



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
~~285-1894~~
431-1019

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

85-40

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, July 18, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of GEORGE M. LEVINE requesting extension of a variance which expires July 24, 1985 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, request is pursuant to Section XIX, XXIV-D and XI of the Zoning Bylaws.

On June 28, 1985, 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 Brian Barrett, manager of Sustenance, Inc., which owns the restaurant. He stated the need for continued outdoor patio dining, stated that the furniture will be stored elsewhere during the off-season.

Other than Mr. Barrett, no one was present favoring or opposing the request.

Decision

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.

Sustenance, Inc. leases the first floor of the two-story building and now operates Wellesley Crossing Restaurant. 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 their original petition to the Board of Appeals in 1983 (ZBA Case 83-20).

The Planning Board, at its regular meeting of July 17, 1985, voted to offer no objection to the continuation of the variance.

AUG 9 12 53 PM '85

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

85-40

Petition of George M. Levine/Wellesley Crossing Restaurant
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.

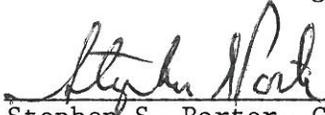
Therefore, a variance is hereby granted for the canvas awning structure at 11 River Street as shown on the plot plan submitted by James A. Reger, dated 10/25/85 with the following conditions:

1. That the variance shall expire on February 1, 1987.
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
Building Inspector

mam



Stephen S. Porter, Chairman



Robert R. Cunningham

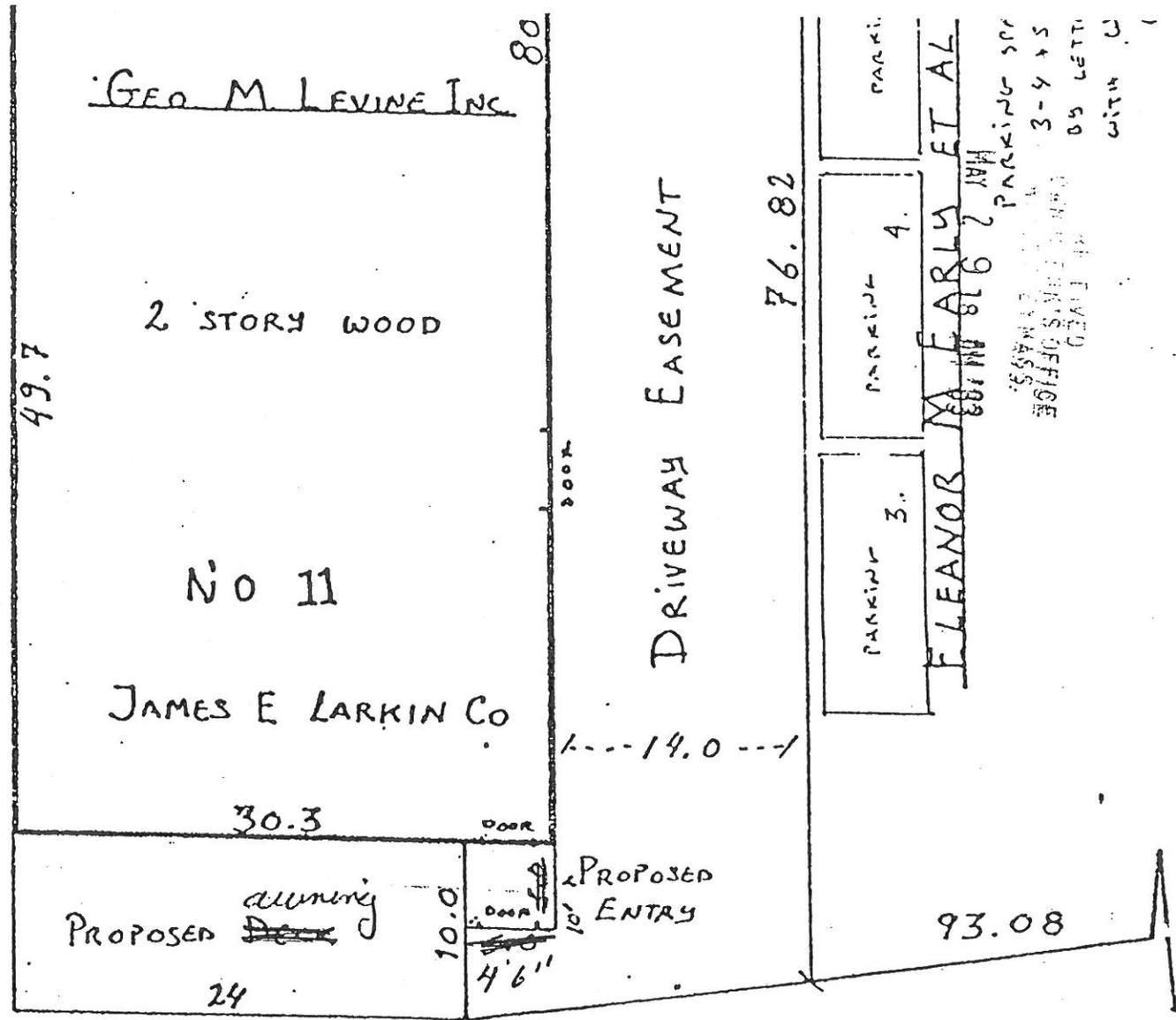


Franklin P. Parker

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
AUG 9 12 53 PM '85

IVER ST.

CONC. WALK



GEO M LEVINE INC

2 STORY WOOD

No 11

JAMES E LARKIN CO

DRIVEWAY EASEMENT

PROPOSED dining DECK

PROPOSED ENTRY

PARKING 3.

PARKING 4.

PARKING 5.

ELEANOR M FARLY ET AL

MAY 2 9 13 AM '83

PLANNING DEPARTMENT

COMMUNITY DEVELOPMENT OFFICE

3-4-83

BY LETTER

WITH U



James

10/1

LOCATION