

## **Wallingford Zoning Board of Appeals**

**November 17, 2025**

**7:00 p.m.**

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

### **Minutes**

**Present:** Joseph Rusczek, Chairman; Board Members: Bruce Conroy; Thomas Wolfer; Karen Raddatz; Robert Gross; Robert Prentice; and Amy Torre, Zoning Enforcement Officer.

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

Voting members tonight are Conroy, Wolfer, Raddatz, Prentice, and Chairman Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, November 21, 2025. The effective date of your variance will be Friday, November 21, 2025, the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, December 7, 2025. If you commence operations and/or construction during the appeal period, you do so at your own risk.

### **PUBLIC HEARINGS**

#### ***1. #25-034/Variance Request/Buckley/9 Nutmeg Court***

Ms. Raddatz read the staff notes into the record. The applicant seeks a Variance Approval for an Accessory Building of 546 sq. ft. and +/-12 ft. in height, where a maximum 300 sq. ft. and 10 ft. in height are permitted to construct a pool house at 9 Nutmeg Court in an RU-40 District. The parcel is .59 acres in an open space subdivision, RU-40 District. RU-40 Open Space Subdivisions are provided with lesser setback requirements and double the building coverage maximums (20% vs. 10%) due to the requirement of open space in common ownership to be left in an undisturbed, natural state. Should this have been a standard RU-40 District, the existing site would exceed building coverage, and an additional Variance Request would have been required. The property has 2 existing Accessory structures, one of which is already adjacent to the in-ground pool. While there is no quantity limit on Accessory Structures, this office cannot discern the hardship of granting relief for a third non-compliant and oversized one. The applicant should consider an alternate pool house design/proposal to comply with the 300 sq. ft. maximum area and 10 ft. maximum height, which would require no Variance. The Board could also consider lessening the request by approving the building portion of the Accessory structure of 364 sq. ft. and eliminating the 183 sq. ft. of the Pavilion (which is a roof over the patio) of the structure. Any Approval should be conditioned upon limited plumbing (less than full sanitary amenities installed) or no plumbing installation to prevent the creation/definition of a dwelling unit. Correspondence included Inter-Departmental correspondence from the Inland Wetlands Commission dated October 30, 2025.

Mary and Jim Buckley, 9 Nutmeg Court, explained the proposal. Ms. Buckley stated that they understand that the request doesn't meet the current square footage and height requirements. She stated that this will enhance the value of the neighborhood. They have a history of responsible home improvements. The proposed building will not be visible from the front and will blend with the existing

structures on the property. None of the neighbors opposes this project. The building will provide a comfortable workspace for her to work from home and for family gatherings. It will not be used for storage and will not have plumbing. She explained the purpose of the other accessory buildings. She noted two similar cases from September 2025 that were approved. She noted a medical condition that will benefit from this new space.

Chairman Rusczek asked for clarification of the current accessory buildings that are both close to the pool. Ms. Buckley clarified that one of the existing buildings is at the back of the property and that the new building will be for sitting outside and for her workspace. She verified that it looks like a barn.

Mr. Gross asked about the hardship. Ms. Buckley replied that, technically, there is no hardship having to do with the land. The space they are looking for will be open and airy, and won't be visible from the front or the side. Mr. Gross stated that the Board has denied applications for buildings this size due to height. Ms. Buckley noted that it's less than two feet above the maximum.

Chairman Rusczek noted that the one who was denied had no permit. It was a different situation. Mr. Gross noted that the height was an issue as well. Ms. Torre noted that the referenced applications were not accessory buildings. They were garages that allowed a higher height.

Ms. Raddatz noted that she is abstaining, and Mr. Gross is voting in her place.

#### **PUBLIC COMMENT**

Randall Raddatz, 12 Nutmeg Court, stated that the Buckleys are tremendous neighbors. Everything they have done has enhanced the neighborhood. He stated that the hardship is on Ms. Buckley with her health issues. This building will allow them to maintain their quality of life. He noted that there is no issue with the number of buildings in this district. He supports approval. He noted that another neighbor who was not able to attend this meeting provided written comments in support. Mr. Raddatz read the comments. Including: 'we would like it to be known that we do not object to the proposed pool house construction'. It was signed by Gregory and Christine Marone, 7 Nutmeg Court.

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

**Mr. Wolfer: Motion to approve #25-034 Variance Request for Accessory Structure of 547 sq. ft. at 9 Nutmeg Court as shown on a portion of As-Built, Lot 42, Fairlawn Farm Subdivision, dated 9/11/1992, received 10/15/2025, and submitted documents received 10/15/2025, subject to:**

- 1. Comments from the Environmental Planner, Inland Wetlands received November 4, 2025**
- 2. Accessory Structure to have limited plumbing and no full sanitary amenities**
- 3. Accessory Structure may not be defined as (per Wallingford Zoning Regulations) or used as a dwelling unit.**

**Mr. Conroy: Second**

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

**Mr. Wolfer: Motion to approve #25-034 Variance Request for Accessory Structure height of +/- 12 ft. at 9 Nutmeg Court as shown on portion of As-Built, Lot 42, Fairlawn Farm Subdivision, dated 9/11/1992, received 10/15/2025 and submitted documents received 10/15/2025, subject to:**

- 1. Comments from the Environmental Planner, Inland Wetlands received November 4, 2025**
- 2. Accessory Structure to have limited plumbing and no full sanitary amenities**
- 3. Accessory Structure may not be defined as (per Wallingford Zoning Regulations) or used as a dwelling unit.**

**Mr. Conroy: Second**

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

The applications are denied.

**2. #25-035/Variance Request/Side yard/Brickley/20 Sorrento Road**

Ms. Raddatz read the staff notes into the record. The Applicant seeks a Variance Approval for a side yard of 13 ft., where 20 ft. is required and 24 ft. exists to construct an attached 340 sq. ft. pavilion to the rear of the dwelling at 20 Sorrento Road in an R-18 District. The proposed pavilion extends beyond the Northwest side of the dwelling by 11 ft. The dimensions of the proposed pavilion are 17 ft. x 20 ft. The pavilion may extend 4 ft. to the Northwest beyond the dwelling and remain compliant. The Applicant should consider shifting the same proposed pavilion to the Southeast by 7 ft. and be compliant, or alternatively, redesign dimensions to remove 119 sq. ft. from the side setback. Multiple compliant options exist, which eliminates the existence of a hardship to allow non-compliance with the regulations. Any non-conforming structure previously or currently existing in this location is not a legal non-conformity and therefore a rebuild cannot be claimed. Correspondence was received from the applicant today, November 17, 2025.

Steve Ryan, 20 Sorrento Road, and Michael Brickley, RNB Home Improvement, 87 Farm Hill Road, presented. Mr. Ryan explained that they are replacing the roofing systems currently over an area. The structure evolved after the pool was constructed in 2001. In doing the survey, they discovered that the existing roof system encroaches into the setback by 7 feet. Shifting the structure would be difficult as the supports would end up in the middle of the steps for the pool. He's asking to construct a new roof to replace the existing roofing systems, so it is more cohesive with the house and attach it to the house.

Chairman Rusczek asked when the pool was put in. Mr. Ryan replied in 2001. Chairman Rusczek clarified that the structure was added afterwards. Mr. Ryan confirmed. Chairman Rusczek and the issue were discovered when he did the required survey. Mr. Ryan confirmed.

Mr. Gross asked if the Town was aware when the structure was built. Mr. Ryan replied no. It was a free-standing structure, not attached to the house. Mr. Ryan added that they did notify the neighbors and have had nothing but positive feedback.

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

**Mr. Wolfer: Motion to approve #25-035 Variance Request for side yard of 13 ft. to construct an attached pavilion as shown on Zoning Location Survey, Proposed Pavilion prepared for Stephen and Nancy Ryan, 20 Sorrento Road, dated 10/7/2025, and submitted plans received October 15, 2025.**

**Ms. Raddatz: Second**

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

The application is approved.

### **CONSIDERATION OF MINUTES**

#### **3. October 20, 2025, Regular Meeting**

**Mr. Wolfer: Motion to accept the October 20, 2025, Zoning Board of Appeals Minutes as submitted.**

**Mr. Conroy: Second**

**Vote: Unanimous**

### **MEETING SCHEDULE**

#### **4. Consideration of ZBA 2026 Meeting Schedule**

**Mr. Wolfer: Motion to approve the 2026 Meeting Schedule as submitted.**

**Mr. Conroy: Second**

Mr. Gross stated that he had a question on the September 21<sup>st</sup> date because it's a holiday. Ms. Torre asked the Board if they wanted to change that meeting date. Chairman Rusczek noted that meetings have only been moved in the past due to Town holidays. Ms. Torre noted that customarily, the Board follows the Town's observances, with the understanding that Board members will have their own personal conflicts, as long as it doesn't affect quorum. The Board can decide to move the meeting date. After discussion, consensus was to move the meeting to Tuesday, assuming there is space and recording staff are available. Ms. Torre confirmed she will change the meeting schedule and find space.

**Chairman Rusczek: Motion to switch the September 21, 2026, meeting to September 22, 2026.**

**Vote: Unanimous**

### **ADJOURNMENT**

**Mr. Wolfer: Motion to adjourn the November 17, 2025, regular meeting of the Zoning Board of Appeals at 7:40 p.m.**

**Ms. Raddatz: Second**

**Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary