

**WETHERSFIELD ZONING BOARD OF APPEALS**  
**PUBLIC HEARING**  
**May 21, 2007**

The Wethersfield Zoning Board of Appeals held a public hearing on May 21, 2007 at 7:00 PM in the Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Morris R. Borea, Chairman  
Bruce T. Bockstael, Clerk  
George McKee  
Gina P. DeAngelo  
Matt Cholewa, Alternate

**ABSENT:** Thomas J. Vaughan, Jr., Vice Chairman  
Mike Wrona, Alternate  
Frank Dellaripa, Alternate

**Also Present:** Brian O'Connor, Chief Building

Chairman Borea opened the meeting at 7:00PM. Before the meeting started, the public was welcomed to speak regarding anything except specific cases in the past or on the night's agenda. There was no one present who wished to speak.

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**APPLICATION NO. 5976-07 Crystal & Brady White** seeking a variance to construct a porch over the building line at 303 Nott Street, south side, B Residence Zone (§3.7.B.4).

Brady White, 303 Nott Street, Wethersfield, CT appeared before the Board requesting a variance to construct a porch. Mr. White stated that the reason they are looking for the variance is so that they can extend the porch from left to right. He stated that the stairs are currently 6'3"; adding that he will be actually cutting back the stairs by 1'3" to 5'. He stated that instead of the entrance being in front of the house it will be to the side of the house.

Mr. White stated that he had an architect look over the property and this is the design that has the most curb appeal.

Commissioner Bockstael questioned if anything will be done to the porch. Mr. White stated that there will not; this variance is strictly to move the stairs to the driveway side of the home so that everyone does not cut across the grass to get to the stairs.

Chairman Borea verified that the only thing that will be done is to move the stairs to the driveway side of the home. Mr. White stated that this was correct.

Chairman Borea questioned why a variance is needed for this. Mr. O'Connor stated that the building line goes thru the house; so anything that is done to the front of the home would need a variance.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or opposition to this application.

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**APPLICATION NO. 5977-07 Salvatore Sipala** seeking a variance to create a 2nd building lot not having the required frontage and required buildable square at 132 Wolcott Hill Road, east side, C Residence Zone (§3.7).

James Sheehy, 187 Randy Lane, Wethersfield, CT and Salvatore Sipala, 132 Wolcott Hill Road, Wethersfield, CT appeared before the Board seeking to create a 2nd building lot.

Mr. Sheehy presented to the Board copies of the MDC maps to show the neighborhood. He stated that he highlighted the actual corner lot which is on the west side of Wolcott Hill Road on the corner of Oxford Street. He stated that it is in a Class C Residence Zone which allows for two family homes on certain parcels.

Mr. Sheehy stated that the history of 132 Wolcott Hill Road is that this building has been there for many years and was the homestead site of the parcel that is now the Wethersfield Housing Authority property. He stated that they sold off everything but what is on the survey that was prepared, this parcel is roughly 132 x 136 feet square. He showed to the Board a map that was prepared back in 1948 which shows in yellow the parcel with the house, he stated that he highlighted in orange all the 50' lots; which are really substandard lots by today's zoning. He stated that he showed this just to give an idea of what the area looked like back in 1948.

Mr. Sheehy stated that Mr. Sipala's home where he resides is a two family home. He stated that he has always understood that he had a second lot there; in fact, this particular plan shows addresses; 126-128 and 130-132. He stated that it seems like it should have been two lots at one time or that was at least the intention. He stated that over the years zoning has changed and what they have now is a different situation. Showing on the map Mr. Sheehy stated that Mr. Sipala would like to get Parcel B; Oxford Street and Wolcott Hill Road, right on the corner. He stated that if this is approved the sanitary sewer is there and it has water available. He stated that what Mr. Sipala would like to do is have a second parcel behind his existing home. He stated that the way he has done this is that he has made Parcel B so that it conforms to all the zoning requirements, Parcel A however, does not meet the current zoning requirements because it is a two family house, and he should have 75' of frontage and he only has 62.46'. He stated that he would only be required to have 60' if it was a one family, adding that the only variance he would need then would be the 50' block. He stated that both areas meet the requirements of 6,000 square feet on Parcel B and 8,000 square feet on Parcel A as a two family.

Chairman Borea questioned if Mr. Sipala has been paying taxes as two parcels or as one. Mr. Sheehy stated that he has been taxed as one parcel.

Commissioner McKee verified that both parcels meet the square footage requirements. Mr. Sheehy stated that this was correct; he stated that Parcel A has 10,500 square feet and Parcel B has 6,700 square feet. He stated that they are both large parcels; however the house is built in a funny area right in the center.

Chairman Borea confirmed that Parcel B is a conforming lot. Mr. Sheehy stated that Parcel B will be conforming to the set backs, side yard etc.

Chairman Borea questioned the hardship. Commissioner Bockstael stated that he feels the hardship is the fact that this is a two family house, and because of that they cannot get a 75' dimension. Mr. Sheehy stated that this property has been in Mr. Sipala's family since the 1950's and it has been a two family house since then.

Commissioner Cholewa stated that he does not see the hardship. Mr. Sheehy stated that the hardship is the fact that it is a two family house and it has been a two family house since at least the 1950's; and the difference between a C zone single family where you have to have 60' of frontage and 6,000 square feet; and a two family where you have to have 75' of frontage is the hardship.

Commissioner Cholewa stated that he understands the requirements of the single and two family frontage but still does not understand why this is a hardship with regards to this lot. Mr. Sheehy stated that it is a hardship because it is a two family and has been since the 1950's. Mr. Sheehy also stated that the corner lot hardship is only since the new regulations came out mandating that the square has to fit both the frontage and the side on a corner lot.

Commissioner Bockstael questioned if there was a possibility that it will convert back to a one family house. Mr. Sheehy stated that if that were the case then they would only need one variance on the 50 buildable square. Mr. Sheehy stated that this is something that Mr. Sipala would have to decide.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or in opposition to this application.

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**APPLICATION NO. 5979-07 Dan Sullivan** seeking a variance to construct a porch not having the required rear yard setback at 95 Amherst Street, north side, A Residence Zone (§3.7.B.4).

Dan Sullivan, 9 Rivercove Drive, Cromwell, CT appeared before the Board on behalf of Richard and Diane Armand requesting a variance to construct a porch. Mr. Sullivan stated that they would like to build a 12' deck in the rear of the home. He stated that it is in question right now if the rear is 38' or 40'; however if this is approved a land surveyor will be hired to make sure that there are not any other issues.

Mr. O'Connor explained that if the rear yard is at 38' then a 4' variance is needed; if the rear yards come back at 40' then a 2' variance would be needed. He stated that this is why a 4' variance is being requested.

Chairman Borea questioned why a 10' deck could not be built. Mr. Sullivan stated that his clients requested a 12' deck; adding that neighbors on both side of this property have decks and they are closer to the property line than this property would be even if the 4' variance was needed. Mr. Sullivan also stated that once lawn furniture gets put on a deck to have an extra room a 12' deck is really needed.

Commissioner Bockstael questioned why the deck could not go in the side yard instead of the rear yard; then a variance would not be needed. Mr. Sullivan stated that if the deck were to go on the side yard there would be no access to the deck from the home; they would need to go outside to go onto the deck and this is not what they want.

Commissioner Bockstael stated that the application states a porch, and questioned if this is going to be enclosed. Mr. Sullivan stated that it would not be closed in; however they will have a cover over it.

Commissioner McKee had Mr. Sullivan point out which homes on the map have similar decks.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or opposition to this application.

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**APPLICATION NO. 5980-07 Dana Spicer & Karen Memmott** seeking a variance to permit outdoor seating having less than the required parking (renewal) and also to permit a removable A-frame menu board sign at 221 Main Street, west side, Village Business Zone (§6.2 & §6.3).

Dana Spicer, 31 Church Street, Wethersfield, CT and Karen Memmott, 14 Dorchester Road, Wethersfield, CT, owners of Mainly Tea appeared before the Board requesting a variance to continue to permit outdoor seating and to permit a removable A-frame menu board sign.

Chairman Borea questioned how long ago the outdoor seating variance was granted. Ms. Spicer stated that it was granted 2 years ago.

Chairman Borea questioned if any stipulations were placed on the variance. Ms. Spicer and Ms. Memmott stated that they did not believe that there were any stipulations.

Chairman Borea questioned how many tables and chairs. Ms. Memmott stated that there are 2 tables and 8 chairs.

Chairman Borea stated that the menu board would be a new variance and questioned why it is needed. Ms. Memmott stated that they would like to put the menu board out from 12-3 5 days a week to allow their customers to see what specials they are offering.

Commissioner Cholewa questioned if menu boards have been approved in the past. Chairman Borea stated that menu boards have not been allowed in the past. He stated that this issue is something that Planning and Zoning have been working on.

Chairman Borea questioned if there have been any problems or complaints with the outdoor seating. Mr. O'Connor stated that there have not been any problems or complaints.

Ms. Spicer and Ms. Memmott stated that they wish to run their business by the letter that is why they are asking for the variance for the menu board. They stated that the business owned by Paula Larsen does have a menu board up.

There were no further questions or comments from the Board.

There was no one in the audience who wished to speak in favor of or opposition to this application.

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**APPLICATION NO. 5981-07 Wethersfield Historical Society** seeking a variance to permit an outdoor craft fair and sale (renewal) on October 6, 2007 on property known as Cove Park, adjacent to 220 Hartford Avenue, north side, A Residence Zone (§3.2).

Rick Willard, 11 Pierson Green, Cromwell, CT, appeared before the Board on behalf of the promoter, Wethersfield Historical Society, requesting a variance to permit an outdoor craft fair and sale. Mr. Willard stated that this event has taken place many times before and that this is a renewal.

Chairman Borea questioned if there were any stipulations placed on the variance. Mr. O'Connor stated that there were not.

Commissioner DeAngelo questioned if there were any stipulations with regards to signage. Mr. O'Connor stated that there were not.

Chairman Borea questioned the hours of operation. Mr. Willard stated that their hours are from 10 to 4 with cleanup after 4 PM. He stated that they work very closely with the Parks and Recreation Department.

Chairman Borea questioned if there have been any problems or complaints in the past. Mr. O'Connor stated that there have not been any problems or complaints.

There were no further questions or comments from the Board.

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WETHERSFIELD ZONING BOARD OF APPEALS

Chairman Borea

Commissioner Bockstael, Clerk

**WETHERSFIELD ZONING BOARD OF APPEALS  
PUBLIC MEETING  
May 21, 2007**

The Wethersfield Zoning Board of Appeals held a public hearing on May 21, 2007 at 7:00 PM in the Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Morris R. Borea, Chairman  
Bruce T. Bockstael, Clerk  
George McKee  
Gina P. DeAngelo

Matt Cholewa, Alternate

**ABSENT:** Thomas J. Vaughan, Jr., Vice Chairman  
Mike Wrona, Alternate  
Frank Dellaripa, Alternate

**Also Present:** Brian O'Connor, Chief Building

### **DECISIONS FROM PUBLIC HEARING**

**APPLICATION NO. 5976-07 Crystal & Brady White** seeking a variance to construct a porch over the building line at 303 Nott Street, south side, B Residence Zone (§3.7.B.4).

Upon motion made by Commissioner McKee, seconded by Commissioner DeAngelo and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as submitted.

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**APPLICATION NO. 5977-07 Salvatore Sipala** seeking a variance to create a 2nd building lot not having the required frontage and required buildable square at 132 Wolcott Hill Road, east side, C Residence Zone (§3.7).

Upon motion made by Commissioner Bockstael, seconded by Commissioner DeAngelo and a poll of the Board it was voted that the above application **BE approved**. The motion failed to carry by a vote of 2-3 (with Chairman Borea, Commissioner McKee and Commissioner Cholewa opposed.) Therefore this application was **DENIED**.

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**APPLICATION NO. 5979-07 Dan Sullivan** seeking a variance to construct a porch not having the required rear yard setback at 95 Amherst Street, north side, A Residence Zone (§3.7.B.4).

Upon motion made by Commissioner Bockstael seconded by Commissioner Cholewa and a poll of the Board it was unanimously voted that the above application **BE APPROVED** as follows:

1. To construct a covered deck.
  2. No more than a 4' variance.
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**APPLICATION NO. 5980-07 Dana Spicer & Karen Memmott** seeking a variance to permit outdoor seating having less than the required parking (renewal) and also to permit a removable A-frame menu board sign at 221 Main Street, west side, Village Business Zone (§6.2 & §6.3).

Upon motion made by Commissioner Bockstael, seconded by Commissioner Cholewa and a poll of the Board it was unanimously voted that the above application, with regards to the outdoor seating (renewal), **BE APPROVED** for a period of four (4) years.

Upon motion made by Commissioner Cholewa, seconded by Commissioner McKee and a poll of the Board it was unanimously voted that the above application, with regards to the removable A-frame menu board sign, **BE DENIED**, and that they must abide by the Zoning Commission decision with regards to menu board signs.

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**APPLICATION NO. 5981-07 Wethersfield Historical Society** seeking a variance to permit an outdoor craft fair and sale (renewal) on October 6, 2007 on property known as Cove Park, adjacent to 220 Hartford Avenue, north side, A Residence Zone (§3.2).

Upon motion made by Commissioner Bockstael, seconded by Commissioner DeAngelo and a poll of the Board it was

unanimously voted that the above application **BE APPROVED** for a period of five (5) years.

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**APPROVAL OF MINUTES**

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**ADJOURNMENT**

The meeting was adjourned at 7:55 PM.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN BOREA

Commissioner Bockstael Clerk