Town of Burlington
Board of Appeals
Application for Hearing
(Instructions are contained on the reverse side)

This application must be completed, signed and submitted with the necessary documents and filing fee by the applicant or his/her representative in accordance with the Board's Rules and Procedures as set forth on the reverse side of this application.

Location of Property 2 WAYSIDE RD  WAYSIDE COMMONS

Applicant
Name NEW HAMPSHIRE SIGNS
Address 160 GOLD LEDGE AVE
AUBURN NH 03032
Telephone Number 603-437-1300
Email PETER.MARCH@NH SIGNS.COM

Property Owner
Name WAYSIDE COMMONS
Address PO BOX 1368
CARLSBAD CA
Telephone Number 617-247-9200
Email WILDERCO.COM

Characteristics of the Property
Lot Area Map # 48 Parcel # 2 Zoning District BG Present Use RETAIL STORES
Application is for: ✓ An appeal from the Building Inspector ✓ A Variance ✓ A Sign Permit
Applicable Section of the Zoning By-Law: Article # 13 Section # 13.1.3.2.1 AND 13.1.3.3.4
Nature and justification of request – Please give a detailed description (Use additional pages if necessary)
SIGN PERMIT WAS DENIED FROM PREVIOUS ZBA DECISIONS
ON BUILDING

I hereby request a hearing before the Board of Appeals with reference to the above application.

Signature of Applicant (or his/her representative)

Address if not Applicant
Telephone Number 603-437-1300 603-683-1632 (G/C)
Owner's permission if other than Applicant

Application and fee in the amount of $ 250.00 received and filed with the Town Clerk for the Town of Burlington on 2/24/2020

Summary of Board of Appeals Action
Decision of the Board:
Granted (Date)
Denied (Date)
Withdrawn (Date)
Decision filed with Town Clerk (Date)

Received by
Hearing Date
Decision required by
(100 days after filing for appeal or variance)
Parties in Interest Notified or Public Hearing
Notice of Decision sent to Parties in Interest
Date: January 3, 2020

Your request for a Sign Permit from the Burlington Building Department is here by denied this day January 3, 2020.

Type of permit: Sign Permit (1 total)

Location of property: 6 Wayside Road, Burlington, MA - BG Zone

Name: Code Ninjas

Property Owner & Mailing Address (if different): Wayside Commons Investors LLC
c/o Ryan LLC / Attn: M. Dowling P.O. Box 1368 Carlsbad, CA 92018

Your proposal / plan was reviewed at the Building Department on January 3, 2020 by Andrew Ungerson

And it has been determined that it is in violation of the Town of Burlington’s Zoning by Laws.

The specific article and section used to determine the need for such action is / are: See below

The specific reason(s) to determine the need for such action is / are:

Propose is one (1) Wall Sign

- Wall Sign 24” x 12’-8 1/4” Front (south) elev. above tenant entry
  To read ‘CODE NINJAS w/ a masked ninja face on left’.

Wall Sign is denied. Though the proposed Wall Sign is Burlington Sign by Law compliant, previous Board of Appeals decisions prohibit any additional signage on the building (refer to BOA decisions #12003/ March ’03 & #11919/June ’09).
Appeal against a decision by the Building Inspector:

We applied for a sign permit for a Building sign at 6 Wayside Road, MA. This property is in a Mall, and the site is in the BG Zone.

Our request was denied on January 3rd. The latter denial letter is attached.

The denials refer to decision of the ZBA that states that previous board decisions (#12003 March 03 and #11819 of June 09) prohibit any additional signs on the building.

Further, the proposed signage, which comprise a set of Channel letters 24" h x 12' 8 1/4" w is compliant with Burlington Sign law.

This sign marks the entry into a store, and is mounted above the principal entry to the store; it is the only exterior signage to identify this business.

We are appealing this decision as the Burlington Code allows as follows:

1.3.1.3 General Business Districts (BG), Neighborhood Business Districts (BN), Limited Business Districts (BL), Continuous Traffic Business Districts (BT)

Wall Signs: 13.1.3.2.1 One wall sign shall be permitted for each business side of a building and direct entrance into a store.

And:

13.1.3.2.4 At the first-floor level a sign may extend across the full width of the wall. At other than the first-floor level, a sign shall be six (6) feet or less in length.

We argue that:

1. The code clearly intends to allow each business a sign to identify itself.
2. This sign conforms to the code
3. It is essential that this business be allowed a sign, without which, it will not be viable

As such, the decision of the inspector was in error, and we are asking the board to reverse this decision.
NEW SIGN HERE

6 WAYSIDE RD UNIT I-1
BURLINGTON, MA 01803
ILLUMINATED PC LETTERS AND LOGO Flush Mount

- Illuminated Logo
  - Fabricated Aluminum Logo
  - 5" Black Returns
  - 1" Black Trim Cap
  - 3/16" White Acrylic Face
  - First Surface Digital Print
  - White LED Illumination
  - 10" Whip

- "Code" Letters
  - Fabricated Aluminum Logos
  - 5" Black Returns
  - 1" Black Trim Cap
  - 3/16" White Acrylic Face
  - Translucent Digital Print on Face V1
  - White LED Illumination
  - 10" Whips

- "Ninjas" Letters
  - Fabricated Aluminum Letters
  - 5" Black Returns
  - 1" Black Trim Cap
  - 3/16" White Acrylic Face
  - White LED Illumination
  - 10" Whips

INSTALLATION INFORMATION
- Mount Flush to Wall
- Power Supplies in Steel Cans
- 120v Primary Power
- Final Connection by Others

FINISH SCHEDULE
- V1: Digital Print Matching PMS 7640C
- PMS 4825C
- PMS 7540C

LAYOUT: Illuminated Channel Letters
SCALE: 3/4"=1'-0"

25 SQ FT

95 Lumens Per SQ FT