

Wallingford Zoning Board of Appeals

June 17, 2024

7:00 p.m.

**Robert F. Parisi Council Chambers
Town Hall – 45 South Main Street**

Minutes

Present: Joseph Rusczek, Chairman; Raymond Rys, Vice Chair; Board Members: Thomas Wolfer; Robert Gross; Robert Prentice; and Amy Torre, Zoning Enforcement Officer.

Chairman Rusczek called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was recited.

Voting members tonight are Rys, Wolfer, Gross, Prentice, and Chairman Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, June 21, 2024. The effective date of your variance will be Friday, June 21, 2024; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, July 7, 2024. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. #24-010/Variance Request/Monahan/209 High Street

Mr. Rys read the staff notes into the record. Application #24-010 is a Variance Request for a side yard of +/-6.5 ft. where 12 ft. is required and +/- 8.5 ft. exists in order to convert and extend beneath to foundation, an existing bay window into a single-story alcove (addition) on the West side of the dwelling at 209 High Street in an R-11 District. The current bay window is not considered a structure and therefore may project into the required setbacks by 18 inches. The applicant proposes an addition (alcove) incorporating the same dimensions of the existing bay window by extending from grade at first floor/single story. This alternation redefines the affected area as a structure. It may no longer project into the required setbacks and necessitates a Variance request.

Fred Monahan, 209 High Street, explained that the existing bay window is in conformance. It extends 18 inches beyond the house. The house was built before zoning. They need a variance to fill in under the window. This will bump the house out below the window. This is part of kitchen renovations.

Mr. Gross asked what difference would be seen from the outside. Mr. Monahan replied that you will see the silhouette of the window dropping down to the ground. It will be the exact configuration of the window.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #24-010 for Monahan at 209 High Street for a Variance Request for a side yard of 6.5 ft. where 8.5 ft. exists and 12 ft. is required to construct a single-story addition to incorporate the existing bay window into an alcove at 209 High Street as shown on

survey, property of Frederick L. Monahan, Jr. and Mary E. Williams, 209 High Street, dated July 1985 and plans received May 15, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

2. #24-011/Variance Request/Anthony/44 Cooper Avenue

Mr. Rys read the staff notes into the record. Application #24-011 is requesting Variance Approvals for the front yards of 15 ft. and 33 ft. where 40 ft. is required and Building Coverage of 22.5% where a 15% maximum is permitted and 19% exists in order to construct a 15 ft. x 24 ft. single story addition to the dwelling at 44 Cooper Avenue in an R-18 District. The parcel is a corner lot predating the inception of zoning. The request for Building Coverage is based on submitted survey totals of 18% rather than the 22.5% requested. The existing Building Coverage is compliant at 14% where a 15% maximum is permitted. Should the applicant propose an alternative 360 sq. ft. addition option such as vertical via dormer(s) the Building Coverage Variance Request would be eliminated and the property would remain compliant relative to the coverage while the front yard setback request would be significantly reduced. As proposed, the addition is more than 97% located within the required front yard. The Board may also grant less than requested and any approval should reflect the amended building coverage totals as per the plans submitted.

Maria and Ralph Anthony, 44 Cooper Avenue presented the application. Ms. Anthony explained that their hardship is that zoning did not apply when the house was built in the 1950s and that it is a corner lot. The property has three structures, a house, a detached garage, and a shed. They purchased the house three years ago after it was rebuilt following a fire. Ms. Anthony stated that they desperately need another bedroom and it would not take away from the street. It won't go near the fence.

Chairman Rusczek asked if there would also be a bathroom. Ms. Anthony replied no. Chairman Rusczek noted that if they put the bedroom on the second story they would not need the variance.

Mr. Gross asked why they didn't consider going up. Ms. Anthony replied that the builder said they can't go through a room to get to a bathroom so this is the only place. She confirmed that there are two rooms and a bathroom upstairs.

Ms. Torre noted that they have a Cape with limited floor space on the second floor. She explained that they could add a dormer on one side to increase the floor space. There is a means to comply with the regulations, so the office doesn't support the hardship. She added that they could also expand to the rear and eliminate the front yard variance.

Mr. Gross clarified that they would be compliant if they put it to the rear. Ms. Torre confirmed they would not need the front yard variance.

Ms. Torre clarified that putting dormers on the front and rear would give them the same square footage as downstairs. Ms. Anthony stated that she would rather see it on the first floor.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #24-011 for Anthony at 44 Cooper Avenue for a Variance Request for building coverage of 18% where 14% exists and a maximum of 15% is permitted to construct a 360 sq. ft. single-story addition at 44 Cooper Avenue as shown on partial survey 44 Cooper Avenue and plans received with the application on May 16, 2024.

Mr. Wolfer: Second

Vote: Gross – no to approve; Wolfer – no to approve; Rys – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The application is denied.

Mr. Rys: Motion to approve #24-011 for Anthony at 44 Cooper Avenue for a Variance Request for a front yard of 15 ft. where 25.5 ft. exists and 40 ft. is required to construct a 360 sq. ft. single-story addition at 44 Cooper Avenue as shown on partial survey 44 Cooper Avenue and plans received with the application on May 16, 2024.

Mr. Wolfer: Second

Vote: Gross – no to approve; Wolfer – no to approve; Rys – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The application is denied.

3. #24-012/Variance Request/Siddiqui/57 Simpson Avenue

Mr. Rys read the staff notes into the record. Application #24-012 is a request for a front yard of 17.5 ft. where 20 ft. is required and 22.5 ft. exists to construct a single-story 5 ft. x 20 ft. covered front porch at 57 Simpson Avenue in an R-11 District. The lot is ~66% of the required lot size in an R-11 zone. The parcel was created in 1999 as a result of a Variance Approval to split the lot at 55 Simpson Avenue, creating two undersized lots. 57 Simpson Avenue was created and the dwelling was constructed in 1999 following approval and erected compliant with all setbacks and building coverage requirements.

Mir Siddiqui, 57 Simpson Avenue explained that his house is a Colonial and you enter his house right into the living room. With his three kids and their shoes, he'd like to add a covered porch on the front. There is no space on the other side.

Mr. Gross asked if the porch would be the whole length of the front of the house. Mr. Siddiqui replied yes. Ms. Torre replied that the request was for 20 ft. so they can't do more than that.

Ms. Torre noted that the lot was split off in the 1990s by a variance that created two undersized lots. The applicant has 2.5 ft and just needs 2.5 ft. more.

Mr. Gross asked about the width and if it could be narrower to keep it within the regulations. Mr. Siddiqui replied it will be 5 ft wide. Ms. Torre noted that he is asking for 2.5 ft. She added that the house is compliant with zoning regulations.

Mr. Prentice asked why he needs the porch. Mr. Siddiqui replied that it would be a place for the kids to take off their shoes. Mr. Prentice asked about the effect on the neighborhood. Ms. Torre noted that most of the homes in the neighborhood predate zoning and are much closer to the road.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #24-010 for Siddiqui at 57 Simpson Avenue for a Variance request for a front yard of 17.5 ft. where 22.5 ft exists and 20 ft. is required to construct a single story 5 ft. x 20 ft. covered front porch at 57 Simpson Avenue as shown on Map showing Parcels "A" and "B", property of Catherine M. Wasilewski, 55 Simpson Avenue, dated July 22, 1999, and submitted plans received May 16, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

4. #24-013/Variance Request/Messina/75 Dutton Street

Mr. Rys read the staff notes into the record. Application #24-013 is a request for a front yard of 4.64 ft. where 4.64 ft. exists and 20 ft. is required to construct a 22.4 ft. x 24.2 ft. second-floor addition to the rear of the existing dwelling at 75 Dutton Street in an R-11 District. The lot is a corner lot with two front yards. The front yard requested is existing and is relative to the 'secondary' front yard along North Elm Street. The lot is just over 50% of the required lot size for the R-11 zone and both the lot and the dwelling predate the inception of zoning.

Jason Messina, 75 Dutton Street, explained that they want to add a 4th bedroom above a pre-existing room to their Cape.

Chairman Rusczek asked for confirmation that they are not changing the footprint of the house. Mr. Messina confirmed and added that it is just a bedroom, no bathroom.

Mr. Prentice asked how this would affect the big tree in the yard. Mr. Messina replied that it should not affect the branches of the tree.

Hearing no public comment, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #24-013 Variance Request for Messina at 75 Dutton Street for a Variance Request for a front yard of 4.64 ft. where 4.64 ft. exists and 20 ft. is required to construct a 542 sq. ft. second story addition at 75 Dutton Street as shown on Proposed Plot Plan, Land of Jason M. Messina, 75 Dutton Street dated May 16, 2024 and submitted plans received May 17, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Prentice - yes to approve; and Chairman Rusczeck – yes to approve.

The application is approved.

CONSIDERATION OF MINUTES

1. April 15, 2024, Regular Meeting

Mr. Wolfer: Motion to accept the April 15, 2024, Zoning Board of Appeals Minutes as submitted.

Mr. Gross: Second

Vote: Unanimous

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the June 17, 2024, regular meeting of the Zoning Board of Appeals at 7:30 p.m.

Mr. Gross: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary