



Wallingford Zoning Board of Appeals

February 18, 2025

7:00 p.m.

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

Minutes

Present: Joseph Rusczek, Chairman; Board Members: Bruce Conroy; Thomas Wolfer; Karen Raddatz; 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 Conroy, Wolfer, Raddatz, Prentice, and Chairman Rusczek.

Chairman Rusczek noted that tonight’s decisions will be published in the Record-Journal on Friday, February 21, 2025. The effective date of your variance will be Friday, February 21, 2025; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, March 9, 2025. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Chairman Rusczek announced that the following applications will not be heard tonight. They will be heard in September.

- 1. #24-033 – Special Exception Request/Gentile/1549 Tuttle Avenue - WITHDRAWN
- 2. #24-034 – Variance Request/ Gentile/1549 Tuttle Avenue – WITHDRAWN
- 6. #25-004 – Variance Request/Pietrunti/4 Field Drive – Continued to March Meeting

PUBLIC HEARINGS

3. #25-001/Variance Request/Jackowiak/105-107 North Cherry Street

Ms. Raddatz read the staff notes into the record. The applicant seeks a Variance Approval to revise the lot lines among three non-conforming lots in order to create two lots less non-conforming at 105-107 North Cherry Street in an I-40 District. One current lot line that is proposed to be revised bisects the building at 105 North Cherry Street. The second lot line proposed to be removed currently disconnects the accessory storage area from 107 North Cherry Street. The proposed lot line revisions eliminate those non-conformities associated with the current lots. The Variance Approval is required despite the reduction in non-conformities since it creates a new lot that does not conform to current regulations with respect to lot area requirements.

Ian Jackowiak, 105 Quarry Village Road, Cheshire, presented. He explained that they surveyed the property, which is next to the Amtrak Station because his client is interested in purchasing # 107 which is an unoccupied building. There are unresolved conflicts in the deed descriptions. The parcel is described as three lots. The proposal is to reduce the overall non-conformity by reducing it to two lots. The remaining non-conformity will be the overall lot area for one parcel. The non-conformance has existed since 1987.

Ms. Torre noted that typically when non-conformities are being reduced, a variance approval is not necessary. In this case, they are creating a new lot that is undersized.

Mr. Gross asked if the current three lots are taxable. Ms. Torre replied yes. Mr. Gross asked how big the lot is that they are getting rid of. Ms. Torre replied that the existing three lots are 12,802 sq. ft, 36,519 sq. ft., and 55,167 sq. ft. The two new lots will be 66,935 sq. ft and 37,553, sq. ft. The smaller lot is split between the two. Mr. Gross asked why they didn't combine them to make them both conforming. Mr. Jackowiak replied that it was due to the site conditions and the location of the building. It would meet the square footage but wouldn't meet the setback requirements.

Ms. Torre noted that the remaining non-conformity will be the undersized lot. They are reducing the non-conformities. Mr. Jackowiak noted that the undersized lot will be sold.

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

Mr. Wolfer: Motion to approve #25-001 Variance Request for Lot Area of 37,553 sq. ft. where 40,000 sq. ft. is required to revise the lot lines at 105-107 North Cherry Street as shown on Boundary Survey Depicting Lot Line Revision prepared for St. Hilaire North Cherry Street, LLC, Properties known as 105-107 North Cherry Street, November 2024, and submitted plans received November 18, 2024.

Ms. Raddatz: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Raddatz – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

4. #25-002/Variance Request/Hladky/616 North Elm Street

Ms. Raddatz read the staff notes into the record. The applicant requests a variance approval for a side yard of 15 ft. where 20 ft. is required to construct an addition at 616 North Elm Street in an R-18 District. The proposed addition includes a 6 ft. x 6.3 ft. "connection" to the main dwelling. Should that "connector" be removed and the addition "attached" then no Variance would be required and the property would be fully compliant. No hardship exists to add a 38 sq. ft. breezeway or like connector to a proposed addition. The intended purpose of the addition is unclear as the survey identifies a covered porch, the application identifies a bedroom addition and the inclusion of a breezeway connector lends itself to a potential separate dwelling space. An Accessory Apartment would be permitted provided it meets the zoning requirements of Section 6.15 of the Zoning Regulations and proper application and Site Plan Approval is sought and approved by the Planning and Zoning Commission. The Board should condition any approval that the addition may not be utilized as an Accessory Apartment until and unless the application is made and Approval is received for such use.

Jeffrey Hladky, 616 North Elm Street presented the application. The proposal is to add a master bedroom and a finished basement. It is not for an accessory apartment. Currently, the house has two bedrooms.

Chairman Rusczek asked about the connection. Mr. Hladky replied that they had lived there for 10 years. The house is shallow, front to back. To add to the house, they need to change the existing foundation and take off the side of the house. He stated that a neighbor built something similar with a breezeway into a garage. This design would allow construction without having to move out and provide a transition into the new addition. Chairman Rusczek asked if the breezeway will also have a basement and will be cut through to the current basement. Mr. Hladky replied yes. He added that this wouldn't affect the current roof line as there would be a new roof on the breezeway. This proposal has a limited impact on the existing structure. It was designed by an architect using a Site Plan. He added that he thought they were in compliance until he went for the permit and was told he needed a survey. That's when they found the house was closer to the setback than he thought. He added that the next-door neighbor wrote a letter in support. He submitted the letter.

Mr. Conroy asked if they had started building already. Mr. Hladky replied not. There is a digger at the house and a pile of dirt, but the project was halted back in November. Mr. Conroy stated that he disagreed that it would be a problem to add a bedroom to the house and that they could live there during the project. He does not see the hardship, as money is not a factor. Ms. Torre noted that it is up to the Board to determine the hardship.

Mr. Prentice asked if other designs were tried. Mr. Hladky replied that other contractors said that it couldn't be done and the only solution was to move. Mr. Prentice clarified that this is the only possible option. Mr. Hladky confirmed that anything else would require ripping off the side of the house.

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

Mr. Wolfer: Motion to approve #25-002 Variance Request for side yard of 15.5 ft. where 20 ft. is required to construct an addition at 616 North Elm Street as shown on Zoning Location Survey, Proposed Addition, prepared for Jeff Hladky, 616 North Elm Street dated December 9, 2024 and submitted plans received December 16, 2024, subject to:

- 1. The addition may not be constructed for or utilized as an Accessory Apartment until and unless the application is made and Approval is received for such use from the Planning and Zoning Commission.**

Ms. Raddatz: Second

Vote: Conroy – no to approve; Wolfer – yes to approve; Raddatz – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

5. #25-003/Variance Request/Ringold/338 Ivy Street

Ms. Raddatz read the staff notes into the record. The applicant requests a Variance Approval for a side yard of 10 ft. where 10 ft. exists and 12 ft. is required to construct a 28 ft. dormer on the Northeast side of the dwelling at 338 Ivy Street in an R-11 District. The property is a non-conforming, corner lot predating the inception of zoning. The side yard request of 10 ft. is existing, yet the vertical addition requires a Variance Approval.

James Ringold, 338 Ivy Street explained the proposal. Due to a relatively steep roofline, the attic is not useful. The dormer on one side will make it useful. The house was built before zoning, so sits in the setback. They are not infringing further on the setback or the overall height of the house.

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

Mr. Wolfer: Motion to approve #25-003 Variance Request for a side yard of 10 ft. where 12 ft. is required to add a vertical addition (dormer) to the northeast side of the dwelling at 338 Ivy Street as shown on Proposed Plot Plan, land of Chelsea E. Krombel & James E. Ringold, dated December 10, 2020 and submitted plans received January 3, 2025.

Ms. Raddatz: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Raddatz – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

EXECUTIVE SESSION

7. Executive Session pursuant to Connecticut General Statutes §1-225(f) and §1-200(6) (B) to discuss pending litigation in the matter of *Pattison v. Zoning Board of Appeals*. Corporate Counsel Janis Small joined the meeting.

Chairman Rusczek called for a motion to move into Executive Session at 7:25 pm.

Mr. Wolfer: Motion to move into Executive Session.

Ms. Raddatz: Second

Vote: Unanimous

Chairman Rusczek called for a motion to move out of Executive Session and resume the Zoning Board of Appeals meeting at 7:52 pm.

Ms. Raddatz: Motion to move out of Executive Session.

Mr. Wolfer: Second

Vote: Unanimous

8. Discussion and possible action regarding the matter of *Pattison v. Zoning Board of Appeals* as discussed in Executive Session, relating to a front yard variance.

Chairman Rusczek called for a motion.

Ms. Raddatz: Motion to approve the settlement of the appeal as discussed in Executive Session.

Mr. Wolfer: Second

Vote: Conroy – no to approve; Wolfer – no to approve; Raddatz – yes to approve; Prentice - yes to approve; and Chairman Rusczek – yes to approve.

The motion failed.

CONSIDERATION OF MINUTES

1. November 18, 2024, Regular Meeting

Mr. Wolfer: Motion to accept the November 18, 2024, Zoning Board of Appeals Minutes as submitted.

**Ms. Raddatz: Second
Vote: Unanimous**

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the February 18, 2025, regular meeting of the Zoning Board of Appeals at 7:55 p.m.

**Ms. Raddatz: Second
Vote: Unanimous**

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary