

DRAFT

Wallingford Zoning Board of Appeals

Monday, January 19, 2021

7:00 p.m.

Meeting Conducted Remotely through GoToMeetings

Minutes

Present: Chairman Joseph Rusczek; Secretary Louis Czerwinski; Commissioners Thomas Wolfer; Samuel Carmody, Raymond Rys; Alternate: Bruce Conroy; Karen Harris; and Amy Torre, Zoning Enforcement Officer.

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

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, January 22, 2021. The effective date of your variance will be Friday, January 22, 2021; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, February 7, 2021. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Voting members are Carmody, Czerwinski, Rys, Wolfer, and Chairman Rusczek.

Chairman Rusczek announced that the following application would not be heard tonight. They will be heard at the February meeting.

#20-034 – Special Exception Request/Pumpkin Patch Properties, LLC/4 Circle Drive

#20-035 – Variance Requests/Baker/4 Union Street

PUBLIC HEARINGS

1. **#20-021 – Variance Requests/Williams/side yard 14.8 ft. (20 ft. required), front yard of 42.8 ft. (50 ft. required), and expansion of non-conforming use (residential) at 12-16 Northfield Road in a CB-40 District**

Chairman Rusczek read the staff notes into the record for application 20-021/Variance Requests/Side Yard Setback, Front Yard Setback, Expansion of Non-Conforming Use/Williams/12-16 Northfield Road. The applicant proposes a side yard setback of 14.8 ft. where 14.8 ft. exists and 20 ft. is required, front yard of 42.8 ft. where 50 ft. is required, and expansion of non-conforming use (residential) where no expansion is permitted to add a two-story, 48 sq. ft. addition and modify original proposal for construction of a single-family dwelling at 12-16 Northfield Road in a CB-40 District. The Applicant received a Variance Approval in July 2019 for a 36.4 ft. front setback and to allow expansion of nonconforming use in order to construct a two-story residential dwelling on an existing foundation. The Applicant subsequently proposes adding a 4 by 12 ft. two-story addition to the west side of the same proposed dwelling. The original submission of the application was incomplete as two additional variance approvals would be necessary to construct said addition. There is no hardship presented in this request for 3 more variances. Current Variance Requests are based solely on the comfort and preference of the applicant. Mr. Czerwinski noted correspondence as the application; plans received November of 2020; Interoffice memorandum dated September 10, 2020, from Erik Krueger, Senior Engineer, Water & Sewer to Amy Torre, Zoning Enforcement Officer; email dated January 11, 2021, from PennMarr Boiler Cleaning to Amy Torre, Zoning Enforcement Officer; letter revised January 11, 2021,

from Martin Steiglitz, PennMarr Boiler Cleaning to Amy Torre, Zoning Enforcement Officer; correspondence dated December 29, 2020, from the Health Department.

Daniel Lyon, architect, 4 Simpson Avenue, presented the proposal for the 4 x 12 addition which was part of the original dwelling but was inadvertently omitted in the variance application approved in July 2019. The original 4x12 section was one story, now it is two stories. Now that the building is two stories it seems reasonable to allow this.

Chairman Rusczek asked why they are adding the bump-out on the west side. Mr. Lyon replied that there was a 4 x 12 living area in the original house. Chairman Rusczek asked if it was an entranceway. Mr. Lyon replied that yes it's a side entrance. He noted that it wasn't picked up in the original application because it is not on a concrete foundation. Chairman Rusczek noted that this is not changing the original footprint, just adding the second story.

Mr. Wolfer asked for clarification that this will be in addition to what was approved in 2019. Mr. Lyons replied that in 2019 they received approval to add the second story using the existing footprint. This section was one story like the rest of the house. Chairman Rusczek reviewed the changes in the original application and explained that there was a covered porch entry on the west side that was left out of the application.

Public Comment

Hearing no public comments, Chairman Rusczek closed the public hearing and opened it up for discussion and possible action by the Board. He noted that the structure was on the original house.

Mr. Rys: Motion to approve the Variance Request for side yard of 14.8 ft. to construct a two-story, 4 ft. x 12 ft. addition as shown on Zoning Location Survey, Land of 12-16 Northfield Road, LLC dated 3/1/2019, revision dated 8/13/2020 and elevation plans received 11/2/2020, subject to:

Conditions:

1. Comments from Erik Krueger, Water & Sewer Division, dated 9/10/2020
2. Comments from Health Department received December 30, 2020.

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.

The variance is approved

Mr. Rys: Motion to approve the Variance Request for front yard of 42.8 ft. to construct a two-story, 4 ft. x 12 ft. addition as shown on Zoning Location Survey, Land of 12-16 Northfield Road, LLC dated 3/1/2019, revision dated 8/13/2020 and elevation plans received 11/2/2020, subject to:

Conditions:

1. Comments from Erik Krueger, Water & Sewer Division, dated 9/10/2020
2. Comments from Health Department received December 30, 2020.

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.

The variance is approved

Mr. Rys: Motion to approve the Variance Request to expand non-conforming use (residential in CB-40 District) to construct a two-story, 4 ft. x 12 ft. addition as shown on Zoning Location Survey, Land of 12-16 Northfield Road, LLC dated 3/1/2019, revision dated 8/13/2020 and elevation plans received 11/2/2020, subject to:

Conditions:

- 1. Comments from Erik Krueger, Water & Sewer Division, dated 9/10/2020**
- 2. Comments from Health Department received December 30, 2020.**

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.

The variance is approved

- 2. #20-033 – Variance Request/Hare/side yard of 6.9 ft. (20 ft. required) to construct an attached garage at 5 Gaye Lane in an R-18 District.**

Chairman Rusczek read the staff notes into the record for application. The applicant requests a side yard setback of 6/9 ft. where 36.7 ft. exists and 20 ft. is required to construct an addition and attached two-car garage at 5 Gaye Lane in an R-18 District. The conforming dwelling is a ranch with no garage on a conforming lot. Compliant options exist to add living space as well as garage area to the site. An option also exists to reconfigure and substantially reduce side yard variance request. With compliant alternative(s) available, this office cannot determine a hardship associated with the current proposal. Mr. Czerwinski noted the correspondence is two sets of drawings received November 18, 2020, and the Limited Property Boundary Survey/Zoning Location Survey for 5 Gaye Lane, Wallingford, received November 10, 2020

Brendan and Hillary Hare of 5 Gaye Lane presented their request to add an attached two-car garage with a breezeway. Mrs. Hare explained that they could design a detached garage but it wouldn't meet their needs and would reduce their back yard. She noted that the garage would be aesthetically pleasing, the roofline would be low and it would more beneficial and functional.

Chairman Rusczek asked about the topography of the property. Mrs. Hare explained that the back yard is flat but the front slopes, which is why they want to keep the backyard so they can eventually add a pool. The current design creates more privacy for the backyard. Mr. Hare stated that the design is for a smaller two-car garage in an attempt to comply. Mrs. Hare stated that they can't do a two-car garage without a variance. Mr. Hare stated that the back third of the backyard is wooded and has a stream bed.

Mr. Conroy asked if the yard is considered wetlands. Mr. Hare replied that it is not designated wetlands. Mr. Conroy stated that he doesn't see the hardship and doesn't see a need to encroach on the neighbor. Mr. Hare stated that the side yard goes to the neighbor's back yard and that they would be 6 feet from the property line where there is a fence.

Ms. Harris asked if there were alternatives such as eliminating the breezeway so they wouldn't need the variance. Mrs. Hare replied that they need the breezeway space to take off kid's boots, etc. Ms. Harris asked if they could put something behind the garage. Mrs. Hare replied that that would still need the variance and it wouldn't be as aesthetically pleasing. Mr. Hare noted that that would involve bringing the garage forward which would put it on the slope.

Mr. Czerwinski asked about the width of the breezeway. Peter Grasso, the designer, replied that it is 8 feet and the garage is 22 feet. He stated that they took several options under consideration. He noted that a detached garage under 6.2.B.3 allows for a five-foot setback if not more than 15 feet tall. The attached garage will be just under 15 feet tall. He noted that the neighbors are not opposed to the garage. He offered a compromise of reducing the width of the breezeway and the garage, though that's not desirable to the applicants. Mr. Czerwinski stated that he is sympathetic but the breezeway is a convenience and puts the garage much closer to the neighbors. Mr. Grasso stated that even if we eliminate the breezeway, they would still need a variance for the garage. He offered to reduce the breezeway width by 2 ft would increase the side yard setback to 9 ft.

Mrs. Torre stated that the Wetlands Commission had no comment on the application. She noted that the legal grounds for a variance are a hardship relative to the land, not the comfort of the residents. She stated that the home is currently conforming. A garage can be placed, attached or detached, in a compliant fashion. It can be five feet off the property line if it's behind the home and would not require a variance. She noted that eliminating the breezeway would add 8 feet to the side. Mr. Hare asked for clarification that if the garage is detached and behind it can be within 5 feet of the side property. Mrs. Torre agreed that the entry point to the garage has to be 100% behind the house foundation line. Adding the breezeway makes it an attached garage. Peter Grasso asked if an open-air structure could be used as a breezeway. Mrs. Torre stated that anything with a roof is considered a building and classify it as attached for zoning.

Chairman Rusczek recognized the concerns and offered to continue the application to next month. He suggested they go back to the drawing board and meet with Mrs. Torre, and come back. Mr. Grasso spoke on behalf of the applicant and requested the continuance.

Ms. Harris asked if a breezeway could be accommodated with a one-car garage and be done without a variance. Mr. Grasso would need to discuss it with the applicant, but it would still require a variance.

Mrs. Hare agreed to the continuance.

Chairman Rusczek asked for a vote to continue the application.

Vote: Unanimous in favor.

Application #20-033 is continued to the February meeting.

5. #20-036 – Variance Request/Krombel/front yard of 11.5 ft. (20 ft. required) to construct a vertical addition at 338 Ivy Street in an R-11 District.

Chairman Rusczek read the staff notes into the record for application. The applicant requests a front yard of 11.5 ft. where 11.5 ft. exists and 20 ft. is required to construct a vertical addition at 338 Ivy Street in an R-11 District. The Parcel is a nonconforming, undersized, corner lot. The Applicant proposes adding a 2nd story, 57 sq. ft. addition to existing single-story, 57 sq. ft. area with no change to the existing building footprint. The addition is oriented to the side of the residence yet corner lots identify both street sides as front yards. The existing dwelling is nonconforming with regard to the front yard on Willow Street. Vertical addition requires Variance approval as it is an expansion of the nonconforming structure. Mr. Czerwinski noted the correspondence as two sets of drawings received on December 16, 2020.

James Ringold and Chelsea Krombel, 338 Ivy Street, presented the application, which is taking space that exists on the 1st floor and goes up to expand the upstairs half bath to a full bathroom. The proposed change just goes up with no change to the footprint and the same style of the house. Mr. Ringold noted that in response to the Health Department query, they are not served by well or septic.

Public Comment

Hearing no public comments, Chairman Rusczek closed the public hearing and opened it up for discussion and possible action by the Board.

Mr. Czerwinski: Motion to approve application #20-036 for Variance Request for 338 Ivy Street to build a small second-floor addition to expand a bathroom over existing first-floor footprint per submitted plans received December 16, 2020.

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Czerwinski – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.

The variance is approved

6. **#20-037 – Variance Requests/Andrade/side yard of 18 ft. (20 ft. required), front yard of 28.5 ft. (40 ft. required), and building coverage of 15.5% (max 15% permitted) to construct a 2 story addition at 26 Beechwood Drive in an R-18 District.**

Chairman Rusczek read the staff notes into the record for application. Applicant seeks side yard of 18 ft. where 19.8 ft. exists and 20 ft. is required, a front yard of 28.5 ft. where 33.5 ft. exists and 40 ft. is required, and building coverage of 15.5% where 12.5% exists and a maximum of 15% is permitted to construct an addition, add a front porch, and construct a second story to the dwelling at 26 Beechwood Drive in an R-18 District. The lot is undersized and non-conforming with respect to the front yard and side yard setbacks. The parcel is compliant with building coverage despite the lot size being 45% conforming lot size. This office cannot determine the hardship with the numerous variances being sought, further decreasing front and side setbacks in addition to vertically expanding on existing non-conforming setbacks and eliminating the one compliant zoning requirement (building coverage) in order to nearly double the living space as well as expand to create a wrap-around front porch. Mr. Czerwinski noted the correspondence as a photo with a rendering received December 18, 2020, as well as an architectural drawing, received December 18, 2020.

Daniel Lyon, architect, 4 Simpson Avenue, presented the application to reconfigure the building to add bedrooms and a front porch. The proposed side addition reduces the right side yard by only 1.8 ft. The distance between the neighboring building and the addition would be 16 ft. He noted that the distance between buildings in the neighborhood is generally 16 ft. He stated that the front yard depth would be similar to the neighbor's front yard.

Chairman Rusczek asked for clarification of the hardship. Chairman Rusczek noted that the proposed design is not in keeping with the neighborhood. Mr. Lyons replied that they would be making the one-story building, two stories and noted that the house next door is two stories. The size is in keeping with the neighborhood. He acknowledged that it is not a hardship.

Mrs. Torre stated that the house is non-conforming with the side and front now. To go vertical would require a variance. There is no association with the front wraparound porch because the front yard

setback is being increased and caused the coverage variance. She stated that they could eliminate one variance by eliminating the porch.

Mr. Conroy agrees that the front and side yard setbacks not acceptable. He agreed with going up. He asked the applicant if they would be willing to make changes. Mr. Lyon said yes and stated that they originally wanted a second-floor addition and add two feet to the side.

Mr. Carmody stated for clarification that the lot is undersized for the R-18 district. Amy said that was correct, the lot is under half the size for the zone. She stated that they are currently not compliant with their side and front, but very minimally. Mr. Carmody stated that he has no issue with them going vertical.

Mr. Wolfer asked if the applicant would consider different options to make the addition more conforming. Mr. Lyon stated that there is currently a one-story addition that they are rebuilding to make it 1.8 ft wider and add a second story above. He offered to eliminate the porch from the application.

Mrs. Torre noted that the application is incomplete. There are two side setback issues because of the vertical addition. She noted that this was not picked up by the office. There is only an 8 ft. side set back on the opposite side that is being extended vertically, so that requires another variance. She stated that because the legal notice didn't include it, that the Board cannot act on this variance tonight. Mr. Lyons stated that they will revise the application and agreed to a continuation to next month.

Chairman Rusczek asked for a vote to continue the application.

Vote: Unanimous in favor.

Application #20-037 is continued to the February meeting.

CONSIDERATION OF MINUTES

Mr. Rys: Motion to accept the minutes of the Monday, November 16, 2020, regular meeting.

Mr. Carmody: Second

Vote: Unanimous to approve

Chairman Rusczek announced that he will not be at the February meeting, so Ray Rys will Chair that meeting.

Mr. Wolfer: Motion to adjourn the January 19, 2021 meeting of the Zoning Board of Appeals at 8:05 pm.

Mr. Carmody: Second

Vote: Unanimous to approve.

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary