



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-3
Petition of George M. Levine
11 River Street (Riverview Cafe)

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 15, 1990 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of GEORGE M. LEVINE, requesting an extension of a variance from the terms of Section XIX and pursuant to the provisions of Section XI and Section XXIV-D of the Zoning Bylaw to continue to allow the existing awning structure at 11 RIVER STREET (RIVERVIEW-CAFE), in a Business District, leaving less than the required front setback.

On January 29, 1990, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Theodore Poulas, owner of the Riverview Cafe, who leases the space from George M. Levine, owner of the building. Mr. Poulas said that there have been no changes, with the exception of the name of the restaurant, and requested the extension of the variance for another two years.

No other person present had any comment on the petition.

Statement of Facts

The property in question 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 front setback of approximately 10 feet at one point from the street line.

Theodore Poulas, owner of the Riverview Cafe, leases the first floor of the two-story building. The first floor was originally leased to Wellesley Crossing Restaurant, and then to Rudi's Cafe. The present owner wishes to continue to have outdoor dining on the brick patio in front of the building and proposes to continue to have a canvas awning extending to the street line, leaving no front setback. The Board of Appeals has extended the variance for the awning annually or biannually since the original petition was granted in 1983 (ZBA 83-20).

The Planning Board, on February 6, 1990, voted to offer no objection to continuation of the variance on the same terms and conditions as currently are in effect.

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Decision

This Authority has made a careful study of the evidence submitted and is of the opinion that, although the canvas awning constitutes a structure, the design is less substantial than a permanent wooden structure. The use of the awning is temporary and seasonal.

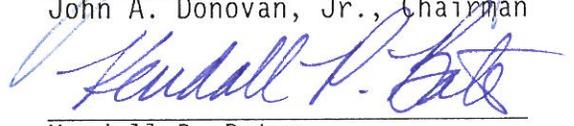
It is the opinion of this Authority that a literal enforcement of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner.

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 October 25, 1985, with the following conditions:

1. There shall be no outdoor storage of products or materials during the period when the outdoor dining is discontinued.
2. 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


John A. Donovan, Jr., Chairman

Kendall P. Bates


William E. Polletta

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