

**Wallingford Zoning Board of Appeals**

**April 15, 2024**

**7:00 p.m.**

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

**Minutes**

**Present:** Raymond Rys, Acting Chair; Board Members: Bruce Conroy; Thomas Wolfer; Karen Harris; Alternates, Robert Gross; Robert Prentice; and Amy Torre, Zoning Enforcement Officer.

Acting Chair Rys called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was recited.

Voting members tonight are *Conroy, Wolfer, Harris, Prentice, and Acting Chair Rys.*

Acting Chair Rys noted that tonight's decisions will be published in the Record-Journal on Friday, April 19, 2024. The effective date of your variance will be Friday, April 19, 2024; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, May 5, 2024. If you commence operations and/or construction during the appeal period, you do so at your own risk.

**PUBLIC HEARINGS**

**1. #24-008/Variance Request/Nadwairski/367 Williams Road**

Ms. Harris read the staff notes into the record. Application #24-008 is a Variance Request for a front yard of 31.6 ft. where 50 ft. is required and 31.6 ft. exists in order to construct an ~435 sq. ft. vertical addition to the southwest side of the existing dwelling at 367 Williams Road in an RU-40 District. The original dwelling was built in ~1900 and is situated on a corner lot with an existing front yard of 31.6 ft. at its minimum, predating zoning. The dwelling has a ~ 506 sq. ft. 2<sup>nd</sup> floor and the applicant proposes a continuation of the existing 2<sup>nd</sup> story over ~435 sq. ft. of single-story portion in the northwest. Correspondence included a Zoning Board of Appeals Application Review signed by M. Hughes for the Health Department, dated April 9, 2024.

Tom Nadwairski, 367 Williams Road explained the application. They have a growing family and need more room. They are staying within the existing footprint and will expand the second floor over the existing first floor. He added that there was an addition in the 1950s and he will keep the same style.

Hearing public comment, Acting Chair Rys closed the public hearing and asked for discussion or possible action.

**Mr. Wolfer: Motion to approve #24-008 Variance Request for Nadwairski at 367 Williams Road for a Variance Request for a front yard of 31.6 ft. where 50 ft. is required and 31.6 ft. exists to construct a second story addition at 367 Williams Road as shown on subdivision of land into lots A, B, & C owned by Ernest and Shirley Gainotti, McNabola, Lane, Williams Road & North Airline Road dated May 20, 1986, revision dated July 1, 1986 and plans received February 29, 2024, subject to:**

- 1. Comments from the Health Department, received on April 5, 2024.**

**Mr. Conroy: Second**

**Vote: Conroy – yes to approve; Wolfer – yes to approve; Harris – yes to approve; Prentice - yes to approve; and Acting Chair Rys – yes to approve.**

The application is approved.

**2. #24-009/Variance Request/53 Harrison, LLC/53 Harrison Avenue**

Ms. Harris read the staff notes into the record. The Variance Request is for side yards of 12 ft. where 20 ft. is required in order to construct a new single-family dwelling at 53 Harrison Avenue in an R-18 District. 53 Harrison Avenue is a vacant, undersized lot of record predating the inception of zoning. The lot has an area of 7,500 sq. ft. and street frontage (which is the lot width) of 50 ft. R-18 zones require an 18,000 sq. ft. lot area and 100 ft. of street frontage. The severely undersized existing lot will require some variance(s) approval in order to erect any single-family dwelling and deem the lot usable. The applicant has proposed a plan to minimize any necessary Variance Requests. This office has no objection to this particular Variance Approval as without it the parcel may not be able to be constructed upon for residential use therefore denying a property owner from reasonable use of the property.

Jonathan Sullivan, 44 South Ridgeland Road, explained that it is a lot that requires some variances. With the need for housing, they are trying to meet that need. This lot preexisted zoning. The variance makes the lot usable.

Mr. Gross noted that this lot abuts 59 Florence, which has the same owner listed as 53 Harrison. He asked if Mr. Sullivan was the owner. Mr. Sullivan explained that he is under contract to purchase the property with the owner, Mr. Falcone. He explained that the abutting property is actually 49 Catherine Street, which is a non-existing street and is part of the 59 Florence parcel. Mr. Gross asked if they could take some of the land from the Florence Street property to make this property a more reasonable size and more conforming. Ms. Torre replied that the lot at Florence or Catherine would be left non-conforming. It's not just the lot size. It's also the street frontage and where the buildings are located. This is a lot of record, predating zoning. The applicant has proposed a single variance. She added that part of the hardship is reasonable use of the property.

Mr. Conroy stated that he understands that it is a lot of record, but the house to be constructed won't look like the other houses in the neighborhood. He added that he thinks this is a Planning & Zoning issue. The zoning needs to change to make these small lots conforming. Other parts of town have similar situations. He disagrees with the hardship since there is nothing there now. Ms. Torre replied that changing the zone is an option. However, it is a legal description of a hardship if you do not have reasonable use of your property. They are entitled to a single-family home on that property. Mr. Conroy asked about the size of the house. Ms. Torre replied that it would have to be 10 feet wide to comply. She noted that the neighboring houses do not comply with setbacks either.

Mr. Gross asked if the owner of record wanted to build a house on 59 Florence and use some of this land, would it be less non-conforming? Ms. Torre replied that that couldn't be done because you cannot have two dwellings on a single lot. This is not about the Florence Avenue property. The key is that this is a lot of record, predating zoning. We don't call them building lots as that is a misnomer.

Hearing no public comment, Acting Chair Rys closed the public hearing and asked for discussion or possible action.

**Mr. Wolfer: Motion to approve #24-009 for 53 Harrison, LLC, 53 Harrison Avenue for a Variance Request for side yards of 12 ft. where 20 ft. is required to construct a new ~1,700 sq. ft. single family home on a vacant lot at 53 Harrison Avenue as shown on 53 Harrison Avenue 150/202 Wallingford, CT, Site Plan, prepared for John Sullivan, dated March 14, 2024 and submitted plans received March 15, 2024.**

**Ms. Harris: Second**

**Vote: Conroy – no to approve; Wolfer – yes to approve; Harris – yes to approve; Prentice - yes to approve; and Acting Chair Rys – yes to approve.**

The application is approved.

### **CONSIDERATION OF MINUTES**

#### **1. March 18, 2024, Regular Meeting**

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

**Mr. Conroy: Second**

**Vote: Unanimous**

### **ADJOURNMENT**

**Mr. Wolfer: Motion to adjourn the April 15, 2024, regular meeting of the Zoning Board of Appeals at 7:25 p.m.**

**Ms. Harris: Second**

**Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary