

**Wallingford Zoning Board of Appeals Meeting
Monday, August 17, 2020
7:00 p.m.**

REMOTE MEETING ONLY

The Zoning Board of Appeals meeting of August 17, 2020 will take place REMOTELY ONLY.

The meeting can be accessed through:

<https://global.gotomeeting.com/join/472145741>

YOU CAN ALSO DIAL IN USING YOUR PHONE:
United States (Toll Free): +1 (669) 224-3412
Access Code: 472-145-741

Live Stream of the meeting will also be available on the Town of Wallingford You Tube Channel:
<https://www.youtube.com/c/wallingfordgovernmenttelevision>

AGENDA

**Call to Order
Pledge of Allegiance
Roll Call**

PUBLIC HEARINGS

1. #20-014 – Variance Requests/Franceskino/ 20 South Side Drive
2. #20-015 – Special Exception Request/Soli/1431 Tuttle Avenue
3. #20-016 – Variance Requests/Cavallaro/ 66 Cooper Avenue
4. #20-017 – Variance Request/Atlas One, LLC/100 Center Street
5. #20-018 – Variance Requests/Cardona/ 1179 South Broad Street
6. #20-019 – Variance Request/Dana and Wiggin, LLP/86 North Lane

CONSIDERATION OF MINUTES

7. July 20, 2020, Regular Meeting

ADJOURNMENT

Individuals in need of auxiliary aids for effective communications in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to the meeting date.

August 7, 2020

Wallingford Zoning Board of Appeals
Town Hall
45 South Main Street
Wallingford, CT 06492

RE: Staff comments for the August 17, 2020 ZBA Meeting

Dear Board Members:

1. #20-014/VARIANCE REQUESTS/SIDE YARD, BUILDING COVERAGE, ACCESSORY APARTMENT AREA/Franceskino/20 South Side Drive

Applicant proposes a 12 ft. x 20 ft. addition to the rear of the property. Addition is proposed as an addition to the rear of approved 720 sq. ft. Accessory Apartment. Said addition exceeds maximum permitted area for Accessory Apartments. Addition has no means of entry/egress to primary dwelling, therefore does not constitute common living area. Proposed addition also necessitates a side yard setback of 9.45 ft. where 20 ft. is required and building coverage of 17.6% where maximum 15 % is permitted.

Property received Variance approval in 1985 for side yard setback and building coverage in order to construct a two room (bedroom and rec room), 24 ft. x 28 ft. addition. 24 ft. x 30 ft. Accessory Apartment subsequently constructed and located in said addition, receiving approval in.2011.

This office cannot support the granting of these 3 additional variances for this property as there is no hardship associated. The variance request to exceed the maximum allowable area for an Accessory Apartment not only has absence of hardship, but expansion to an approved Accessory Apartment +/- 25 years after construction emphasizes the lack of viable hardship and history of non-compliance. If approved, the applicant would need to seek site plan approval for an Accessory Apartment of alternate size than approved in 2011.

2. 20-015/SPECIAL EXCEPTION/GARAGE AREA/Soli/1431 Tuttle Avenue

Applicant requests Special Exception of 1993 sq. ft. of garage area where 841 sq. ft. exists and detached 1152 sq. ft. garage is proposed. The Board should clarify use(s) for 1152 additional garage area. This office also notes that total garage area proposed is approximately equivalent to living area of dwelling which raises questions concerning whether garage is subordinate to the primary use or the reverse! This office would also suggest ensuring height maximum of 15 ft. for a detached garage be a condition of approval regarding any additional detached garage area the Board may consider

3. #20-016/VARIANCE REQUESTS/SIDE YARD AND BUILDING COVERAGE/Cavallaro/66 Cooper Avenue

Applicant requests side yard of 9.7 ft. where 9.7 ft. exist and 20 ft. is required plus building coverage of 20.35% where 16.7% exists and maximum 15% is permitted to construct a 360 sq. ft. addition and deck at 66 Cooper Avenue in an R-18 District. Subject property is non-conforming with respect to lot area (+/- 50% of required 18,000 sq.ft.), side yard(s) and front yard setbacks, and building coverage as it predates the inception of zoning. Applicant is proposing an expansion to the rear of existing 9.7 ft. setback by 25 ft. to allow 15 more ft. for addition and 10 ft. for deck. The addition of 360 sq. ft. of building increases the coverage by 3.6%.

4. #20-017/VARIANCE REQUEST/USE/Atlas One, LLC/100 Center Street

Applicant requesting Variance Approval to locate office/medical office use ground-level-street-facing on two streets where ground-level street-facing office use is a permitted use, but only when not located within 50 ft. of ground-level street-facing side of any building/structure in the TC Zone. Offices/Medical Offices (such as Applicant's current location) in the TC Zone located ground-level street-facing are permitted and may continue provided they were located accordingly pre-dating the inception of the TC Zoning Regulations.

Applicant submitted essentially the equivalent Variance request in January 2020 which was subsequently withdrawn. Applicant is proposing ground level street-facing within 0 ft. on both streets. Applicant has re-submitted many documents/correspondence from that withdrawn application as well as additional "exhibits" with this application #20-017, received July 16, 2020. The applicant has not demonstrated any undue hardship to support the granting of Variance Approval. Hardship appears self-created. Furthermore, proposal to amend the relevant text/regulation would be the proper avenue for relief.

Applicant has submitted several exhibits of petitions, primarily from patients giving testimony to the Applicant's character, the services provided and the benefit of said services within the community. The value of this service provider to the clientele or community is not in dispute but completely irrelevant to issue of hardship relative to the property. Other exhibits such as the Contract of Sale, Warranty Deed and Title Insurance are also not directly related to the presence of a use-based hardship associated with this property.

The purchase of the property in 2019 without any inquiry regarding the zoning for the property has led to the seeking of a Variance Approval post-closing. The Town of Wallingford's Current Zoning Regulations are & were available, on The Town of Wallingford's website. The Planning Office is also staffed and accessible Monday thru Friday 9 AM – 5 PM. Searching the internet via any search engine yields sites with most views, not necessarily the accurate resource. The Site Plan submitted and the architectural features of the building are irrelevant to Variance Request regarding Use. The interior floor plan identifying proposed medical office space identifies 2379 sq. ft. of medical office space where 5375 sq. ft. of first floor area exists and 2023 sq. ft. of 2nd floor area exists. With 7398 sq. ft. of GFA, the ability to identify a compliant location of 2379 sq. ft. of office space exists. Choosing not to comply for preference, convenience or financial reasons does not constitute hardship.

In summary, since no hardship has been demonstrated, this office cannot support the granting of Variance as presented. This office would recommend the Applicant consider alternate compliant location within the building for the medical office use, or applying for a regulation change from the Planning and Zoning Commission.

5. #20-018/VARIANCE REQUESTS/NON-CONFORMING USE, FRONT YARD SETBACK, SIDE YARD SETBACKS/Cardona/1179 South Broad Street

Applicant proposes to add a vertical addition and front porch to the dwelling located at 1179 South Broad Street in a CB-40 Zone. Residential Use in a Commercial Zone is a non-conforming Use for the zone and any expansion is not permitted, requiring variance request. Front porch proposed is 6 ft. x 38 ft. (width of dwelling) reducing front yard setback to 47.9 ft. from 53.9 ft. where 50 ft. is required. Vertical addition of existing footprint expands 2 non-conforming side yard setbacks; one of 19.6 ft. and one of 16.8 ft. where 20 ft. is required for each. Existing parcel is non-conforming for lot area, use and side yard setbacks.

6. #20-019/VARIANCE REQUEST/LOT AREA/86 North Lane

Applicant requests Variance Approval to reduce non-conforming lot in area from 17,267 sq. ft. to 15,200 sq. ft. where 18,000 sq. ft. is required (R-18 Zone) in order to revise lot line between properties 86 North Lane and 4 North Lane. Property owners seek to resolve property line dispute by the transfer of a portion of parcel at 86 North Lane to parcel at 4 North Lane. Both lots are non-conforming regarding lot area. Regulations do not permit reductions to lot area unless to create conformity. Proposed lot line revision will be decreasing the non-conforming lot area for the adjoining lot at 4 North Lane.

Regards,

Amy B. Torre
ZEO

Cc: Franceskino
Soli
Cavallaro
Atlas One, LLC
Cardona
J. Stevenson, Esq., Wiggin & Dana, LLP

ZONING BOARD OF APPEALS
Wallingford, Connecticut
APPLICATION FOR VARIANCE

Original 20-014

RECEIVED
 JUL 30 2020

APPLICATION NO.: 20-014
 APPROVED: _____
 DENIED: _____

The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.

- 1.) Street Address or Location of the Property: 20 South Side Drive, Wallingford, CT 06492
- 2.) Zoning District of the Property: R18
- 3.) Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied. If more than one variance, list each separately.

<u>Type of Variance</u>	<u>Section of Zoning Regulations</u>	<u>Required by Regulations</u>	<u>Existing</u>	<u>Proposed</u>
<u>Building Coverage</u>	<u>Schedule 5.1A</u>	<u>15%</u>	<u>16.3%</u>	<u>17.6%</u>
<u>Side Setback</u>	<u>Schedule 5.1A</u>	<u>20ft</u>	<u>13.49ft</u>	<u>9.45ft</u>
<u>Accessory Apt Add On</u>	<u>G.15.B.2b</u>	<u>780 sq ft</u>	<u>720 sq ft.</u>	<u>960 sq ft</u>

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): to build a four season sun porch

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: pie shaped lot only has two angled sides which reduces area on sides of house. Also social distancing during pandemic has made us realize my parents need more covered space in their home to visit with family safely.

6.) If any variances for the Property have previously been requested, please complete the following section.

- a. Date(s) of ZBA action: 5/3/85 - volume 546 p. 45
- b. What variance(s) were requested: Front + side line to build addition
- c. What variance(s) were granted: Front + side line because others alike in area

7.) **APPLICANT** (Please list mailing address.)

Name(s): Anthony + Kelly Franceskino Signature: Anthony M. Franceskino
 Address: 20 South Side Drive, City: Wallingford State: CT Zip: 06492
 Telephone No: 203-494-2233 (k-11) Interest in Property: Owner: Other: _____

8.) **PROPERTY OWNER(S) OF RECORD** (Please list mailing address. **This section must be completed.**)

Name(s): Anthony + Kelly Franceskino Signature: _____
 Address: 20 South Side Drive City: Wallingford State: CT Zip: 06492
 Telephone No: 203-494-2233

9.) Please list below the names and mailing addresses of all abutting property owners. (Those properties that are directly adjacent or contiguous to yours.)

<u>Name</u>	<u>Mailing Address</u>
1. <u>Louise Pereira + Kristi Sabino</u>	<u>2 South Side Court. Wlfd, 06492</u>
2. <u>Matt + Debbie Verrilli</u>	<u>5 Sunny Court, Wlfd, CT 06492</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(Attach additional sheet(s) if necessary)

10.) Please provide directions to the subject property from a well recognized Town road. Route 5 to Northfield Rd to South Side Dr.

NOTES TO APPLICANT:

1. Please provide eleven copies of a map or plan drawn to scale clearly illustrating the variance(s) requested. (The plan must show the property boundaries, all existing and proposed buildings and dimensions for any setback, size, area or height related variance request.)
2. The Applicant must notify abutters by Certificate of Mailing, 10-15 days prior to the Public Hearing by sending them a copy of the Legal Notice. The Legal Notice will be sent to the Applicant at least 15 days prior to the meeting. Certificates of Mailing must be returned to the Planning & Zoning Office at least five days prior to the meeting.
3. **The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.**

(FOR ZBA USE ONLY)

DECISION: GRANTED DENIED EFFECTIVE DATE: _____ / _____ / _____

REASON(S) FOR DECISION: _____

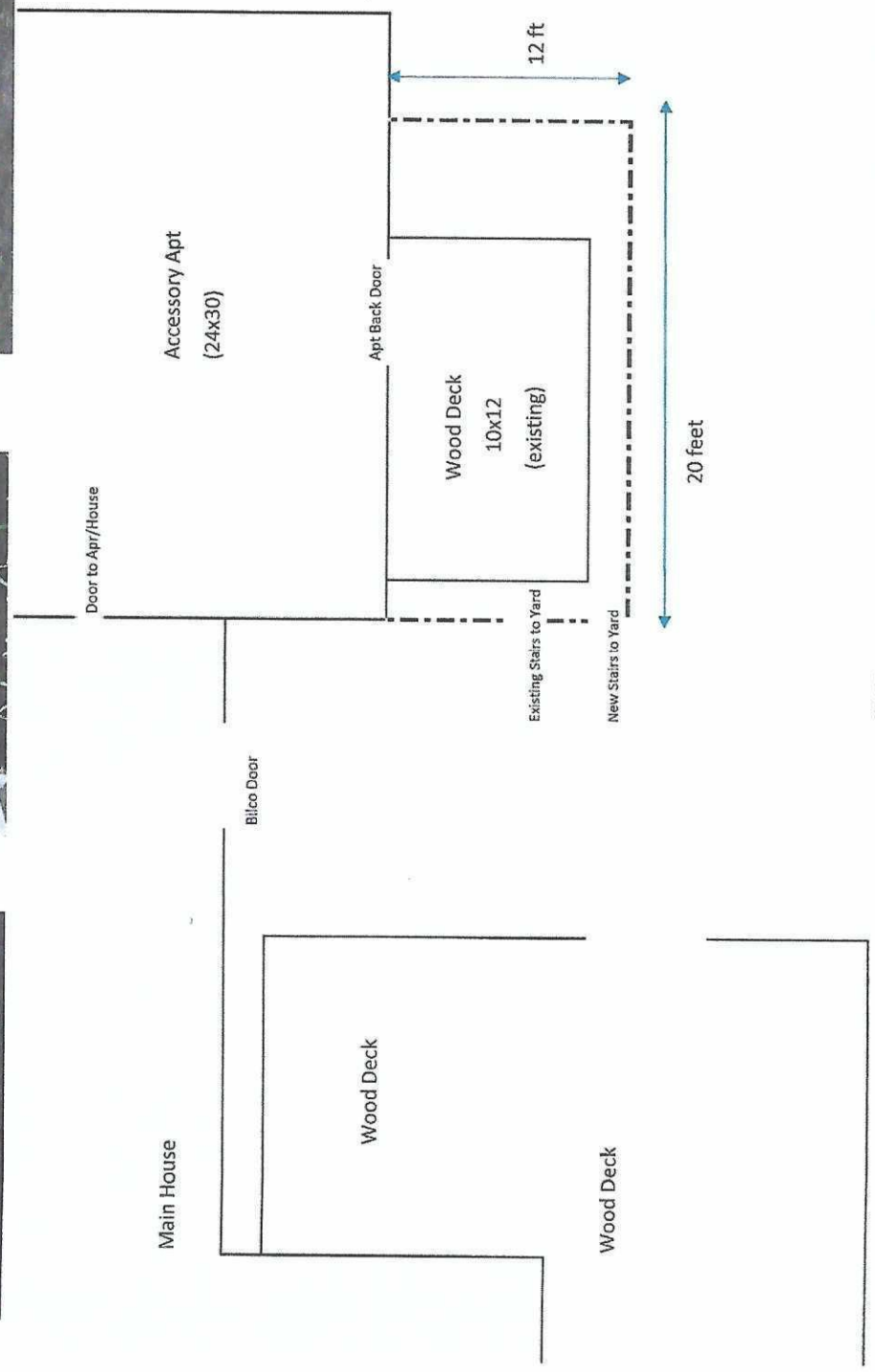
CONDITION(S): _____

The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

SIGNED: _____

TITLE: _____

WALLINGFORD
ZONING BOARD OF APPEALS
Variance Application: Revised May 2008



PERMITTED
 JUL 30 2014
 WALLINGFORD

#20-014

Existing Accessory Apt is 24 x 30 = 720 sq. feet
 Maximum is 780 sq. feet; with calculations allows 10 x 12
 Asking for 20 x 12. additional = 240 sq feet (full)

20 South Side Dr. Wallingford



PER MAP REFERENCE #4
GRAPHIC SCALE
1 inch = 20 feet

REVISED

RECEIVED
JUL 3 2020

#20-014

PROPOSED PLOT PLAN

LAND OF

KELLY G. & ANTHONY M. FRANCESKINO

20 SOUTH SIDE DRIVE

WALLINGFORD, CONNECTICUT

SCALE: 1" = 20'

JUNE 10, 2020

REVISED: JULY 30, 2020

STONE WALL BOUNDARIES, LLC

SURVEYING & MAPPING

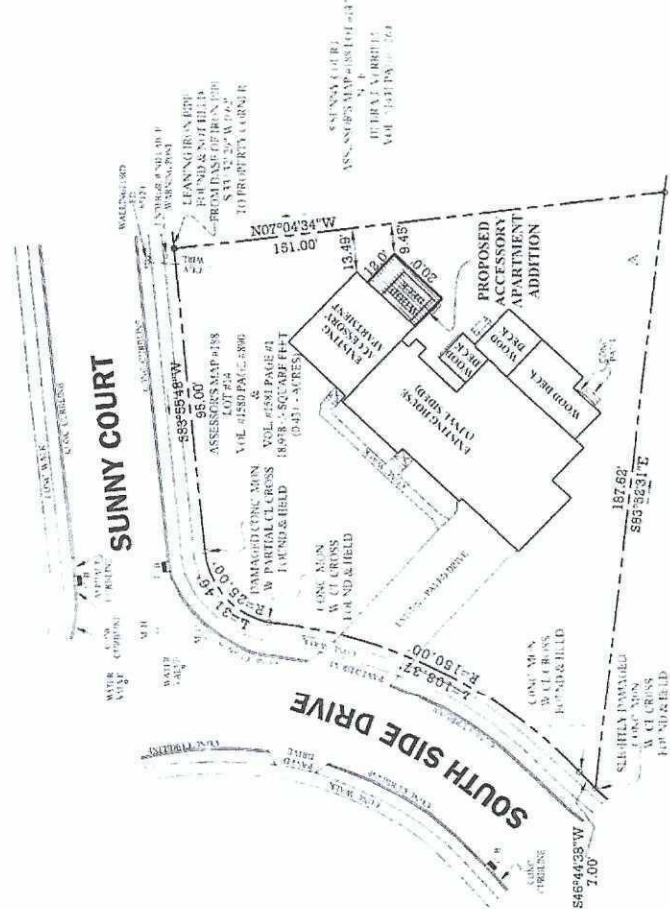
1001 E. HARTFORD AVENUE, SUITE 100, WALLINGFORD, CT 06495

R. OSAGE DRIVE

WALLINGFORD, CT 06495

(860) 889-8801
BOOKLET@STWALLS.COM

2020-07-30 12:30
MANUAL LAYOUT BY: [Name]
CHECKED BY: [Name]
DATE: 2020-07-30



2 SOUTH SIDE COURT
ASSESSORS MAP #188 LOT #1
1001 S. PERDRA & KRISTIE L. SAUNDERS
VOL. 148 PAGE 231

2 SOUTH SIDE DRIVE
ASSESSORS MAP #188 LOT #1
1001 S. PERDRA & KRISTIE L. SAUNDERS
VOL. 148 PAGE 231

THE PROPERTY SHOWN ON THIS MAP IS THE PROPERTY OF KELLY G. & ANTHONY M. FRANCESKINO. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PROPERTY IS SUBJECT TO ALL APPLICABLE ZONING REGULATIONS AND ORDINANCES. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSE.

ZONING BOARD OF APPEALS
WALLINGFORD, CONNECTICUT

APPLICATION DATE 3/5, 1985

APPLICATION NO. 85-28

APPLICANT Kevin E. Cannon OWNER TENANT OPTION

ADDRESS 20 South Side Drive, Wallingford TELEPHONE 269-9980

OWNER Same ADDRESS Same work#235-1667

LOCATION OF PROPERTY 20 South Side Drive

ZONE R-18 LEGAL DESCRIPTION OF PROPERTY (Lot #, Landmarks, Etc.)

Northerly by Sunny Court as shown on said map 95.00 feet, Easterly by Lot No. 12 as shown on said map 152.75 feet, Southerly by Lot No. 10 as shown on said map, 190.25 feet, Westerly by South Side Drive as shown on said map, being an irregular line, 115.39 feet, Northwestwily by the confluence of South Side Drive and Sunny Court being a curved line, as shown on said map 33.65 feet.

APPLICATION FOR: SPECIAL EXCEPTION
VARIANCE FROM ZONING REGULATION x 4.9

THIS APPEAL RELATES TO: USE _____ AREA _____ YARD DIMENSIONS

HEIGHT _____ SETBACK _____ BUILDING COVERAGE _____ SIGNS _____

ACCESSORY BUILDINGS _____ GASOLINE STATIONS/REPAIR MOTOR VEHICLES _____

OTHER, EXPLAIN Front and side line variances to build an addition.

IS THIS IN CONNECTION WITH A PROPOSED BUILDING? _____ EXISTING BUILDING? _____

DESCRIBE APPEAL BRIEFLY:

HAS ANY PREVIOUS APPEAL BEEN FILED IN CONNECTION WITH THESE PREMISES? _____

IF YES, WHEN _____

A. Strict application of the regulations would produce UNDUE HARDSHIP because Increase in size of family living in house.

B. The HARDSHIP created is unique and not shared by all properties alike in the neighborhood because _____

C. The variance would not change the character of the neighborhood because Others alike in area.

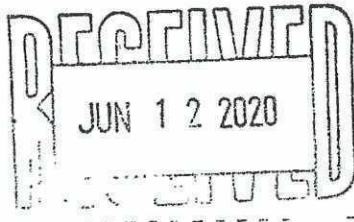
SIGNATURE OF PROPERTY OWNER Kevin E. Cannon DATE 3/13/85

SIGNATURE OF APPLICANT OR AGENT _____ DATE _____

NOTE: FIVE (5) COPIES OF THIS APPEAL (FRONT and BACK) ARE REQUIRED.

Please type or print in ink.

ORIGINAL
ZONING BOARD OF APPEALS



APPLICATION FOR:
 Special Exception
 Appeal of Decision of ZEO

Application # 20-015

Date: June 11-2020

Name of Applicant: Joseph V. Sali

Mailing Address: 1431 Tuttle Ave Wallingford CT 06492
Street City State Zip Code

Phone: (203) 645-7812

Interest in Property: Own Rent Lease Option to Buy Other

Name of Property Owner: Joseph V. Carolyn L. Sali

Mailing Address: 1431 Tuttle Ave Wallingford CT 06492
Street City State Zip Code

Legal Description of Property (check one box and complete information for that line only):
 Street Address 1431 Tuttle Ave Wallingford, CT 06492
 Lot # and Street Name
 Volume & Page of Deed in Land Records MAP # 86 # 10

Zoning District: RU 40
Directions to Property (from well recognized Town road) Cheshire Rd - left on Tuttle Ave 1431 on Right set back off Road

A. TYPES OF SPECIAL EXCEPTION REQUESTED & MINIMUM ITEMS TO BE INCLUDED WITH APPLICATION

- 1. CUSTOMARY HOME OCCUPATION
 - a. Type of Occupation: _____
 - b. Sq. Footage of 1st floor of building: _____ c. Sq. Footage of home occupation: _____
 - d. Map, drawn to scale, showing property, location of dwelling on property and location & dimensions of all parking spaces.
- 2. BOARDING HOUSE/ROOMING HOUSE
 - a. Map, drawn to scale, showing property boundaries, location & dimensions of building, number of boarders and location & dimensions of all parking spaces.
- 3. BED & BREAKFAST
 - a. Year house constructed: _____ b. Number of guest rooms: _____ c. Map, drawn to scale, showing property boundaries, location & dimensions of building, location & dimensions of all existing and proposed parking spaces, proposed landscaping. d. Floor plan of proposed B&B, with room use listed. e. Architectural drawings for any proposed additions, including emergency exits.
- 4. WINDMILL
 - a. Map, drawn to scale, showing property, location of any buildings on lot, proposed location of windmill and distances to buildings and property lines.
- 5. SOLAR PANELS & SATELLITE DISHES
 - a. Map, drawn to scale, showing property, location of any buildings on lot, proposed locations of panes or dishes and screening.
 - b. Height of device _____ c. Technical literature about device
- 6. NURSERY SCHOOL, CHILD DAY CARE CENTER, GROUP DAY CARE HOME
 - a. Map, drawn to scale, showing property, location of building(s) on lot, parking spaces, play area.
 - b. Square footage of lot: _____ c. Building Coverage: _____ d. Enrollment capacity per session: _____

7. [] CEMETERIES

a. Location map showing adjacent streets.

8. [X] GARAGES - Carriage House

a. Map, drawn to scale, showing property, location of building(s) on lot, garage location.

b. Size of existing garage space 841, size of proposed garage space 1152, total proposed garage space 1993.

9. [] STABLES

a. Map, drawn to scale, showing property, location of building(s) on lot, proposed stable.

B. APPEAL OF DECISION OF THE ZEO: Please describe the decision of the ZEO below and why you feel it is not accurate.

Applicant must notify abutters by certified mail 10-15 days prior to the public hearing by sending them a copy of the legal notice.
Certificates of Mailing must be returned to the Planning Department at least five (5) days prior to the meeting.

Names and Mailing addresses of all abutting property owners (to the right, left and rear of your property)

	NAME	MAILING ADDRESS
1.	Judith Migliorisi	1433 Tuttle Ave.
2.	Stacy Lastrina	1435 Tuttle Ave
3.	Janet Altman Family Trust	1437 Tuttle Ave
4.	Mirko Dape and Shara Kree	1441 Tuttle Ave
5.	Jean Geigle	12 Alison Ave

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Name of Applicant or Agent: _____ Title: _____
(Please print) (If agent or company representative)

Signature of Applicant or Agent: _____

Name of Property Owner: _____ Title: _____
(Please print) (If agent or company representative)

Signature of Property Owner: _____

FOR ZBA USE ONLY:

Application is: [] Granted [] Denied Effective Date: _____

REASON(S) _____

CONDITION(S) _____

SIGNED: _____ TITLE: _____

WALLINGFORD ZONING BOARD OF APPEALS

Applicant must notify abutters by certified mail 10-15 days prior to the public hearing by sending them a copy of the legal notice.
Certificates of Mailing must be returned to the Planning Department at least five (5) days prior to the meeting.

Names and Mailing addresses of all abutting property owners (to the right, left and rear of your property)

NAME	MAILING ADDRESS
6. Richard Vinski and Dolores Marinuzzi	14 Alison Ave
2. Christopher + Jean P Balsley	211 Cheshire Rd
3. _____	_____
4. _____	_____
5. _____	_____

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Name of Applicant or Agent: _____ Title: _____
(Please print) (If agent or company representative)

Signature of Applicant or Agent: _____

Name of Property Owner: _____ Title: _____
(Please print) (If agent or company representative)

Signature of Property Owner: _____

FOR ZBA USE ONLY:

Application is: [] Granted [] Denied Effective Date: _____

REASON(S) _____

CONDITION(S) _____

SIGNED: _____ TITLE: _____

WALLINGFORD ZONING BOARD OF APPEALS

Current:

No Basement

No Attic

1.78 Acres set back off Road

2 Car Garage

Need Room for:

3rd Car

Car hauler Trailer

Snow Plow Blade

Snow Blower

Garden Tractor

Lawn mower

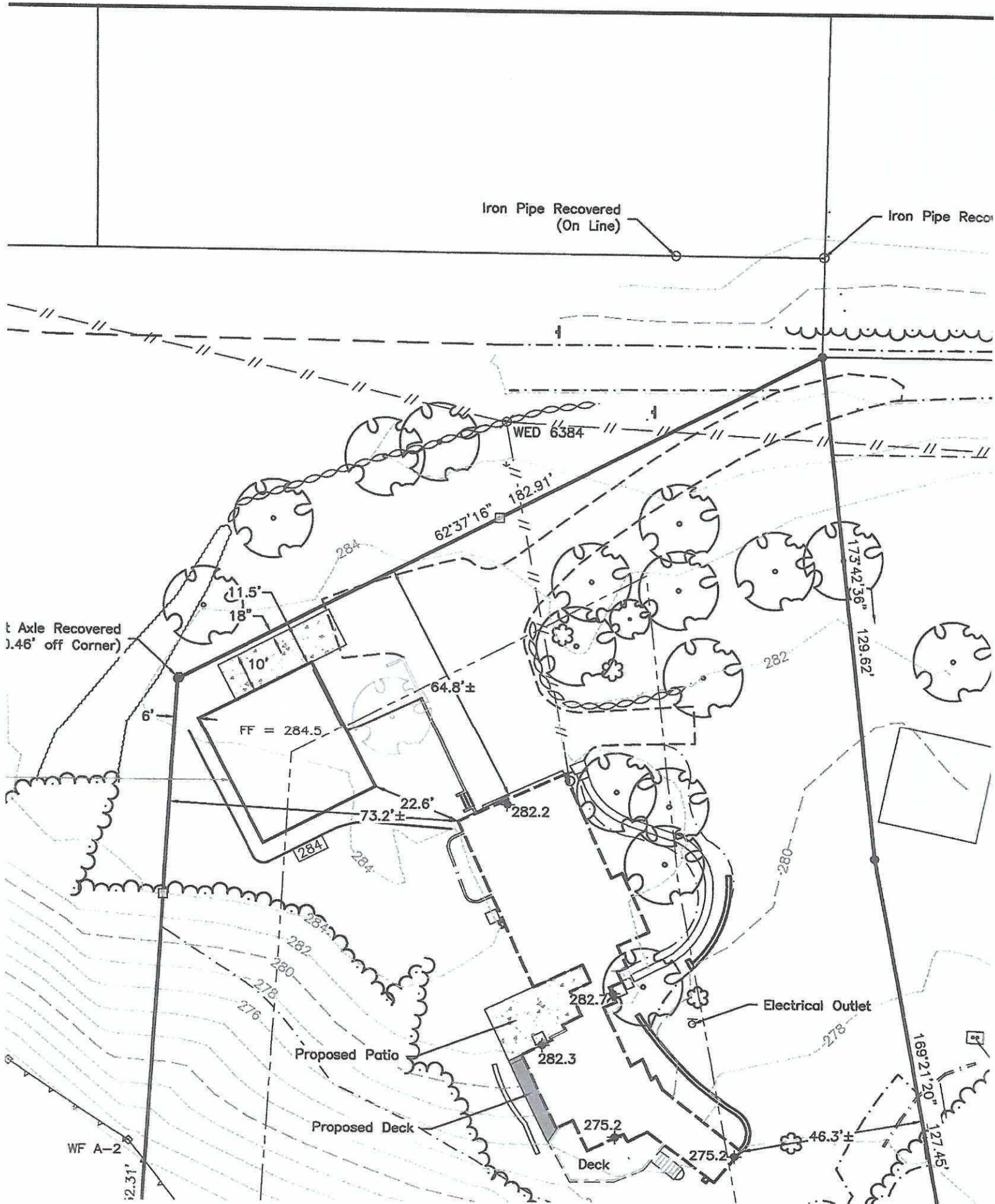
Wheel Barrel

Shovels, Rakes

Garden Tools

Holiday Decorations

General Storage



Iron Pipe Recovered
(On Line)

Iron Pipe Reco

WED 6384

t Axle Recovered
(1.46' off Corner)

FF = 284.5

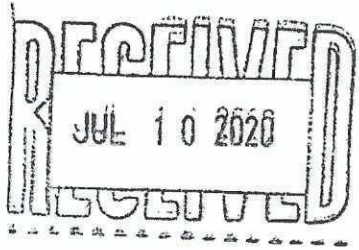
Electrical Outlet

WF A-2

Proposed Patio

Proposed Deck

Deck



ZONING BOARD OF APPEALS APPLICATION REVIEW

ZBA MEETING OF: Monday, July 20, 2020

Please review and return to Amy Torre, ZEO, by: Friday, July 10, 2020

- ELECTRIC HEALTH WATER & SEWER
- ENGINEERING INLAND WETLANDS BUILDING DEPT
- FIRE PUBLIC WORKS

COMMENTS:

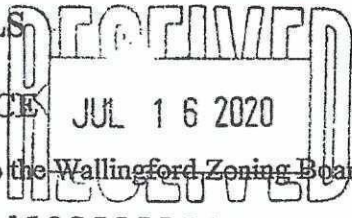
1431 Tuttle Ave: Property is on well and septic - will have to fill out a B100 application to construct garage must meet minimum set back distances to well & septic system. Submit B100 application to Health Department.

Registered Sanitarian /  _____ Date 7-9-20

Please sign form; if you have comments on any application, please denote the application number. Please return all comments to the attention of Amy Torre, ZEO.

ORIGINAL

ZONING BOARD OF APPEALS
Wallingford, Connecticut
APPLICATION FOR VARIANCE



APPLICATION NO.: 20-016
APPROVED: _____
DENIED: _____

The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.

- 1.) Street Address or Location of the Property: 166 Cooper Avenue, Wallingford, CT
- 2.) Zoning District of the Property: R-18
- 3.) Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied. If more than one variance, list each separately.

Type of Variance	Section of Zoning Regulations	Required by Regulations	Existing	Proposed
<u>Side yard setback</u>	<u>5.1A</u>	<u>20 ft</u>	<u>9.7</u>	<u>9.7ft.</u>
<u>building coverage</u>	<u>5.1A</u>	<u>15%</u>	<u>16.7%</u>	<u>20.35%</u>
_____	_____	_____	_____	_____

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): To build an enclosed sun room and deck.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: Homeowners would like to build an enclosed sun room and deck so that in their retirement they can enjoy their backyard, which in its current form becomes muddy and insect swarmed at certain times of the year.

- 6.) If any variances for the Property have previously been requested, please complete the following section.
 - a. Date(s) of ZBA action: N/A
 - b. What variance(s) were requested: _____
 - c. What variance(s) were granted: _____

7.) **APPLICANT** (Please list mailing address.)

Name(s): Kevin Cavallaro Signature: Kevin Cavallaro

Address: 161 Sylvan Hills Rd. City: East Haven State: CT Zip: 06513

Telephone No: 203-506-2348 Interest in Property: Owner: _____ Other: Contractor

8.) **PROPERTY OWNER(S) OF RECORD** (Please list mailing address. This section must be completed.)

Name(s): Michael & Maryann Venditto Signature: Michael Venditto

Address: 166 Cooper Avenue City: Wallingford State: CT Zip: 06492

Telephone No: 203-460-0932

9.) Please list below the names and mailing addresses of all abutting property owners. (Those properties that are directly adjacent or contiguous to yours.)

Name

Mailing Address

- | | | |
|----|--------------------------------|---|
| 1. | <u>Robert + Irene Warner</u> | <u>68 Cooper Ave. Wallingford</u> |
| 2. | <u>Peter + Eileen Anderson</u> | <u>23 Burke Heights Dr. Wallingford</u> |
| 3. | <u>Marjorie Adams</u> | <u>64 Cooper Ave. Wallingford</u> |
| 4. | _____ | _____ |
| 5. | _____ | _____ |
| 6. | _____ | _____ |

(Attach additional sheet(s) if necessary)

10.) Please provide directions to the subject property from a well recognized Town road. _____

NOTES TO APPLICANT:

1. Please provide eleven copies of a map or plan drawn to scale clearly illustrating the variance(s) requested. (The plan must show the property boundaries, all existing and proposed buildings and dimensions for any setback, size, area or height related variance request.)
2. The Applicant must notify abutters by Certificate of Mailing, 10-15 days prior to the Public Hearing by sending them a copy of the Legal Notice. The Legal Notice will be sent to the Applicant at least 15 days prior to the meeting. Certificates of Mailing must be returned to the Planning & Zoning Office at least five days prior to the meeting.
3. The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

(FOR ZBA USE ONLY)

DECISION: GRANTED DENIED EFFECTIVE DATE: _____

REASON(S) FOR DECISION: _____

CONDITION(S): _____

The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

SIGNED: _____

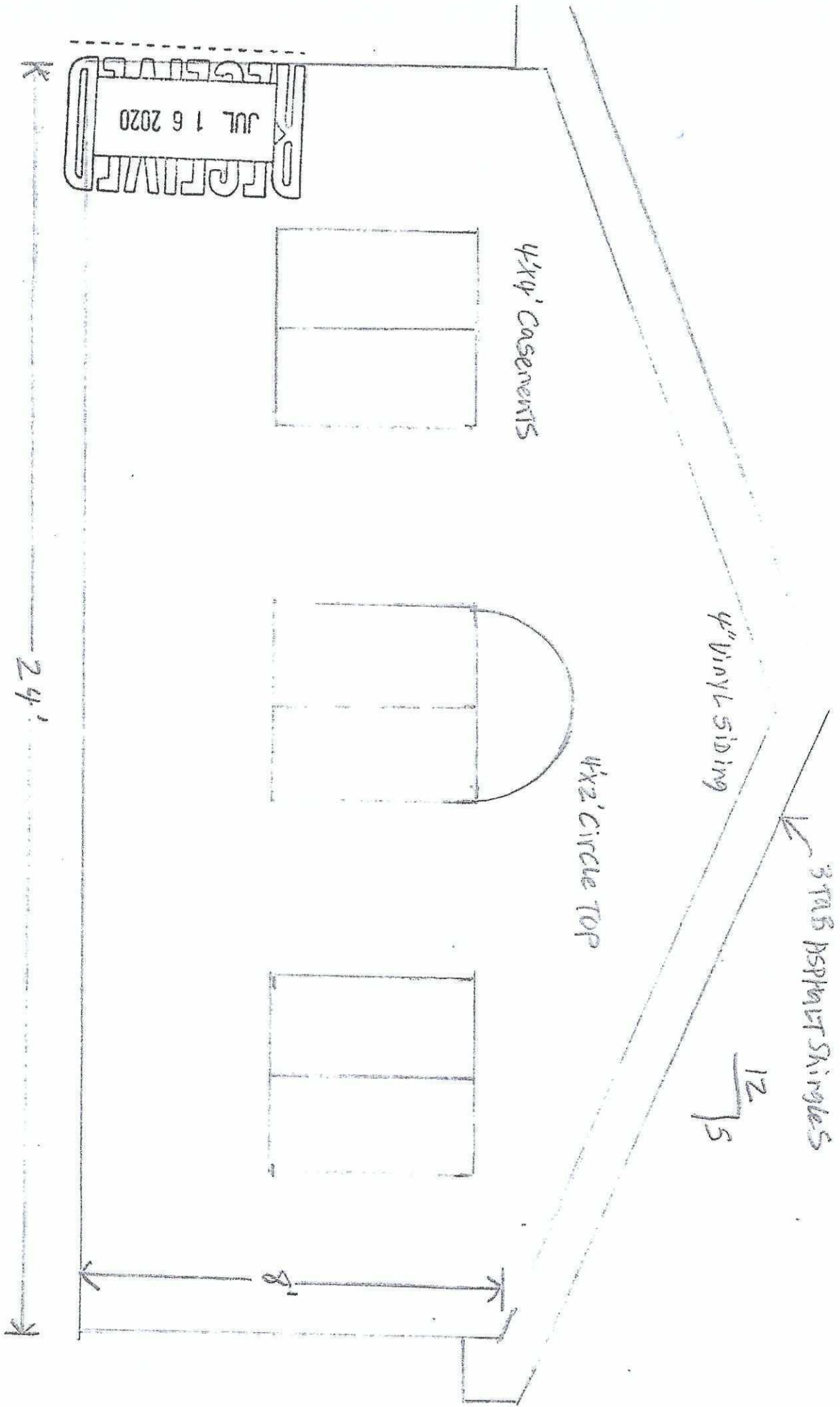
TITLE: _____

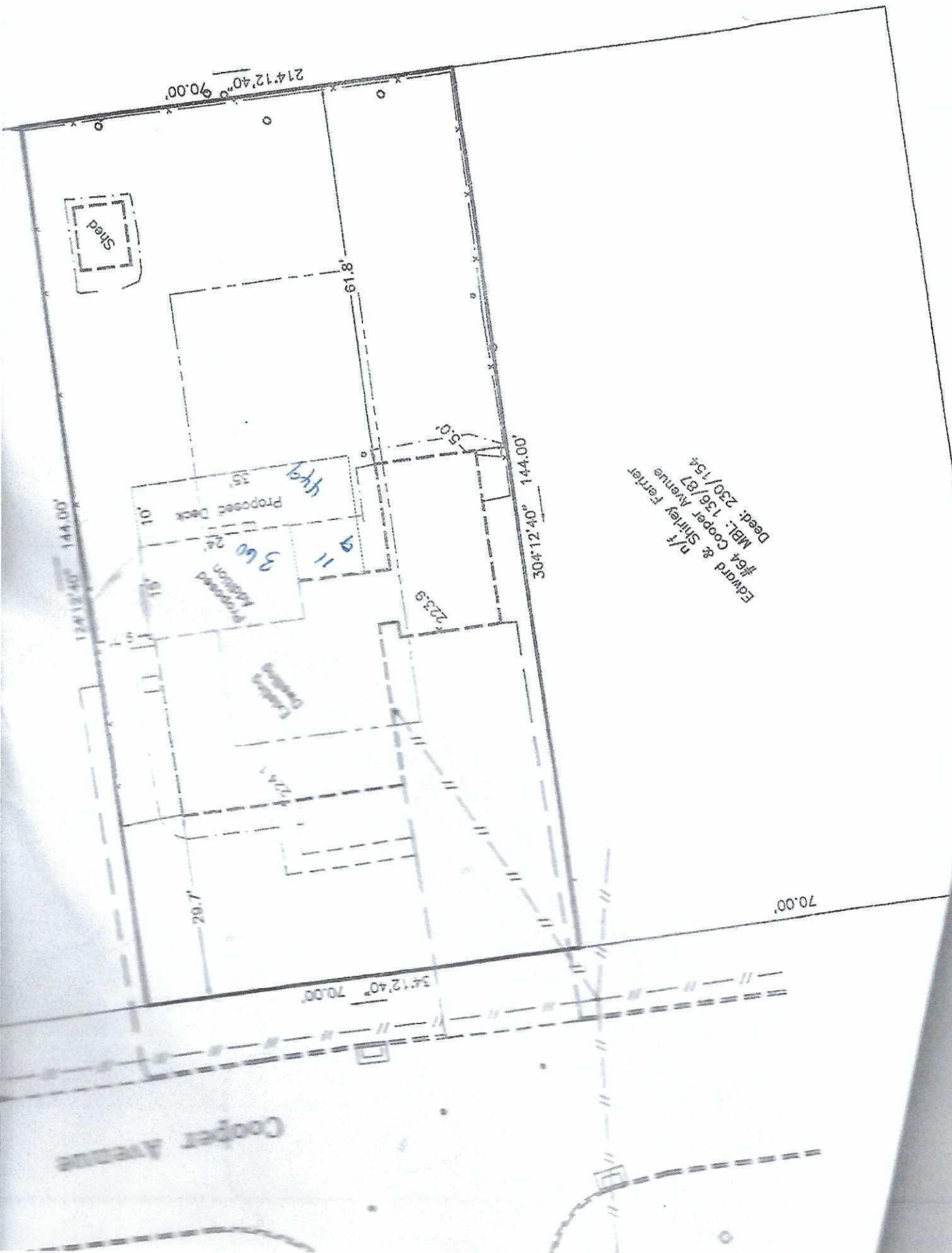
WALLINGFORD
ZONING BOARD OF APPEALS
Variance Application Form 2004

FRONT Elevation

NOT TO SCALE

66 COOPER AVE





Edward & Shirley Farrier
#64 Cooper Avenue
Deed: 230/154
MBL: 136/87

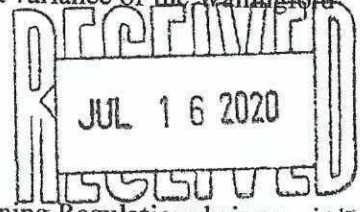
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ZONING BOARD OF APPEALS
Wallingford, Connecticut
APPLICATION FOR VARIANCE

APPLICATION NO.: 20 - 017
 APPROVED: _____
 DENIED: _____

The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.



- 1.) Street Address or Location of the Property: 100 Center Street, Wallingford
- 2.) Zoning District of the Property: Town Center (TC)
- 3.) Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied. If more than one variance, list each separately.

<u>Type of Variance</u>	<u>Section of Zoning Regulations</u>	<u>Required by Regulations</u>	<u>Existing</u>	<u>Proposed</u>
USE	4.26(B.) (7)	Not on ground floor street facing side of building Medical/dental office, clinics	Same	Med. office & Rehabilitation Center/out-patient Treatment on 1 st floor as shown in Site Plan Proposal
SETBACK	4.26(B)(7)	50ft frontage from Williams St.	50 ft from Williams St.	Zero feet from Williams St. See Site Plan
SETBACK	4.26(B)(7)	50 ft frontage from Center St.	50ft from Center St.	see Site Plan proposal

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): to allow medical office, clinic, out-patient treatment on ground floor at 100 Center Street specifically for applicant's chiropractic office and rehabilitation outpatient treatment) center to be relocated from current address from 3 Hall Ave. to this site. Said offices and rehabilitation center to be located at the rear of the easterly side of the building on Williams Street with a portion of the facilities towards but not directly on the front side facing Center Street.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: 1.) Hardship was created by change in regulation which had allowed such use; 2.) Veterinary Hospital and pet services as referred in Reg 4.26 B 12, are similar to that given by medical offices, clinic, and out patient treatment centers the difference is one treats non-humans; 3.) Treatment of the patients require easy and quick access to the facility without great physical barriers or limitations due to diagnostic and treatments, said regulation violates both the spirit and the law pertaining to American with Disabilities Act and the Town should allow such reasonable accommodation as provided in the applicant's plans; 4.) This building was built in 1890, and for the most part has been used as a Bank, the characteristics of the building are such that it has no storefront windows and therefore is not the type of building contemplated for retail or restaurant use contemplated by the regulation change, any entrance to facility would be in back of building again restricting any entrance from Center St to the offices. ; In purchasing the property, I had relied, in good faith, upon a survey which was given to me by Bank of America and certified by the surveyor that the zoning was CA6 and not been updated by any changes. 6.) Said variance falls within the meaning and spirit of the Plan of Conservation: "While the Town Center features strong commercial blocks in the "uptown" area centered on Main and Center Streets, underutilized and vacant commercial properties, as well as properties in disrepair, create gaps in the street façade and reduce the cohesiveness of the "downtown" area. A primary strategy for connecting the "uptown" and "downtown" areas into an integrated whole is to implement a new Town Center zoning district." This also "incorporate greater flexibility in uses, coverage and parking (per Parking Plan) to facilitate marketable redevelopment." 7. Setback unduly restricts entire use of building as the building is 42.4 feet at its northern end to 62.2 feet at its southern end. Each 50 feet frontage requirement would take up almost entire building.

6.) If any variances for the Property have previously been requested, please complete the following section.

- a. Date(s) of ZBA action: Previous application was filed January 17, 2020 but was not acted on
- b. What variance(s) were requested: use under 4.26(B.)~~(f)~~
- c. What variance(s) were granted: None because application was withdrawn to file a more detailed application.

7.) **APPLICANT** (Please list mailing address.)

Name(s): Atlas One, LLC c/o Tracy Malton Signature: 

Address: 100 Center St. City: Wallingford State: CT Zip: 06492

Telephone No: 203-980-7773 Interest in Property: Owner: Other:

8.) **PROPERTY OWNER(S) OF RECORD** (Please list mailing address. This section must be completed.)

Name(s): Same as above Signature: Same as above 

Address: Same as above City: Same as above State: Same as above Zip: Same as above

Telephone No: Same as above

9.) Please list below the names and mailing addresses of all abutting property owners. (Those properties that are directly adjacent or contiguous to yours.)

Name

Mailing Address

1. Eugene Catala

9 Lincoln Dr., Wallingford, CT 06492

3. Town of Wallingford- Town Clerk (Williams and Center Sts.)

45 South Main St., Wallingford CT 06492

4. _____

5. _____

6. _____

(Attach additional sheet(s) if necessary)

10.) Please provide directions to the subject property from a well recognized Town road. Left from Town Hall on South Main St., then left onto Center Street a short distance with building at your left.

NOTES TO APPLICANT:

- 1. Please provide eleven copies of a map or plan drawn to scale clearly illustrating the variance(s) requested. (The plan **must** show the property boundaries, **all existing and proposed buildings and dimensions for any setback, size, area or height related variance request.**)
- 2. The Applicant must notify abutters by Certificate of Mailing, 10-15 days prior to the Public Hearing by sending them a copy of the Legal Notice. The Legal Notice will be sent to the Applicant at least 15 days prior to the meeting. Certificates of Mailing must be returned to the Planning & Zoning Office at least five days prior to the meeting.
- 3. **The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.**

(FOR ZBA USE ONLY)

DECISION: GRANTED DENIED

EFFECTIVE DATE: ___ / ___ / ___

REASON(S) FOR DECISION: _____

CONDITION(S) : _____

The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

SIGNED: _____

TITLE: _____

WALLINGFORD
ZONING BOARD OF APPEALS
Variance Application: Revised May 2008

LIST OF EXHIBITS TO APPLICATION

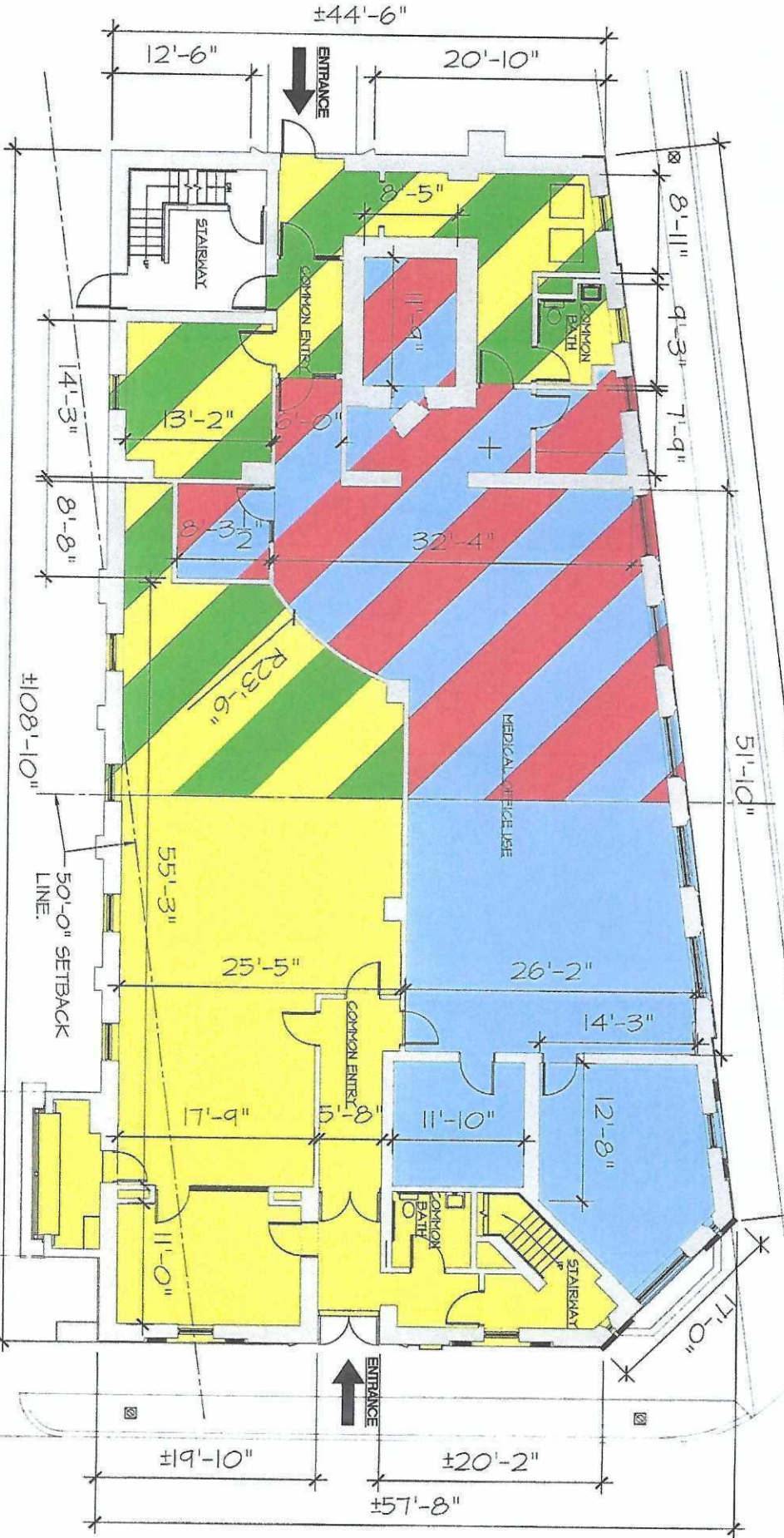
- * EXHIBIT A MEMO ON TOWN OF WALLINGFORD'S REGULATIONS FOUND ON-LINE
- * EXHIBIT B PHOTOGRAPHS OF 100 CENTER STREET
- * EXHIBIT C LATEST PETITIONS
- * EXHIBIT D PRIOR PETITIONS TO PREVIOUS APPLICATION
- * EXHIBIT E TITLE INSURANCE COMMITMENT FOR PURCHASE OF PROPERTY AND CURRENT TITLE INSURANCE POLICY
- * EXHIBIT F WARRANTY DEED
- * EXHIBIT G CONTRACT OF SALE
- * EXHIBIT H SURVEY PROVIDED BY BANK OF AMERICA SELLER TO DR. TRACY MALTON IN 2020
- EXHIBIT I FIRST FLOOR SITE PLAN OF 100 CENTER ST.
- EXHIBIT J MEMORANDUM OF LAW- UNDUE HARDSHIP
- * EXHIBIT K LATEST CORRESPONDENCES AND E-MAILS

* details and documents relative to the above exhibits available in the file at the Planning and Zoning Department - Town Hall - 45 South Main Street Wallingford, CT

EXHIBIT I

FIRST FLOOR SITE PLAN OF 100 CENTER ST.

WILLIAM STREET
±98'-2"



CENTER STREET

- MEDICAL OFFICE USE AREA WITHIN 50' CENTER STREET SETBACK - 1108 S.F. NET
- MEDICAL OFFICE USE AREA OUTSIDE 50' CENTER STREET SETBACK - 1271 S.F. NET
- ALLOWED USES AREA WITHIN 50' SETBACK - 1,684 S.F. NET
- COMPENSATORY ALLOWED USE OUTSIDE 50' CENTER STREET SETBACK - 1312 S.F. NET

LAZARUS AND SARGEANT

50 NORTH MAIN STREET
WALLINGFORD, CONNECTICUT 06492
203-265-3194 203-294-1610 F

WELLNESS CENTER BUILDING

100 CENTER STREET
WALLINGFORD, CONNECTICUT

FIRST FLOOR / SITE PLAN

2371
Mdl

DATE	
SCALE	3/8"
DRAWN BY	
SHEET	



Town of Wallingford, Connecticut

TOWN ATTORNEY
GERALD E. FARRELL, SR.
ASSISTANT TOWN ATTORNEY
GEOFFREY T. EINHORN
CORPORATION COUNSEL
JANIS M. SMALL
DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2140
FAX (203) 294-2112
lawdept@wallingfordct.gov

MEMORANDUM

TO: Members of the Zoning Board of Appeals
FROM: Janis M. Small, Corporation Counsel
RE: Use Variance Application – 100 Center Street
DATE: August 11, 2020

20-017

Attached is a copy of a memo I provided to you regarding general principles of law applicable to the granting of a variance. With respect to this Application, I submit the following additional comments.

1. It is my understanding that the initial application was withdrawn and this is a new one. Therefore, the record will be new and you should treat it as such. Unless you incorporate the entire record from the previous application into this record, you are starting fresh.
2. While admirable, the support of the Applicant's clients is not relevant to the legal test applicable to the granting of the variance.
3. A variance is based upon the peculiar characteristics of the property and not the Applicant's mistaken belief regarding zoning. Nor is it created simply by a change in the regulations (if so, everything would qualify for a variance). It must involve attributes of the property itself and that should be the basis of your analysis.
4. "A variance is not a tool of convenience, but one of necessity They are not to be granted when a reasonable use already is present, or plainly is possible under the regulations, but an owner prefers otherwise." *Verrillo v. ZBA*, 155 Conn. App. 657, 716 (2015).
5. This is a request for a use variance. Give serious consideration to the fact that the Town Center District was created in 2018 after analysis by the Planning and Zoning Commission. Give careful consideration to the requirement that the variance will not "affect substantially the comprehensive zoning plan."

Memorandum - Zoning Board of Appeals
August 11, 2020
Page Two

6. I have found no cases in which reliance on a "zoning designation" by a surveyor is sufficient to justify the granting of a use variance. Nowhere in the materials submitted by the Applicant is there an explanation as to why the Planning Department was not directly consulted. Further, reliance on a "Google" search is legally insufficient.

7. The Applicant makes a vague claim under the ADA. It does not appear that the Applicant is prevented from complying with the regulations while providing appropriate access to the property. If this claim is being pursued, the Applicant must be required to provide further detail as to the nature of the accommodation request. The hearing should be continued in order to provide further review of the request. (You may proceed with the hearing but should not close it at this time.)

8. The claim of lack of knowledge of the zone change is not legally sufficient to create an undue hardship. The regulation was enacted properly.



Janis M. Small
Corporation Counsel

JMS/bjc

Enclosure



Town of Wallingford, Connecticut

MEMORANDUM

TO: Members of the Zoning Board of Appeals

CC: Kacie A. Costello, Town Planner

FROM: Janis M. Small, Corporation Counsel

RE: Variances

DATE: May 31, 2017

TOWN ATTORNEY
GERALD E. FARRELL, SR.

ASSISTANT TOWN ATTORNEY
GEOFFREY T. EINHORN

CORPORATION COUNSEL
JANIS M. SMALL

DEPARTMENT OF LAW
WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492

TELEPHONE (203) 294-2140
FAX (203) 294-2112
lawdept@wallingfordct.gov

The following is an outline of general legal principles regarding variances. I understand the Board has new members and I thought a general overview of the law may be helpful. The Board plays a crucial role in the community. The importance of working within the proper legal framework cannot be overstated. The outline is a statement of established legal principles to consider when dealing with a variance application.

1. A variance is the authority to use property in a manner forbidden by the zoning regulations; it runs with the land so it is not just for the applicant.

2. Variances are reserved for unusual or exceptional circumstances. The Board's purpose, however, is to, when appropriate, insure that the regulations do not operate in an arbitrary or confiscatory manner. The decision to grant a variance is based upon the particular facts of the case.

3. Great caution must be used in granting variances or the fabric of zoning is unraveled and the purpose of securing orderly development is thwarted.

4. An applicant must show that, because of a peculiar characteristic of his property, the strict application of the regulations will produce an unusual hardship. The establishment of a hardship in the property is at the basis of the Board's analysis. The hardship in the property must be different from properties in the zone; it must be unique.

5. In addition to establishing an unusual hardship, the applicant must show that the variance will not affect substantially the comprehensive plan (zoning regulations). The most serious example of a variance which could affect the comprehensive plan is a use variance.

6. A variance is not a personal exemption from the enforcement of zoning regulations. Disappointment in the use of the property is not a proper basis.

7. Financial loss or the potential for financial gain is not a legitimate basis for a variance. Nor are self-inflicted hardships by the owner or its predecessor. Improving the use/appearance of the property is not a legally sufficient reason to grant a variance.

8. A variance which reduces or eliminates a nonconforming use or building may be valid. A variance which increases the nonconformity is not valid.

9. "Restraint on trade" and "better use of the property" are not sufficient reasons to grant a variance. First and foremost, there must be a hardship in the land distinct from other properties in the same zone.

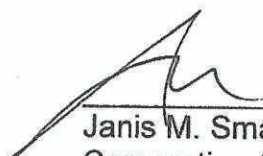
10. If the applicant can comply with the zoning regulations but does not want to, there is no basis for the variance. The preferences of the applicant are not relevant.

11. A final note regarding procedure: The law requires the Board to state, on the record, its collective reason for granting a variance. If the Board does not do so, the Court, on an appeal, will search the record in order to determine if there was a legitimate reason for the variance. The Court recognizes that you are a volunteer board of lay people and, in the event the reason is not stated, it will search the record. Individual reasons of members are not the collective reason of the Board. The best way to provide a collective reason is to include it in the motion. For example:

Motion to approve _____ variance because the hardship is _____ and the variance will not substantially affect the comprehensive plan.

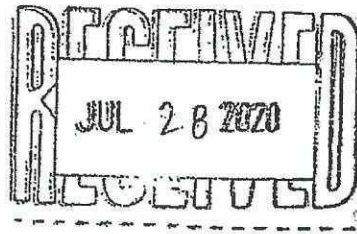
It is not sufficient for the movant to say "I make this motion because I believe . . .". That is a personal reason. (You would be surprised how much litigation exists over whether a "collective" reason was stated.)

This memorandum is meant to be a general guide of established principles relating to variances. If you have any questions, generally or regarding a specific matter or procedure, I am available to the Board for assistance.



Janis M. Small
Corporation Counsel

#20-017



July 20, 2020

To Whom It May Concern:

I am writing to you today in regard to the old Bank of America building that was recently purchased by Dr. Tracy of Healing Hands Chiropractic. My family and I have been patients of her office for over five years now and I want to attest that she is an amazing person, leader, business owner, and doctor. Her business in the center of town would highly benefit the town in many ways. Not only has it opened the door for me as an individual to check out other stores in the nearby areas where I would not have normally stopped to shop, but it has opened up foot traffic for others to have a reason to come to the area and peruse the current shops when normally they would not have stopped before. .

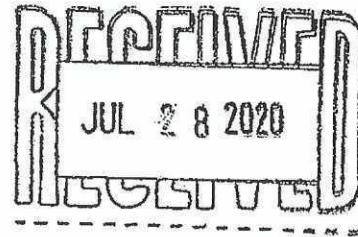
I highly support her new building and efforts to open up because she will be a benefit to our town in more ways than one. Thank you.

Sincerely,

Cara Simmons



#20-017



July 13th, 2020

To: Town of Wallingford
From: Joe Simmons, Supervisor - Family Pest Control LLC

Re: Healing Hands Chiropractic

This is my second letter written concerning the variance by Healing Hands Chiropractic variance to have their practice at the former Bank of America building. Previously I had written about the foot traffic generated via the practice on Center Street. ~~As obviously we are now in a different period in history, foot traffic anywhere has now been reduced dramatically over the last several months.~~

During the initial portions of the quarantine, in most cases, the only foot traffic anywhere was at doctor's offices. While those appointments were reduced, they continued as I had many outside the practice in question. However, during this period, Healing Hands Chiropractic remained open safely and provided proper safe behavior habits that patients could emulate outside the practice off in the community.

One of Dr. Tracey Malton's strengths as a business leader is the appreciation of other business leaders need to maintain and grow their businesses. She regularly has recommended my business to patients, friends, and business associates. I have no doubt this will continue in the new location and will impact Center street as a whole to a greater degree possible at the current location.

The events of recent months take wisdom to create real solution to a problem that is not going away soon. I have no doubt that considering approving the variance would be good long-term solution to a problem that has quickly impacted all of our lives in permanent ways.

Thank you for your consideration on this matter.

Regards,

Joe Simmons
Owner - Family Pest Control

August 06, 2020

Wallingford Zoning Board of Appeals
Town of Wallingford
45 South Main Street
Wallingford, Connecticut 06492



Dear Chairman Rusczek and Hon. Members of the Zoning Board of Appeals:

I would appreciate that this correspondence read into the record.

I am writing to you in support of Dr. Malton's application for variances.

As a former chairman of this Board, I know the subject of hardship needs to be investigated, discussed, and found in order for the granting of a variance. I offer the following comments to the Board to consider:

Change in Regulation

The effective date for the Town Center Zoning Regulations is 08/17/2018. At which time, Dr Malton's current location was created non-conforming from the change. The change in regulation in itself created a hardship to the operation of the business.

Strict Application of the Regulations

A strict application of the zoning regulations creates an undue hardship to the applicant. Not only was the existing business created non-conforming but the possibly of expansion of the business would be severely limited by the application of the current regulations.

Service Establishment

Wallingford zoning regulations are permissive regulations. Permissive zoning regulations mean that if the regulations do not clearly state uses then they are considered prohibited.

There is an exception to the permissive nature of the regulations in the cases where a use is mentioned in the regulations but a definition is not provided then the latest version of the American Heritage Dictionary is used to supplement the definition section of the zoning regulations.

Service Establishments are permitted as of right in the center zone district however there is not a definition for what is considered a service establishment. The American Heritage Dictionary defines service as: *"Work that is done for others as an occupation or business, or An act or a variety of work done for others, especially for pay"* Establishment is defined as *"A place of residence or business with its possessions and staff"*.

Because the zoning regulations fail to provide a clear definition on what is considered a service establishment, one could assume the above definitions would be combined as the definition for service establishment. In other words, the broad definition would read as the following:

Service Establishment- a place of residence or business where work is done for others as an occupation or business

With such a broad definition for service establishment, it is very easy to consider that strict application of the regulations would create a hardship that would restrict trade or operation of the business. When the strict application of the regulations does impede trade, one could consider this as being a hardship.

Conflict with Americans with Disabilities Act (ADA)

The current zoning regulations prohibits the operation of "medical" services on the ground floor of structures within the town center. Typically, a medical facility needs to be located on the ground floor or laid out in a way that accessible space is provided to disable individuals. In other words, a reasonable accommodation would be to locate such a business on the ground floor so that someone looking to enter the facility would be able to access it.

Some members may think that installation of an elevator or lift would solve the issue. These may be the same members who would assume that financial costs associated with this change could not be considered. Looking at the request from a purely ADA perspective, a reasonable accommodation could be permitting the use on the ground floor.

Harmony with District/ Orderly Development

The Zoning Board of Appeals is authorized by Connecticut General Statutes 8-6:

Powers and duties of board of appeals. (a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter; (2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and (3) to determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed.

The intent of the Center Zone District:

Purpose –To encourage the development and redevelopment of the entire Town Center area as a vibrant pedestrian-friendly commercial destination, with strong supportive institutional and residential components, while building off of and promoting a "Town Center" character

The granting of variance would be consistent with CGS 8-6. The application would result in the redevelopment of a parcel in the Town Center which would provide a strong supportive

business. No changes are being proposed which would conflict with the pedestrian friendly nature of this property and building.

As some of the Board members who served with me know, I have worked as a professional planner for the past 15 years for various communities. In my professional opinion, there is a clear demonstration of hardship with this application. I outlined above some of the reasons such as a restriction of trade, the physical application of the regulations creates a hardship, the request does not conflict with the harmony of the district nor the intent of the zoning regulations, etc.

Personally, I question whether a variance was actually required based on the lack of definition of service establishment.

I urge you to vote in favor of the variances. As a former chairman of the Zoning Board of Appeals, I would have supported the request.

Thank you for your consideration.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "M. Glidden".

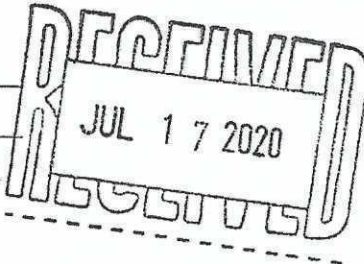
Michael Glidden CFM CZEO
29 Pomeroy Avenue
Wallingford, Ct 06492
michaelnglidden@gmail.com

ZONING BOARD OF APPEALS
Wallingford, Connecticut
APPLICATION FOR VARIANCE

APPLICATION NO.: 20-018
 APPROVED: _____
 DENIED: _____

The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.

- 1.) Street Address or Location of the Property: 1179 South Broad Street
 2.) Zoning District of the Property: CB-40
 3.) Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied. If more than one variance, list each separately.



Type of Variance	Section of Zoning Regulations	Required by Regulations	Existing	Proposed
<u>Non con use of Land</u>	<u>6.1.3.a</u>	<u>No expansion</u>	<u>Non conformance</u>	<u>Expand con conformance</u>
<u>Front porch setback</u>	<u>5.1.b</u>	<u>50 ft</u>	<u>53.9 ft</u>	<u>47.9 ft</u>
<u>Side yard east</u>	<u>5.1.b</u>	<u>20 ft</u>	<u>16.8 ft</u>	<u>16.8 ft</u>
<u>Side yard west</u>	<u>5.1.b</u>	<u>20 ft</u>	<u>19.6 ft</u>	<u>19.6 ft</u>

- 4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): Add 2nd Floor and to Add Front Porch
 5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: The cost to relocate septic tank and add foundation

- 6.) If any variances for the Property have previously been requested, please complete the following section.
 a. Date(s) of ZBA action: _____
 b. What variance(s) were requested: _____
 c. What variance(s) were granted: _____

7.) **APPLICANT** (Please list mailing address.)

Name(s): ANTHONY CARDONA Signature: [Signature]
 Address: 1179 South Broad ST City: Wallingford State: CT Zip: 06492
 Telephone No: 203-464-6775 Interest in Property: Owner: Other: _____

8.) **PROPERTY OWNER(S) OF RECORD** (Please list mailing address. This section must be completed.)

Name(s): ANTHONY CARDONA Signature: [Signature]
 Address: 1179 South Broad ST City: Wallingford State: CT Zip: 06492
 Telephone No: 203-464-6775

9.) Please list below the names and mailing addresses of all abutting property owners. (Those properties that are directly adjacent or contiguous to yours.)

Name	Mailing Address
1. <u>Angelo and Marianna Cardona</u>	<u>1177 South Broad St Wallingford</u>
2. <u>Robert Case (Landscape growers LLC)</u> <u>Mary</u>	<u>30 Mapleview Rd Wallingford</u>
3. _____	_____
4. <u>Staffordshire Condos</u>	<u>Please See Attached form.</u>
5. _____	_____
6. _____	_____

(Attach additional sheet(s) if necessary)

10.) Please provide directions to the subject property from a well recognized Town road. off of RT-150

NOTES TO APPLICANT:

1. Please provide eleven copies of a map or plan drawn to scale clearly illustrating the variance(s) requested. (The plan must show the property boundaries, all existing and proposed buildings and dimensions for any setback, size, area or height related variance request.)
2. The Applicant must notify abutters by Certificate of Mailing, 10-15 days prior to the Public Hearing by sending them a copy of the Legal Notice. The Legal Notice will be sent to the Applicant at least 15 days prior to the meeting. Certificates of Mailing must be returned to the Planning & Zoning Office at least five days prior to the meeting.
3. The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

(FOR ZBA USE ONLY)

DECISION: GRANTED DENIED EFFECTIVE DATE: _____ / _____ / _____

REASON(S) FOR DECISION: _____

CONDITION(S): _____

The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

SIGNED: _____

TITLE: _____

WALLINGFORD
ZONING BOARD OF APPEALS
Variance Application: Revised May 2008

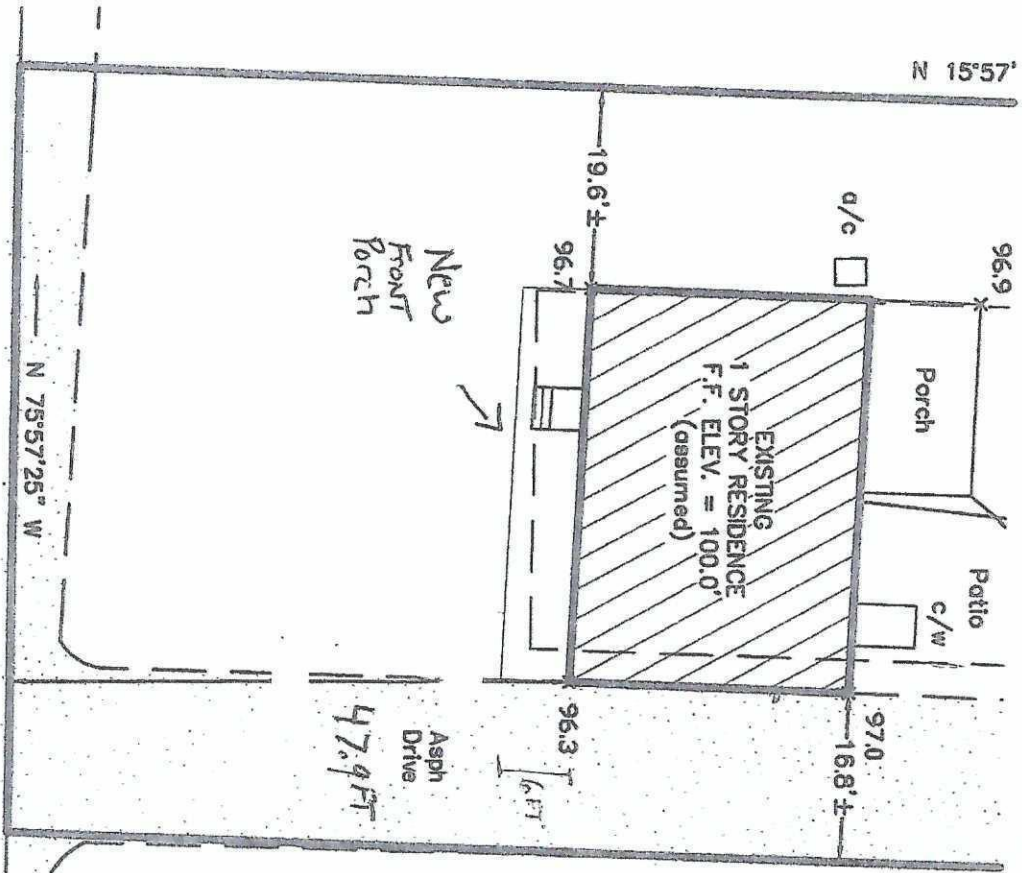
15	42	66	66 STAFFORDSHIRE	66 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	
15	42	67	67 STAFFORDSHIRE	344 HADDAM QUARTER RD	DURHAM	CT	06422	REES BONITA A
15	42	68	68 STAFFORDSHIRE	25 MERRIMAN LN	WALLINGFORD	CT	06492	GAROFALO SUSAN M
15	42	69	69 STAFFORDSHIRE	69 STAFFORDSHIRE	WALLINGFORD	CT	06492	PICKERIGN BRETT
15	42	70	70 STAFFORDSHIRE	11 WHEATFIELD DR	WALLINGFORD	CT	06492	KEIRN BRIAN T
15	42	71	71 STAFFORDSHIRE	71 STAFFORDSHIRE	WALLINGFORD	CT	06492	DIEGO II LLC
15	42	72	72 STAFFORDSHIRE	72 STAFFORDSHIRE	WALLINGFORD	CT	06492	DELUCIA ANDREW W
15	42	73	73 STAFFORDSHIRE	1057 DANIELS FARM RD	TRUMBULL	CT	06611	KLEEFELD ROBERT J
15	42	74	74 STAFFORDSHIRE	74 STAFFORDSHIRE COMMONS DR	WALLINGFORD	CT	06492	HUANG JIANBING + HONG KOUTSOPOLOS LAURA
15	42	75	75 STAFFORDSHIRE	75 STAFFORDSHIRE	WALLINGFORD	CT	06492	
15	42	76	76 STAFFORDSHIRE	2 RESERVOIR RD	WALLINGFORD	CT	06492	STORCK SANDRA
15	42	77	77 STAFFORDSHIRE	10 DANA BLVD	WALLINGFORD	CT	06492	PASSAGGI LLC
15	42	78	78 STAFFORDSHIRE	556 MONROE TURNPIKE	MONROE	CT	06492	LUDOVICA LLC
15	42	79	79 STAFFORDSHIRE	79 STAFFORDSHIRE	WALLINGFORD	CT	06492	ROSS BARBARA
15	42	80	80 STAFFORDSHIRE	80 STAFFORDSHIRE	WALLINGFORD	CT	06492	NEGRON MICHAEL
15	42	81	81 STAFFORDSHIRE	P.O. BOX 310100	NEWINGTON	CT	06131	DUCSAY MATTHEW
15	42	82	82 STAFFORDSHIRE	82 STAFFORDSHIRE	WALLINGFORD	CT	06492	CASTLETON LAND LLC
15	42	83	83 STAFFORDSHIRE	83 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	ESPOSITO RYAN + SPADORY REBECCA
15	42	84	84 STAFFORDSHIRE	84 STAFFORDSHIRE	WALLINGFORD	CT	06492	GROSSOMANIDES COSTAS + ELAINE
15	42	85	85 STAFFORDSHIRE	85 STAFFORDSHIRE	WALLINGFORD	CT	06492	VIOLANO MARK T
15	42	86	86 STAFFORDSHIRE	122 SIMKINS DR	BRISTOL	CT	06010	GLASS LYNDSSEY
15	42	87	87 STAFFORDSHIRE	87 STAFFORDSHIRE	WALLINGFORD	CT	06492	ROBLES ROBERT G + ROSEMARIE D
15	42	88	88 STAFFORDSHIRE	88 STAFFORDSHIRE	WALLINGFORD	CT	06492	DEFILIPPO ERIC J
15	42	89	89 STAFFORDSHIRE	89 STAFFORDSHIRE	WALLINGFORD	CT	06492	LATAK MICHAEL J JR + TIFFANY CECILIA L
15	42	90	90 STAFFORDSHIRE	90 STAFFORDSHIRE	WALLINGFORD	CT	06492	MILLER CHARLES
15	42	91	91 STAFFORDSHIRE	91 STAFFORDSHIRE	WALLINGFORD	CT	06492	BALIK IBRAHIM
15	42	92	92 STAFFORDSHIRE	604 NE 2ND ST	DANIA BEACH	FL	33004	ALMONTE CHRISTIAN NICHOLAS + VERONICA MILAGROS
15	42	93	93 STAFFORDSHIRE	93 STAFFORDSHIRE	WALLINGFORD	CT	06492	OSTROWSKI DAVID F
15	42	94	94 STAFFORDSHIRE	94 STAFFORDSHIRE	WALLINGFORD	CT	06492	PALAI PATRICIA
15	42	95	95 STAFFORDSHIRE	95 STAFFORDSHIRE	WALLINGFORD	CT	06492	LAROSA THOMAS J
15	42	96	96 STAFFORDSHIRE	96 STAFFORDSHIRE	WALLINGFORD	CT	06492	ENGELHARDT ELISE
15	42	97	97 STAFFORDSHIRE	10 DANA BLVD	WALLINGFORD	CT	06492	HALKYARD KELLY
15	42	98	98 STAFFORDSHIRE	71 VENTURA DR	COLCHESTER	CT	06415-2080	MARE 1 LLC BOLASH REGINA L
15	42	99	99 STAFFORDSHIRE	99 STAFFORDSHIRE	WALLINGFORD	CT	06492	CIVARDI REGINA L
15	42	100	100 STAFFORDSHIRE	100 STAFFORDSHIRE	WALLINGFORD	CT	06492	COCCHIARO VINCENT D
15	42	101	101 STAFFORDSHIRE	101 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	BURDICK GARY R
15	42	102	102 STAFFORDSHIRE	102 STAFFORDSHIRE	WALLINGFORD	CT	06492	FARRELL MICHAEL R
15	42	103	103 STAFFORDSHIRE	103 STAFFORDSHIRE	WALLINGFORD	CT	06492	VAIANA JOSEPH + KAREN M
15	42	104	104 STAFFORDSHIRE	104 STAFFORDSHIRE	WALLINGFORD	CT	06492	BELLMORE CHARLES R + LISA MARIE MICHALOWSKI ALFRED +
15	42	105	105 STAFFORDSHIRE	105 STAFFORDSHIRE	WALLINGFORD	CT	06492	MICHALOWSKA TERESA J
15	42	106	106 STAFFORDSHIRE	106 STAFFORDSHIRE	WALLINGFORD	CT	06492	WALDMAN ERIC
15	42	107	107 STAFFORDSHIRE	107 STAFFORDSHIRE	WALLINGFORD	CT	06492	NEWELL CHRISTOPHER B
15	42	108	108 STAFFORDSHIRE	108 STAFFORDSHIRE	WALLINGFORD	CT	06492	MCCARTHY COLIN R
15	42	109	109 STAFFORDSHIRE	109 STAFFORDSHIRE	WALLINGFORD	CT	06492	IPUCHA PABLO
15	42	110	110 STAFFORDSHIRE	110 STAFFORDSHIRE	WALLINGFORD	CT	06492	ARENA CYNTHIA V
15	42	111	111 STAFFORDSHIRE	111 STAFFORDSHIRE	WALLINGFORD	CT	06492	MATURO MICHAEL
15	42	112	112 STAFFORDSHIRE	112 STAFFORDSHIRE	WALLINGFORD	CT	06492	KNIGHT DIANE
15	42	113	113 STAFFORDSHIRE	113 STAFFORDSHIRE	WALLINGFORD	CT	06492	PERCHINSKI EILEEN M
15	42	114	114 STAFFORDSHIRE	114 STAFFORDSHIRE	WALLINGFORD	CT	06492	NOLIN KIM AKA NOLIN KIM M
15	42	115	115 STAFFORDSHIRE	115 STAFFORDSHIRE COMMONS DR	WALLINGFORD	CT	06492	HU PING MORGANTI RICHARD
15	42	116	116 STAFFORDSHIRE	116 STAFFORDSHIRE	WALLINGFORD	CT	06492	CAROL J SANTAGATA TRUST DATED JAN 1 2001
15	42	117	117 STAFFORDSHIRE	117 STAFFORDSHIRE	WALLINGFORD	CT	06492	PAUL J PANARONI TRUSTEE
15	42	118	118 STAFFORDSHIRE	3724 CERISE CIRCLE	NEW BERN	NC	28562	RUSSO RICHARD P
15	42	119	119 STAFFORDSHIRE	119 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	DEVINCE FRANCIS + DIANE
15	42	120	120 STAFFORDSHIRE	96 RIDGEVIEW RD	SOUTHBURY	CT	06488-1966	COHEN PAUL SOMERS GREGORY
15	42	121	121 STAFFORDSHIRE	121 STAFFORDSHIRE	WALLINGFORD	CT	06492	HUSTED DAVID F
15	42	122	122 STAFFORDSHIRE	122 STAFFORDSHIRE	WALLINGFORD	CT	06492	BLAKE AMINA S
15	42	123	123 STAFFORDSHIRE	120 SQUIRES RD	MADISON	CT	06443	KENNEDY JOHN III + HAMILTON JOLYNN
15	42	124	124 STAFFORDSHIRE	124 STAFFORDSHIRE	WALLINGFORD	CT	06492	DIGIOVANNI JOSEPH C
15	42	125	125 STAFFORDSHIRE	125 STAFFORDSHIRE	WALLINGFORD	CT	06492	VALENTE ELIZABETH A
15	42	126	126 STAFFORDSHIRE	123 COSEY BEACH AVE UNIT#4	EAST HAVEN	CT	06512	DOUGLAS DIANA T
15	42	127	127 STAFFORDSHIRE	127 STAFFORDSHIRE	WALLINGFORD	CT	06492	MAJOR MARY C LU + MARGUERITE A
15	42	128	128 STAFFORDSHIRE	128 STAFFORDSHIRE	WALLINGFORD	CT	06492	PALERMO SUSAN
15	42	129	129 STAFFORDSHIRE	129 STAFFORDSHIRE	WALLINGFORD	CT	06492	BOREN DONALD M
15	42	130	130 STAFFORDSHIRE	130 STAFFORDSHIRE	WALLINGFORD	CT	06492	DURSO SALLY ANN
15	42	131	131 STAFFORDSHIRE	131 STAFFORDSHIRE	WALLINGFORD	CT	06492	CASSIDY MATTHEW
15	42	132	132 STAFFORDSHIRE	132 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	AMENTO JANET M

Abutters listing

MAP	LOT	UNIT	LOCATION	MAIL ADDRESS	CITY	STATE	ZIP	OWNER	OWNER 2
15	42	1	1 STAFFORDSHIRE	1 STAFFORDSHIRE	WALLINGFORD	CT	06492	POTTER DANIELLE A + SEITZ ERIK D	C/O DAVID E SEITZ
15	42	2	2 STAFFORDSHIRE	208 HIGHLAND AVE	WALLINGFORD	CT	06492	HICKS KENNETH A	
15	42	3	3 STAFFORDSHIRE	3 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	DIXON TROY O	
15	42	4	4 STAFFORDSHIRE	4 STAFFORDSHIRE	WALLINGFORD	CT	06492	TANCRETI AMY LYN	
15	42	5	5 STAFFORDSHIRE	5 STAFFORDSHIRE	WALLINGFORD	CT	06492	MURRAY SYLVIA G	
15	42	6	6 STAFFORDSHIRE	6 STAFFORDSHIRE	WALLINGFORD	CT	06492	RUIJERMAN AMY + MICHAEL	
15	42	7	7 STAFFORDSHIRE	7 STAFFORDSHIRE	WALLINGFORD	CT	06492	SHERIDAN KEVIN	
15	42	8	8 STAFFORDSHIRE	8 STAFFORDSHIRE COMMONS	WALLINGFORD	CT	06492	MIKULAK LAUREN	
15	42	9	9 STAFFORDSHIRE	14 SHOREVIEW LN	DANBURY	CT	06811	S N D LLC	
15	42	10	10 STAFFORDSHIRE	10 STAFFORDSHIRE COMMONS	WALLINGFORD	CT	06492	MUKON ANDREW	
15	42	11	11 STAFFORDSHIRE	11 STAFFORDSHIRE	WALLINGFORD	CT	06492	AVILA LUIS	
15	42	12	12 STAFFORDSHIRE	102 UNION ST	PLANTSVILLE	CT	06479	MADDEN RICHARD J	
15	42	13	13 STAFFORDSHIRE	235 BASSETT RD	NORTH HAVEN	CT	06473	CASTELLON MICHAEL	
15	42	14	14 STAFFORDSHIRE	44 BRANDEGEE LN	BERLIN	CT	06037	KISSANE PATRICK	
15	42	15	15 STAFFORDSHIRE	62 TAMARAC RD	WALLINGFORD	CT	06492	PLUKAITIS ELIZABETH K +	DEFELICE MICHAEL A
15	42	16	16 STAFFORDSHIRE	16C STAFFORDSHIRE	WALLINGFORD	CT	06492	DIGRASSI PAUL A	
15	42	17	17 STAFFORDSHIRE	17 STAFFORDSHIRE	WALLINGFORD	CT	06492	TRUE NICHOLAS	
15	42	18	18 STAFFORDSHIRE	18 STAFFORDSHIRE	WALLINGFORD	CT	06492	WILLETTE SCOTT V	
15	42	19	19 STAFFORDSHIRE	19 STAFFORDSHIRE	WALLINGFORD	CT	06492	MANGINI ERNEST	
15	42	20	20 STAFFORDSHIRE	20 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	INGRAHAM NORTON H	
15	42	21	21 STAFFORDSHIRE	21 STAFFORDSHIRE	WALLINGFORD	CT	06492	FERRETTI JOSEPH A JR	
15	42	22	22 STAFFORDSHIRE	22 STAFFORDSHIRE	WALLINGFORD	CT	06492	SAMAL GREGORY J REVOCABLE TRUST +	GREGORY J SAMAL TRUSTEE
15	42	23	23 STAFFORDSHIRE	23 STAFFORDSHIRE	WALLINGFORD	CT	06492	SMITH CHRISTOPHER M	
15	42	24	24 STAFFORDSHIRE	24 STAFFORDSHIRE	WALLINGFORD	CT	06492	GAETANO VINCENT	
15	42	25	25 STAFFORDSHIRE	25 STAFFORDSHIRE	WALLINGFORD	CT	06492	DIANA RACHAEL	
15	42	26	26 STAFFORDSHIRE	26 STAFFORDSHIRE	WALLINGFORD	CT	06492	NAZARIO JENNIFER	
15	42	27	27 STAFFORDSHIRE	2757 HERON LANDING	ORLANDO	FL	32837-5362	SNOW GEOFFREY	
15	42	28	28 STAFFORDSHIRE	28 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	HEILMAN CHERYL L	
15	42	29	29 STAFFORDSHIRE	29 STAFFORDSHIRE	WALLINGFORD	CT	06492	MARTINO JUDITH	
15	42	30	30 STAFFORDSHIRE	30 STAFFORDSHIRE	WALLINGFORD	CT	06492	CARLO CRYSTAL M	
15	42	31	31 STAFFORDSHIRE	31 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	SMITH CATHERINE L	
15	42	32	32 STAFFORDSHIRE	32 STAFFORDSHIRE	WALLINGFORD	CT	06492	TOVAR FRANCISCO	
15	42	33	33 STAFFORDSHIRE	33 STAFFORDSHIRE	WALLINGFORD	CT	06492	KRAUSZ ERIC	
15	42	34	34 STAFFORDSHIRE	34 STAFFORDSHIRE	WALLINGFORD	CT	06492	DORSEY PETER	
15	42	35	35 STAFFORDSHIRE	35 STAFFORDSHIRE	WALLINGFORD	CT	06492	PANNONE JOHN L JR	
15	42	36	36 STAFFORDSHIRE	36 STAFFORDSHIRE	WALLINGFORD	CT	06492	COADY JAMES III + SUZETTE J	
15	42	37	37 STAFFORDSHIRE	37 STAFFORDSHIRE	WALLINGFORD	CT	06492	HADINOTO KENNETH K	
15	42	38	38 STAFFORDSHIRE	38 STAFFORDSHIRE	WALLINGFORD	CT	06492	LESCO WILLIAM	
15	42	39	39 STAFFORDSHIRE	39 STAFFORDSHIRE	WALLINGFORD	CT	06492	ABDULLAH AMER	
15	42	40	40 STAFFORDSHIRE	40 STAFFORDSHIRE COMMONS	WALLINGFORD	CT	06492	BOGUE MAUREEN P	
15	42	41	41 STAFFORDSHIRE	41 STAFFORDSHIRE	WALLINGFORD	CT	06492	GRAMMATCID JOSEPH N JR	
15	42	42	42 STAFFORDSHIRE	401 WOODHOUSE AVE	WALLINGFORD	CT	06492	KORDORSKY JOSEPH J + DOREEN M	
15	42	43	43 STAFFORDSHIRE	43 STAFFORDSHIRE	WALLINGFORD	CT	06492	LICATA JAMES	
15	42	44	44 STAFFORDSHIRE	44 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	CAYES DORIS M	
15	42	45	45 STAFFORDSHIRE	45 STAFFORDSHIRE	WALLINGFORD	CT	06492	SORTITO MICHAEL A	
15	42	46	46 STAFFORDSHIRE	104 FAIR ST APT 3	WALLINGFORD	CT	06492	KELLY BRIAN P	
15	42	47	47 STAFFORDSHIRE	6 ROARKE RD	NORTH HAVEN	CT	06473	COLON MICHAEL	
15	42	48	48 STAFFORDSHIRE	48 STAFFORDSHIRE	WALLINGFORD	CT	06492	COCCHIARO BRIAN A	
15	42	49	49 STAFFORDSHIRE	98 HIGHLAND PARK RD	NORTH HAVEN	CT	06473	SUN KWOK K & KA-WAI L	
15	42	50	50 STAFFORDSHIRE	1 BLOSSOM LN	WALLINGFORD	CT	06492	HURLER BRIAN T	
15	42	51	51 STAFFORDSHIRE	51 STAFFORDSHIRE	WALLINGFORD	CT	06492	SERESIN LYNN	
15	42	52	52 STAFFORDSHIRE	1384 MERIDEN AVE	SOUTHINGTON	CT	06489	FARRELL MICHAEL J	
15	42	53	53 STAFFORDSHIRE	53 STAFFORDSHIRE COMMONS	WALLINGFORD	CT	06492	NASSER SALAH A	
15	42	54	54 STAFFORDSHIRE	54 STAFFORDSHIRE	WALLINGFORD	CT	06492	KOSTICK ROBERT J	
15	42	55	55 STAFFORDSHIRE	55 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	IANNUZZI SABATINO JR	
15	42	56	56 STAFFORDSHIRE	56 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	HICINBOTHEN HEATHER M	
15	42	57	57 STAFFORDSHIRE	57 STAFFORDSHIRE	WALLINGFORD	CT	06492	GARCIA JOHNNY R	
15	42	58	58 STAFFORDSHIRE	11 WHEATFIELD RD	WALLINGFORD	CT	06492	DIEGO II LLC	
15	42	59	59 STAFFORDSHIRE	59 STAFFORDSHIRE	WALLINGFORD	CT	06492	TRACY MARY	
15	42	60	60 STAFFORDSHIRE	372 LEGEND VIEW	WALES	WI	53183	HONG NING	
15	42	61	61 STAFFORDSHIRE	38 DRAPER WOODS RD	STURBRIDGE	MA	01518-1181	SANTANGELO STEPHEN A	
15	42	62	62 STAFFORDSHIRE	351 LUCILLE ST	FAIRFIELD	CT	06825	WALSH NICHOLAS	
15	42	63	63 STAFFORDSHIRE	63 STAFFORDSHIRE COMMONS	WALLINGFORD	CT	06492	DADIO ERICA A	
15	42	64	64 STAFFORDSHIRE	6 MEADOW VIEW DR	NORTH HAVEN	CT	06473	64 STAFFORDSHIRE COMMONS	BOLDUC DAVID - TRUSTEE
15	42	65	65 STAFFORDSHIRE	65 STAFFORDSHIRE	WALLINGFORD	CT	06492	MALIN CANARY ET AL	

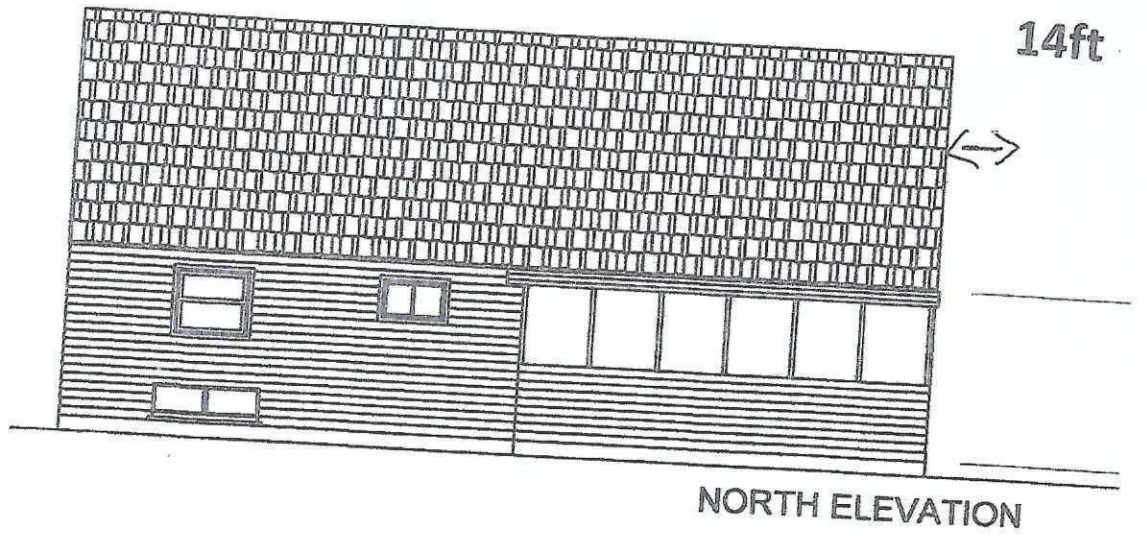
15	42	133	133 STAFFORDSHIRE	133 STAFFORDSHIRE	WALLINGFORD	CT	06492	ZANDRI ANITA MELILLO
15	42	134	134 STAFFORDSHIRE	134 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	BOUTHILLIER PETER A
15	42	135	135 STAFFORDSHIRE	135 STAFFORDSHIRE	WALLINGFORD	CT	06492	PETIPAS WILLIAM P
15	42	136	136 STAFFORDSHIRE	136 STAFFORDSHIRE	WALLINGFORD	CT	06492	HINES EDWARD JR
15	42	137	137 STAFFORDSHIRE	137 STAFFORDSHIRE	WALLINGFORD	CT	06492	AMATO JAMES
15	42	138	138 STAFFORDSHIRE	196 DERBY AVE	ORANGE	CT	06477	RUDELLE WILLIAM E + KATHLEEN G
15	42	139	139 STAFFORDSHIRE	139 STAFFORDSHIRE	WALLINGFORD	CT	06492	ELBLEIN RYAN A
15	42	140	140 STAFFORDSHIRE	140 STAFFORDSHIRE	WALLINGFORD	CT	06492	LYNES ERIC + HELTKE LAUREN
15	42	141	141 STAFFORDSHIRE	141 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	MCNALLY PATRICK J
15	42	142	142 STAFFORDSHIRE	142 STAFFORDSHIRE	WALLINGFORD	CT	06492	STEGOS DAVID
15	42	143	143 STAFFORDSHIRE	459 WOOD HILL RD	CHESHIRE	CT	06410-4334	LEWOC TOM JR
15	42	144	144 STAFFORDSHIRE	144 STAFFORDSHIRE	WALLINGFORD	CT	06492	ROGERS JAMES + THERESA
15	42	145	145 STAFFORDSHIRE	145 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	BARYS JOSEPH F
15	42	146	146 STAFFORDSHIRE	23 SHALLOWBROOK LN	MANCHESTER	CT	06040	LISA CULMONE LLC
15	42	147	147 STAFFORDSHIRE	147 STAFFORDSHIRE	WALLINGFORD	CT	06492	SMITH SALLY F + ET AL
15	42	148	148 STAFFORDSHIRE	148 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	GEULEN ROSEMARY MAE
15	42	149	149 STAFFORDSHIRE	229 BRANFORD RD APT 212	NORTH BRANFORD	CT	06471	OBRIEN MARC T
15	42	150	150 STAFFORDSHIRE	150 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	KELLY JAMES F
15	42	151	151 STAFFORDSHIRE	151 STAFFORDSHIRE	WALLINGFORD	CT	06492	DREXLER JAMES A + MARICICA L
15	42	152	152 STAFFORDSHIRE	152 STAFFORDSHIRE	WALLINGFORD	CT	06492	HEINRICH GENEVIEVE
15	42	153	153 STAFFORDSHIRE	153 STAFFORDSHIRE COMMON	WALLINGFORD	CT	06492	OBIE ROBERT F

Count: 153

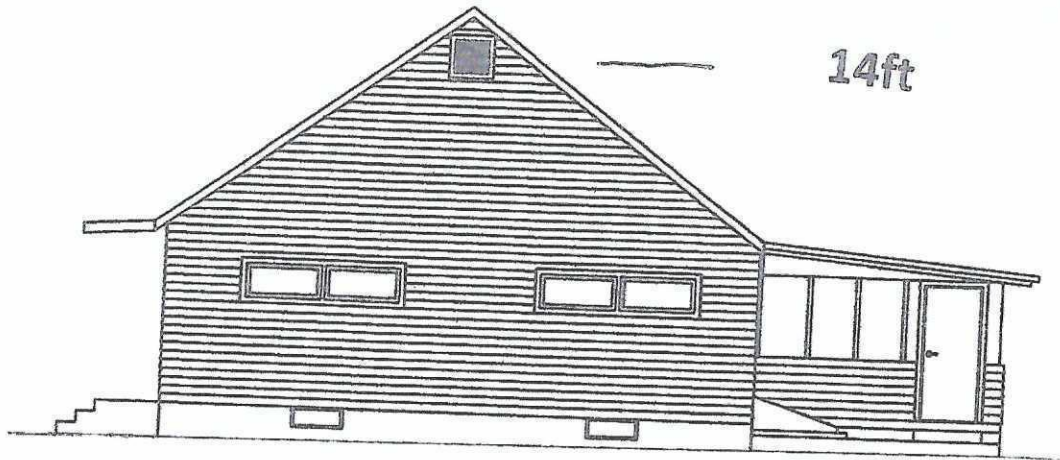


PROPOSED

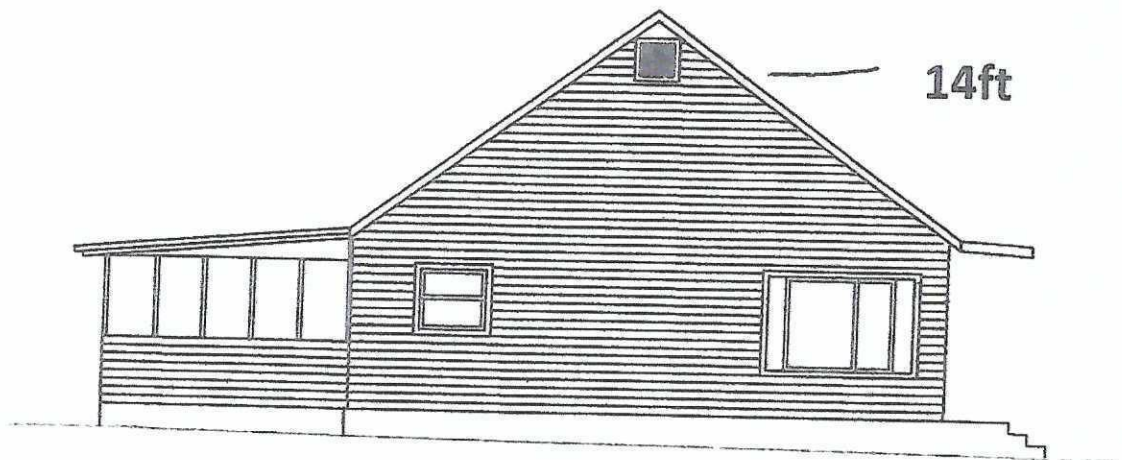
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EXISTING

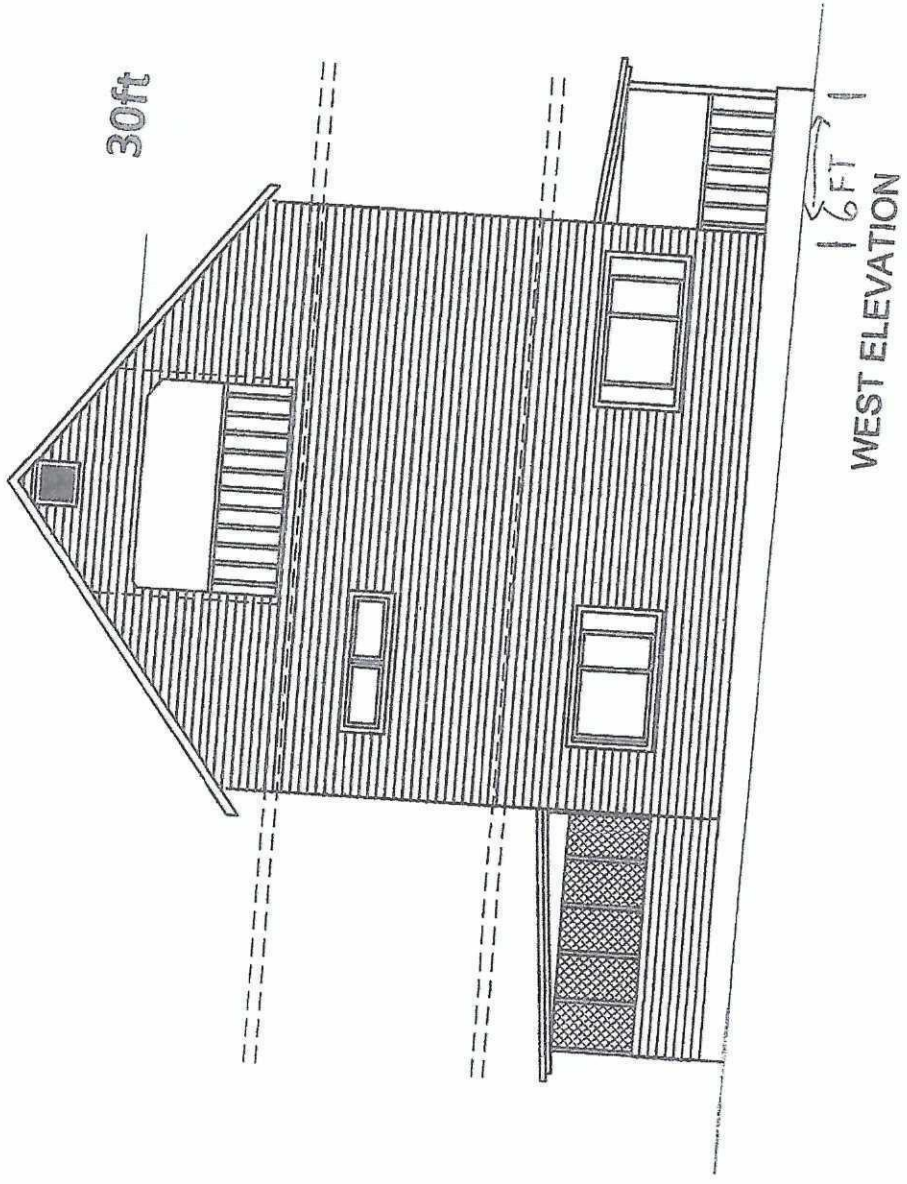


EAST ELEVATION



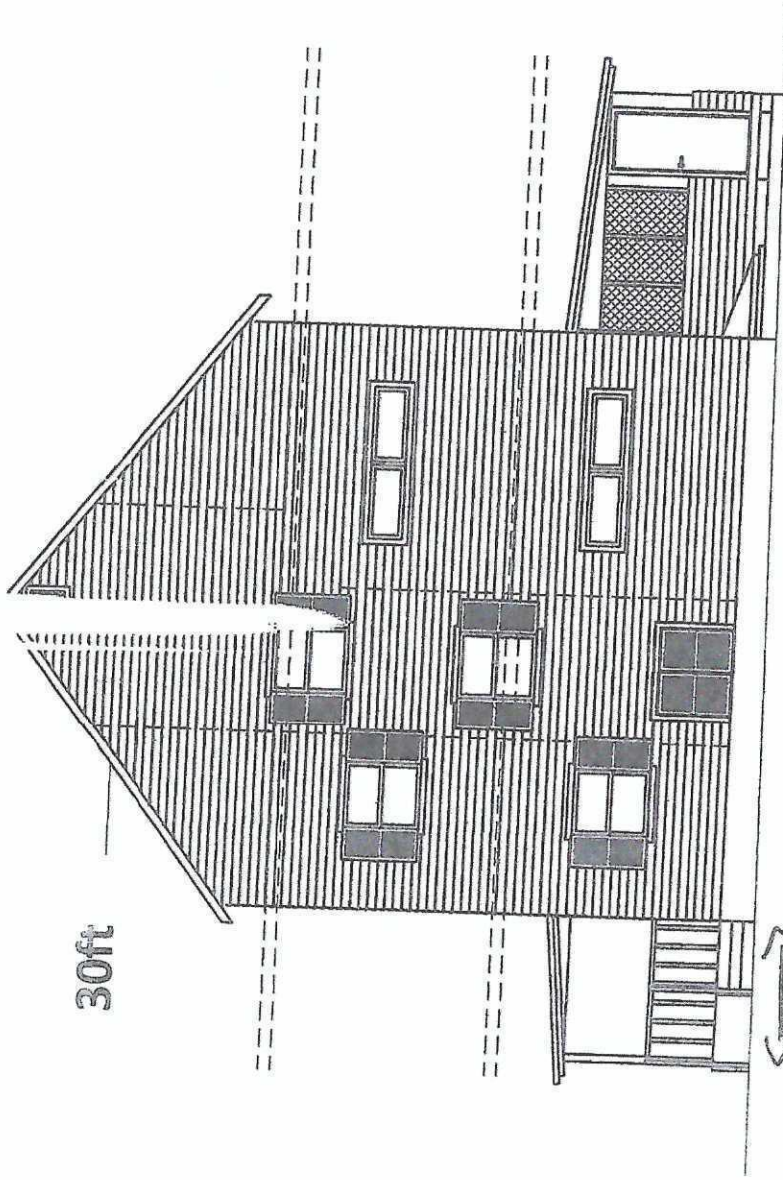
WEST ELEVATION

PROPOSED



PROPOSED

30ft

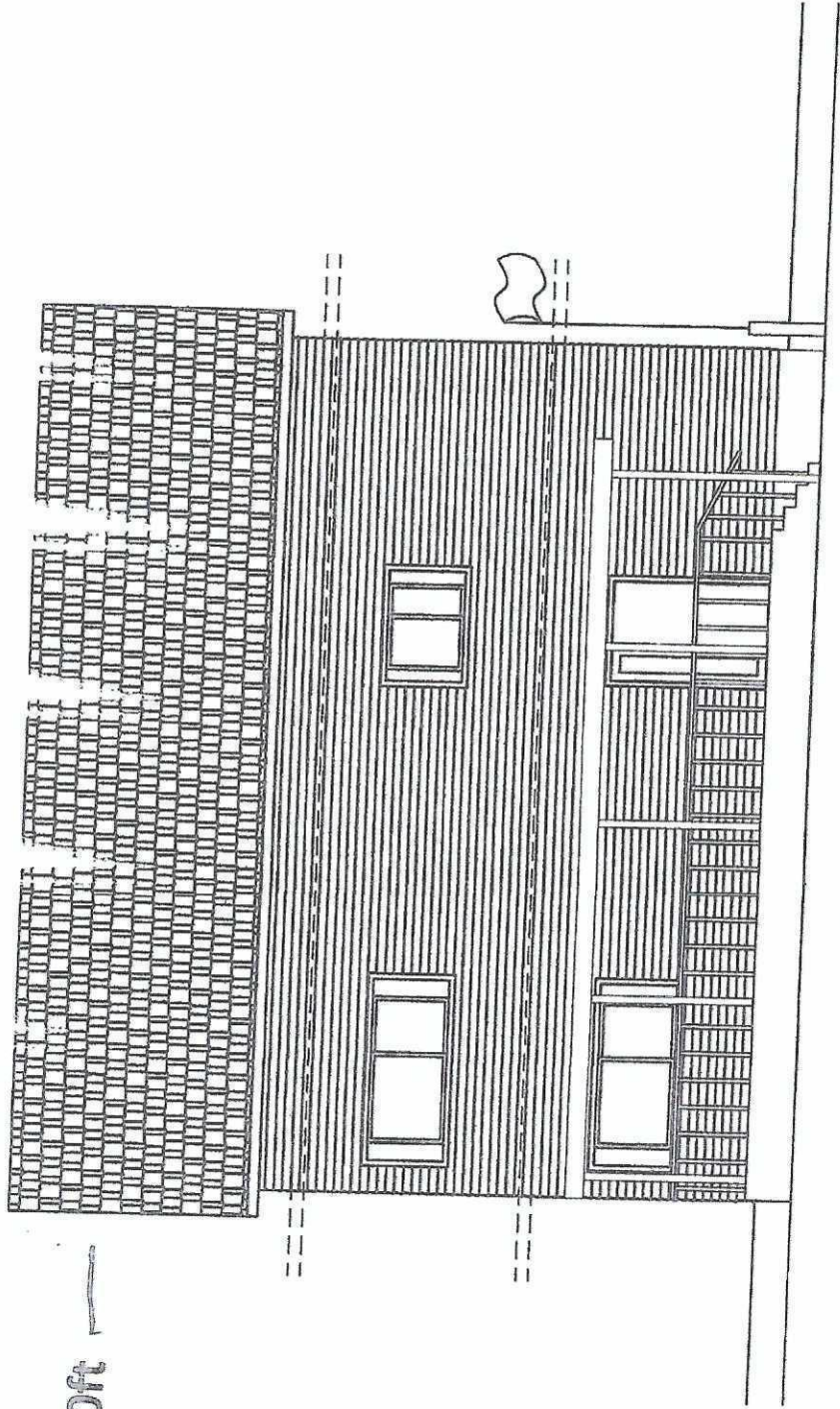


EAST ELEVATION

6 FT

PROPOSED

30ft

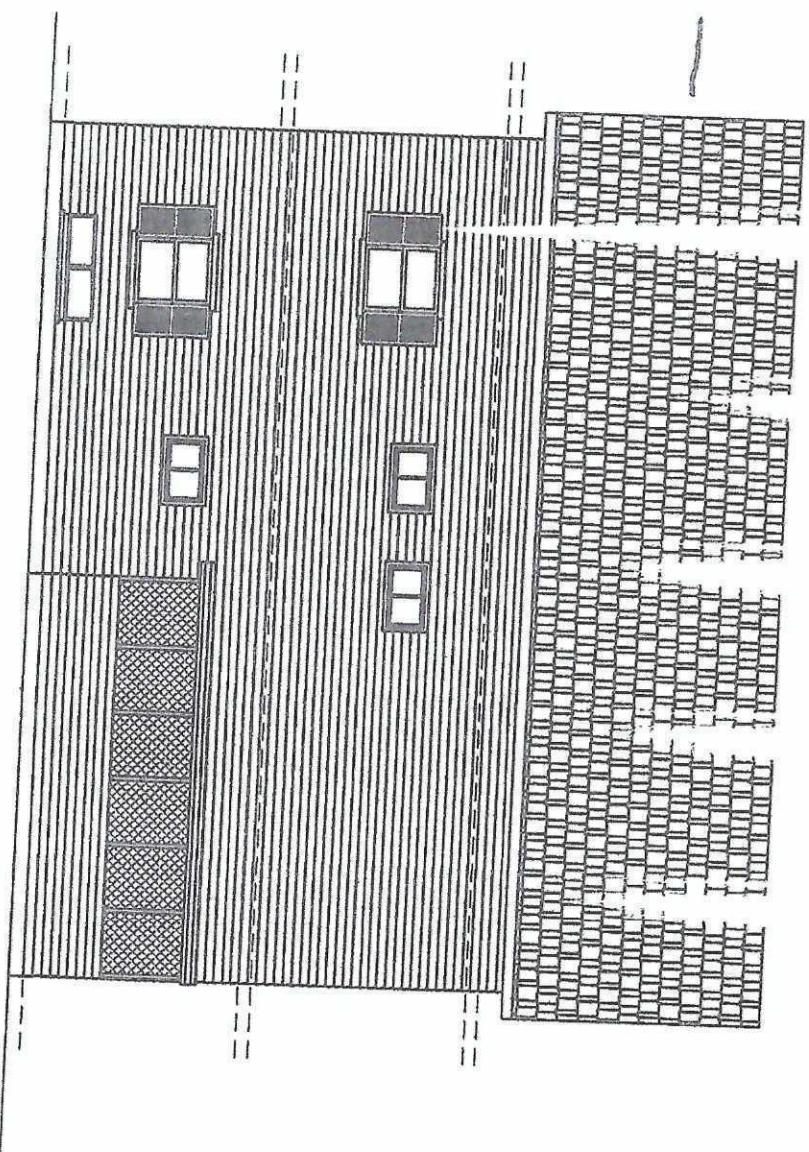


0011

SOUTH ELEVATION

PROPOSED

30ft



NORTH ELEVATION

Architectural Drawing No. 4

N 73°28'57" W
81.60'

S 73°28'57" E 75.00'



LOT AREA
16,618 SQ. FT. ±
0.3815 ACRES ±

Building Setback Line

Approximate location of
septic system per map #5382

N/F
ANGELO & MARIAI
CARDONA

N 15°57'03" E 223.20'

210.96' S 15°57'03" W



EXISTING
1 STORY RESIDENCE
F.F. ELEV. = 100.0'
(assumed)

Asph
Drive

53.9'±

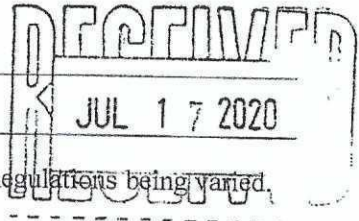
N/F
& MARY
ONE

ZONING BOARD OF APPEALS
Wallingford, Connecticut
APPLICATION FOR VARIANCE

APPLICATION NO.: 20 - 019
 APPROVED: _____
 DENIED: _____

The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.

- 1.) Street Address or Location of the Property: 86 North Lane, Wallingford, CT 06492
- 2.) Zoning District of the Property: Zone R-18
- 3.) Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied. If more than one variance, list each separately.



<u>Type of Variance</u>	<u>Section of Zoning Regulations</u>	<u>Required by Regulations</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Size Requirement	§ 5.1 <u>5.2.E</u>	§ 5.2(E)	17,267 sq. feet	15,200 sq. feet
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): See statement on
 Schedule A attached hereto.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: See description on
 Schedule A attached hereto.

- 6.) If any variances for the Property have previously been requested, please complete the following section.
- a. Date(s) of ZBA action: None
- b. What variance(s) were requested: N/A
- c. What variance(s) were granted: N/A

7.) APPLICANT (Please list mailing address.)

Name(s): Jason Stevenson, Esq. of Wiggin and Dana LLP Signature: [Signature]

Address: 265 Church Street City: New Haven State: CT Zip: 06510

Telephone No: 203-498-4332 Interest in Property: Owner: _____ Other: Attorney for Property Owner

8.) PROPERTY OWNER(S) OF RECORD (Please list mailing address. **This section must be completed.**)

Name(s): Edin Mujkanovic Signature: [Signature]

Address: 86 North Lane City: Wallingford State: CT Zip: 06492

Telephone No: 203-812-0814

9.) Please list below the names and mailing addresses of all abutting property owners. (Those properties that are directly adjacent or contiguous to yours.)

<u>Name</u>	<u>Mailing Address</u>
1. <u>Violeta Atienza</u>	<u>4 North Lane, Wallingford, CT 06492</u>
2. <u>Circle Plaza Associates LLC</u>	<u>101 N. Plains Industrial Rd 1A, PO Box 176, Wallingford, CT 06492</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(Attach additional sheet(s) if necessary)

10.) Please provide directions to the subject property from a well recognized Town road. Traveling north on Route 5

North Colony Road, take a right on Circle Drive just past the Panera Bread and before Circle Plaza. The property is the first residential home on the left, just before North Lane.

NOTES TO APPLICANT:

1. Please provide eleven copies of a map or plan drawn to scale clearly illustrating the variance(s) requested. (The plan **must** show the property boundaries, **all** existing **and** proposed buildings and dimensions for any setback, size, area or height related variance request.)
2. The Applicant must notify abutters by Certificate of Mailing, 10-15 days prior to the Public Hearing by sending them a copy of the Legal Notice. The Legal Notice will be sent to the Applicant at least 15 days prior to the meeting. Certificates of Mailing must be returned to the Planning & Zoning Office at least five days prior to the meeting.
3. **The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.**

(FOR ZBA USE ONLY)

DECISION: GRANTED DENIED EFFECTIVE DATE: _____ / _____ / _____

REASON(S) FOR DECISION: _____

CONDITION(S): _____

The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

SIGNED: _____

TITLE: _____

WALLINGFORD
ZONING BOARD OF APPEALS
Variance Application: Revised May 2008

Schedule A

To

Variance Application for 86 North Lane, Wallingford, Connecticut

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"):

The Applicant requests a variance to permit a reduction in lot size for the property of 86 North Lane from the existing 17,267 square feet to 15,200 square feet, where 18,000 is required under the applicable zoning regulations for the R-18 zoning district. This variance is sought in connection with a proposed resolution of a boundary line dispute between Edin Mujkanovic ("Mujkanovic"), owner of 86 North Lane, and Violeta Atienza ("Atienza"), owner of the adjacent property of 4 North Lane. The variance is required in order to comply with Section 5.2(E) of the Wallingford Zoning Regulations.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship:

A discrepancy over the boundary line between the properties of 86 North Lane and 4 North Lane was created as a result of two inaccurate surveys entitled "Proposed Plot Plan for Universal Enterprises, Inc. # 4 North Lane Wallingford, Connecticut" dated June 6, 2004, Scale 1"=20' and "As-Built Plot Plan for Universal Enterprises, Inc. # 4 North Lane Wallingford, Connecticut" dated October 21, 2004, Scale 1"=20' prepared by William Orsine in connection with the building permits and construction of a residential home on 4 North Lane. Following the construction of the home on 4 North Lane, Atienza and her predecessor in title, Mildred Wood, have maintained shrubbery, trees, and landscaping that encroaches upon the property of 86 North Lane by approximately 2,067 square feet (the "Disputed Parcel").

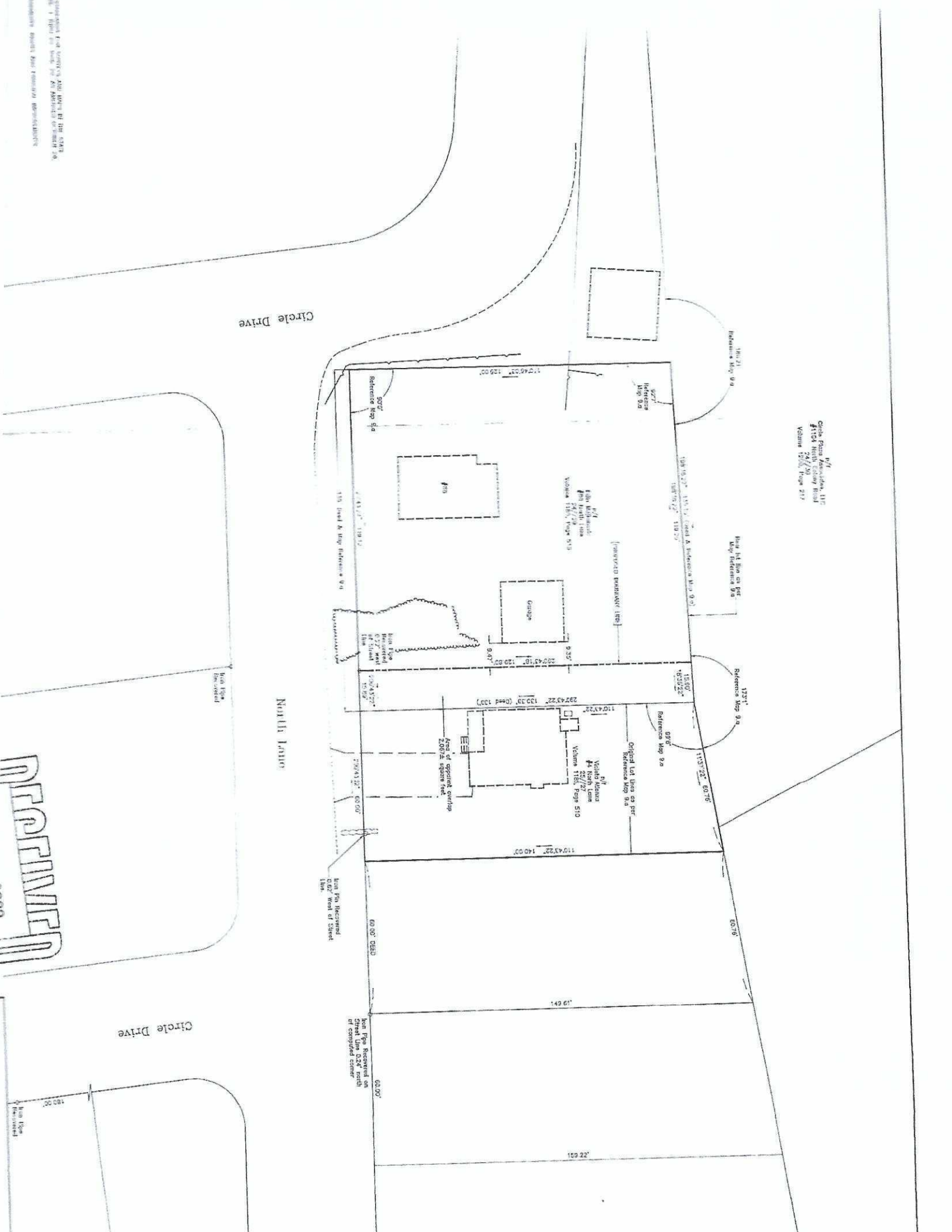
In order to resolve the dispute over ownership of the Disputed Parcel, Mujkanovic and Atienza have agreed to the terms of a Boundary Line Agreement whereby Mujkanovic will quitclaim and convey his interest in the Disputed Parcel to Atienza establishing a new boundary line between the properties as identified "Proposed Boundary Line" on the survey prepared by Juliano Associates LLC entitled "Property/Boundary Survey Boundary Line Agreement Land of Edin Mujkanovic #86 North Lane & Violeta Atienza #4 North Lane Wallingford, Connecticut dated June 1, 2020, Scale 1"=20,' Project No. 20-152", copies of which have been included with this variance application. In return for Mujkanovic's conveyance of the Disputed Parcel, Atienza shall quitclaim and release any further interest she may have in the property of 86 North Lane.

Strict enforcement of the Wallingford Zoning Regulations would prevent Mujkanovic and Atienza from implementing the terms of the proposed Boundary Line Agreement and leave the questions over the ownership of the Disputed Parcel and the correct boundary line between 86 North Lane and 4 North Lane unresolved. Barring a written agreement between Mujkanovic and Atienza to set a mutually agreed upon boundary line, a quiet title or adverse possession action

filed with the Connecticut Superior Court would be required to reach a final judgment as to ownership of the Disputed Parcel and the corresponding boundary line between the parties' respective properties. The parties wish to avoid costly litigation and additional expenses, which may ultimately result in a Court Order enforcing the same boundary line and terms as those already proposed in the Boundary Line Agreement.

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City of Portland, OR
 Office of Planning and
 Development
 Volume 1100, Page 217



Circle Drive

North Lane

Circle Drive

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Wallingford Zoning Board of Appeals

Monday, July 20, 2020

7:00 p.m.

Meeting Conducted Remotely through GoToMeetings

Minutes

Present: Chairman Joseph Rusczek; Secretary Louis Czerwinski; Commissioners Thomas Wolfer; Samuel Carmody, Raymond Rys; Alternate: Bruce Conroy, Karen Harris, and Robert Parisi; Amy Torre, Zoning Enforcement Officer.

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

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, July 24, 2020. The effective date of your variance will be Friday, July 24, 2020; the date a certified copy is recorded on the land records. The statutory 15 -day appeal period will expire on Sunday, August 9, 2020. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Voting members are Carmody, Wolfer, Czerwinski, Rys, and Chairman Rusczek.

Chairman Rusczek announced that the following applications would not be heard tonight. Both requested a delay to the August meeting.

#20-014 – Variance Requests/Franceskino/20 South Side Drive

#20-015 – Special Exception Request/Soli/1431 Tuttle Avenue

PUBLIC HEARINGS

1. # 20-010 – Variance request/Nesti & Prior/front yard setback of 13 ft. (30 ft. required) and side yard of +/- 11 ft. (12 ft. required) to construct a covered front porch at 143 South Main Street in a CLB district.

Mr. Czerwinski read the staff notes into the record. #20-010 – Variance Requests/Nest and Prior/143 South Main Street. "Applicant proposes a covered front/side porch addition to the dwelling. A similar porch existed on original dwelling dating back to the mid-1800s. The existing dwelling is non-conforming as to front setback (pre-dating the inception of zoning). 30 ft. is required, 17.19 ft. exists and the applicant's proposal includes a 5 ft. front porch requiring a front setback of 12.19 ft. Side yard currently +/- 11 ft. where 12 ft. is required. The proposal expands the same side yard setback to accommodate 8 ft. side porch, necessitating additional variance requests. Mr. Czerwinski added correspondence dated May 15, 2020, from Wallingford Historic Preservation Trust to the Zoning Board of Appeals.

Michael Nesti and Dorcas Prior-Nesti of 143 South Main Street presented that they purchased the property to restore it to its historical beauty when it was built in 1886. There was an existing front porch. The hardship is that zoning regulations didn't exist when it was built. They intend to put the porch back to the best of their ability and be historically accurate as possible. This includes patching and replacing the original cedar siding. Mrs. Nesti reported that the color will be a creamy gray with black trim.

Commission members indicated their pleasure in seeing the building restored.

Public Comment – none

Hearing no further questions or comments from the Board, Chairman Rusczek closed the public hearing and opened it up for discussion and possible action by the Board.

Mr. Rys: Motion to approve application #20-010/Nesti and Prior/143 South Main Street. Variance request for front yard of 12.19 ft. where 30 ft. is required to construct a front and side porch addition at 143 South Main Street as shown on submitted plans, picture and Zoning Location Survey received May 8, 2020, subject to:

Condition:

Comments from Erik Krueger, Water and Sewer Division dated June 8, 2020.

Mr. Czerwinski: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Czerwinsky – yes to approve; Chairman Rusczek – yes to approve.

Front yard setback has been approved,

Mr. Rys: Motion to approve application #20-010/Nesti and Prior/143 South Main Street. Variance request for side yard of +/- 11 ft. where 12 ft is required to construct a front and side porch addition at 143 South Main Street as shown on submitted plans, picture and Zoning Location Survey received May 8, 2020, subject to:

Condition:

Comments from Erik Krueger, Water and Sewer Division, dated June 8, 2020.

Mr. Czerwinski: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Czerwinsky – yes to approve; Chairman Rusczek – yes to approve.

Both variances are approved.

CONSIDERATION OF MINUTES

Mr. Rys: Motion to accept the minutes of the Monday, June 15, 2020, regular meeting.

Mr. Wolfer: Second

Vote: Unanimous to approve

Chairman Rusczek noted that he will not be in attendance at the August meeting.

ADJOURNMENT

Mr. Czerwinski: Motion to Adjourn at 7:15 pm.

Mr. Carmody: Second

Vote: Unanimous to approve

Respectfully submitted,

Cheryl-Ann Tubby

Recording Secretary