



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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84-26

Petition of George M. Levine

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, June 7, 1984 at 8 p.m. on the petition of GEORGE M. LEVINE requesting extension of a variance granted on June 8, 1983, which variance expires on June 8, 1984, to allow a structure consisting of a canvas awning 10 feet by 24 feet supported by pipe frames and metal posts cemented into brick and a canvas entrance canopy 4'6" by 10 feet, leaving less than the required front yard setback, at WELLESLEY CROSSING RESTAURANT, 11 RIVER STREET, in a Business District. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On May 16, 1984, the petitioner requested a hearing before this Board and thereafter notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Stephen Yanoff, proprietor of Wellesley Crossing Restaurant, who stated that nothing has changed in the past year. He stated that he stores patio furniture under the awning during the winter months.

Other than Mr. Yanoff, no one was present favoring or opposing the petition.

Statement of Facts

The property involved is located at 11 River Street, in a Business District, containing 6,200 square feet of land, and owned by George M. Levine. The building is a legal non-conforming structure, with a setback of approximately 10 feet at one point from the street.

Stephen Yanoff leases the first floor of the two-story building and operates Wellesley Crossing Restaurant. He wishes to continue to have outdoor dining on a brick patio in front of the building and proposes to continue to have a canvas awning 10 feet by 24 feet supported by pipe frames and metal posts cemented into the brick and a canvas entrance canopy 4'6" by 10'. There is a canvas curtain rail around the perimeter of the patio. The roof awning, attached to posts cemented into the ground, constitutes a "structure" within the meaning of the Mass. State Building Code. The structure extends to the street line, leaving no front yard setback. The petitioner states that there have been no changes since last year.

The Planning Board, in a letter of May 30, 1984, recommended that: "1. That the canopy be erected in place from approximately April 1st to November 30th only; 2. That there shall be no outdoor storage for products or materials from approximately December 1st to March 31st."

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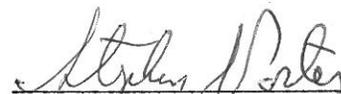
Decision

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

This Authority is of the opinion that, although the canvas awning constitutes a structure, the design is less substantial than a permanent wooden structure and the use is temporary and seasonal, and that a literal enforcement of the provisions of the bylaw would involve a substantial hardship to the petitioner.

Therefore, a variance is hereby granted for the canvas awning structure as shown on the plot plan submitted by James A. Reger, dated 10/25/82, with the following conditions:

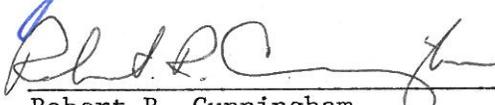
1. That the variance shall be granted for a period of one year from the date of this decision.
2. That there shall be no outdoor storage of products or materials during the period when outdoor dining is discontinued.



 Stephen S. Porter, Chairman



 John A. Donovan, Jr.



 Robert R. Cunningham

mam

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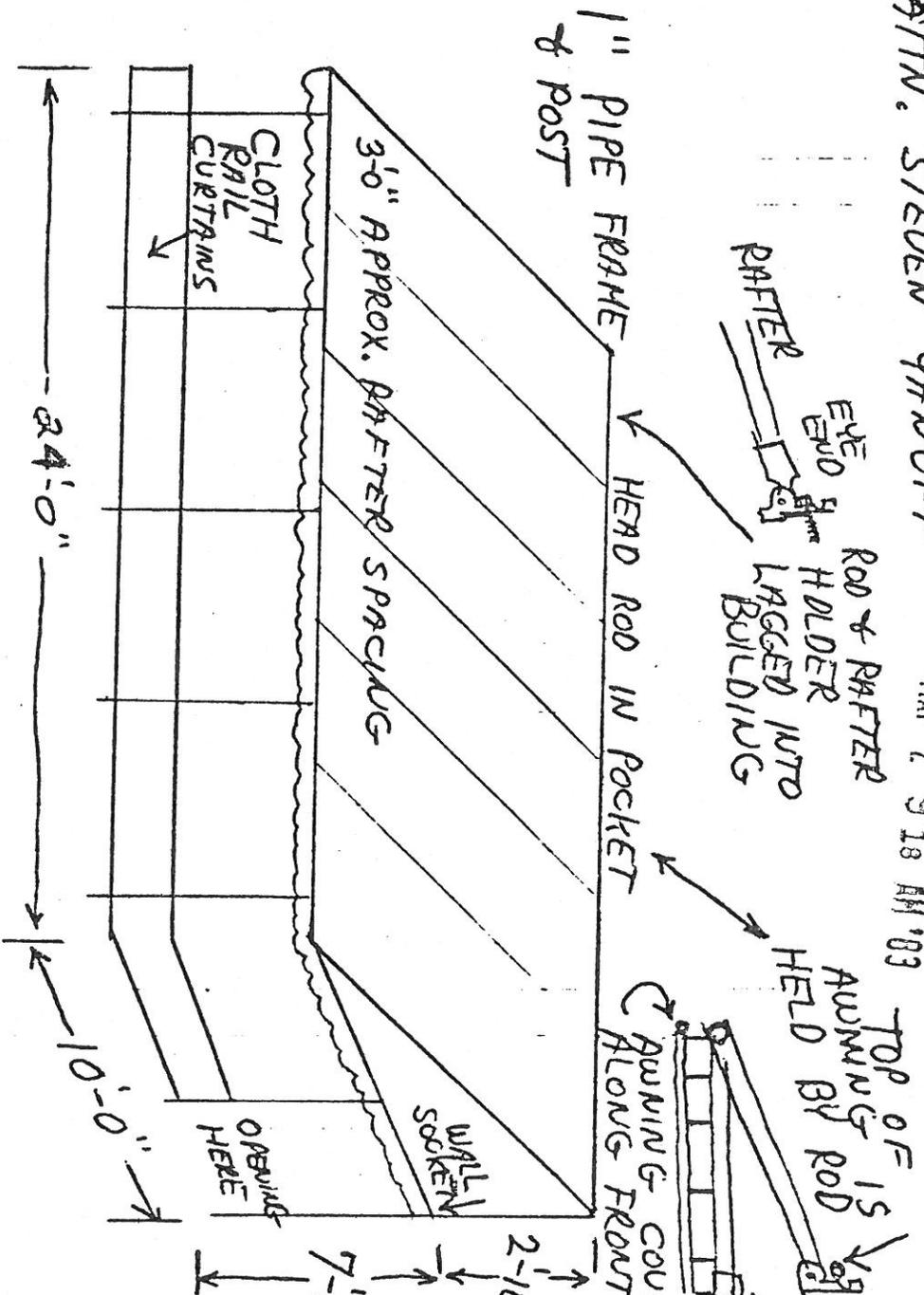
WELLESLEY CROSSING REST.
 11 RIVER ST.
 WELLESLEY, MA. 02181

ATTN. STEVEN YANOVFF

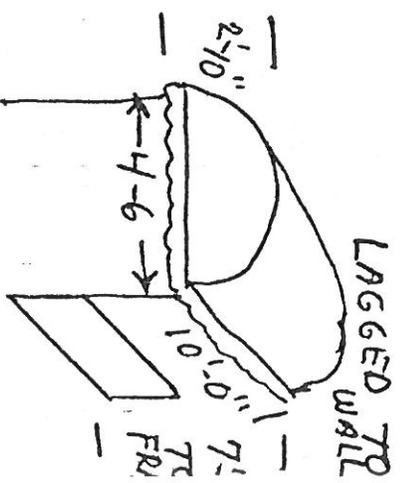
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PATIO DINING AREA AWNING -
 ENTRANCE CANOPY

MAY 29 18 AM '83



POST CEMENTED
 IN FOOTING UNDER
 BRICK WALKWAY



3/4" ROLLED PIPE
 & WELDED FRAME
 POST (2) CEMENTED
 IN FOOTINGS

NOT TO SCALE

SHOP DRAWING BY
 READY'S WINDOW PRODUCTS INC
 98 NO. BILLERICA RD.
 BILLERICA, MA. 01826