



## *Town of Wallingford, Connecticut*

**Wallingford Zoning Board of Appeals Meeting  
Monday, October 19, 2020  
7:00 p.m.**

### **REMOTE MEETING ONLY**

The Zoning Board of Appeals meeting of October 19, 2020 will take place REMOTELY ONLY.

The meeting can be accessed through:

<https://global.gotomeeting.com/join/778389829>

**YOU CAN ALSO DIAL IN USING YOUR PHONE:**

United States (Toll Free): +1 (877)-309-2073

Access Code: 778-389-829

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. #20-021 – Variance Request/Williams/ 12-16 Northfield Road
2. #20-022 – Variance Request/Zeng/600 Williams Road
3. #20-023 – Variance Requests/Antonelli/ 11 Liandina Road
4. #20-024 – Variance Request/Erba/1465 Tuttle Avenue
5. #20-025 – Variance Request/Loukides/54 Ridgeland Circle
6. #20-026 – Variance Requests/Franceskino/20 South Side Drive

### **CONSIDERATION OF MINUTES**

7. September 21, 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.**



## *Town of Wallingford, Connecticut*

October 14, 2020

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

RE: Staff comments for the October 19, 2020 ZBA Meeting

Dear Board Members:

- 1. #20-021/VARIANCE REQUEST/SIDE YARD SETBACK/Williams/12-16 Northfield Road**  
Applicant proposes a side yard setback of 14.8 ft where 14.8 ft. exists and 20 ft. is required to add a single story, 48 sq. ft. addition at 12-16 Northfield Road in a CB-40 District. Applicant received Variance Approval in July 2019 for a 36.4 ft. front setback and to allow expansion of non-conforming use in order to construct a two story residential dwelling on existing foundation. Applicant subsequently would propose adding a 4 by 12 ft. single story addition to west side of same proposed dwelling. The application is incomplete as two additional variance Approvals would be necessary to construct said addition. Applicant must also seek a Variance to permit expansion of non-conforming use (as in July 2019) and also Variance request for a front yard setback of (?) as the proposed side yard addition is also partially located in the front yard setback.
- 2. #20-022/VARIANCE REQUEST/SIDE YARD SETBACK/Zeng/600 Williams Road**  
Applicant requests a side yard setback of 15.5 ft. where 35 ft. exists and 30 ft. is required to construct an attached garage at 600 Williams Road in an RU-40 District. Foundation for proposed garage already exists. Applicant would be permitted the +/- 642 sq. ft. in garage area, yet by attaching garage it must comply with setbacks. Options exist to fully comply with necessary setbacks with a detached garage of the same area. No building plans or elevations have been submitted for this proposal. Additionally the driveway would require re-configuration as foundation exists on opposite side of dwelling from existing driveway. This office cannot determine a hardship with this after-the-fact Variance request. Furthermore, it has recently come to the attention of this office that the property is in Zoning Violation for the excavation and filling of more than 100 cubic yards which requires Special Permit Approval from the Planning and Zoning Commission. No Variance should be granted to a property in active Zoning Violation.
- 3. #20-023/VARIANCE REQUESTS/SIDE YARD, FRONT YARD, BUILDING COVERAGE/Antonelli/11 Liandina Road**  
Applicant proposes a side yard setback of 11.2 ft. where 20 ft. is required and 25.1 ft. exists, a front yard of 38.9 ft. where 36.9 ft. exists and 40 ft. is required, and building coverage of 17% where 14% exists and maximum 15% is permitted in order to construct a ground level, single story 34 sq. ft. addition at 11 Liandina Road in an R-18 District. Dwelling is a split-level design and applicant requests variances in order to create an accessible bedroom and bath space ground-level. Any associated ramps for means of entry and egress require no Zoning Approval.

4. #20-024/VARIANCE REQUEST/FRONT YARD SETBACK/Erba/1465 Tuttle Avenue

Applicant proposes a front yard setback of 39.74 ft. where 50 ft. is required and 39.74 ft. exists at its minimum to construct a 22 ft. x 15.1 ft. single story addition (3 season room) to the rear of the dwelling at 1465 Tuttle Avenue in an RU-40 District. Proposal also includes a 23 ft. dormer to the rear of the existing dwelling above the proposed addition thus expanding existing dwelling vertically. Property is a corner lot with two front yards and non-conforming regarding front yard setbacks and lot area. Addition and dormer both require Variance approval as both are an expansion of non-conformity.


5. #20-025/VARIANCE REQUEST/SIDE YARD SETBACK/Loukides/54 Ridgeland Circle

Applicant requests sideyard setback of 7.93 ft. where 8.63 ft. exists and 20 ft. is required to construct a single story addition (screened porch) to the rear of the dwelling at 54 Ridgeland Circle in an R-18 District. Property predates zoning and has existing non-conforming sideyard setback. Proposal is to expand existing non-conformity to the rear to add a single story 394 sq. ft. screened porch. Where there is an existing patio the applicant proposes to replace with addition, the board should consider that alternate compliant locations on the parcel for constructing same addition, therefore hardship is questionable.

6. #20-026/VARIANCE REQUESTS/SIDE YARD, BUILDING COVERAGE /Franceskino/20 South Side Drive

Applicant proposes a +/- 300 sq. ft. addition to the rear of the property. Addition is proposed as a 4 season porch to be common space between primary dwelling and Accessory Apartment. Submitted plan and photos from August 2020 variance application, and lack of building elevation plans identify no means of entry/egress from the exterior of the residence, nor means of access from the primary dwelling. Addition appears to eliminate or have to accommodate bilco door access to the basement and appears to need to accommodate differing heights. Without direct access to the primary dwelling the proposed addition would be an expansion of the Accessory Apartment and would not be permitted. This office cannot support the proposed addition as presented as there is no associated hardship and does not comply with the regulations regarding Accessory Apartments. Furthermore, the property has received variance approval to exceed maximum building coverage and reduce setback requirements in the past. Applicant was denied variance approval in August 2020 for building coverage and side yard setback for similar proposal. There is no hardship associated with seeking further relief from the same Zoning Regulations.

Regards,



Amy B. Pong  
ZEO/Land Use Specialist

Cc: Williams  
Zeng  
Antonelli  
Erba  
Loukides  
Franceskino

TOWN OF WALLINGFORD  
DEPARTMENT OF PUBLIC UTILITIES  
WATER AND SEWER DIVISIONS

ENGINEERING SECTION  
PHONE 203-949-2672  
FAX 203-949-2678

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**INTEROFFICE MEMORANDUM**

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**TO:** AMY TORRE, ZONING ENFORCEMENT OFFICER  
**FROM:** ERIK KRUEGER, SENIOR ENGINEER, WATER AND SEWER DIVISIONS  
**SUBJECT:** VARIANCE REQUEST NO. 20-021 - BUILDING ADDITION  
12 NORTHFIELD ROAD - NICKOLAUS WILLIAMS  
**DATE:** SEPTEMBER 10, 2020  
**CC:** N. AMWAKE, P.E.; D. SULLIVAN; J. PAWLOWSKI; N. WILLIAMS

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The subject building was previously connected to the municipal water system. The water service was deactivated on May 24, 2010. Since this service has been inactive for more than 5-years, water connection charges and meter fees will need to be paid in order to reactive the existing water service line. No municipal sanitary sewer service is available at this location.

The fees to reactivate the water service line will be based on the size of the water meter required which is based on the peak water demand associated with the plumbing fixtures in the building.

Therefore we request that the following list of water and sewer utility items be made conditions of approval that must be resolved prior to the issuance of building permits for the building modification:

1. Provide final water use estimates for the proposed renovated building.
2. The Water Division will determine what water meter size is required based on the final plumbing fixture counts for the building supplied by the Applicant. Connection charges and meter fees shall be based on the size of the meter and will be due prior to reactivating the water utility to the building.
3. All details and appurtenances of the water and sanitary sewer utility installations shall conform to the Technical Standards and Detail Sheets of the Town of Wallingford, Water and Sewer Divisions.

Also, Town Ordinance No. 577 stipulates that if a building permit is issued for improvements/repairs of buildings, costing at least \$25,000, then the Town may conduct an inspection of the property in order to determine if any groundwater or storm water drains are connected to the sanitary sewer. Therefore, if the proposed renovations meet these criteria, we hereby request that the property owner contact this office to arrange for an inspection of the property by the Sewer Division to review potential sources of inflow and infiltration that may need to be disconnected from the municipal sanitary sewer system.



TOWN OF WALLINGFORD  
DEPARTMENT OF PUBLIC UTILITIES  
WATER AND SEWER DIVISIONS

ENGINEERING SECTION  
PHONE: 203-949-2672  
FAX: 203-949-2678

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### INTEROFFICE MEMORANDUM

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**TO:** AMY TORRE, ZONING ENFORCEMENT OFFICER

**VIA:** FAX 2095

**FROM:** ERIK KRUEGER, P.E.,<sup>HAL</sup> SENIOR ENGINEER, WATER AND SEWER DIVISIONS

**SUBJECT:** ZONING BOARD OF APPEALS APPLICATION - VARIOUS BUILDING ADDITIONS

600 WILLIAMS ROAD (SEWER ONLY)	APP. NO. 20-022
11 LIANDINA ROAD	APP. NO. 20-023
1465 TUTTLE AVENUE (SEWER ONLY)	APP. NO. 20-024
54 RIDGELAND CIRCLE	APP. NO. 20-025
20 SOUTH SIDE DRIVE	APP. NO. 20-026

**DATE:** OCTOBER 8, 2020

**CC:** N. AMWAKE; D. SULLIVAN; J. PAWLOWSKI

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Please note that all applications referenced above include additions to existing structures. The owner of each building should take into consideration the location of the existing water service and sanitary sewer lateral to the building when planning a building addition to ensure that the water and sewer lines are not in conflict with the proposed addition.

If the existing utility lines are in conflict with the proposed building addition it may be necessary to relocate the addition or modify the utility lines to avoid conflict.

Also, if the building addition will include new plumbing fixtures, the Water and Sewer Division will need to determine if the existing water service, water meter and sanitary sewer lateral are adequate for the additional demand associated with the proposed new plumbing fixtures.

Therefore it is requested that the following items be made conditions of approval that must be resolved prior to issuance of a building permit:

- Provided information is available, the Wallingford Water and Sewer Divisions will assist the owner in determining the location of the existing water service and sanitary sewer lateral for the building. If it is found that the utility lines will be in conflict with the proposed building addition the owner will be required to prepare a plan and relocate or modify said utility lines if determined necessary by the Wallingford Water and Sewer Divisions.
- If new plumbing fixtures are proposed then the Owner shall provide water use and sanitary sewer usage estimates for the proposed new fixtures. If it is determined that the water service, water meter or sanitary sewer lateral are in anyway inadequate to serve the proposed fixtures, it will be the owner's responsibility to upgrade said services if determined necessary by the Water and Sewer Divisions.

AMY TORRE, ZONING ENFORCEMENT OFFICER  
OCTOBER 8, 2020  
PAGE 2

If it is required to modify, repair or replace any underground sanitary sewer or water line as part of the work proposed for the addition, it will be the Owner's responsibility to pay all fees and charges associated with such work and engage a properly licensed, insured, and bonded plumbing contractor to obtain a permit from this office to perform all such work in accordance with the Wallingford Water and Sewer Technical Standards and Details.

Also, Town Ordinance No. 577 stipulates that if a building permit is issued for improvements/repairs of buildings, costing at least \$25,000, then the Town may conduct an inspection of the property in order to determine if any groundwater or storm water drains are connected to the sanitary sewer. Therefore, if the proposed renovations meet these criteria, we hereby request that the property owner contact this office to arrange for an inspection of the property by the Sewer Division to review potential sources of inflow and infiltration that may need to be disconnected from the municipal sanitary sewer system.

*O:\Engineering\ZBA\Various ZBA building additions - 2020 October.docx*



**ZONING BOARD OF APPEALS**  
**Wallingford, Connecticut**  
**APPLICATION FOR VARIANCE**

ORIGINAL

APPLICATION NO.: 20-021

APPROVED: \_\_\_\_\_

DENIED: \_\_\_\_\_

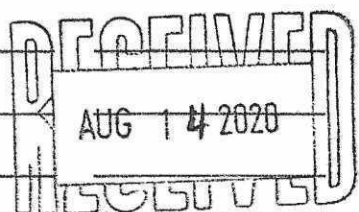
The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.

1.) Street Address or Location of the Property: 12-16 NORTFIELD ROAD

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>SIDE YARD</u>	<u>5.13</u>	<u>20'</u>	<u>14.8</u>	<u>14.8</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): TO ADD 4x12 ROOM

TO SIDE OF RESIDENCE (ONE STORY)

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

WAS APPROVED IN 2019. CURRENT PROPOSAL IS TO ADD TO

THIS RESIDENCE. A 4x12 ROOM HAS BEEN THERE BUT

(INADVERTANTLY WAS DELETED FROM PLAN IN JULY 2019.

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): NICKOLAUS WILLIAMS Signature: \_\_\_\_\_

Address: 257 Grady Ave Meriden, CT 06450 City: MERIDEN State: CT Zip: 06450

Telephone No: 203-238-1708 Interest in Property: Owner:  Other: \_\_\_\_\_

*duplicate to Dan*

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

Name(s): NICKOLAUS WILLIAMS Signature: \_\_\_\_\_

Address: 721 BROAD ST City: MERIDEN State: CT Zip: 06450

Telephone No: 203-238-1708

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. SEE LIST OF ABUTERS ATTACHED
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

*(Attach additional sheet(s) if necessary)*

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

COLONY RD. & PARK 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.

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(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



## ABUTTERS

Northfield Realty Holdings LLC  
118 Rolling Ridge Road  
Hamden, Ct 06473

1NRSJ, LLC  
27 Musket Drive  
North Haven, CT 06473

DeMartino Colony Realty  
920 South Colony Road  
Wallingford, Ct 06492

Barry Lipka  
5 Park Lane  
Wallingford, CT 06492

Paget Debra O'Connor  
3 Park Lane  
Wallingford, CT 06492

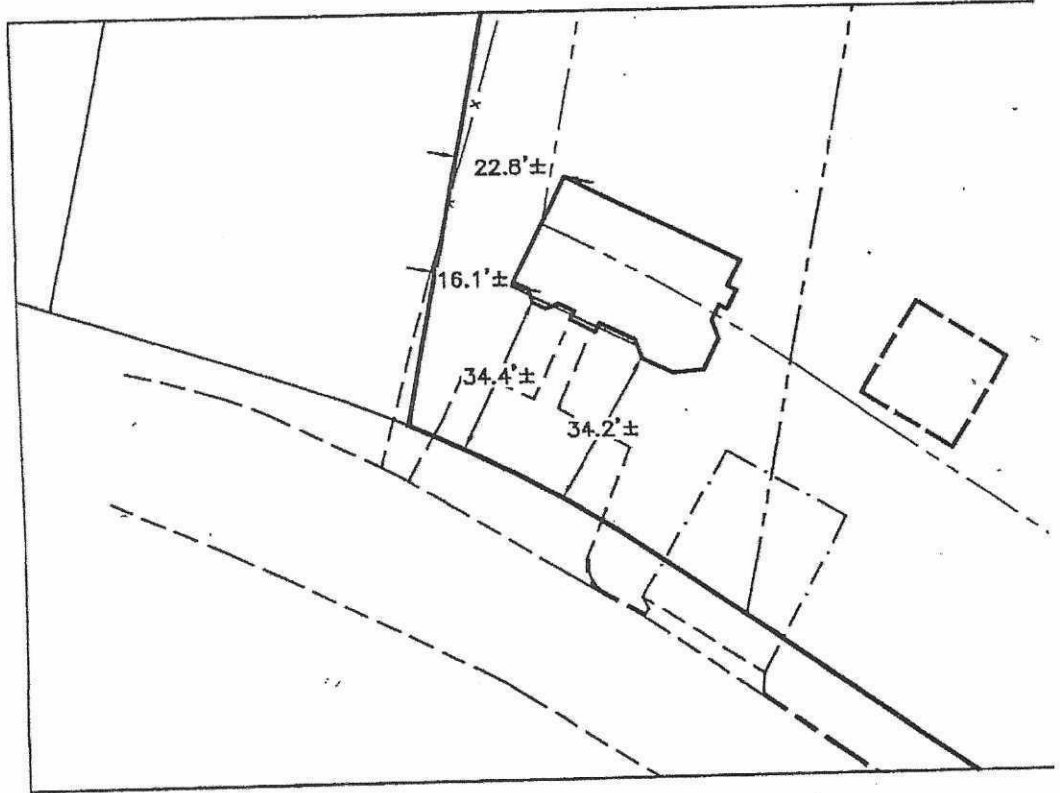
Mary G. Nelson  
30 Northfield Road  
Wallingford, Ct 06492

William H. & Rose Nunez Evans  
27 Northfield Road  
Wallingford, CT 06492

Jason Mikulski  
25 Northfield Road  
Wallingford, CT 06492

5 Northfield LLC  
5 Northfield Road  
Wallingford, CT 06492

Proposed
34.2'±



Proposed House Offsets Detail  
1" = 40'

#19-020  
**RECEIVED**  
 MAY 17 2019

75.00' HELD

75.00' HELD

20.00'

240.8±'

11°38'45" 301.88' HELD

191°21'39" 321.00' HELD

107°45'36" 446.95'

371.95'

n/f  
 1NRSJ LLC  
 27 MUSKET D  
 175//19//

n/f  
 EL D REALTY  
 NGS LLC  
 FIELD ROAD  
 //13//

Approx  
 Town c

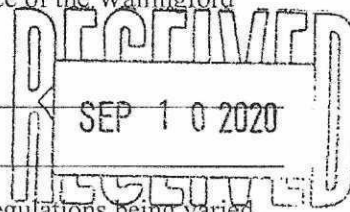


ORIGINAL

ZONING BOARD OF APPEALS  
Wallingford, Connecticut  
APPLICATION FOR VARIANCE

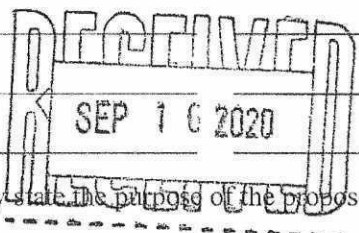
APPLICATION NO.: 20-022  
APPROVED: \_\_\_\_\_  
DENIED: \_\_\_\_\_

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: #600 Williams Road, Wallingford CT
- 2.) Zoning District of the Property: RU - 40 Rural Residential District
- 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
Sideyard Setback	5.1A	30 FT.	15.5 FT. <u>35</u>	15.5 FT.



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

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: Believes  
Having garage would be safer for self and property  
(works 2nd shift)

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): Lian Zeng/Joe Signature: Zeng Lian  
 Address: #600 Williams Road City: Wallingford State: CT Zip: 06492  
 Telephone No: \_\_\_\_\_ Interest in Property: Owner: \_\_\_\_\_ Other: \_\_\_\_\_

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

Name(s): Lian Zeng Signature: Zeng Lian  
 Address: #600 Williams Road City: Wallingford State: CT Zip: 06492  
 Telephone No: 860 716-6814 (Joe)

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. Paul Hibson	#596 Williams Road
2. Kenneth & Kathryn Damato	# 1280 Durham Road
3. Deborah Mischler	#604 Williams Road
4. _____	_____
5. _____	_____
6. _____	_____

*(Attach additional sheet(s) if necessary)*

10.) Please provide directions to the subject property from a well recognized Town road. When Traveling East on RT 68, take your first right after I91 and the Hilton Garden Inn onto Williams Road. #600 will be on your left in 0.4 miles.

**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.**

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(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



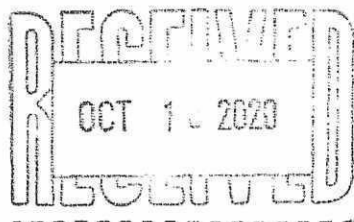


I am the owner of the property directly impacted by this Variance. The owner of the property located at 600 Williams Road has filed with this board an Application for a Variance of the side yard to build a garage. Interestingly, she wants to build the garage on the opposite side of the house from the driveway with having no access to the garage unless she goes across the front yard or around the back of the house. I ask, does that make any sense? If you viewed the property yourself it would make no sense. The intent of this variance, to build a garage, is not what will be built there. I believe she is misrepresenting her request to the Commission. She does what she wants to do with the property. She made a mistake by not following the zoning regulations. We have regulations in this town for a reason. She got caught and now she has made up a story to tell this board.

The activity and destruction of this property that I have witnessed first hand living next door to her is a shame. If any Board member or anyone else that wishes to view the property would like to come onto my property, you have my permission.

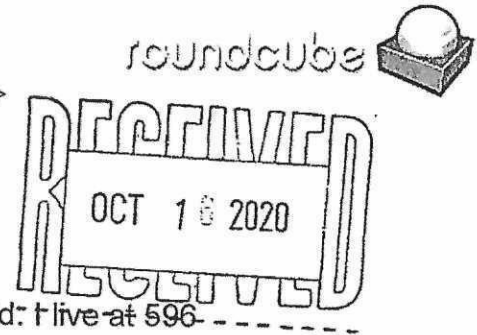


Deborah M. Mischler  
604 Williams Road  
203-537-4630



10/14/2020

Subject re: #20-022 600 Williams Rd  
From Linda Hibson <butrfly10@comcast.net>  
To amy.torre@wallingfordct.gov <amy.torre@wallingfordct.gov>  
Date 2020-10-15 19:56  
Priority Normal



Dear Board members,

The subject excavation is on the north side of 600 Williams Rd: ~~live at 596~~ Williams Rd which is next door to the south side of #600.

During the period of time of the subject excavation another excavation was performed next to, and possibly into and over my property line. This was specifically Saturday May 30, and Sunday May 31. For approximately 8-10 hours on each of those days a backhoe was excavating next to the fence. Approximately 20 dump truck loads were then removed from this area and dumped in the rear of the #600 yard.

This excavation was done within 1.5 -5 feet from the bases of three (3) 60 to 80 ft. white pine trees respectively. I have provided a letter from arborist Wallingford Tree Service stating his opinion that the root system of these trees is now destroyed creating a hazardous condition necessitating removal for safety.

Any further inspection you could do regarding this situation would be greatly appreciated.

Thank you,  
Paul Hibson  
596 Williams Rd

ORIGINAL

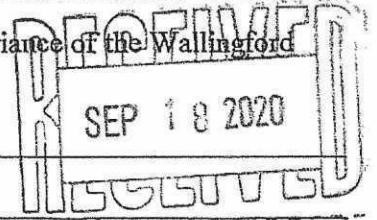
ZONING BOARD OF APPEALS  
Wallingford, Connecticut  
APPLICATION FOR VARIANCE

APPLICATION NO.: 20-023

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: 11 LANDINA ROAD

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</u>	_____	<u>20'</u>	<u>25.1'</u>	<u>11.2'</u>
<u>LOT COVERAGE</u>	_____	<u>15%</u>	<u>14%</u>	<u>17%</u>
<u>FRONT YARD</u>	_____	<u>40'</u>	<u>36.9'</u>	<u>38.9'</u>

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): TO BUILD A HANDICAPPED ACCESSIBLE BATHROOM & BEDROOM ADDITION.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: THE LONGTIME OWNER IS NOW DISABLED AND NEEDS TO ADAPT HIS EXISTING SPLIT LEVEL TO ALLOW HIM TO LIVE ON ONE LEVEL.

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

a. Date(s) of ZBA action: NA

b. What variance(s) were requested: —

c. What variance(s) were granted: —

7.) APPLICANT (Please list mailing address.) Notification send to: Paul Grazioso

Name(s): ANTHONY ANTONELLI Signature: Anthony Antonelli

Address: 11 LANDINA ROAD City: WALLINGFORD State: CT Zip: 06492

Telephone No: (203) 265-1091 Interest in Property: Owner:  Other: \_\_\_\_\_

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

Name(s): ANTHONY ANTONELLI Signature: Anthony Antonelli

Address: 11 LANDINA ROAD City: WALLINGFORD State: CT Zip: 06492

Telephone No: (203) 265-1091

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>STRAHOWSKI, LAUREN &amp; CHRIS.</u> | <u>15 WANDINA ROAD</u>           |
| 2. | <u>KESILEWSKI, PETER &amp; NICOLE</u>  | <u>7 WANDINA ROAD</u>            |
| 3. | <u>FRESNER, GEORGE</u>                 | <u>P.O. BOX 460, 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. EAST CENTER ST.

TO WOODHOUSE AVE., TAKE SECOND RIGHT ONTO WANDINA RD.

**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.

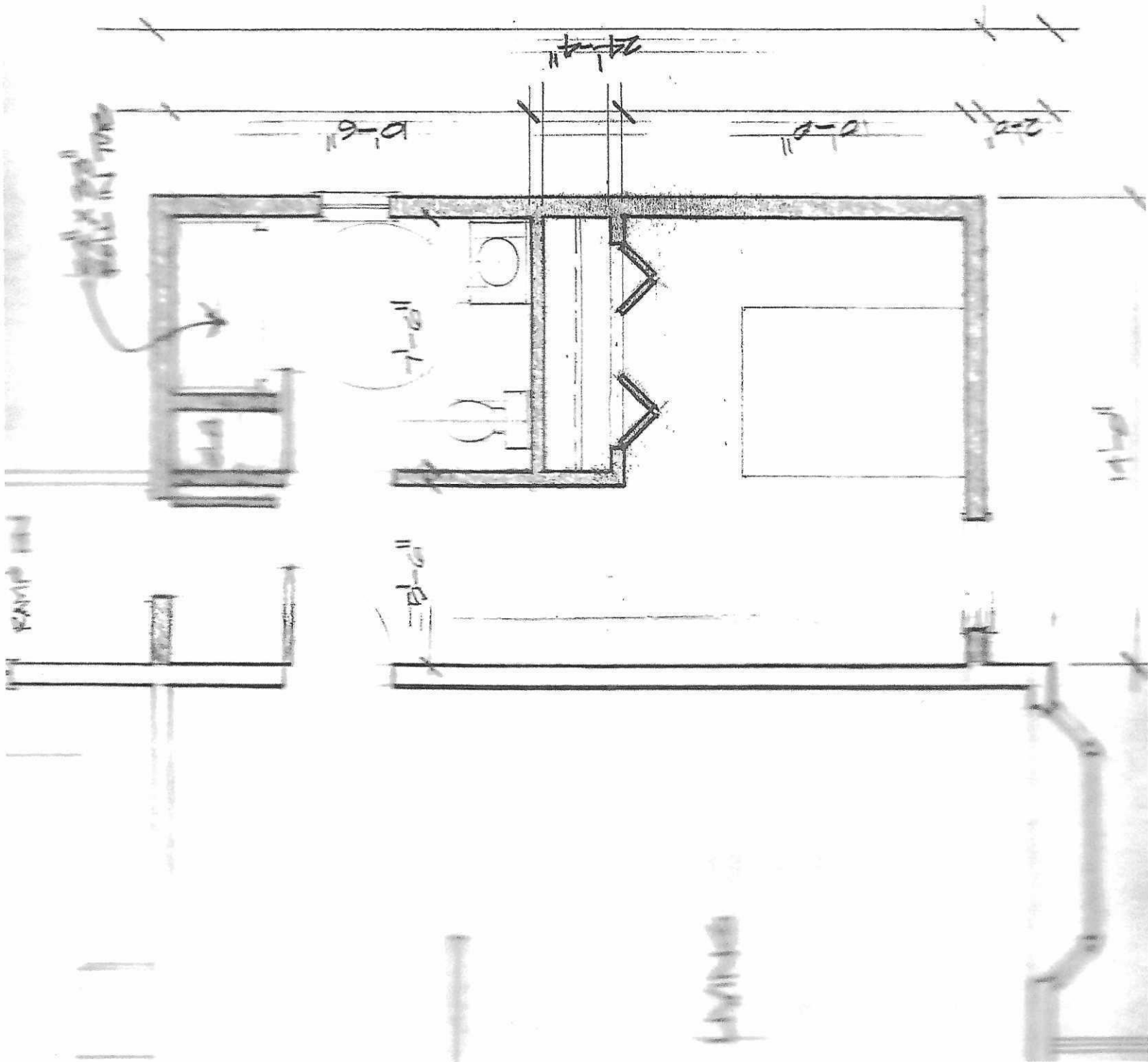
SIGNED: \_\_\_\_\_

TITLE: \_\_\_\_\_

WALLINGFORD  
ZONING BOARD OF APPEALS  
Variance Application: Revised May 2008



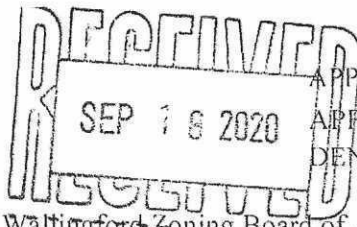
Handwritten notes and a small diagram in the top right corner. The notes include the number "20-013" and some illegible text. A small rectangular diagram is drawn next to the notes.





ORIGINAL

ZONING BOARD OF APPEALS  
Wallingford, Connecticut  
APPLICATION FOR VARIANCE



APPLICATION NO.: 20-024  
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: 1465 Tuttle Ave. Wallingford CT
- 2.) Zoning District of the Property: R-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>Front yard</u>	<u>51A</u>	<u>50'</u>	<u>39.74</u>	<u>39.34</u> <del>46.30</del>

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): To build three season room on rear of property; to build dormer on existing home.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: The proposed plans do not encroach property lines and are "within sides" of existing structure.

Existing structure currently does not comply to zoning regulations. / Legally non conforming.

- 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): Frank Erba Signature: Frank Erba  
 Address: 347 Jones Hollow Rd. City: Marlborough State: CT Zip: 01447  
 Telephone No: 203-980-0908 Interest in Property: Owner: \_\_\_\_\_ Other: contractor

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

Name(s): Robert & Christine Livolsi Signature: Christine Livolsi  
 Address: 1465 Tuttle Ave. City: Wallingford State: CT Zip: 06492  
 Telephone No: 203-265-7536

Robert Livolsi

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. Jason Simpson 1471 Tuttle Ave, Wallingford
- 2. David White 1460 Tuttle Ave, Wallingford
- 3. Robert Diblasi Jr. 1466 Tuttle Ave, Wallingford
- ✓ 4. Kevin Lehr 1380 Rhey Ave, Wallingford
- 5. Charles Esposito 1381 Rhey Ave, Wallingford
- 6. David Romano 1459 Tuttle Ave, Wallingford

*(Attach additional sheet(s) if necessary)*

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

in direction to Cheshire, take right turn @ stop sign onto Tuttle. End @ 1465 on 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: \_\_\_\_\_

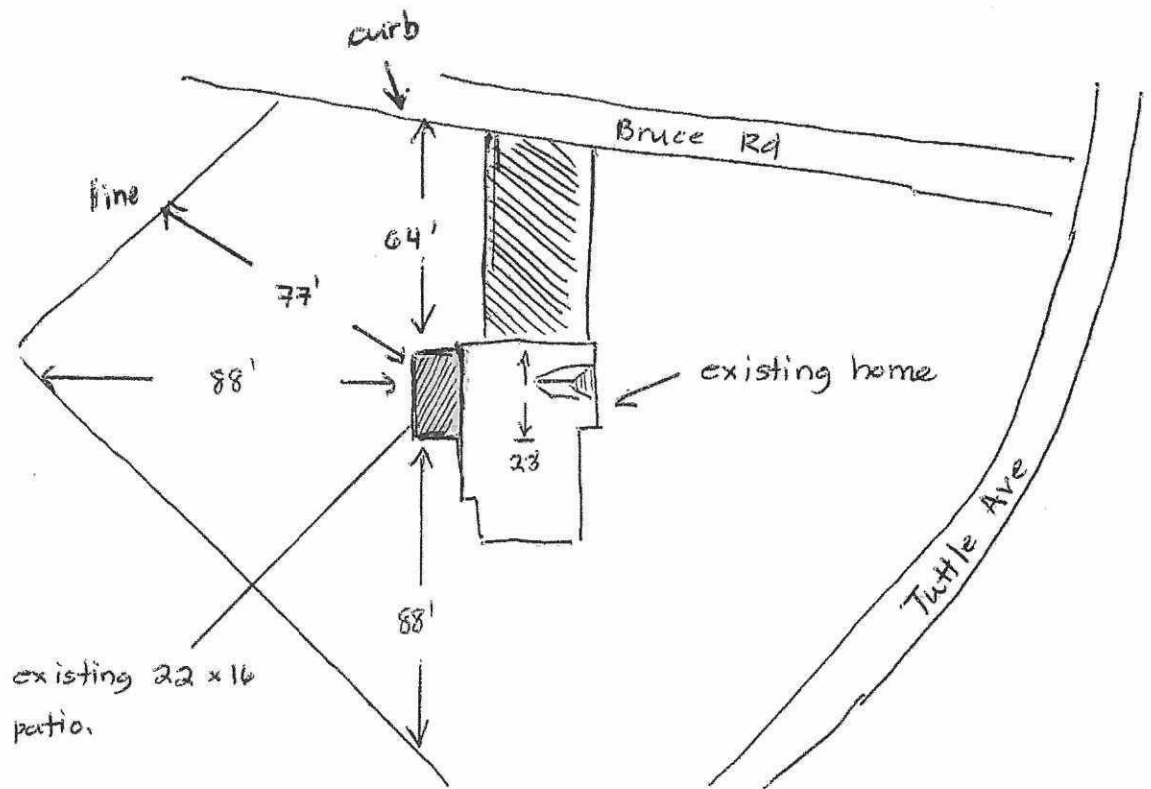
CONDITION(S): \_\_\_\_\_

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



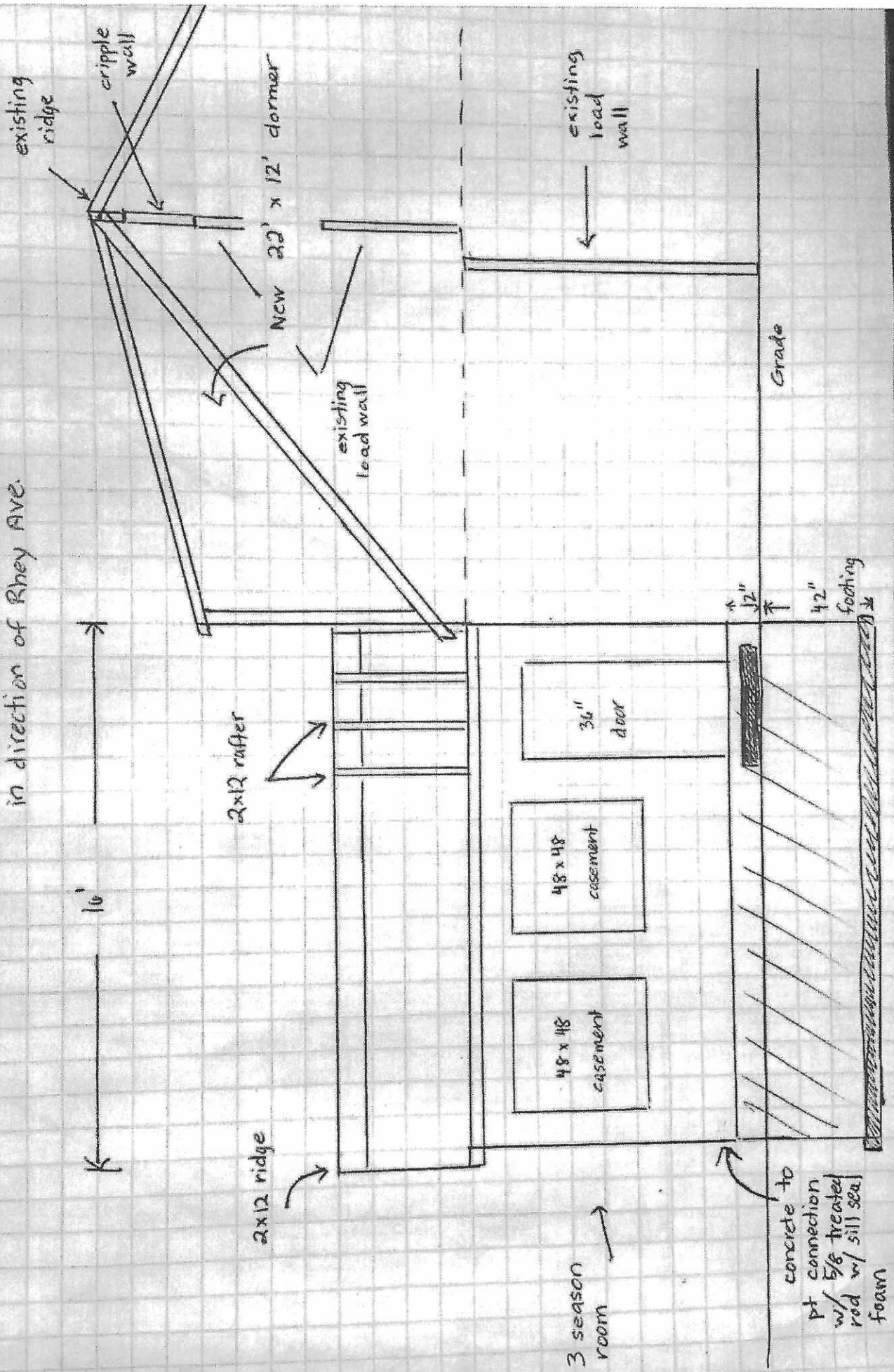
Dormer. Approx 23' wide by 20' tall

■ Three season room to sit atop patio



View in side yard  
in direction of Rhey Ave.

16'



2x12 rafter

2x12 ridge

3 season room

36" door

48 x 48 casement

48 x 48 casement

existing ridge

cripple wall

New 2x2' x 12' dormer

existing load wall

existing load wall

Grade

12"

42" footing

concrete to  
pt connection  
w/ 5/8 treated  
rod w/ sill seal  
foam

View in back yard

in direction of Tuttle Ave.

existing structure

Approx 3-3 1/2 pitch

Roof line for 3 season room over existing patio

Existing home

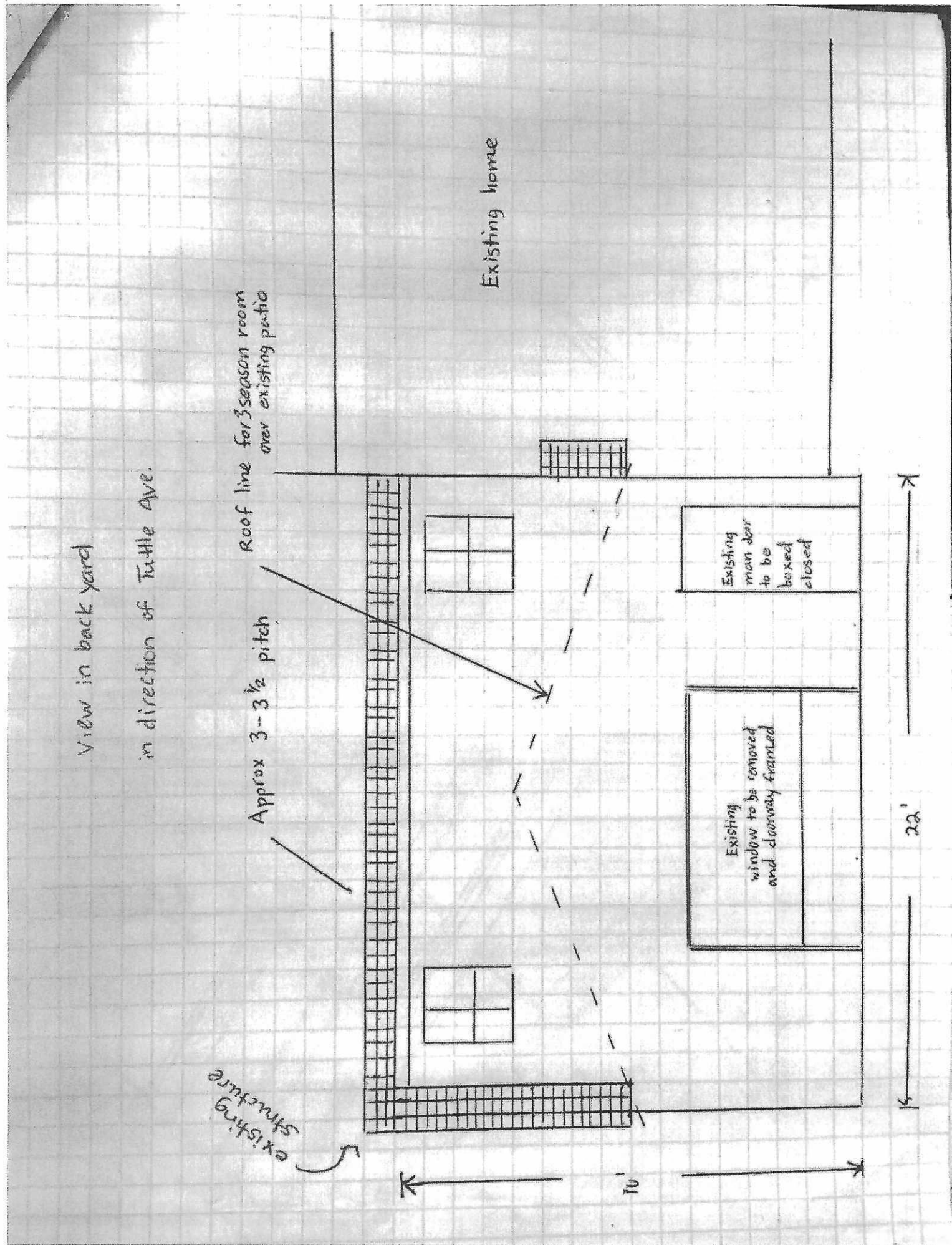
Existing main door to be boxed closed

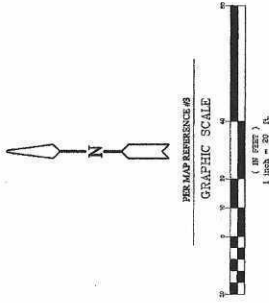
Existing window to be removed and doorway framed

22'

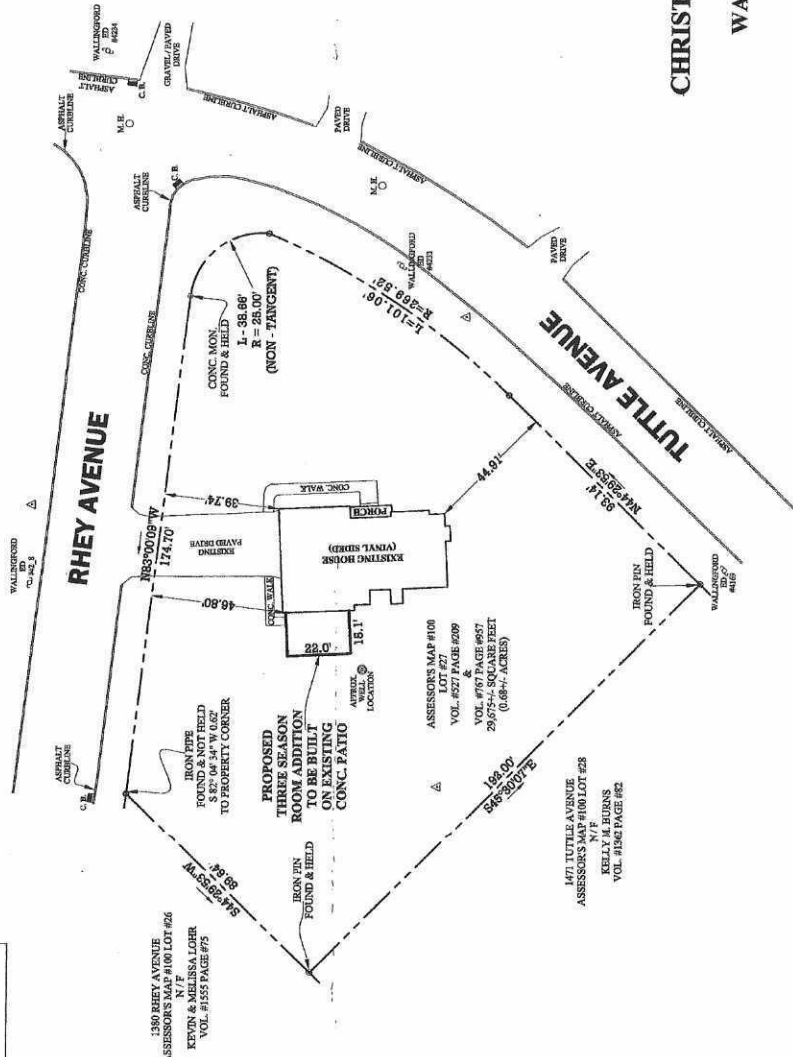
22'

10'





ZONING DISTRICT BU-40  
 MONUMENT LOT AREA (SQ. FT.) = 6580 ACTUAL 26,677% 8444+ ACRES  
 FRONT SETBACK = 21 FEET EDITION = 36 FEET RECORDED = 44-81 FEET



**PROPOSED PLOT PLAN**  
 LAND N / F OF  
**CHRISTINE A. & ROBERT L. LIVOLSI**  
 1465 TUTTLE AVENUE  
 WALLINGFORD, CONNECTICUT  
 SCALE: 1" = 20'  
 SEPTEMBER 17, 2020



**STONE WALL BOUNDARIES, LLC**  
 SURVEYING & MAPPING  
 PAUL BUCKLEY REYNOLDS - PROFESSIONAL LAND SURVEYOR  
 6 OSAGE DRIVE  
 WALLINGFORD, CT 06492  
 (203) 869-8864  
 BUCKLEYREYNOLDS@FAHOO.COM

**NOTES**

- THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 36-306a-1 THROUGH 36-306a-9 AND THE STANDARDS FOR SURVEYS AND MAPS SERVICE, INC. ON SEPTEMBER 26, 1994. IT IS A ZONING LOCATION SURVEY. THE PROPERTY LINES SHOWN ON THIS MAP CONFORM TO A HORIZONTAL ACCURACY CLASS "A". THIS MAP IS AN INTERPRETATION OF THE FIELD DATA AND IS SUBJECT TO THE USUAL AND DIRECT EXISTING SITE CONDITIONS. THE THREE SEASON ROOM AND A WALKER ADDITION AND THE EXISTING HORSE ARE SHOWN AS EXISTING.
- THE PROPERTY IS LOCATED IN THE TOWN OF WALLINGFORD, BU-40 ZONING DISTRICT WITH 40 FEET FRONT SETBACKS AND 20 FEET SIDE SETBACKS. THE PROPERTY IS A CORNER LOT. THE PROPERTY IS A 100% NON-CORNER LOT.

**REFERENCE MAPS**

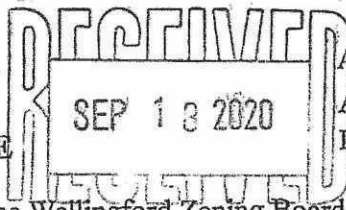
- 1465 CH PROPERTY, S. E. HILL, TUTTLE AVENUE, WALLINGFORD, CONN., SECTION 17, SCALE 1" = 100' OCT. 24, 1948 BY CALVIN C. ROBINSON JR., P.E. S. 1. S. 2008, ON FILE IN THE WALLINGFORD LAND RECORDS (W.L.R.) AS MAP #14.
- HILLTOP - COOK HILL RD. & TUTTLE AVE., WALLINGFORD & CHESHIRE CONN. - DEVELOPED BY J. H. HILL & SONS, W. L. R. MAP #10, 1969 APR. 20, 1971 BY CALVIN C. ROBINSON JR., P.E., S. 1. S. 1. S. 2008, W. L. R. MAP #10.
- RESUBDIVISION AND LOT NOW OR FORMERLY BEARING A BURNING AS ASSUMED BY LEMAR DEWITT OFFER, 1077 COOK HILL ROAD, WALLINGFORD, CONNECTICUT, SCALE 1" = 100' APRIL 1978 LEON J. KWATKOWSKI - L.S. 8829 - CONN REG. W. L. R. MAP #107.



THIS MAP IS A TRUE AND CORRECT REPRESENTATION OF THE SUBSTANTIALLY CORRECT AND VALID SURVEY.  
 I, Paul Buckley Reynolds, Professional Land Surveyor, No. 20024, State of Connecticut, do hereby certify that I am the author of this map and that I am a duly licensed Professional Land Surveyor in the State of Connecticut.  
 SEP 17 2020



ORIGINAL  
**ZONING BOARD OF APPEALS**  
 Wallingford, Connecticut  
**APPLICATION FOR VARIANCE**



APPLICATION NO.: 20 - 025  
 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: 54 Ridgeland Circle Wallingford CT 06492  
 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 SETBACK</u>	<u>SCHEDULE 5.1A</u>	<u>20:00'</u>	<u>8.63 FEET</u>	<u>7.93 FEET</u>

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): To build a  
Screened in Porch on My existing patio

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: \_\_\_\_\_  
THE PATIO IS PREEXISTING & WE ARE NOT PROPOSING  
TO GO ANY CLOSER TO THE PROPERTY LINE

6.) If any variances for the Property have previously been requested, please complete the following section.  
 a. Date(s) of ZBA action: W/A

b. What variance(s) were requested: \_\_\_\_\_

c. What variance(s) were granted: \_\_\_\_\_

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

Name(s): John N. & Darlene M. Loukides Signature: [Signature]  
 Address: 54 Ridgeland Cir. City: Wallingford State: CT Zip: 06492  
 Telephone No: 203-710-1470 Interest in Property: Owner:  Other: \_\_\_\_\_

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

Name(s): John N. & Darlene M. Loukides Signature: [Signature]  
 Address: 54 Ridgeland Cir City: Wallingford State: CT Zip: 06492  
 Telephone No: 203-710-1470

*Handwritten notes:*  
 duplicate to [unclear] 203-285-5030  
 David @ [unclear] construction  
 P.O. Box 312 No. [unclear]

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>Town of Wallingford Sheehan High School</u>	
2. <u>62 Ridgeland Cir</u>	<u>Danielle Ruiz</u>
3. <u>Joseph A. Negrini III &amp; Kim M. Negrini</u>	<u>50 Ridgeland Cir</u>
4. _____	_____
5. _____	_____
6. _____	_____

(Attach additional sheet(s) if necessary)

10.) Please provide directions to the subject property from a well recognized Town road. FROM HIGHLAND AVENUE @ HOPE HILL ROAD → PROCEED WEST TO WEST RIDGELAND ON SOUTH → TAKE A RIGHT ON RIDGELAND CIRCLE

**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

20'

20x20 Screened in Porch

Need to know S of R. depend on

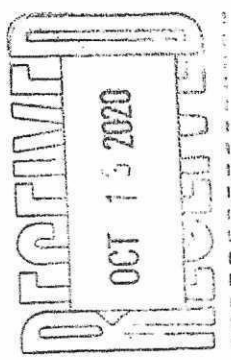
side finish of 3' wall

side finish of 3' wall

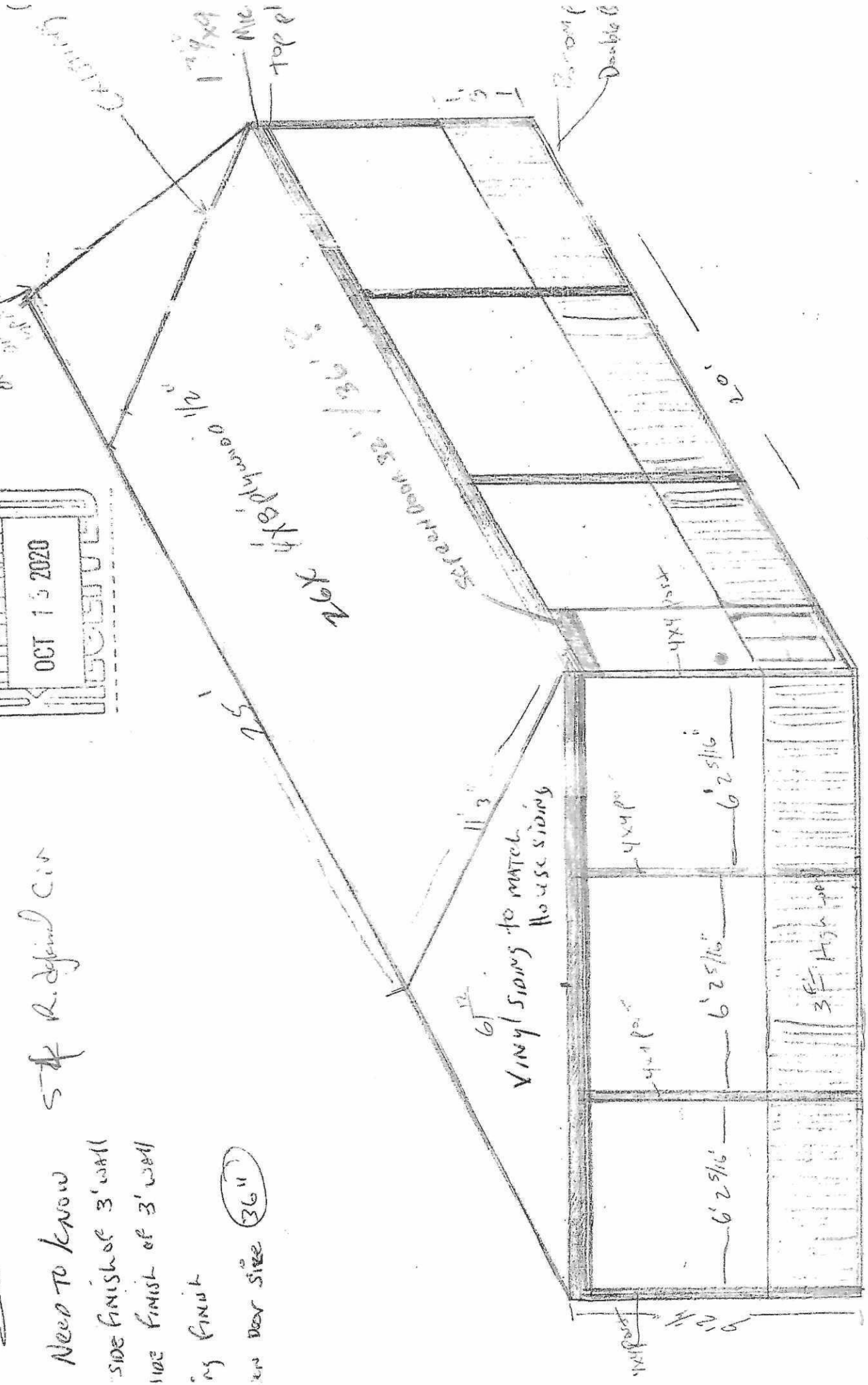
ing finish

in door size (36")

#20-025

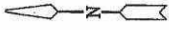


End of Ridge  
of new house  
with existing  
siding



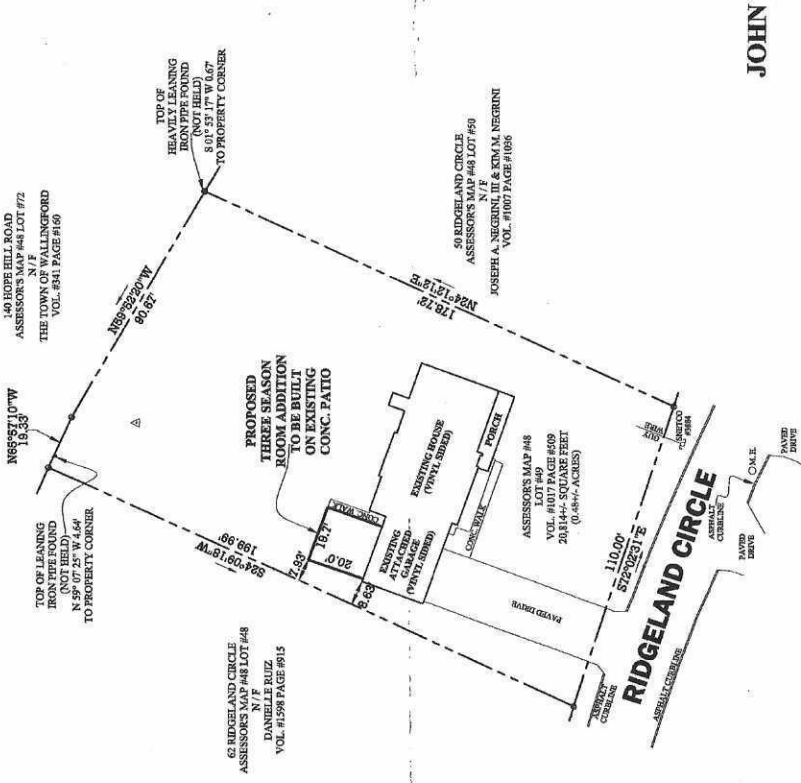
20'





PER MAP REFERENCE #1  
GRAPHIC SCALE  
1" = 20' FT.  
0 10 20 30 40 50 60 70 80 90 100

ZONING DISTRICT - R-18  
ADDITIONAL LOT AREA (SQ. FT.) - 11,000  
ACTUAL - 28,146 SQ. FT. ACRES  
PERMITTED - 15%  
EXISTING - 143,871 SQ. FT. (3.28 ACRES)  
SIDE SETBACK - 20 FEET

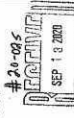


**PROPOSED  
PLOT PLAN**

LAND  
N / F OF

**JOHN N. & DARLENE M. LOUKIDES**  
54 RIDGELAND CIRCLE  
WALLINGFORD, CONNECTICUT

SCALE: 1" = 20'  
SEPTEMBER 14, 2020



**STONE WALL BOUNDARIES, LLC**  
SURVEYING & MAPPING

PAUL BUCKLEY REYNOLDS - PROFESSIONAL LAND SURVEYOR  
8 OSAGE DRIVE  
WALLINGFORD, CT 06492  
(203) 889-8664  
BUCKLEYREYNOLDS@AHOOC.COM

- NOTES**
- 1) THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE SURVEYING, INC. ON SEPTEMBER 26, 1996. IT IS A ZONING LOCATION SURVEY. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE EXISTING SITE CONDITIONS.
  - 2) THE PROPERTY IS LOCATED IN THE TOWN OF WALLINGFORD'S R-18 ZONING DISTRICT WITH A 40' FRONT SETBACK AND 20' SIDE SETBACKS.
  - 3) PROPERTY IS SUBJECT TO A CERTAIN 'REAL ESTATE DEVELOPMENT PERMANENT EASEMENT' TO THE 'BOTHEN' TOWNSHIP TELEPHONE COMPANY (SEE VOL. #25 PAGE #407).
  - 4) THE PROPERTY IS SUBJECT TO 'RESTRICTIONS' (SEE VOL. #29 PAGE #160).

**REFERENCE MAPS**

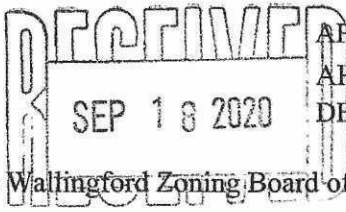
- 1) RIDGELAND - SECTION 11, WALLINGFORD, CONN. - DEVELOPED BY THOMAS A. LAYDON'S SCALE: 1" = 40' (SEE VOL. #18 PAGE #100).
- 2) MAP OF PROPERTY T. JOSEPH MANALLY EST. - HOPE HILL ROAD, WALLINGFORD, CONN. - SCALE: 1" = 60' (AN. 18, 1866 BY JOSEPH B. BURNS - RE & LE #714 S. W. L. R. MAP #179).
- 3) PROPOSED PLOT PLAN - LAND OF ESTATE OF EILEEN R. KVAN - 54 RIDGELAND CIRCLE - WALLINGFORD, CONNECTICUT - SCALE: 1" = 20' (JUNE 24, 2012 BY STONE WALL BOUNDARIES, LLC ON BEHALF OF THE TOWN OF WALLINGFORD BUILDING DEPARTMENT).



TO BE FILED IN THE OFFICE OF THE REGISTER OF DEEDS AND BUREAU OF RECORDS AND DEEDS  
COUNTY AS NOTED HEREIN  
*[Signature]*  
PAUL BUCKLEY REYNOLDS, P.L.S. #0009  
MAY NOT VALID WITHOUT ALSO BEING FILED IN THE REGISTER OF DEEDS

ORIGINAL

ZONING BOARD OF APPEALS  
Wallingford, Connecticut  
APPLICATION FOR VARIANCE



APPLICATION NO.: 20-026  
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 Dr. 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>18%</u>
<u>Side Yard Setback</u>	<u>Schedule 5.1A</u>	<u>20ft</u>	<u>13.49 ft.</u>	<u>12.05 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 that will be shared space between main house + accessory apt.

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 houses we need more covered space to visit as a family to abide by social distancing guidelines

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 / 8/17/20
- b. What variance(s) were requested: Front + side to build addition / side yd, Bld coverage, Access Apt Expend.
- c. What variance(s) were granted: Front + side because others alike in area / Denied

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

Name(s): Anthony + Kelly Franceskani Signature: Anthony M Franceskani  
 Address: 20 South Side Dr City: Wallingford State: CT Zip: 06492  
 Telephone No: 203-494-2233 - Kelly Interest in Property: Owner:  Other:   
203-560-0120 Tony

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

Name(s): Anthony + Kelly Franceskani Signature: \_\_\_\_\_  
 Address: 20 South Side Dr City: Wallingford State: CT Zip: 06492  
 Telephone No: 203-494-2233 - Kelly  
203-560-0120 Tony





September 08, 2020

To Whom It May Concern,

This letter is in reference to the proposed variances submitted by my neighbors Tony & Kelly Franceskino who are looking to add on to the back of their house. I own and live at 2 South Side Court and have no objections to what they're looking to do and support them fully.

Regards,

Louie Pereira

A handwritten signature in cursive script that reads "Louie Pereira".

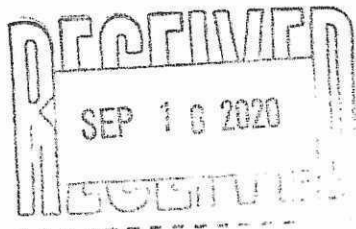
September 16, 2020

To Whom It May Concern,

I am writing in behalf of me and my wife Debbie regarding the proposed variances submitted by Kelly and Tony Franceskino for an addition that they want to add off the back of their home. We are their neighbor at 5 Sunny Court and have no objection to the variances that they're asking for.

Sincerely,

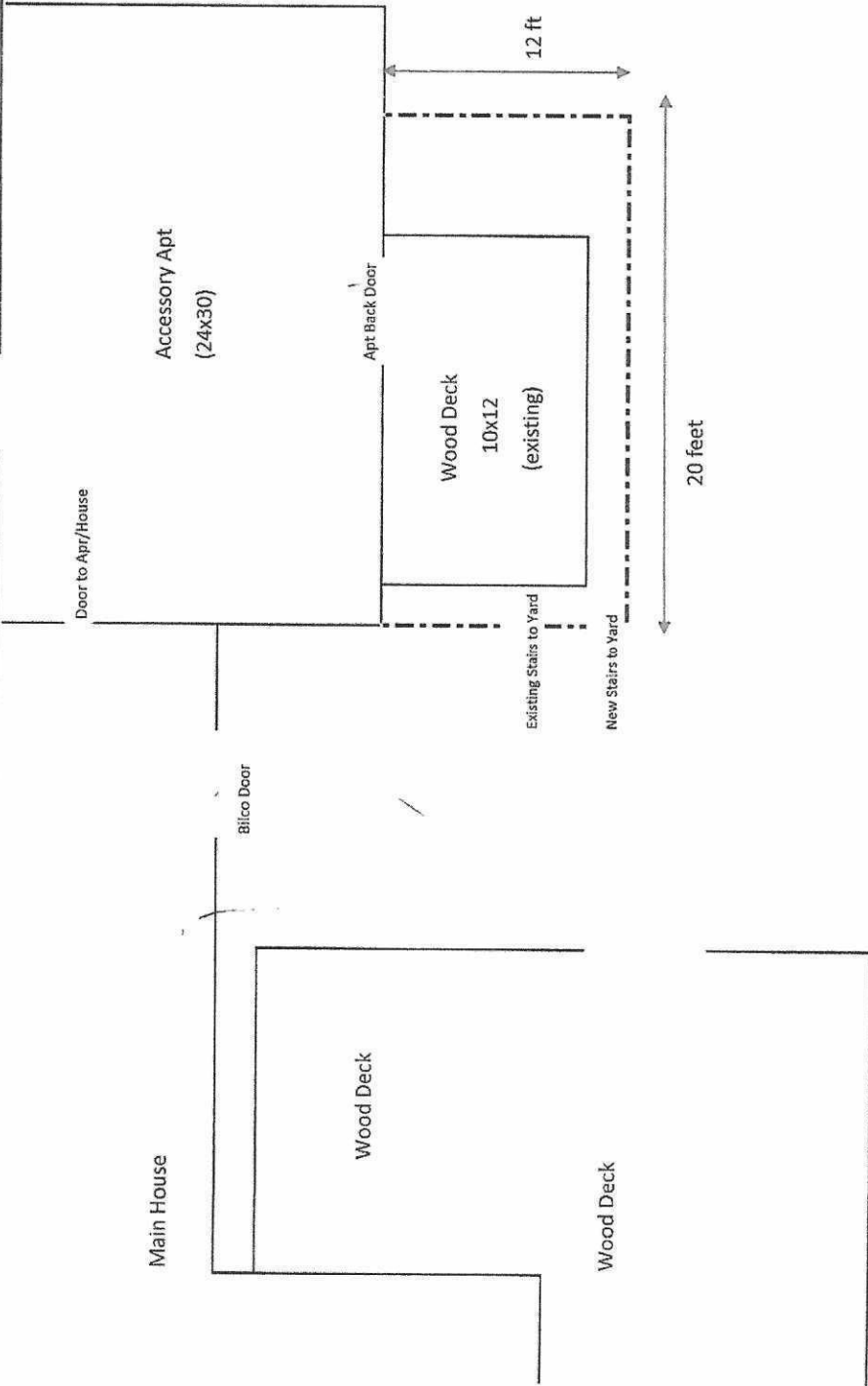
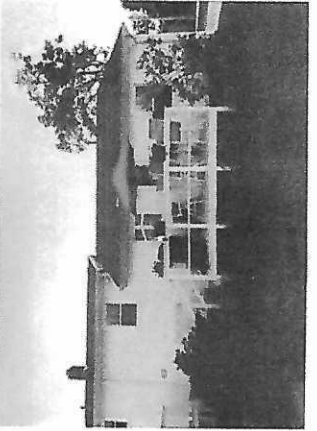
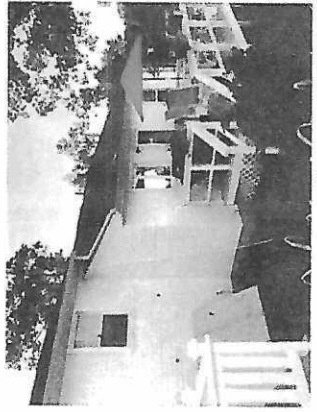
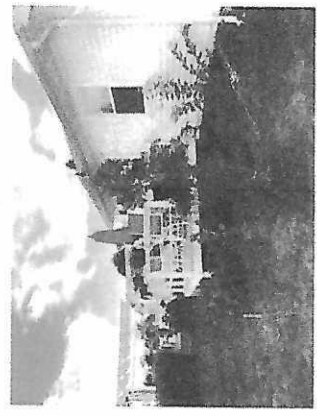
Matt & Debbie Verrilli

A handwritten signature in cursive script, appearing to read "Matt Verrilli".



PERMIT  
 JUL 30  
 1551015

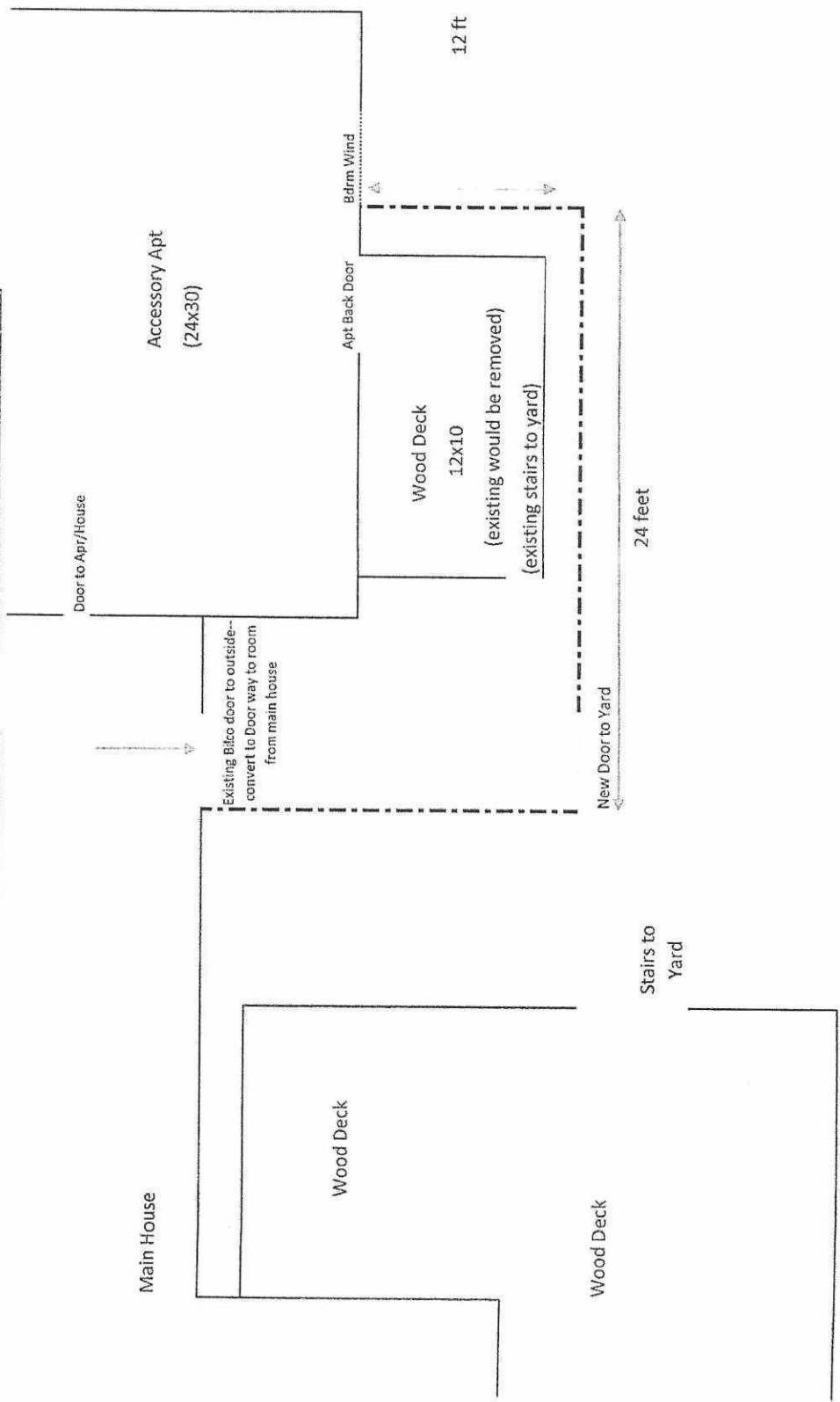
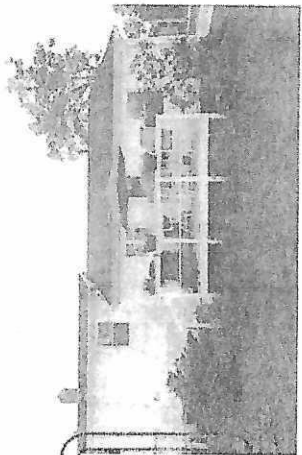
#20-014



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

RECEIVED  
 SEP 18 2020  
 RESOLUTIONS



Existing Accessory Apt is 24 x 30 = 720 sq. feet  
 Maximum is 780 sq. feet = 10 x 12  
 Asking for 12 x 20

YARD

**DRAFT**

**Wallingford Zoning Board of Appeals**

**Monday, September 21, 2020**

**7:00 p.m.**

**Robert F. Parisi Council Chambers**

**45 South Main Street**

**Minutes**

**Present:** Vice Chairman Raymond Rys; Secretary Louis Czerwinski; Commissioners Samuel Carmody; Alternates: Bruce Conroy, Karen Harris; Robert Parisi; and Amy Torre, Zoning Enforcement Officer.

Vice-Chairman Rys called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited.

Vice-Chairman Rys noted that tonight's decisions will be published in the Record-Journal on Friday, September 25, 2020. The effective date of your variance will be Friday, September 25, 2020; the date a certified copy is recorded on the land records. The statutory 15 -day appeal period will expire on Sunday, October 11, 2020. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Voting members are Conroy (for Wolfer), Carmody, Czerwinski, Parisi (for Rusczek), and Vice-Chairman Rys.

Vice-Chairman Rys noted that item #2, application #20-021 requested no action at this meeting. It will be heard next month.

**PUBLIC HEARINGS**

**1. #20-020- Variance Requests/Lawrence/353 South Main Street**

Mr. Czerwinski read the staff notes into the record. The applicant proposes converting the first-floor dental office to a residential dwelling unit where dwelling unit exits on the second floor creating a 2 family dwelling in an R-11, single-family residential zone. Property ownership has remained the same since prior to the inception of zoning. Original Zoning Regulations permitted a customary home occupation without regulated area, number of employees or clients, and without requiring Special Exception Approval. Current regulations limit the area to a maximum of 500 Sq. Ft., employee(s) must be residential occupants, no more than 2 clients at one time, no signage is permitted and Special Exception Approval from the ZBA is required. The property owner operated a Dental Office on the entire first floor while converting the second floor to the owner-occupied dwelling unit. The applicant proposes converting the first-floor dental office to a residential dwelling unit. The proposal is conforming as to use (residential) however the number of units (2) is not permitted in an R-11 zone. Also, there is one Interoffice Memorandum dated September 1, 2020, from Erik Krueger, Senior Engineer, Water, and Sewer Divisions to Amy Torre, Zoning Enforcement Officer.

James Lawrence of Newbern, North Carolina, and also owns 353 South Main Street, previously owned by Dr. Robert John Lawrence and Anne Lawrence. He explained that he is looking to convert it to a two-family home. The property was purchased by his parents in the 1950s and they got a variance to put a second-floor kitchen. The building would conform to a two-family house. It currently has separate entrances, three full bathrooms, and separate kitchens. There are multiple areas to park including a three-car garage, space beside the garage, and street parking on Pine Street. Mr. Lawrence responded

to Erik Krueger's question about plumbing that there is no additional plumbing needed. They will need less than the dental office did. He is just updating the fixtures. He reported that he has had the roof replaced and is doing energy-efficient windows and siding. He is doing updates to make it more efficient. The required electric updates are done. He brought the central air up to code and make it more efficient. He stated that the electrical service for the first and second floor is already separate.

Mr. Conroy asked what his hardship is. Mr. Lawrence replied that his parents passed away. He and his brothers own other property and are not going to use the house or run the business. The expectation is that, that far down on Main, the Town wants families there versus business.

Mrs. Torre stated that this is an unusual case where the property was a dental office which in the 1950s was permitted by right without any restrictions. It was never anything but a residential zone. The property has been vacant for a while. Someone could claim that non-conforming use as another dentist but it would have to be someone who lived upstairs. Mrs. Torre noted that the property is moving toward conformity by changing the use to residential. The number of units is the question.

Mr. Czerwinski asked about the availability of the garage for parking. Mr. Lawrence confirmed the three-car garage plus two spaces beside it would be available. Mr. Czerwinski noted his concern about enough parking for two families. Mr. Lawrence noted that it is a heated garage and the residents would be able to use it. He stated that there is sufficient parking to avoid parking on the street.

Mr. Carmody asked if there were any other commercial offices in the neighborhood. Mr. Lawrence replied that between Ward and Pine there used to be 9 apartment buildings. There are none anymore. He noted that there used to be a law office on the corner of Parson and Main that isn't there now. He stated that after Ward Street, there is no commercial. Mr. Carmody noted that this property would be conforming with the residential neighborhood. Mr. Lawrence replied that there are lots of big houses in the neighborhood. Mr. Carmody asked how long the property was in his family. Mr. Lawrence replied since 1958.

Ms. Harris asked if he plans to rent or sell the property. Mr. Lawrence replied that long term he will probably sell. It depends on the market when he completes the renovations. Ms. Harris asked when he expects to finish with the renovations. Mr. Lawrence replied probably within 6 months, but he is doing most of the work himself while working full time.

**Public Comment – none**

Vice-Chairman Rys closed the public hearing and opened it up for discussion and possible action by the Board.

**Mr. Czerwinski: Motion to approve the variance request #20-020/Lawrence/353 South Main Street. Variance request to convert first floor customary home occupation (dental office) to the second residential unit where two-family dwellings are not permitted at 353 South Main Street as shown on submitted plans received August 14, 2020, subject to the following condition:**

- 1. Comments from Erik Krueger, Senior Engineer, Water, and Sewer Divisions dated September 10, 2020.**

**Mr. Parisi: Second**

**Vote: Conroy – no to approve; Carmody – yes to approve; Czerwinski – yes to approve; Parisi – yes to approve; Vice-Chairman Rys – yes to approve.**

The variance has passed.

**CONSIDERATION OF MINUTES**

**Mr. Parisi: Motion to accept the minutes of the Monday, July 20, 2020, regular meeting.**

**Mr. Carmody: Second**

**Vote: Unanimous to approve**

**NEW BUSINESS**

Mr. Carmody stated his disappointment that the meeting was not virtual. He noted recommendations provided by Att. Small in a memorandum dated September 1, 2020, that goes against the CDC guidelines. Specifically, "Although it is recommended for Board members to keep six feet of social distancing, please keep in mind that by wearing masks the six feet distance not mandatory." He continued, CDC guidelines state that wearing a mask does not replace the need to practice social distancing particularly in shared spaces like we are in tonight. He also noted that keeping a distance from others is especially important for people who are elderly and are at increased risk for severe illness. Enclosed indoor facilities, like this one, provide poor ventilation and a greater opportunity for COVID-19 to spread. He noted that the town's building's ventilation systems were not state of the art. There is not a temperature screening of people entering the building. It is as if the Town doesn't believe COVID exists. HE commended the school system for the planning they put in place. He stated that this is a pattern, one that we see tonight with the decision to put the public at risk by having a meeting here in the Council Chambers. Tonight's meeting should have been virtual.

Mr. Conroy commented that he has no choice but to work in the public and his presence endangers others. He agrees that this is a public acknowledgment that this is wrong that this meeting is in person while others are virtual. He stated that it is unacceptable that we had to come here.

Mrs. Harris asked if there is a training available for new members of the Board. Mrs. Torre replied that she has resources that she will present to the Board.

**ADJOURNMENT**

**Mr. Conroy: Motion to adjourn at 7:30 pm.**

**Mr. Parisi: Second**

**Vote: Unanimous to approve.**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary