



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

Oct 9 8 51 AM '91

JOHN A. DONOVAN, JR., Chairman
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ZBA 91-47
Petition of Custom Clothiers
320 Washington Street

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on September 26, 1991 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 CUSTOM CLOTHIERS requesting the following variances from the terms of Section XXIIA and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow installation of a double-faced standing sign, each face to be 15 square feet, at a height of 5 feet 2 inches, set back 8 feet from the property line, at its premises at 320 WASHINGTON STREET, in a Business District: 1) to exceed the maximum number of standing signs allowed on one lot; 2) to exceed the maximum number of signs allowed for a business establishment. A Special Permit pursuant to Section XXIIA and Section XXV of the Zoning Bylaw is requested for installation of said sign with less than the minimum setback allowed by permit.

On September 10, 1991, the petitioner requested a hearing before these authorities and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Michael Narwani, owner of Custom Clothiers. Mr. Narwani said that he was requesting to use the existing standing sign, in addition to a wall sign, in order to identify his new business. The standing sign has existed for about 20 years and has been used by previous tenants. The signage would duplicate that of Channing Realtors. The standing sign is necessary as the wall sign is only about 4 feet above ground, is blocked by a 3 foot hedge, and is not visible if cars are parked in front of the building. Mr. Narwani offered to forego the wall sign, if he could have permission to use the standing sign.

No other person present had any comment on the petition.

Statement of Facts

The property in question is located at 320 Washington Street, in a Business District, and is owned by Joseph Melikian. Mr. Narwani leases the lower level space for his business, Custom Clothiers. A standing sign presently exists in front of the premises which has been utilized by past tenants. Another lower level tenant, Channing Realtors, also has a standing sign on the property.

The petitioner is requesting a variance to allow the use of the existing standing sign as the sign exceeds the number of standing signs allowed on a single lot and would exceed the number of signs allowed for a business establishment. A Special Permit is also requested for the sign to have less than the minimum setback from the property line.

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A drawing of the sign dated August 12, 1991, drawn by Imperial Signs, Inc., a letter of approval dated August 14, 1991 from the property owner, and photographs were submitted.

On September 12, 1991, the Design Review Board reviewed the signage and voted to recommend that the standing sign be approved but that the wall sign be eliminated from the signage plan, as two signs for the small business were unnecessary and served to clutter the storefront. In the opinion of the Design Review Board, the standing sign would better serve to identify the premises.

On September 17, 1991, the Planning Board reviewed the petition and voted to recommend denial of the variance and special permit requests for the standing sign, maintaining that the wall sign alone would provide adequate identification for the small business.

Decision

This Authority has made a careful study of the material submitted.

The petitioner is requesting variances to utilize an existing standing sign which would exceed the allowed number of standing signs per lot and the allowed number of signs for a business establishment. A special permit is also requested as the standing sign has less than the minimum setback allowed by permit.

It is the opinion of this Authority, that although the standing sign is in place and has been used by previous tenants at 320 Washington Street, it is unnecessary, and that a wall sign would amply serve to identify the small business.

It is the further opinion of this Authority that nonconforming signage must be brought into conformity with the current Zoning Bylaw as mandated in Section XXIIA-C 5, which states:

"5. Non-Conforming Signs

Any non-conforming sign legally erected prior to the adoption of this Section, or any amendment thereof, may continue to be maintained, but shall not be enlarged, reworded (other than in the case of theatre signs), redesigned or altered in any way unless it is brought into conformity..."

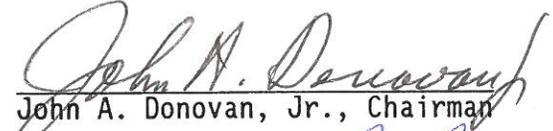
As the existing nonconforming sign is in violation of the Zoning Bylaw in regard to both the allowed number of standing signs for a single lot, and the allowed number of signs for a single business establishment, it must be removed forthwith.

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Therefore, for the reasons stated above, the Board of Appeals unanimously voted to deny this petition and dismiss this case.

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
Joseph Melikian
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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