

**WETHERSFIELD ZONING BOARD OF APPEALS**  
**PUBLIC HEARING**  
**August 28, 2006**

The Wethersfield Zoning Board of Appeals held a public hearing on August 28, 2006 at 7:00 PM in the Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**PRESENT:** Morris R. Borea, Chairman  
Thomas J. Vaughan, Jr., Vice Chairman  
Bruce T. Bockstael, Clerk  
Gina P. DeAngelo  
George McKee  
Frank Dellaripa, Alternate  
Matt Cholewa, Alternate

**ABSENT:** Mike Wrona, Alternate

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

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. 5956-06 Christopher and Karen Dunn** seeking a variance for having less than the required buildable square, for the purpose of creating a 2nd lot at 233 Highland Street, north side A-1 Residence Zone (§3.7.A).

Chairman Borea stated that it is his understanding that this application was already heard last month and the Board tabled voting on it awaiting information from the Town Attorney which has not yet been received. . He stated that there will be no public hearing on this application because it was heard last month; adding that there will be a discussion on the decision during the public meeting.

Commissioner Cholewa questioned if the public hearing was closed on this application. Mr. O'Connor stated that it was. Commissioner Cholewa stated that this should have been advertised as a public meeting and not a public hearing. Chairman Borea stated that there was some thought that the public hearing may be reopened. Mr. O'Connor stated that it was advertised as a public hearing in case it was reopened.

Chairman Borea stated that he did go to Town Hall today to listen to the tapes. He stated that the Board is waiting on information from the Town Attorney which has not yet been received. He stated that the public hearing was closed last month; and there is no motion to open the public hearing so therefore they will discuss the decision during the public meeting.

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**APPLICATION NO. 5958-06 Boleslaw Dudus** seeking a variance to exceed the maximum height requirement for a single family house at 29 Beech Tree Drive, west side, A Residence Zone (§3.7).

Mr. James Sheehy, 87 Randy Lane, Wethersfield, CT appeared before the Board on behalf of the applicant, Boleslaw Dudus. Mr. Sheehy stated that he is a licensed land surveyor. He stated that the applicant purchased the home about a year ago, adding that this street is in the Timber Village sub-division. He stated that many of the streets in this area have very steep grades adding that the grade is really in issue in this situation. He stated that there was an existing ranch home on this property and Mr. Dudus bought this property with the intention of taking the existing ranch home off the foundation and putting a colonial home in its place. He stated that Mr. Dudus has been doing this over the past year and has been doing a very admirable job.

Mr. Sheehy stated that he did a land survey about a year ago, a copy of which the Board should have. He stated that if you notice on the copy, this property has a very steep grade from one side of the lot to the other. He stated that the regulations for the height of the roof in reference to the existing ground are 35'. He stated that what Mr. Dudus found, unintentionally, is that he went 2'10" over that. He stated that according to regulations it is allowed from front to back to have a higher roof line, as with a walk out basement. He stated that this is exactly how the front of Mr. Dudus's yard is; with a very deep slope. He stated that the way the new regulations read you would have to take the average; which would be 3' because there is a 6' drop from one side to the other, and that puts him 2'10" over. He stated that this is something that he did not having any idea that this was occurring.

Mr. Sheehy stated that the hardship is that Mr. Dudus is living in Brooklyn right now with his wife and family. He stated that he would like to move to Wethersfield with his family before Christmas; however if he had to remove the roof or half of the roof, it would be a definite hardship. Mr. Sheehy stated that he has spoken to Mr. O'Connor about this to try and come up with alternatives, he stated that one alternative would be to have a drive in garage, he stated that Mr. Dudus wants to have a picture window there but he also wants to put in a door because there is no hatchway on the site; so they were talking about possible filling the front of the house several feet so that way it would be compliant. He stated that the other thing, which is interesting if nothing else, is the section on basements in the zoning regulations; it reads "A basement shall not be included in computing either the number of stories, building height, or minimum floor area for the purpose of these regulations." He stated that if you went by that regulation then we would not be here this evening, but, Mr. O'Connor felt that with the building height regulation he is over on the height. Mr. Sheehy stated that if the Board has any questions, he would be happy to answer them.

Chairman Borea confirmed that the hardship is the typography of the lot. Mr. Sheehy stated that this was correct.

Mr. O'Connor stated for the record that only a section of the roof is over the maximum building height, the rest of the roof conforms. Chairman Borea questioned how they were able to get so much of the roof up; he questioned if they have a permit. Mr. O'Connor stated that they do have a permit. Chairman Borea questioned why this was not caught when they took out the permit. Mr. O'Connor stated what he thinks happened is that they expanded the back half a few extra feet which required the rafters and the ridge to go up higher for that section and that is where the discrepancy is of the 2' 10". Chairman Borea questioned how this was picked up now. Mr. O'Connor stated that someone complained. He stated that the back of the house does look huge but it does meet zoning. He stated that when they received the complaint they had the surveyor shoot it to see where it was; he stated that the back does not have anything to do with it; it is the average front to the highest peak.

Chairman Borea questioned if he is not looking at the lower level as a basement. Mr. O'Connor stated that it is not below grade; that is how he reads it.

Commissioner DeAngelo questioned that it looks like the basement foundation was added up before the house because there is two different colors of concrete. Mr. O'Connor and Mr. Sheehy confirmed that this is the original basement height.

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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WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN MORRIS BOREA

Commissioner Bockstael, Clerk

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Frank Dellaripa, Alternate  
Matt Cholewa, Alternate

**ABSENT:** Mike Wrona, Alternate

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

### **DECISIONS FROM PUBLIC HEARING**

Members voting: Commissioner Bockstael, Commissioner McKee, Commissioner DeAngelo, Commissioner Dellaripa.

**APPLICATION NO. 5956-06 Christopher and Karen Dunn** seeking a variance for having less than the required buildable square, for the purpose of creating a 2nd lot at 233 Highland Street, north side A-1 Residence Zone (§3.7.A).

Upon motion made by Commissioner Bockstael, seconded by Commissioner Dellaripa and a poll of the Board it was unanimously voted that this application **BE TABLED** pending the opinion from the Town Attorney.

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Members voting: All five regular members.

**APPLICATION NO. 5958-06 Boleslaw Dudus** seeking a variance to exceed the maximum height requirement for a single family house at 29 Beech Tree Drive, west side, A Residence Zone (§3.7).

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**.

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### **APPROVAL OF MINUTES**

Upon motion made by Commissioner McKee seconded by Commissioner Cholewa and a poll of the Board it was unanimously voted that [the minutes of July 24, 2006](#) **BE APPROVED** with the following changes:

1. Commissioner Munroe no longer a member.
  2. Commissioner Wrona is an alternate member.
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Chairman Borea reminded the Board of an FOI Meeting on September 12, 2006 at 6:30PM in the Police Community Room.

### **ADJOURNMENT**

The meeting was adjourned at 7:52PM.

WETHERSFIELD ZONING BOARD OF APPEALS  
CHAIRMAN BOREA

Commissioner Bockstael, Clerk