

Wallingford Zoning Board of Appeals

Monday, November 20, 2023

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

Minutes

Present: Raymond Rys, Vice Chair; Board Members: Bruce Conroy; Thomas Wolfer; Karen Harris; Alternates: Robert Gross; Robert Prentice; and Kevin Pagini, Town Planner.

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 Rys.

Acting Chair Rys noted that tonight's decisions will be published in the Record-Journal on Friday, November 24, 2023. The effective date of your variance will be Friday, November 24, 2023; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, December 10, 2023. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. #23-027/Special Exception Request/Segaline/88 Williams Road

Ms. Harris read the staff notes into the record. The applicant seeks a total garage area of 1,120 sq. ft. where a 936 sq. ft. maximum is permitted and 0 garage exits to construct a 1,120 sq. ft. detached garage at 88 Williams Road in an RU-120 District. The proposed garage is located properly on the parcel and compliant with all setbacks, height requirements, and building coverage requirements. The parcel is 2.76 acres and the dwelling was built in the early 1900's, entirely located within the front setback allowing for many options to compliantly locate the detached garage on the parcel. A Special Exception request amounts to 184 sq. ft. of additional garage area than what is permitted as of right. In addition, there is correspondence from the Health Department dated November 6, 2023.

Eric Segaline, 88 Williams Road explained his proposal to construct a 28' x 40' garage and replace a shed.

Mr. Wolfer asked what would be stored in the building. Mr. Segaline replied that he would store two cars, a farm tractor, and stuff from the shed. He stated that he would be doing no repairs except for maintaining his machinery with oil changes, etc.

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

Mr. Wolfer: Motion to approve #23-027 for Segaline at 88 Williams Road for a Special Exception request for Garage Area of 1,120 sq. ft. where 0 exists and 936 sq. ft. maximum is permitted to construct a 1,200 sq. ft. detached garage at 88 Williams Road as shown on Subdivision Plot Plan, Land of Your Father's Mustache International, Inc. Williams Road dated March 1992 and submitted plans received October 6, 2023, subject to:

1. Comments from the Health Department, received 11/06/2023.

Ms. Harris: Second

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

The application is approved.

2. #23-028/Special Exception Request/Mascia/18 Town Farms Road

3. #23-029/Variance Requests/Mascia/18 Town Farm Road

Ms. Harris read the staff notes into the record. The applicant seeks a Special Exception for a total garage area of 2,016 sq. ft. where a 936 sq. ft. maximum is permitted and 576 sq. ft. garage exists to construct a 1,440 sq. ft. detached garage at 18 Town Farm Road in an R-18 District. The lot is one of two on Town Farm Road conforming with area and street frontage requirements for the R-18 Zone. The neighborhood of Town Farm Road also has no property with a detached garage of >720 sq. ft. and most have a total garage area of <720 sq. ft. if any garage at all. The addition of 1,440 sq. ft. of garage area in addition to the existing 576 sq. ft. attached garage area causes the dwelling area to be less than and subordinate to a 6-vehicle garage area. The detached garage of 1,440 sq. ft. also exceeds the permitted building coverage (15% max) necessitating a Variance Request for 20.6% building coverage. If the applicant reduces the Special Exception request to allow a 1,104 sq. ft. total garage area to construct a 528 sq. ft. detached garage, then no building coverage variance would be required (allowing also for +/- 330 sq. ft. dwelling addition in the calculation) and the garage area would remain accessory to the dwelling.

The applicant is also proposing a +/- 330 sq. ft. single-story addition to the rear of the dwelling on the southeastern side. This addition requires a Variance request for a side yard of 15.31 ft. where 15.31 ft. exists and 20 ft. is required. The existing dwelling is non-conforming with respect to this side yard and the addition expands that non-conformity necessitating a Variance Request. This addition does not affect the building coverage, in and of itself. Without the proposed detached garage, and without Approval of the Special Exception for the 1,440 sq. ft. additional garage area, a Side Yard Variance is all that is required to construct. The residential addition would still remain compliant with regard to building coverage.

Brian and Elena Mascia, 18 Town Farm Road, explained their proposal to build a detached 4-car size garage. Mr. Mascia explained that they have three cars in their backyard now. He has owned the cars for 10 years or more. Ms. Mascia explained the addition was to make the kitchen bigger. She noted that they have been in the house for 11 years. They love the neighborhood and want to stay but need more room.

Mr. Gross asked if the garage area includes the outbuildings. Ms. Torre replied that it includes the one outbuilding that is there. Mr. Gross asked about the placement of the garage. Ms. Mascia replied that it would be in the back next to their neighbor's garage. Ms. Torre added that the 5 ft. distance is permitted. She noted that this request is intertwined with the variance request. The side yard variance only applies to the addition. The Building coverage applies only to the garage size. Mr. Gross clarified that it will be a 4-car garage. Mr. Mascia replied that car collecting is his hobby. In response to a question, he replied that they would access it by driving through the yard, along the side next to the Town Works. Ms. Torre noted that this is not a violation. She also noted that for a special exception, the Board should consider that it is in keeping with the neighborhood versus a hardship. Mr. Gross asked

what the hardship was. Ms. Mascia replied that the environmental effect on the cars stored outside and an interest in keeping the yard neat.

Vice Chair Rys asked if they would be doing any work on the cars in the garage. Mr. Mascia replied that he maintains his own car collection and keeps them road-worthy. He does not work on other people's cars.

PUBLIC COMMENT

Dorena Wasik, 16 Town Farm Road, stated that she lives next door and is also a car person, so she understands the need.

James Wasik, 16 Town Farm Road stated that they have no objection and hope that the new garage will reduce the noise from the Town garage.

Ms. Harris asked if there are regulations on the number of vehicles someone can have in their yard. Ms. Torre replied that if the vehicles are registered, there is no limit. If they are unregistered, it is a police issue. The only restriction is that they can't park them in the front yard. Ms. Harris clarified that the garage is not to remedy a zoning violation. Ms. Torre replied that there was no violation.

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

Mr. Wolfer: Motion to approve #23-028 for Mascia at 18 Town Farm Road for a Special Exception Request for a Garage Area of 2,016 sq. ft. where 576 sq. ft. exists and 936 sq. ft. maximum is permitted to construct a 1,440 sq. ft. detached garage as shown on Zoning Location Survey Showing Proposing Addition, prepared for Brian and Elena Mascia, 18 Town Farm Road, dated October 12, 2022 and submitted plans received October 13, 2023.

Ms. Harris: Second

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

The application is denied.

Ms. Torre noted that since this application was denied the Board does not need to vote on the building coverage.

Mr. Wolfer: Motion to approve #23-029 for Mascia at 18 Town Farm Road for a Variance Request for Building Coverage of 20.6% where 10.8% exists and 15% maximum is permitted to construct a 1,440 sq. ft. detached garage and 332 sq. ft. addition to the dwelling as shown on Zoning Location Survey Showing Proposed Addition, prepared for Brian and Elena Mascia, 18 Town Farm Road, dated October 12, 2022 and submitted plans received October 13, 2023.

Ms. Harris: Second

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

The application is approved.

Ms. Harris: Motion to approve #23-029 for Mascia at 18 Town Farm Road for a Variance Request for Side Yard of 15.31 ft. where 15.31 ft. exists and 20 ft. is required to construct a 1,440 sq. ft. detached garage and 332 sq. ft. addition to the dwelling as shown on Zoning Location Survey Showing Proposed Addition, prepared for Brian and Elena Mascia, 18 Town Farm Road, dated October 12, 2022 and submitted plans received October 13, 2023.

Mr. Conroy: Second

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

The application is approved.

Ms. Harris noted that the applicants have the option to return with a smaller garage proposal since the building coverage was approved. They can build 528 sq. ft. but would still need a special exception.

4. #23-030/Variance Request/Zawadowski/58 Grieb Road

Ms. Harris read the staff notes into the record. The applicant seeks a Variance Approval for a side yard of 22.5 ft. where 22.5 ft. exists and 30 ft. is required in order to construct a vertical addition to the rear of the dwelling (dormer) at 58 Grieb Road in an RU-40 District. The abutting property (#70) obtained a Variance Approval for a reduced front yard to construct a dwelling in 1968. Subsequently, the lot lines, deeds, and division history of the adjacent properties, including 58 Grieb Road, have been difficult to discern and created undue hardship on the property and its owners. At best, the lots are irregularly shaped and 58 Grieb Road was left non-conforming with regards to the lot area and side yard setback on the western side. The only encroachment into that side yard is the rear corner of the dwelling, already existing, and the vertical expansion with the proposed dormer. The footprint of the dwelling remains as existing and less than 10% of the proposed dormer would be in that side setback.

Matthew Zawadowski explained that they want to bump out the back wall to expand the two upstairs bedrooms.

Mr. Conroy clarified that this will not increase the encroachment. M. Zawadwoski replied that they are just going up. Ms. Torre clarified that the footprint is not changing. The variance is only relative to the corner of the house.

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

Ms. Torre noted that Mr. Zawadowski has gone through hoops to try to figure out the property entanglements. This is only two feet of variance. She recommended that the Board waive all or a portion of the application fees.

Mr. Wolfer: Motion to approve #23-030 for Zawadowski at 55 Grieb Road for a Variance Request for a Side Yard of 22.5 ft. where 22.5 ft. exists and 30 ft. is required to construct a vertical addition (dormer) to the rear of the dwelling as shown on Property Survey, 58 Grieb Road, M 79/L 50 dated March 23, 2022 and submitted plans received October 13, 2023.

Ms. Harris: Second

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

The application is approved.

Mr. Wolfer: Motion to waive the application fee of \$400.

Ms. Harris: Second

Vote: Conroy – No to approve; Wolfer – yes to approve; Harris – yes to approve; Prentice - yes to approve; and Vice Chair Rys – yes to approve.

MEETING SCHEDULE

5. Consideration of the ZBA 2024 Meeting Schedule

Mr. Wolfer: Motion to accept the 2024 Zoning Board of Appeals Meeting Schedule as submitted.

Ms. Harris: Second

Vote: Unanimous

CONSIDERATION OF MINUTES

6. October 16, 2023, Regular Meeting

Mr. Wolfer: Motion to accept the October 16, 2023, Zoning Board of Appeals Minutes as submitted.

Ms. Harris: Second

Vote: Unanimous

Ms. Torre noted that there is no meeting in December.

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the November 20, 2023, regular meeting of the Zoning Board of Appeals at 7:40 p.m.

Ms. Harris: Second

Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary