



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-16

Petition of George M. Levine  
11 River Street (Rudi's Cafe)

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 3, 1988 at 8:00 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of GEORGE M. LEVINE requesting extension of a variance to allow the existing awning structure at RUDI'S CAFE, 11 RIVER STREET, in a Business District, to have less than the required front setback. Said request is pursuant to Sections XIX, XXIV-D and XI of the Zoning Bylaw.

Presenting the case at the hearing was George M. Levine, owner of the building, who stated that the awning has not changed in location or use, but the lettering now says "Rudi's Cafe".

No other person had any comment on the petition.

Statement of Facts

The property involved is located at 11 River Street, in a Business District, on a 6,200 square foot lot and is 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.

Rudi's Cafe leases the first floor of the two story building. The first floor was previously leased by the owners of Wellesley Crossing Restaurant. The present owners 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 83-20). The Board of Appeals has extended the variance for the awning every year since the original petition was granted in 1983.

The Planning Board, at its regular meeting on February 16, 1988, voted to offer no objection to continuation of the use based on the same conditions as are currently in effect.

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Decision

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

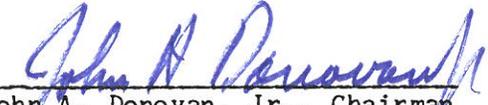
This Authority is of the opinion that, although the canvas awning constitutes a structure, the design is less substantial than a permanent wooden structure and the use is temporary and seasonal, and that a literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship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

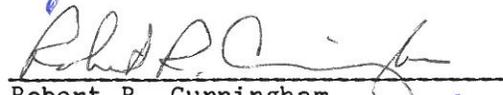
Therefore, a variance is hereby granted for the canvas awning structure at 11 River Street as shown on the plot plan submitted by James A. Reger, dated 10/25/85, with the following conditions:

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

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  
edg

  
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John A. Donovan, Jr., Chairman

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

  
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Kendall P. Bates

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