



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

DEC 30 9 41 AM '92

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ZBA 92-67

Petition of The Back Bay Restaurant Group, Inc. (Papa Razzi)  
12-14 Washington Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 17, 1992 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of THE BACK BAY RESTAURANT GROUP, INC. (PAPA RAZZI) requesting a variance from the terms of Section XI and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the pre-existing nonconforming structure at 12-14 WASHINGTON STREET, in a Business District, with a nonconforming Floor Area Ratio of 48.5% to further vary from the required Floor Area Ratio of 30% by constructing one infill addition approximately 4 feet 10 inches by 50 feet (190 square feet) and one addition of 90 square feet. Removal of an existing 30 square feet would bring the total additional area to 250 square feet and the new Floor Area Ratio to 49.3%.

On November 30, 1992, 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 were Leslie Shea, attorney for the property owner, William Roberts, who was also present; Michael McKay, architect for The Back Bay Restaurant Group, and Mark Hartzfeld, Vice President-Development of The Back Bay Restaurant Group.

Mr. Shea said that Mr. Roberts has signed a lease with The Back Bay Restaurant Group, which is planning to install an upscale Italian restaurant - Papa Razzi - on the premises. In order to comply with access regulations of the ADA, Back Bay is proposing to make some modifications, which will increase the nonconforming floor area ratio by .8%.

Mr. Hartzfeld said that the issue is one of life safety and access, as currently the building is not totally accessible and does not comply with all life safety regulations, particularly in regard to egress.

Using an enlarged site plan, Mr. Hartzfeld explained the project. The proposal involves removing a restaurant wall, infilling the open space between the wall and the greenhouse, and squaring off the right side of the building. The proposed construction will allow the public to enter through any door and reach all parts of the restaurant. The seating capacity of the restaurant would not be increased, nor would the parking or traffic flow be changed.

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Mr. Hartzfeld and Mr. McKay explained the proposed modifications to the various egresses, which will increase shelter and accessibility.

William Roberts, the property owner, voiced support for the petition.

#### Statement of Facts

The nonconforming subject premises are located on a 31,980 square foot lot, at 12-14 Washington Street, in a Business District. The property is owned by Willlliam Roberts, and currently contains the Off-the-Cuff Restaurant.

The petitioner, who will lease the property, is proposing to install an Italian restaurant - Papa Razzi - on the premises. A variance is requested to increase the nonconforming Floor Area Ratio of 48.5% to 49.3% by the construction of an additional 250 square feet comprised of an infill area approximately 190 square feet, an addition adjacent to the rear entry vestibule of 90 square feet, and removal of 30 square feet of the existing building. The total square footage of the building will be increased from 15,516 to 15,766 square feet.

A Foundation Plan dated July 1, 1986, drawn by Morris Engineering; Proposed Ground Floor Plan (A-1.1) and Elevations (A-1.2) dated November 6, 1992, drawn by Eastern Purchasing & Design, Inc.; and photographs were submitted.

On November 19, 1992, the Design Review Board held a Preliminary Design Review and voted to support the requested variance.

On December 8, 1992, the Planning Board reviewed the petition and voted to offer no opposition to the granting of the variance.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject premises do not conform to the required Floor Area Ratio of 30%, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the increase in the Floor Area Ratio of .8% is de minimus and is partially related to the need to provide handicapped accessibility. The addition of the requested floor area will not intensify the use as the seating capacity of the restaurant will not be increased.

It is the opinion of this Authority that a literal enforcement of the provisions of Section XI of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

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Therefore, the requested variance to increase the nonconforming floor area ratio of the subject premises from 48.5% to 49.3% through the addition of a total of 250 square feet of floor area is granted subject to construction in accordance with the Ground Floor Plan and Elevations as noted in the foregoing Statement of Facts.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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



Robert R. Cunningham, Acting Chairman



Kendall P. Bates



William E. Polletta

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