purchased the store in 1973, but that the shop had been open for 18 years prior to his ownership. The shop opens at 5 a.m., and no one would know that the shop was open, if the sign was not lit.

The Board commented on the profusion of window signs on the premises. Mr. Avranitis stated that they were all in existence when he bought the shop.

No other person present had any comment on the petition.

Statement of Facts

The property in question is located at 9 Washington Street, in a Business District. The premises are owned by the Cosmo Ray Realty Trust and are leased by the petitioner.

The petitioner is requesting a variance to allow the five unpermitted non-illuminated window signs and the single unpermitted internally illuminated window sign, approximately 65 inches by 18 inches with red and blue letters within a clear frame, to remain. The window signage is in addition to the permitted wall sign, and is 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 one window sign.

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The restaurant has been in existence for over thirty years; the internally illuminated window sign has been in existence at least since 1978. None of the window signs have sign permits. On March 22, 1990, the Inspector of Buildings notified the petitioner that all unauthorized signage 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 signage to be erected legally.

Photographs of the store front were submitted.

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

Decision

This Authority has made a careful study of the evidence presented. The petitioner is requesting a variance to allow the continued existence of 5 unpermitted non-illuminated window signs and 1 unpermitted internally illuminated window sign; and a Special Permit to continue to internally illuminate said sign.

It is the opinion of this Authority that due to the nature of the business and the special hours of operation, that identification in addition to the one authorized wall sign is necessary. However, it is the further opinion of this Authority that one internally illuminated window sign, in addition to the authorized wall sign, will accomplish the intended purpose.

Therefore, the variance request to continue to allow the existence of the 5 non-illuminated unpermitted window signs is hereby denied and that portion of the petition is dismissed.

A variance from Section XXIIA is hereby granted for one window sign, approximately 65 inches by 18 inches with red and blue letters within a clear frame; and a Special Permit pursuant to Section XXIIA is hereby granted to internally illuminate said sign subject to the following conditions.

1. That all window signage, other than the allowed internally illuminated window sign, be totally removed from the premises immediately, 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 for the allowed sign.
2. That no additional permanent window signage ever be erected on the premises.
3. That the allowed window sign be internally illuminated only during the hours in which the coffee shop is open to the public.

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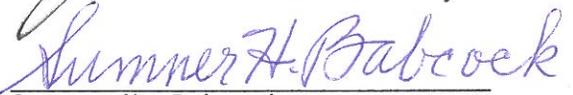
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The Inspector of Buildings is hereby authorized to issue a permit for one internally illuminated window sign upon his receipt and approval of an application.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Sumner H. Babcock


William E. Polletta

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