

**Wallingford Zoning Board of Appeals**

**February 20, 2024**

**7:00 p.m.**

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

**Minutes**

**Present:** Ray Rys, Acting Chair; Board Members: Bruce Conroy; Thomas Wolfer; Karen Harris; Alternate: Robert Gross; 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, Gross, and Acting Chair Rys.

Acting Chair Rys noted that tonight's decisions will be published in the Record-Journal on Friday, February 23, 2024. The effective date of your variance will be Friday, February 23, 2024; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, March 10, 2024. If you commence operations and/or construction during the appeal period, you do so at your own risk.

**PUBLIC HEARINGS**

**1. #24-002/Variance Request/Fifty-Five LLC/55 Kondracki Lane**

Ms. Harris read the staff notes dated February 14, 2024, into the record. Application #24-002 is a height variance request of 35 ft. where a 30 ft. maximum is permitted and 30 ft. exists in order to replace the current flat roof with a pitched roof at 55 Kondracki Lane in an R-18 District. The application received Planning and Zoning Approval for Adaptive Reuse by Special Permit to convert an existing Healthcare Facility (Building) to a Multi-Unit Residential Facility (Building) in December 2023. The accompanying Site Plan to that Application and Approval proposed no change to the existing building requiring ZBA approval prior to PZC approval. The proposed changes to the roofline do not require any PZC Approval as it is a design change versus a building redesign or expansion. The existing building footprint expands across varying topography grades and therefore building height is calculated from the average mean grade, technically lowering height from the permitted 30 ft. levels with regard to the highest grade-level point. Mechanicals must be located upon a flat roof. Building drainage systems must be able to accommodate the lack of natural stormwater shed. Structurally a flat roof must also sustain significant snow load. By adding the proposed pitch to the existing roof, the height will be 5 ft. more than the maximum permitted in a residential zone. The increase in height not only is more in keeping with the residential properties surrounding and is more aesthetically appealing for the area, but also allows the mechanicals to be serviced and located within the building while allowing for more natural and directed rain and snow shear, generally, a more structurally sound design and added protection for neighboring properties.

Amy Raup, Fifty-Five, LLC, 324 East Main Street, presented the application. She explained that the property used to be a healthcare center and has been vacant since 2022. She purchased it in January of 2023 with the intention of turning it into housing. The zoning process was lengthy due to the discovery of a culvert issue. The zoning application was approved in December. She explained that the roof was

not included in the zoning application because the application was focused on the adaptive reuse of the property. She explained that the building is located toward the rear of the property and most neighbors with homes close by are along the rear and look down on the roof. A pitched roof conforms with the neighborhood.

Mr. Conroy asked about the math for the average height with the property on a grade. Ms. Raup reviewed the average height calculations. The building as approved has a maximum of 30 ft. The average height of the pitched roof will be 34 ft. 10.5 inches, so she is requesting a full 5 ft. Mr. Conroy agreed that a flat roof is horrible.

Mr. Gross asked if the front of the building is raised up with a third floor. M. Raup replied that the back of the building only has two floors. They are finishing the second floor on the front. She pointed out that now there is just the lower half of the H shape in the front.

Mr. Wolfer commended the applicant for providing everything that was requested, including information on safety and hardship.

#### **PUBLIC COMMENT**

William Lennon, 65 Kondracki Lane, stated that he looks at the south side of the building. It looks like an airport with security lighting. He noted that the roof had been mentioned at the Planning and Zoning meeting. They said they were going to repair it. He stated that they are working 7 days a week from 7 am to 10 pm, so he has no peace and quiet. As for aesthetics, the building is gigantic and looks horrible in the middle of one and two-story houses. He's happy that the culvert has been fixed. The building already has a large footprint. The plan drew was on flat level ground. The property actually slopes down to the stream. The public was told that the roof would be repaired not changed. This is starkly altered.

Acting Chair Rys asked about the lighting. Ms. Raup replied that they have a lighting plan. Because the building is vacant there is only security lighting now and it is pointed downward toward the property.

Ms. Torre noted that the Planning and Zoning approval was for the use, not the design. There were no site elements in that application. This application is strictly for the roof.

Mr. Gross asked if the diagram provided is what it will look like. Ms. Raup replied yes.

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

**Mr. Wolfer: Motion to approve #24-002 a Variance Request for Fifty-Five, LLC at 55 Kondracki Lane for a building height of 35 ft. where 30 ft. exists and 30 ft. is required to construct a pitched roofline on an existing building at 55 Kondracki Lane as shown on Preliminary Site Layout Plan, prepared for Fifty-Five, LLC property located at 55 Kondracki Lane, dated 04/14/2023 and additions and renovations plans received 1/11/2024.**

**Mr. Conroy: Second**

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

The application is approved.

## **2. #24-003/Variance Request/Collins/20 Cooke Road**

Ms. Harris read the staff notes dated February 14, 2024 into the record. Application 24-003 is a Variance Request for Collins at 20 Cooke Road. The applicant requests a side yard of 7 ft. where 40 ft. is required and 90 ft. exists to locate and construct a 24 ft. x. 26 ft. detached garage at 20 Cooke Road in an RU-120 District. The applicant does not require a Special Exception Approval for the proposed garage area as it is within the property's allowances as of right. The Application is solely for the location on the property for the proposed detached garage. Regulations allow for a minimum 5 ft. setback (side and rear yards only) for accessory structures only if located 100% behind the building line of the dwelling. Detached garages and other accessory structures must comply with setback requirements for the zone when located other than to the rear of the building line of the dwelling. RU-120 zones require a 120,000 sq. ft. lot area with side yard setbacks of 40 ft. If the applicant were to locate the proposed garage ~35 ft. toward the rear property line then no variance would be required as the applicant would only need a minimum of a 5 ft. side yard to comply. Likewise, should the proposed detached garage be located 33 ft. further to the north (closer to the dwelling) it would be compliant with all setback and bulk requirements for an RU-120 zone and not require this variance. Should the Board consider approval for the variance, a condition should be made that any dormers proposed are for aesthetic value ("dog house") and are as depicted on the submitted plans and not enlarged or across the dimensional expanse to not exceed height maximum. In addition, there is an Inter-Departmental Referral from the Health Department dated February 9, 2024.

Mike Collins, 20 Cook Road, presented the application. He explained the location options on his property and the hardships. The property has a severe slope in the back with a 14 ft. grade down to the driveway. They flattened an area for the basketball court that is now 4 ft. higher than the driveway. Regarding the staff notes, moving the garage 35 ft. to the back puts it 4 ft. above the current grade of the driveway. They would have to dig down 4 ft. to make it work. They would also have to remove the asphalt basketball court. Moving it 33 ft. north, close to the house would create a tight and unsafe area between the two garages. The proposal is to locate it kitty-corner in the corner of the property so it is mostly behind the primary structure, which would put it 7 ft off the side property line. That avoids the significant slope in the back. The garage height will be 15 ft. Due to the grade, the front corners are at grade and the back is below grade. The average grade is slightly over 16 ft. He noted that moving the garage 33 ft. to the north would infringe upon the well. Mr. Collins reported that he spent time with the Health Department making sure they keep it away from the well and septic.

Acting Chair Rys asked Mr. Collins to indicate in the photo where the well is. He showed the location between the basketball court and the black fence.

Mr. Conroy asked if they considered turning the garage and putting it behind the house. Mr. Collins replied that it would have to go 33 ft. closer to the house or 35 ft. directly back. He reported that the health department said the garage had to be 10 ft. from the well. Putting it back that far would put it on top of the basketball court.

Mr. Gross asked where the neighbor's well and septic were and if the health department considered that. Mr. Collins replied that their well is in the back and the septic is to the front on the south side. Mr. Gross asked what was preventing them from going straight back besides the pitch. Mr. Collins replied that the grade is 4 ft. and they would have to extend the driveway, which would be a financial issue. Mr. Collins added that when they put the pool in they found ledge and were only able to go 6 ft. down.

## **PUBLIC COMMENT**

Scott Sundberg, 22 Cooke Road stated that he is Mr. Collin's neighbor. He stated that Mr. Collins approached him first and has been very open. He has no problem with the location of the garage. Mr. Sundberg stated that Mr. Collins' improvements will improve the value of his home. He is in favor.

Ms. Harris asked if the garage goes to the rear of the dwelling, would it have to be behind the addition. Ms. Torre replied yes, it would have to be 100% behind the furthest building line. Ms. Harris stated that that would put the front of the garage where the basketball court is.

**Mr. Wolfer: Motion to approve #24-003 a Variance Request Collins at 20 Cooke Road for a side yard of 7 ft. where 40 ft. is required and 90 ft. exists to construct a 24 ft. x 26 ft. detached garage at 20 Cooke Road as shown on Zoning Location Survey As-built, Lot 10, Land of James Iannini, #20 Cooke Road, dated 3/23/2000 and submitted plans received 1/12/2024, subject to:**

- 1. Any dormers proposed are limited to those for aesthetic value ("dog house") and are as depicted on submitted plans and not enlarged or across the dimensional expanse as to not exceed the 15 ft. height maximum.**

**Ms. Harris: Second**

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

The application is denied.

## **CONSIDERATION OF MINUTES**

### **3. January 16, 2024, Regular Meeting**

**Mr. Wolfer: Motion to postpone the approval of the January 16, 2024, Zoning Board of Appeals Minutes until March when more members are present and due to the late receipt.**

**Mr. Conroy: Second**

**Vote: Unanimous**

## **ADJOURNMENT**

**Mr. Rys: Motion to adjourn the February 20, 2024, regular meeting of the Zoning Board of Appeals at 7:40 p.m.**

**Mr. Conroy: Second**

**Vote: Unanimous**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary