

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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JAN 20 2022  
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WELLESLEY TOWN CLERK'S OFFICE  
MA 02482

ZBA 2022-08  
Petition of Ilya Glik  
59 High Ledge Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 6, 2022 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Ilya Glik requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for demolition of an existing deck and construction of a new deck with less than required left side yard setbacks, at 59 High Ledge Avenue, in a 10,000 square foot Single Residence District, in a Water Supply Protection District.

On December 1, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

### WITHDRAWN WITHOUT PREJUDICE

Present at the public hearing was Ilya Glik, the Petitioner, who said that he submitted a letter describing the project. He said that the request is to increase a side deck that is currently small and dilapidated. He said that the regulations allow for a 5 by 5 foot deck and he would like to increase it slightly along the side of the house to make room for storage and outside space.

A Board member confirmed that the garage is not used for an automobile. Mr. Glik said that it is basically a storage unit that he intends to remove.

Mr. Glik said that he looked at putting the deck at the back but there is no door to access it there.

The Chairman discussed the standards for granting a variance under the Zoning Bylaw. He said that fundamentally this is a square lot that is flat and does not appear to have any soil condition issues.

A Board member said that the house is conforming and the proposed deck creates a new nonconformity. He said that he did not see what the statutory hardship is. Mr. Glik said that his issue is that it is a very small attachment. He questioned why it is a big issue for the town in terms of construction. He said that

it is not an addition and does not create any kind of hazards. A Board member said that the Zoning Board is a quasi-judicial board that has a set of rules that it has to apply. He said that if the project does not fit within the rules, the Board has no authority to grant relief. He said that the proposed deck looks benign but the Board does not have authority to grant approval of it.

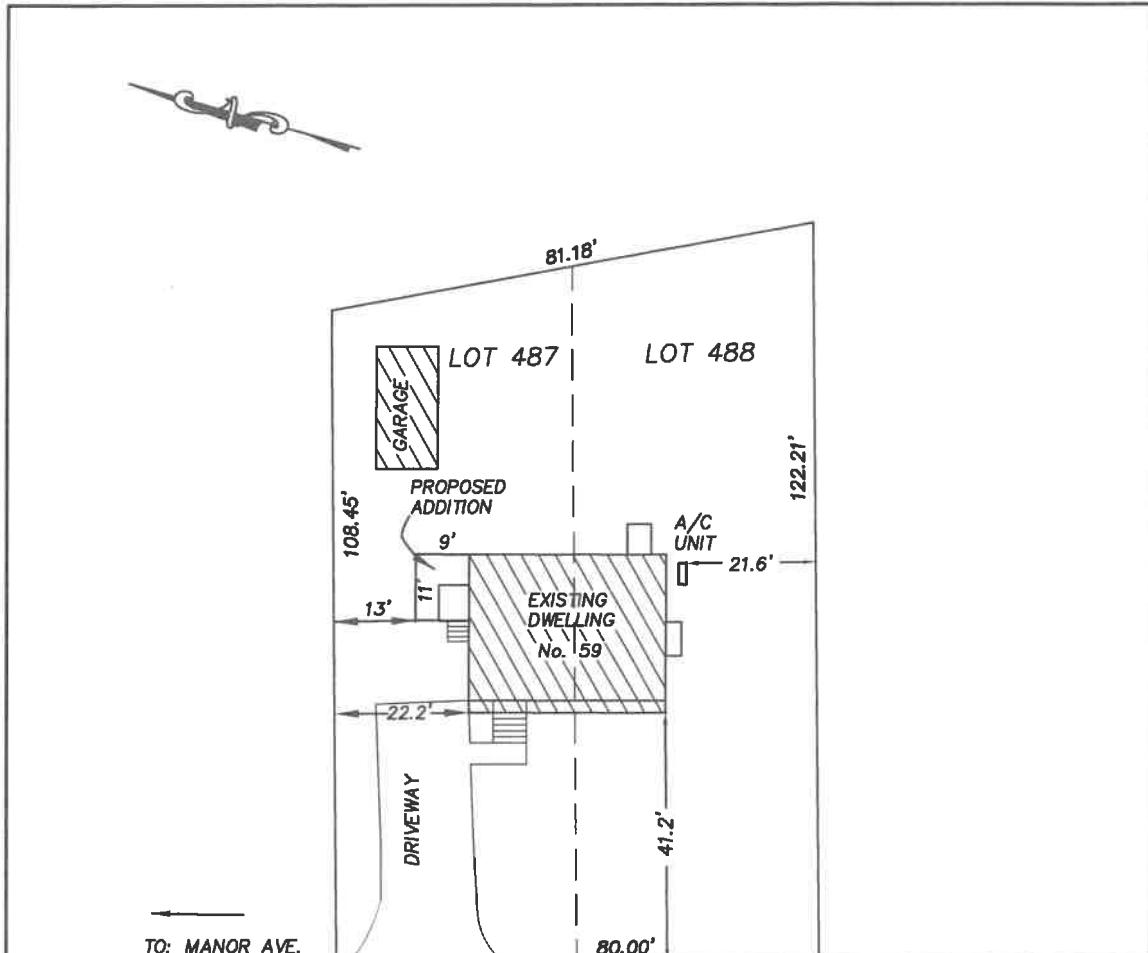
Mr. Glik said that his house is small and he cannot build the deck at the back because there is no door. He said that the proposed change is small. He said that the existing porch is in disrepair and has to be replaced. The Chairman said that the existing porch meets the exemption that allows a 25 square foot porch in the side yard setback. He said that it is not required to be 5 feet by 5 feet.

The Chairman said that if people object to the Zoning Bylaw, they can go to the Planning Board to request a change to it.

A Board member said that the only existing nonconformity is the lot size. He said that the setbacks are compliant, except for the garage.

Mr. Glik requested that the Board allow the petition to be withdrawn without prejudice.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.



### HIGH LEDGE AVENUE

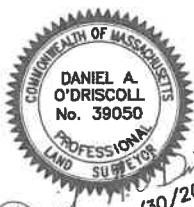
EXISTING LOT COVERAGE WITH BUILDINGS: 1,127 S.F. / 9,226 S.F. = 12.2%  
 PROPOSED LOT COVERAGE WITH BUILDINGS: 1,196 S.F. / 9,226 S.F. = 12.9%

RECORD OWNER: EMILY CAUKHAM & ILYA GLIK  
 DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS  
 LAND COURT CERTIFICATE No. 196235  
 PLAN REFERENCE: LAND COURT PLAN 4252 B  
 ZONING DISTRICT: SR-10

I CERTIFY THAT THE DWELLING IS LOCATED ON THE LOT AS SHOWN  
 ON THIS PLAN.

I FURTHER CERTIFY THAT THE DWELLING DOES NOT LIE WITHIN A  
 FLOOD HAZARD ZONE.

*Daniel A. O'Dicoll* NOV. 30, 2021  
 PROFESSIONAL LAND SURVEYOR DATE



*Daniel A. O'Dicoll*  
 11/30/2021  
 CERTIFIED PLOT PLAN  
 59 HIGH LEDGE AVENUE  
 WELLESLEY, MASSACHUSETTS

SCALE: 1"=20'

DATE: SEPT. 23, 2021  
 REVISED: NOV. 30, 2021

*O'DRISCOLL*  
 LAND SURVEYING, Co.  
 LAND SURVEYING GPS MAPPING LAND CONSULTING  
 46 COTTAGE MEDWAY, MASSACHUSETTS 02053 508-533-3314  
 FILE No. 1927