

**DRAFT**

**Wallingford Zoning Board of Appeals**

**Monday, March 21, 2022**

**7:00 p.m.**

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

**Minutes**

**Present:** Chairman Joseph Rusczek; Vice-Chair Ray Rys; Commissioners: Secretary Louis Czerwinski; Bruce Conroy; Thomas Wolfer; and Amy Torre, Zoning Enforcement Officer.

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

Voting members tonight are Conroy, Czerwinski, Wolfer, Rys, and Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, March 25, 2022. The effective date of your variance will be Friday, March 25, 2022; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, April 10, 2022. If you commence operations and/or construction during the appeal period, you do so at your own risk.

**PUBLIC HEARINGS**

**1. #22-010 – Variance Requests/Williams/12-16 Northfield Road**

Mr. Czerwinski read the staff notes into the record. The applicant seeks a Variance to expand a non-conforming use (residential) where no expansion is permitted to add a 12 ft. x 19 ft. addition at 12-16 Northfield Road in a CB-40 District. The applicant was granted two variances in July of 2019 to reconstruct and expand a residential dwelling in a commercial zone. The Residential Use is non-conforming in the zone as a dwelling existed pre-dating the inception of zoning. The applicant received Approval for a Front Yard Variance and to expand a non-conforming use in order to reconstruct a residential dwelling on the parcel. In January 2021, the applicant returned to the ZBA to request three additional Variances (side yard, front yard, expand non-conforming use) as a result of modification and expansion to the original proposal for the structure. Three Variances were granted. The applicant has once again proposed modification and an increase (12 ft. x 19 ft. addition) to the proposed residential dwelling. This office cannot discern any hardship to merit any further Variances being granted to continue expanding the non-conforming use. The applicant appears to be adding more to the original proposal in increments and further highlighting the lack of hardship present in this or earlier Approvals. Correspondence included a letter dated February 21, 2022, from Daniel Webster Lyon, architect, a certified letter to Nickolaus Williams dated July 17, 2019, and notes from the Health Department.

Seeing that the applicant was not present, Chairman Rusczek stated that this item will be moved to the end of the agenda.

**2. #22-011 – Special Exception Request/Gonzalez/63 Cliffside Drive**

Mr. Czerwinski read the staff notes into the record. The applicant seeks a total garage area of 2,372 sq. ft. to construct a 1,428 sq. ft. detached garage where 944 sq. ft. of garage area exists at 63 Cliffside Drive in an RU-40 District. The existing garage is attached to >3,600 sq. ft. dwelling. The applicant is proposing

to locate the detached garage in the rear corner of the parcel, 5 ft. from the side and rear property boundaries. Correspondence included a map received on January 24, 2022, a field card, and a drawing.

Gary Gonzalez, 63 Cliffside Drive explained that he wants to construct a detached garage because he ran out of room and wants to get the car trailer out of the driveway.

Chairman Rusczek asked if the garage will be 1,428 sq. ft. with two bays. Mr. Gonzalez replied yes.

Mr. Czerwinski clarified that this will be in addition to the 944 sq. ft. garage for a total of 2,372 sq. ft. Mr. Gonzalez replied yes.

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

**Mr. Rys: Motion to approve application #22-011 Special Exception Request for total garage area of 2,372 sq. ft. where 944 sq. ft. exists to construct a 1,428 sq. ft. detached garage at 63 Cliffside Drive as shown on Proposed Septic System, Lot 74 Cliffside Drive dated April 24, 1985, and submitted plan/rendering received 1/24/22.**

**Mr. Wolfer: Second**

**Vote: Conroy – no to approve; Wolfer – yes to approve; Czerwinski– yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The special exception is approved.

### **3. 22-012 – Variance Requests/MACK V Development, LLC/801 (800) North Colony Road**

Mr. Czerwinski read the staff notes into the record. The applicant seeks a Parking Variance for 82 spaces where 97 spaces are required and 82 exist and building orientation with rear parallel to thoroughfare where building front is required to be parallel to thoroughfare to erect a single story, 3,000 sq. ft. medical office building at 801 (800) North Colony Road in an RF-40 District. The parcel is a corner lot fronting on both North Colony Road and Beaumont Road. The parcel received Site Plan, Wetlands & Variance Approvals for retail use, construction, and site development (Tractor Supply Co.) in 2018. The Applicant will need to secure Wetlands permitting before proceeding to PZC for Site Plan Approval following ZBA determination. The subject property has a river corridor parallel to Route 5 altering the design of the entire site and also prohibiting access to the site from North Colony Road. Orienting the main entrance of the proposed new building parallel to North Colony Road, in the location proposed, would prevent access to the building and creates parking to the building's rear. The applicant should demonstrate actual parking needs, hours of service, etc. impacting all uses and users on the property and the associate hardship adhering to the requirement of 97 parking spaces. Correspondence included a map received February 15, 2022, a memorandum from the Planning and Zoning Commission, and notes from the Health Department.

James Cassidy, Project Engineer and Principal with Hallisey, Pearson, and Cassidy, 630 Main Street, Cromwell, presented for the applicant MACK V Development, LLC. They propose constructing a 3000 sq. ft. medical office and need two variances. One for a reduction in the number of parking spaces required for the combined uses. They will not be expanding the parking as they believe it is more than adequate. The other variance is to Section 6.33 of the zoning regulations that require the building to be oriented toward North Colony Road. He explained the site and showed the only access off Beaumont Street

because the entire frontage has a watercourse along the Walmart property to the north which discharges under Rt 5. Due to the wetlands corridor around it and a ravine, there is no access off North Colony. He stated that the original plan was to build another building on the property. The medical office building is designed to face the parking lot. He explained that they did an analysis of parking at this Tractor Supply store and several others and shared a report that shows they have lower traffic generation than other retailers. They are asking for a reduction of 15 parking spaces. The Tractor Supply store currently uses about 1/3 of its spaces during peak times. He stated that the medical office would have different peak times so additional parking is not needed. Mr. Cassidy explained that the hardship is the steep terrain, the watercourse, and the wetlands restricting where they can expand the parking. He noted that the cement slab next to Tractor Supply that is used for display could be used to park another 44 cars. Regarding the building orientation, he noted that orienting it to North Colony would put the parking behind it making people walk around the building to enter. The building will face the parking lot but it would also kind of face Beaumont. He stated that he understood the concerns of the Commission and added that there would be no loading docks or dumpsters. He showed drawings of the front and rear. He added that the building will be 130 ft. off of North Colony with trees along the watercourse. He stated that the hardship is due to the steep terrain, the watercourse, and lack of access from North Colony Road.

Chairman Rusczek asked about the number of employees and hours of the Urgent Care office. Mr. Cassidy replied four employees and it would be open 9 am to 5 pm Monday through Friday. He offered to check on weekend hours. Chairman Rusczek asked about the number of patients who could be waiting at a time. Mr. Cassidy replied about a half dozen patients. The Urgent Care office would use 20 parking spaces. Chairman Rusczek noted that no matter what you do with the building, the back will face someone.

Mr. Rys asked if this company had built other urgent care facilities. Mr. Cassidy replied no. Mr. Rys stated that he doesn't see that it's a big deal with the orientation for this use as it won't be seen from North Colony anyway.

Mr. Wolfer noted the correspondence from the Planning and Zoning Committee "The Planning and Zoning Commission cannot approve of the variance because the intent of the zoning regulations is to prohibit the back or side of buildings from facing major thoroughfares throughout the town. This variance request, if approved, would allow the back of the building to face Rt. 5 and the Commission feels that this would not be aesthetically appropriate for the site, therefore, the Planning and Zoning Commission cannot support the variance." Mr. Cassidy replied that he had received that memo and that Planning and Zoning has not seen the renderings.

Chairman Rusczek clarified that the hardship is that they don't need all the parking and it is hard to expand the lot. Mr. Cassidy stated that it is due to the watercourse and wetlands. Chairman Rusczek noted that Walmart doesn't face North Colony.

Mr. Czerwinski asked about the concrete pad site that could be used for parking. He noted that if the variance is granted a future owner would have that to use for parking. Mrs. Torre noted that the variance follows the land, so the next owner would have to demonstrate that their parking needs are met.

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

**Mr. Rys: Motion to approve application #22-012/MACK V Development, LLC/800 (801) North Colony Road, a Variance Request for 82 parking spaces where 97 are required to construct a 3,000 sq. ft. single-story medical office building at 800 (801) North Colony Road as shown on Concept Plan for Proposed 3,000 sq. ft. Medical Office Building, prepared for Iamthewalrus, LLC of Property Located at 800 North Colony Road, dated 10/19/2018, updated 9/13/2021, subject to:**

- 1. Comments from Environmental Planner requiring IWWC permitting, received March 10, 2022.**

**Mr. Czerwinski: Second**

**Vote: Conroy – yes to approve; Wolfer – no to approve; Czerwinski– yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance is approved.

**Mr. Wolfer: Motion to approve application #22-012/MACK V Development, LLC/800 (801) North Colony Road for a Variance Request for building orientation with building rear-facing thoroughfare where building front is required to be facing thoroughfare to construct a 3,000 sq. ft. single-story medical office building at 800 (801) North Colony Road as shown on Concept Plan for Proposed 3,000 sq. ft. Medical Office Building, Prepared for Iamthewalrus, LLC of Property Located at 800 North Colony Road dated 10/19/2018, updated 9/13/2021, subject to:**

- 1. Comments from Environmental Planner requiring IWWC permitting, received March 10, 2022.**

**Ms. Czerwinski: Second**

**Vote: Conroy – yes to approve; Wolfer – no to approve; Czerwinski – no to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance is denied.

#### **4. 22-013 – Variance Requests/Gallo/654 North Colony Road**

Mr. Czerwinski read the staff notes into the record. The applicant seeks front yard setbacks of 4 ft. (Old Colony Road) and 29 ft. (North Colony Road), front landscaping of 4 ft. (Old Colony Road) and 29 ft. (North Colony Road), Outside storage to locate dumpster in the side/front yard where the rear yard is required, and no sidewalks where sidewalks are required in order to develop the site and construct a car wash facility at 654 North Colony Road in an RF-40 District. The parcel is a narrow thru-lot fronting on both North Colony Road and Old Colony Road and as such has insufficient building envelope to accommodate 50 ft. front setbacks on two streets and no rear yard. The front yard variance request and front landscaping request relative to North Colony Road are required to accommodate greater than 8 ft. vacuum structures which require the same setback requirements as any building. The proposed car wash building complies with the front yard setback on North Colony Road, the vacuums and the adjacent parking require the reduced front yard and reduced front landscaping on North Colony. To the same end, sidewalks can and should be erected along North Colony Road as there is no hardship in their elimination since this parcel is an important connection with other parcels for pedestrian use and mass transit stops. Correspondence included notes and maps received March 18, 2022, a map received February 18, 2022, a memo from the Town Engineer received March 8, 2022, a second map dated February 18, 2022, and correspondence received March 4, 2022, from Inland Wetlands and Watercourse Commission.

Atty. Jim Loughlin, Loughlin Law, 221 North Main Street, presented for the applicant Gerald Gallo, regarding the proposal for a new car wash across from McDonald's where the old fireplace store was.

He stated that this proposal will reduce the non-conformity. The hardship is that the lot is narrow with two giant setbacks that leave a narrow building envelope. It is on a corner so it has two front yards. He referred to the last correspondence received on Friday that compares the existing setback encroachments to what is proposed. The new car wash would reduce the non-conformity by almost 60%. He referred to the map showing the property boundary and the building envelope and stated that it is impossible to construct a competitive building in that envelope. Atty. Loughlin noted that this would be Mr. Gallo's second car wash. He runs a successful one in Vernon. He noted that the vacuums shown in the rendering would be between Rt. 5 and the building and are airy and light. The canopy shown in the rendering is also not really a building and doesn't contribute to the setback violation as much as the old Fireplace Store. He summarized that the hardship is due to the building envelope due to the two front yards. He stated that this proposal reduces the non-conformity by more than 60% and that the appearance will be compelling and be an improvement.

Chairman Rusczek asked if they thought about not doing the front row of 10 vacuums as that would eliminate a variance. Atty. Loughlin replied that it wouldn't work for the business. Gerry Gallo, 15 Shanti Place, Tolland, replied that he did consider it but believes it will create traffic issues. The vacuums at his other location are heavily used and he has had cars lined up waiting. Chairman Rusczek asked about the front landscaping variance. Mrs. Torre clarified that it is a companion request. The entire front yard setback is required to be landscaped. That is automatically reduced when the setback is reduced. Chairman Rusczek asked about the sidewalk. Atty. Loughlin replied that they have already amended the application that was submitted to Planning and Zoning to include the sidewalk on North Colony in response to comments from Engineering. He asked for a variance only for the sidewalk along Old Colony Road, because it's so tight back there.

Atty. Loughlin reviewed the other variances, which are the setback along Old Colony Road, along North Colony Road, and outside storage for the dumpsters so we don't need a buffer variance.

Mr. Gallo stated that there will be a sidewalk on Rt. 5 and he has a robust landscaping plan.

#### PUBLIC COMMENT

Tim Ryan, the Economic Development office, stated that he worked with Mr. Gallo for most of the last year and supports the application and project. This is a good fit for the lot as not much will fit. It will improve the site. He noted that the applicant worked with the Town to find a way to make it work. He asked for the Board's support.

Jeremy Grossman, 6 Lorie Lane, stated that when he built his car wash he was told by Planning and Zoning that he could not get a variance for the 50 ft. setback so he never applied. His business is Scrubbin Bubbles at 895 North Colony Road. He wanted to do the same thing with the vacuums but was told not to attempt the variance. He knows that the Subaru dealership was also denied a variance to change the setback. Atty. Loughlin noted that the Scrubbin Bubbles application was a very different application. The regulations are there to protect the Town and the Zone, not individual businesses.

Hearing no further public comment, Chairman Rusczek closed the public hearing and called for discussion or action. He noted that they have withdrawn the variance request for the front sidewalk.

**Mr. Rys: Motion to approve application #22-013/Gallo/654 North Colony Road for a variance request for front yards of 29 ft. (North Colony Road) and 4 ft. (Old Colony Road) to construct a car wash facility at 654 North Colony Road as shown on Existing Conditions Plan, Boundary/Topographic Survey**



Prepared for Car Wash Services MD, LLC, 654 North Colony Road dated 1/27/22, and Proposed Variance Plan, Prepared for Economy Express Car Wash of Wallingford, Proposed Car Wash Facility, 654 North Colony Road, dated 2/17/22.

**Ms. Wolfer: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski– no to approve; Rys – no to approve and Chairman Rusczek – no to approve.**

The variance is denied.

**Mr. Rys: Motion to approve application #22-013/Gallo/654 North Colony Road for a variance request for front landscaping of 29 ft. (North Colony Road) and 4 ft. (Old Colony Road) to construct a car wash facility at 654 North Colony Road as shown on Existing Conditions Plan, Boundary/ Topographic Survey Prepared for Car Wash Services MD, LLC, 654 North Colony Road dated 1/27/22, and Proposed Variance Plan, Prepared for Economy Express Car Wash of Wallingford, Proposed Car Wash Facility, 654 North Colony Road, dated 2/17/22.**

**Mr. Wolfer: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski – no to approve; Rys – no to approve and Chairman Rusczek – no to approve.**

The variance request is denied.

**Mr. Rys: Motion to approve application #22-013/Gallo/654 North Colony Road for a variance request to locate a dumpster in the side/front yard where locating dumpster in the rear yard is required to construct a car wash facility at 654 North Colony Road as shown on Existing Conditions Plan, Boundary/ Topographic Survey Prepared for Car Wash Services MD, LLC, 654 North Colony Road dated 1/27/22, and Proposed Variance Plan, Prepared for Economy Express Car Wash of Wallingford, Proposed Car Wash Facility, 654 North Colony Road, dated 2/17/22.**

**Mr. Wolfer: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance request is denied.

**Mr. Rys: Motion to approve application #22-013/Gallo/654 North Colony Road for a variance request for no sidewalks where sidewalks are required along street frontage (Old Colony Road) to construct a car wash facility at 654 North Colony Road as shown on Existing Conditions Plan, Boundary/ Topographic Survey Prepared for Car Wash Services MD, LLC, 654 North Colony Road dated 1/27/22, and Proposed Variance Plan, Prepared for Economy Express Car Wash of Wallingford, Proposed Car Wash Facility, 654 North Colony Road, dated 2/17/22.**

**Mr. Wolfer: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance request is denied.

**5. #22-014/Special Exception Request/Coffren/60 South Branford Road**

Mr. Czerwinski read the staff notes into the record. The applicant requests a total garage area of 1,652 sq. ft. where 452 sq. ft. exists to construct a detached 1,200 sq. ft. garage at 60 South Branford Road in

an RU-120 District. The proposal locates the garage to the side of the dwelling exactly 40 ft. from the side boundary (compliant with 40 ft. side-yard setback). Correspondence included a drawing received February 18, 2022, a drawing received March 3, 2022, and comments from the Inland Wetlands Watercourses Commission.

Albert Coffren, 60 South Branford Road and Paul Buckley Reynolds, Stonewall Boundaries, 8 Osage Drive, presented the proposal for a detached garage. It is far enough away from the setbacks and will replace a Quonset hut.

Chairman Rusczek clarified that it will be a 50 ft by 24 ft. garage. Mr. Coffren replied yes.

Hearing no public comment Chairman Rusczek closed the public hearing and called for discussion or action.

**Mr. Rys: Motion to approve application #22-014/Coffren/60 South Branford Road, Special Exception Request for total garage area of 1,652 sq. ft. to construct a 1,200 sq. ft. detached garage at 60 South Branford Road in an RU-120 District as shown on Proposed Plot Plan, Land of Albert Coffren, Jr. & Melissa Coffren, 60 South Branford Road dated 2/17/22 and submitted plan/rendering received 3/3/22, subject to:**

- 1. Comments from Environmental Planner, received March 10, 2022.**

**Mr. Wolfer: Second**

**Vote: Conroy – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The special exception is approved.

#### **6. #22-015/Variance Requests/Woytowich/31 Elmwood Road**

Commissioner Czerwinski read the staff notes for the record. The applicant requests front yards of 20.94 ft. (Elmwood Road) and 22.08 ft. (Parkview Road) where 24.94 ft. and 25.07 ft. exists and 40 ft. is required, building coverage of 18.6% where 17.9% exists and a maximum of 15% is permitted in order to construct an addition and front yard deck entry at 31 Elmwood Road in an R-18 District. The applicant is a new property owner and commenced construction without the benefit of building or zoning permits. The Assistant Building Official responding to a complaint issued a "Stop Work" Order in December 2021 to cease further construction until and unless proper Zoning Approval and Building Permits were secured. The applicant seeks after-the-fact variances in order to secure the building permits and remedy the subsequent zoning violation(s). The parcel is a corner lot and existing conditions are non-conforming with respect to setbacks and building coverage. The proposed addition is 4 ft. x 12 ft. fronting Elmwood Road and 7 ft. x 3 ft. deck, landing at entryway fronting on Parkview Road. Correspondence includes two drawings received February 18, 2022, a Zoning Investigation Record dated December 17, 2021, correspondence from Inland Wetlands and Watercourses Commission dated March 10, 2022, and correspondence from the Department of Public Utilities dated March 10, 2022.

Robert Woytowich, Jr. and Wasan Abdulmahadi of 31 Elmwood Road presented with Paul Buckley Reynolds, Stonewall Boundaries, of 8 Osage Drive. Robert and Wasan apologized and stated that he didn't know they had to apply for the permit. He explained that they are first-time homeowners and purchased the house in October and rushed to get it ready when their lease ran out. They are requesting variances to add an addition for a closet on the Elmwood side and a platform along the side

with steps providing an exit from the bedroom. Mr. Woytowich explained that they hired Pickett Home Improvement to do the work and the issue of a permit never came up.

Mr. Reynolds added that the contractor is originally from Tennessee and maybe didn't know. The zoning for this lot, in the Parkview neighborhood, is R-20 but the lot is only 8,000 sq. ft. with setbacks of 40 ft. So there is very limited space to put an addition. They are already over the building coverage max due to the lot size. He suggests the Town put something in the deeds in this neighborhood that no changes can be made without approval from the Zoning Board of Appeals.

Chairman Rusczek asked how much work has been done. Mr. Woytowich replied that the closet has been built and just needs to be sided. The foundation for the platform on the Parkview side has been laid but the platform has not been built yet, just the top part is sticking out from the house.

Mr. Wolfer asked when the Stop Work order was issued and how the builder reacted. Mr. Woytowich replied that the builder apologized to them.

Hearing no public comment Chairman Rusczek closed the public hearing and called for discussion or action.

Mr. Wolfer asked if the Board need to take action with the Stop Work Order. Mrs. Torre stated that the Stop Work order was not done by Zoning but by the Assistant Building Official as a result of a complaint. The building official then advised Zoning. She stated that the builder responded immediately to find a way to rectify this issue.

***Mr. Rys: Motion to approve application #22-015/Woytowich/31 Elmwood Road for a variance request for front yard of 20.94 ft. (Elmwood Road) where 24.94 ft. exists and 40 ft. is required to construct two additions at 31 Elmwood Road in an R-18 District as shown on Proposed Plat Plan, Land of Wasan Abd Ali Abdu Abdulmahadi and Robert Woytowich, Jr., 31 Elmwood Road dated 1/14/22, and submitted pan/rendering received 2/18/22, subject to:***

- 1. Comments from Erik Krueger, Water & Sewer Division received March 10, 2022***

**Mr. Czerwinski: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski – yes to approve; Rys – no to approve and Chairman Rusczek – no to approve.**

The variance request is denied.

**Mr. Rys: Motion to approve application #22-015/Woytowich/31 Elmwood Road for a variance request for front yard of 22.08 ft. (Parkview Road) where 25.07 ft. exists and 40 ft. is required to construct two additions at 31 Elmwood Road in an R-18 District as shown on Proposed Plat Plan, Land of Wasan Abd Ali Abdu Abdulmahadi and Robert Woytowich, Jr., 31 Elmwood Road dated 1/14/22, and submitted pan/rendering received 2/18/22, subject to:**

- 1. Comments from Erik Krueger, Water & Sewer Division received March 10, 2022**

**Mr. Czerwinski: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – no to approve.**

The variance request is denied.



**Mr. Rys: Motion to approve application #22-015/Woytowich/31 Elmwood Road for a variance request for building coverage of 18.6% where 17.9% exists and a maximum of 15% is permitted to construct two additions at 31 Elmwood Road in an R-18 District as shown on Proposed Plot Plan, Land of Wasan Abd Ali Abdu Abdulmahadi and Robert Woytowich, Jr., 31 Elmwood Road dated 1/14/22, and submitted pan/rendering received 2/18/22, subject to:**

- 1. Comments from Erik Krueger, Water & Sewer Division received March 10, 2022**

**Mr. Czerwinski: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – no to approve.**

The variance request is denied.

**7. #22-016/Variance Request/Smith/1200 South Curtis Street**

Mr. Czerwinski read the staff notes into the record. A variance request for a side yard of 5.88 ft. where 23.88 ft. exists and 20 ft. is required to construct a two-story 473.4 sq. ft. addition at 1200 South Curtis Street in an R-18 District. The property is conforming and compliant with all applicable zoning regulations for the district. The Board should carefully discern any hardship in erecting a two-story structure 5 ft. from a property boundary. Options exist to create additional living space compliant with setbacks such as adding to the rear and/or on the northern side of the property. Correspondence included two drawings received February 18, 2022, correspondence received March 10, 2022, from the Inland Wetlands and Watercourses Commission and correspondence received March 10, 2022, from the Water and Sewer Division.

Christopher and Hannah Smith, 1200 South Curtis Street, and Paul Buckley Reynolds of Stonewall Boundaries, of 8 Osage Drive presented their application to add a third bedroom. Mr. Smith stated that they can't dig over the well and there is a 45° angle in the yard. Mr. Reynolds explained that the property adjacent on the right is a fee simple 35 ft. strip to get to the house at the rear. They shared letters from all the neighbors.

Chairman Rusczek asked if they had looked at any other options, such as adding a second story. Mr. Smith replied that there would be no place to put the stairs going up because the house is so small. He said five contractors looked at it and four of them came up with this proposal. On the left is a steep slope and trees. Mr. Reynolds stated that they would still need a variance to build to the left and there is a house there. Mr. Smith stated that there is nothing on the right but the driveway.

Mr. Czerwinski asked if they looked at going out the back. Mr. Smith replied that the contractors said there would be a problem with exiting as the house is laid out weirdly. The back of the house is the kitchen and dining room and there is a pool 4 ft. from the house. He doesn't know if removing the pool is an option. Mr. Czerwinski clarified that they would need to remove the kitchen and dining room. Mr. Reynolds added that the slope in the back is prohibitive. They would only have the pool area and the addition would be up against the slope.

Mrs. Torre reminded the Board and the applicant that needing to move a pool or well is not a hardship. She reminded the Board that variances follow the land and that the two-story structure will be just over 5 ft from the boundary and driveway. She noted that the lot is compliant today. Mr. Smith stated that the property to the right is only 36 ft wide and can only be a right of way.

Hearing no public comment Chairman Rusczek closed the public hearing and called for discussion or action.

**Mr. Rys: Motion to approve application #22-016/Smith/1200 South Curtis Street for a Variance Request for side yard of 5.88 ft. where 23.88 ft exists and 20 ft. is required to construct a two-story, addition at 1200 South Curtis Street in an R-18 District as shown on Proposed Plot Plan, Land of Christopher & Hanna Smith, 1200 South Curtis Street, dated 1/19/22 and submitted plans/renderings received 2/18/22, subject to:**

1. **Comments from Erik Krueger, Water and Sewer Division received March 10, 2022.**

**Mr. Conroy: Second**

**Vote: Conroy – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance request is approved.

1. **#22-010 – Variance Requests/Williams/12-16 Northfield Road**

Public Hearing Resumed

Since the applicant is not present, Chairman Rusczek suggested the Board discuss and vote on it. He reviewed the request. He stated that he understands the property and is happy to see improvements, but that he doesn't see a hardship.

Mr. Conroy stated that agreed.

Hearing no public comment Chairman Rusczek closed the public hearing and called for discussion or action.

**Mr. Rys: Motion to approve application #22-010/Williams/12-16 Northfield Road, variance request to expand a non-conforming use to construct a 12 ft. x 19 ft. addition at 12-16 Northfield Road as shown on Limited Property/Boundary Survey, Zoning Location Survey, Land of 12-16 Northfield Road, LLC, dated 3/1/2019 revision date 1/14/22 and submitted rendering received 2/14/22, subject to:**

1. **Comments from Environmental Planner requiring revised IWWC permitting, received March 10, 2022, and**
2. **Comments from Erik Krueger, Water and Sewer Division received March 10, 2022.**

**Mr. Wolfer: Second**

**Vote: Conroy – no to approve; Wolfer – no to approve; Czerwinski– no to approve; Rys – no to approve and Chairman Rusczek – no to approve.**

The variance is denied.

#### **CONSIDERATION OF MINUTES**

**Mr. Rys: Motion to approve the minutes of the Tuesday, February 22, 2022, Wallingford Zoning Board of Appeal meeting as submitted.**

**Vote: Unanimous to approve**

#### **ELECTIONS OF OFFICERS**

**Mr. Rys: Motion to nominate Joseph Rusczek as Chairman, of the Zoning Board of Appeals since he's been doing a fine job.**

**Mr. Conroy: Second**

**Vote: Conroy – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve and Rys – yes to approve.**

Mr. Rusczek accepted and shared his appreciation.

**Chairman Rusczek: Motion to nominate Raymond Rys as Vice-Chair of the Zoning Board of Appeals.**

**Mr. Czerwinski: Second**

**Vote: Conroy – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve and Chairman Rusczek – yes to approve.**

Mr. Rys accepted.

**Chairman Rusczek: Motion to nominate Louis Czerwinski as Secretary of the Zoning Board of Appeals.**

**Mr. Conroy: Second**

**Vote: Conroy – yes to approve; Wolfer – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

Mr. Czerwinski accepted.

#### **ADJOURNMENT**

**Mr. Rys: Motion to adjourn the March 21, 2022 meeting at approximately 8:40 pm.**

**Vote: Unanimous to approve**

Respectfully Submitted,  
Cheryl-Ann Tubby  
Recording Secretary