



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-4

Petition of George M. Levine/Wellesley Crossing Restaurant  
11 River Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 8, 1987 at 8 p.m. in the Great Hall of the Town Hall (Conference Room E) at 525 Washington Street, Wellesley on the petition of GEORGE M. LEVINE requesting extension of a variance to allow the existing awning structure at WELLESLEY CROSSING RESTAURANT, 11 RIVER STREET, leaving less than the required front yard setback. Said property is located in a Business District and said request is pursuant to Sections XIX, XXIV-D and XI of the Zoning Bylaw.

On December 19, 1987 the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was George Levine, owner of the building, who stated that the awning has not changed. There are new owners of the restaurant but it is still known as Wellesley Crossing Restaurant.

No others were present at the hearing expressing favor or opposition to the request.

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 line.

Wellesley Crossing Restaurant leases the first floor of the two story building. They wish to continue to have outdoor dining on the brick patio in front of the building and propose to continue to have a canvas awning extending to the street line, leaving no front yard setback, as described in the original petition to the Board of Appeals in 1983 (ZBA Case 83-20).

The Planning Board on January 6, 1987 voted to offer no objection to the annual renewal based on the same terms and conditions currently in effect.

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11 River Street

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.

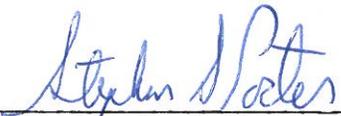
Therefore, a variance is hereby granted for the canvas awning structure at 11 River Street as shown on the plot plan submitted by James A. Reger, dated 10/25/85 with the following conditions:

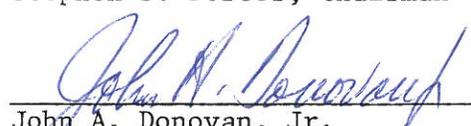
1. That the variance shall expire one year from the date of this decision.
2. That there shall be no outdoor storage of products or materials during the period when outdoor dining is discontinued.

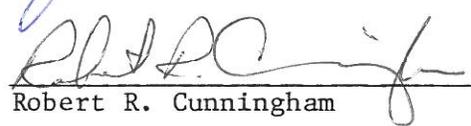
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Inspector of Buildings

mam

  
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Stephen S. Porter, Chairman

  
\_\_\_\_\_  
John A. Donovan, Jr.

  
\_\_\_\_\_  
Robert R. Cunningham

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