



Town of Wallingford, Connecticut

**Wallingford Zoning Board of Appeals Meeting
Tuesday, February 16, 2021
7:00 p.m.**

REMOTE MEETING ONLY

The Zoning Board of Appeals meeting of February 16, 2021 will take place REMOTELY ONLY.

The meeting can be accessed through:

<https://global.gotomeeting.com/join/374651261>

YOU CAN ALSO DIAL IN USING YOUR PHONE:

United States (Toll Free): +1 (866)-899-4679

Access Code: 374-651-261

Live Stream of the meeting will also be available on the Town of Wallingford You Tube Channel:

<https://www.youtube.com/c/wallingfordgovernmenttelevision>

AGENDA

**Call to Order
Pledge of Allegiance
Roll Call**

PUBLIC HEARINGS

1. #20-033 – Variance Request/Hare/5 Gaye Lane
2. #20-034 – Special Exception Request/Pumpkin Patch Properties, LLC/4 Circle Drive
3. #20-035 – Variance Requests/Baker/4 Union Street

DISCUSSION

4. Waiver of re-application fees for 26 Beechwood Drive (W/D #20-037)

CONSIDERATION OF MINUTES

7. January 19, 2021, Regular Meeting

ADJOURNMENT

Individuals in need of auxiliary aids for effective communications in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to the meeting date.



Town of Wallingford, Connecticut

LEGAL NOTICE

The Wallingford Zoning Board of Appeals will hold the following public hearing(s) REMOTELY ONLY at their meeting of Tuesday February 16, 2021, 7:00 p.m.

The meeting can be accessed through:

<https://global.gotomeeting.com/join/374651261>

YOU CAN ALSO DIAL IN USING YOUR PHONE:

United States (Toll Free): +1 (866)-899-4679

Access Code: 374-651-261


Live Stream of the meeting will also be available on the Town of Wallingford You Tube Channel:

<https://www.youtube.com/c/wallingfordgovernmenttelevision>

1. #20-034 – Special Exception Request (child day care center), enrollment of 117 and area of 7825 sq. ft. to allow 2nd floor single residential dwelling unit/Pumpkin Patch Properties, LLC at 4 Circle Drive in an R-18 District.
2. #20-035 – Variance Requests/Baker/side yard of 1 ft. (6 ft. required), front yard of 6 ft. (12 ft. required) and building coverage of 34.5% (maximum 33.5% permitted) to construct an accessory building at 4 Union Street in an R-6 District

Should you wish to review any of the above-listed application(s), or have any questions regarding these matters, please contact the Wallingford Planning Office at 203-294-2090.

WALLINGFORD ZONING BOARD OF APPEALS


LOUIS CZERWINSKI, SECRETARY

DATED AT WALLINGFORD

January 27, 2021

POSTING DATES

February 2, 2021

February 9, 2021

“Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five (5) days prior to meeting date.”



Town of Wallingford, Connecticut

February 16, 2021

Wallingford Zoning Board of Appeals
Town Hall
45 South Main Street
Wallingford, CT 06492

RE: Staff comments for the February 16, 2021 ZBA Meeting

Dear Board Members:

1. **#20-033/VARIANCE REQUEST/SIDE YARD SETBACK/Hare/5 Gaye Lane**

Applicant requested a side yard setback of 6.9 ft. where 36.7 ft. exists and 20 ft. is required to construct an addition and attached 2 car garage at 5 Gaye Lane in an R-18 District. Applicant has submitted modification to proposal reducing the side yard variance requested to 10 ft. in order to construct an attached garage and addition.

2. **#20-034/SPECIAL EXCEPTION REQUEST (Day Care)/Pumpkin Patch Properties, LLC/4 Circle Drive**

Applicant is requesting Child day care center with enrollment of 117 and area of 7825 sq. ft. to allow a 2nd floor single residential dwelling unit at 4 Circle Drive in an R-18 District. Property has existing Special Exception approval for enrollment of 100 at same site for entire 2 story building of 9572 sq. ft. The added residential unit requires detailed building and potential site plan elements as residential use requires alternate building and fire code compliance. The board should consider the logistics of parking, access, use of grounds and daycare operations at ground level of a residential unit. Applicant should clearly demonstrate the use of all space within the building and access to residential unit other than via daycare operation/space. Proposal does not accurately or clearly define the interconnection of the two uses and spaces.

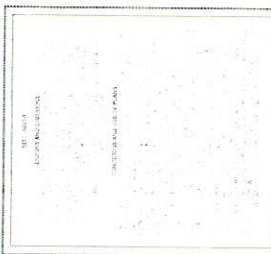
3. **#20-035/VARIANCE REQUESTS/FRONT YARD, SIDE YARD SETBACK, BUILDING COVERAGE/Baker/4 Union Street**

Application is for side yard and front yard setback as well as building coverage in order to locate accessory structure erected in violation. This office was advised of violation as result of a "Stop Work Order" issued by the Building Official which was result of a complaint from neighbor that a two story structure was being erected too close to property boundary without any permits. Structure was in violation for height as well as location within side and front setbacks. Applicant was advised to reduce height to 10 ft. maximum and relocate structure to compliant location. Applicant did remove the structure's excessive height but did not relocate said structure. Applicant was advised an A-2 Survey is required to determine compliance with zoning requirements or to pursue relief from the ZBA. Instead applicant sought a Survey Waiver for setback distance and lot area. Survey Waiver was granted for setback only. Lot area cannot be based on other than Survey, or Deed and therefore Waiver of lot area was not approved. Based on site visit during the course of evaluating the Survey Waiver request, the site was found to also exceed maximum building coverage, requiring an additional Variance, due to another structure not originally depicted on application. There is no hardship concerning this application. The hardship is self-created and a result of choosing to remedy violation by seeking 3 Variances for relief rather than choosing option to simply comply.

Regards,


Amy B. Torre
ZEO/Land Use Specialist

Cc: Hare
Pumpkin Patch Properties, LLC
Baker



PFG DESIGN GROUP
110 Northbridge Avenue, 4th Floor
Wallingford, CT 06493
Phone: 203.907.7482
Fax: 203.234.6596
e-mail: peter@pfgdesigngroup.com
facebook: PFG Design Group

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

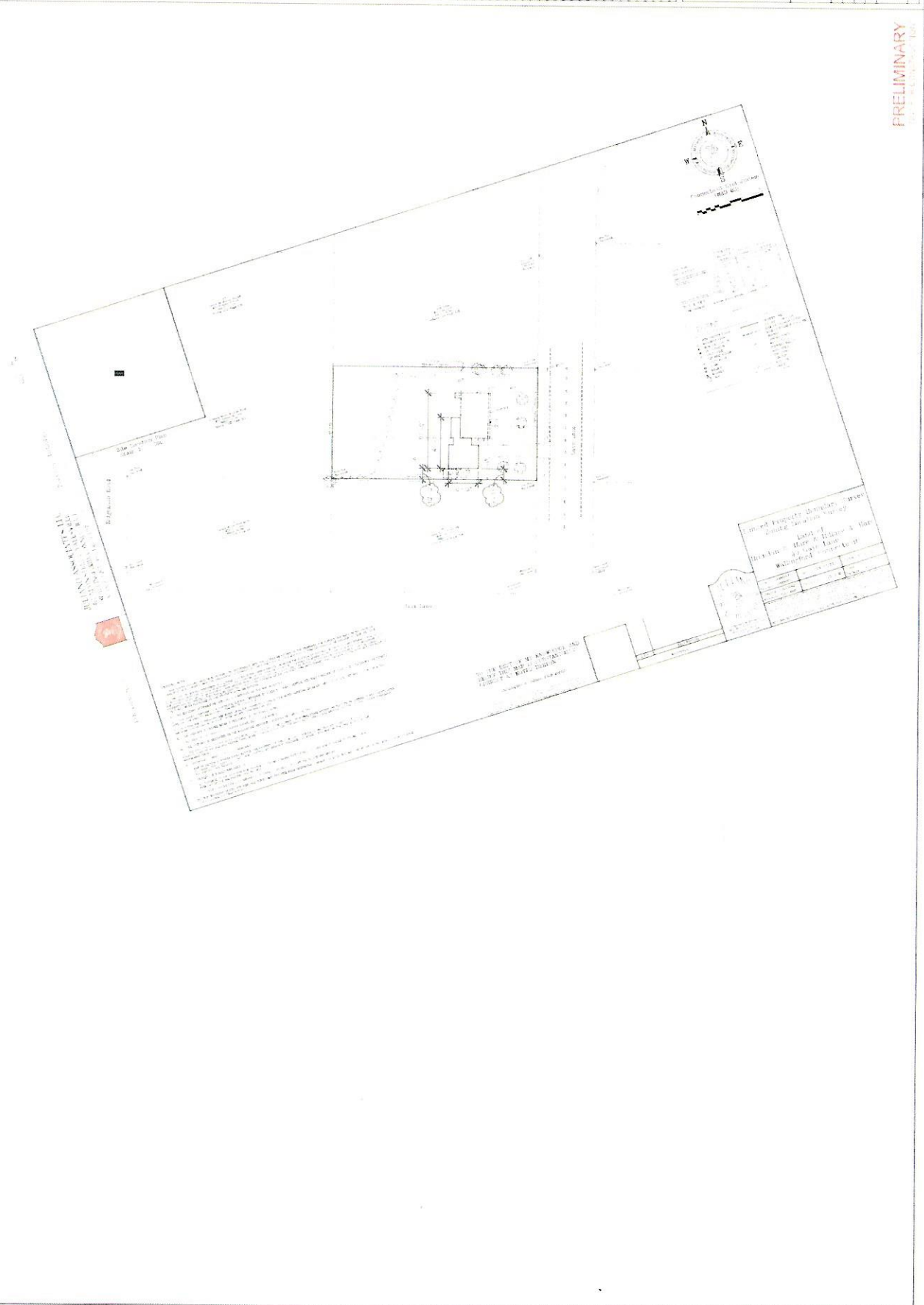
HARE RESIDENCE
#5 GAYE LANE
WALLINGFORD, CT

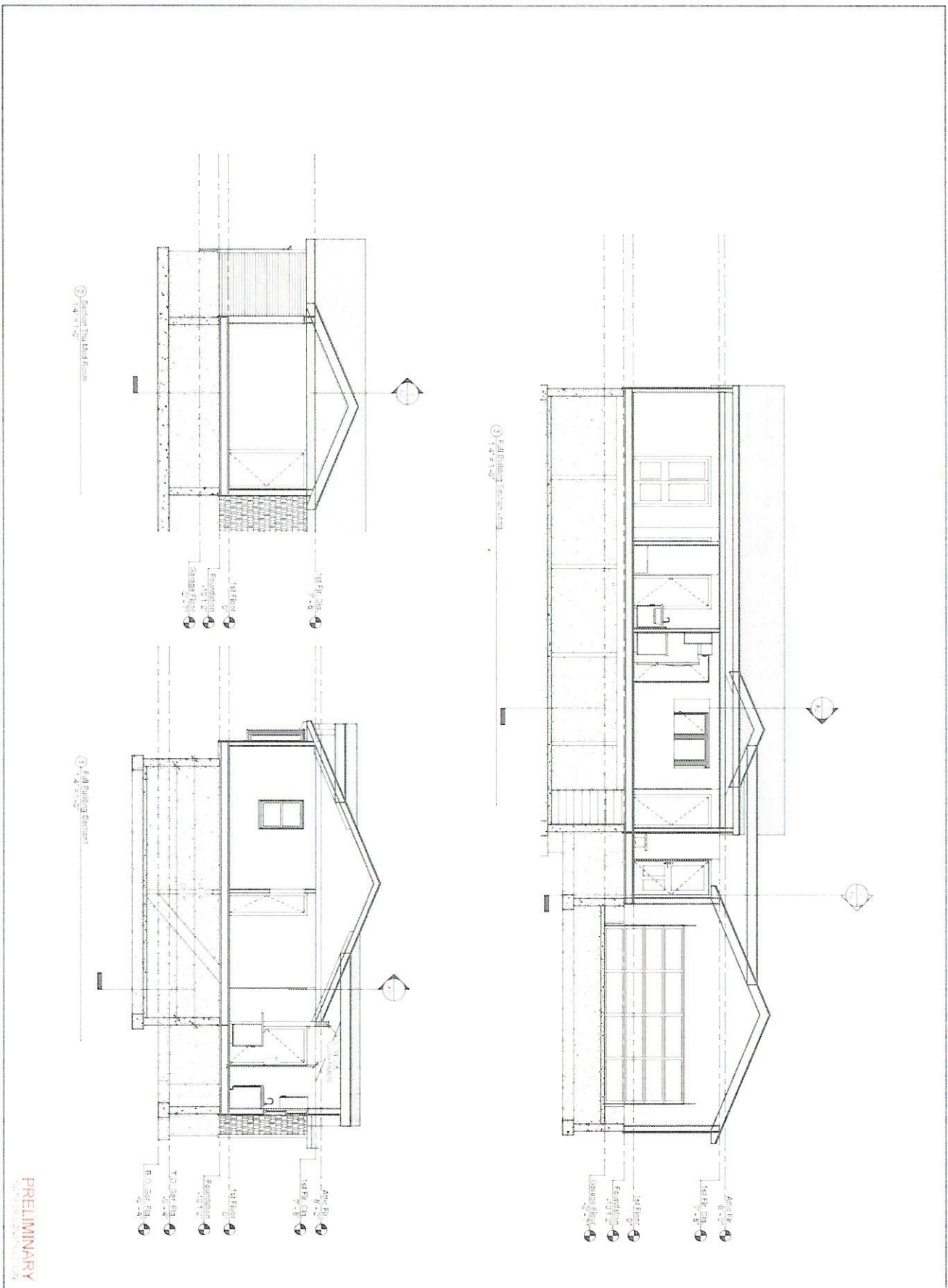
SITE PLAN

| | |
|------|-----------------|
| DATE | 21 JANUARY 2013 |
| DATE | |
| DATE | |
| DATE | |

A5

1" = 60'-0"

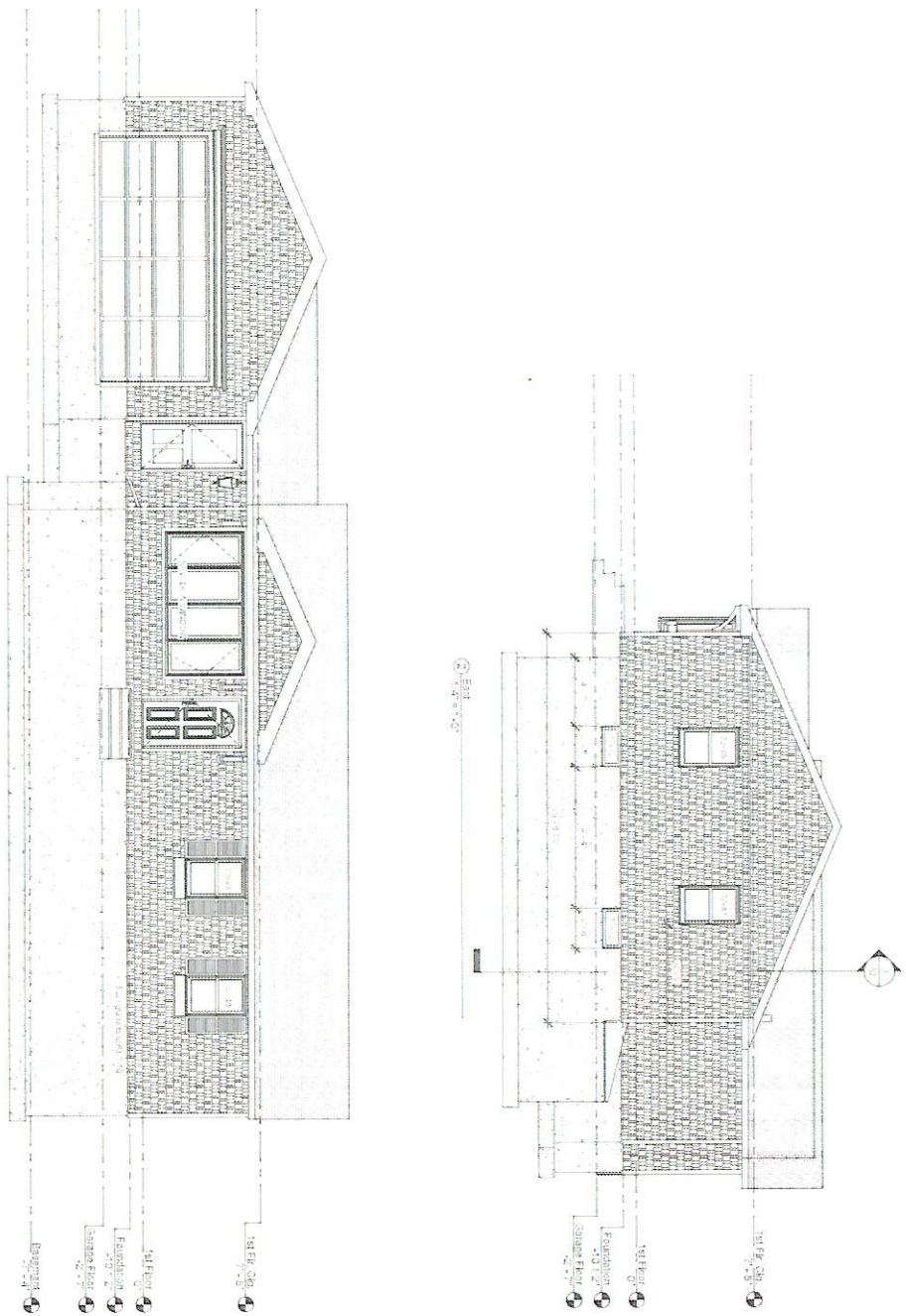




| NO. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

| | |
|--|---------------------------|
| <p>HARE RESIDENCE #5 GAYE LANE WALLINGFORD CT</p> <p>Typical Wall Section</p> | <p>PRELIMINARY</p> |
|--|---------------------------|

| | |
|--|--|
| <p>PGD DESIGN GROUP 110 Westport Ct Newtown, CT 06457 Phone: 203.967.3355 Fax: 203.967.6998</p> <p>email: pined@pgdgroup.com pined@pgdgroup.com pined@pgdgroup.com</p> | <p>DATE: 07/11/2011 SCALE: 1/4" = 1'-0"</p> |
|--|--|



12/15/16

110 Washington Avenue 4th Floor
 North Haven, CT 06455
 Phone: 203.967.7353
 Fax: 203.964.6298
 email: pf@pfgdesigngroup.com
 pfc@pfgdesigngroup.com
 Facebook: PFG Design Group

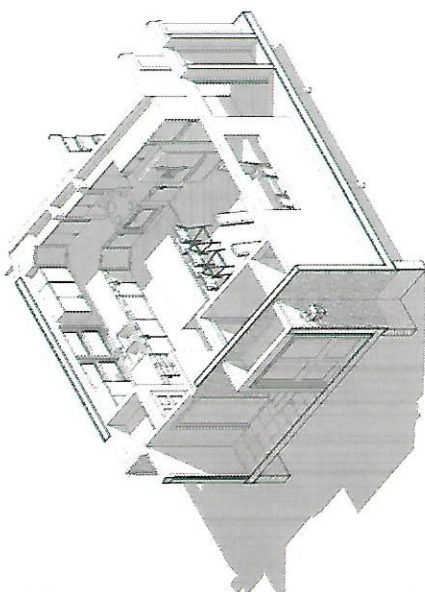
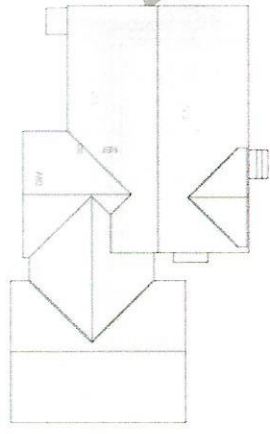
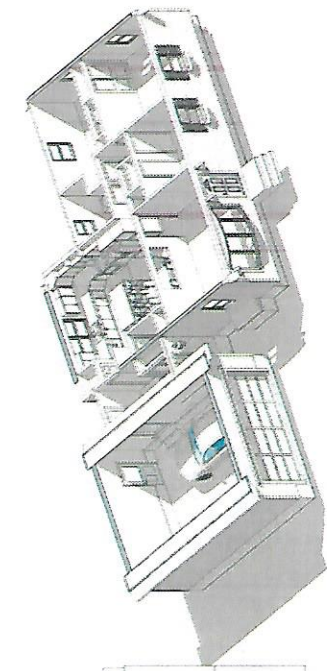
HARE RESIDENCE
#6 GAYE LANE
WALLINGFORD CT

Elevations

A3

1/4\"/>

PRELIMINARY
 NOT FOR CONSTRUCTION



AREA TABULATION

| | | |
|------------------|---------------|--------------|
| STAIR CASE | 207.54 sq' ft | 28% of total |
| STAIR W/CL. ENC. | 285.50 sq' ft | 38% of total |
| FIN. FLOOR | 387.96 sq' ft | 52% of total |

PFG DESIGN GROUP
110 Washington Avenue 4th Floor
North Haven, CT 06473
Phone: 203.937.7385
Fax: 203.234.8398

e-mail:
peter@pfgdesign.com
facebook: PFG Design Group

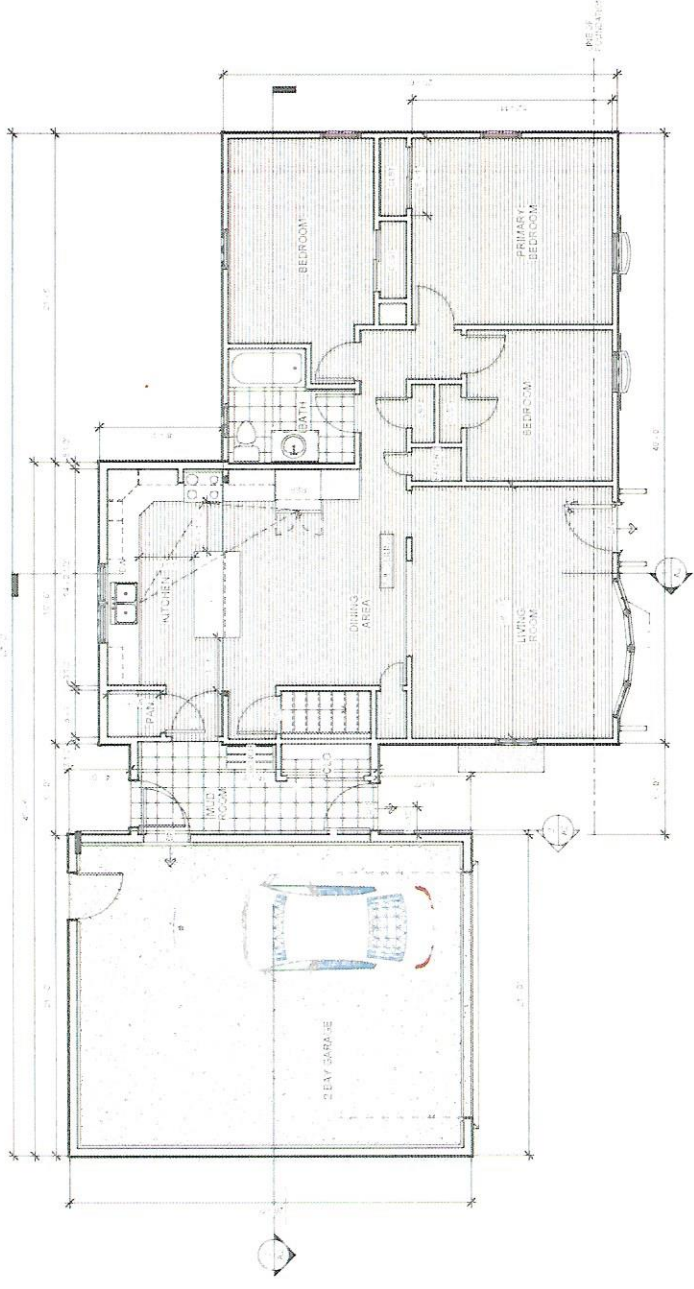
| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |

HARE RESIDENCE
#5 GAY LANE
WALLINGFORD, CT
First Floor Plan

| | |
|------------|-----------------|
| FILE NO. | 110037-001-0001 |
| DATE | 21 JANUARY 2021 |
| DRAWN BY | PFG |
| CHECKED BY | PFG |

A1

Scale: As Indicated



3 1/4" = 1'-0"

4 1/4" = 1'-0"

1 1/2" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

GENERAL SPECIFICATIONS
1. FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
2. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
4. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
6. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
8. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.

CODE NOTES:
1. FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
2. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
4. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
6. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
8. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.

STRUCTURAL NOTES

1. ALL CONSTRUCTION SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.

3. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.

STRUCTURAL NOTES

1. ALL CONSTRUCTION SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.

3. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.

GENERAL SPECIFICATIONS

1. FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.
2. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
4. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
6. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.
8. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC), WITH ANY LOCAL AMENDMENTS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR PAYING ALL FEES THEREON.

PPFG DESIGN GROUP
110 Washington Avenue, 4th Floor
North Haven, CT 06473
Phone: 203.937.7885
Fax: 203.234.6396
email: peter@ppfgdesign.com
facebook: PFG Design Group

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

REVISIONS

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |

HARE RESIDENCE

#5 GAYE LANE
WALLINGFORD CT

General Information

HARE RESIDENCE

#5 GAYE LANE
WALLINGFORD CT

General Information

HARE RESIDENCE

#5 GAYE LANE
WALLINGFORD CT

General Information

HARE RESIDENCE

#5 GAYE LANE
WALLINGFORD CT

General Information

HARE RESIDENCE

#5 GAYE LANE
WALLINGFORD CT

General Information

HARE RESIDENCE

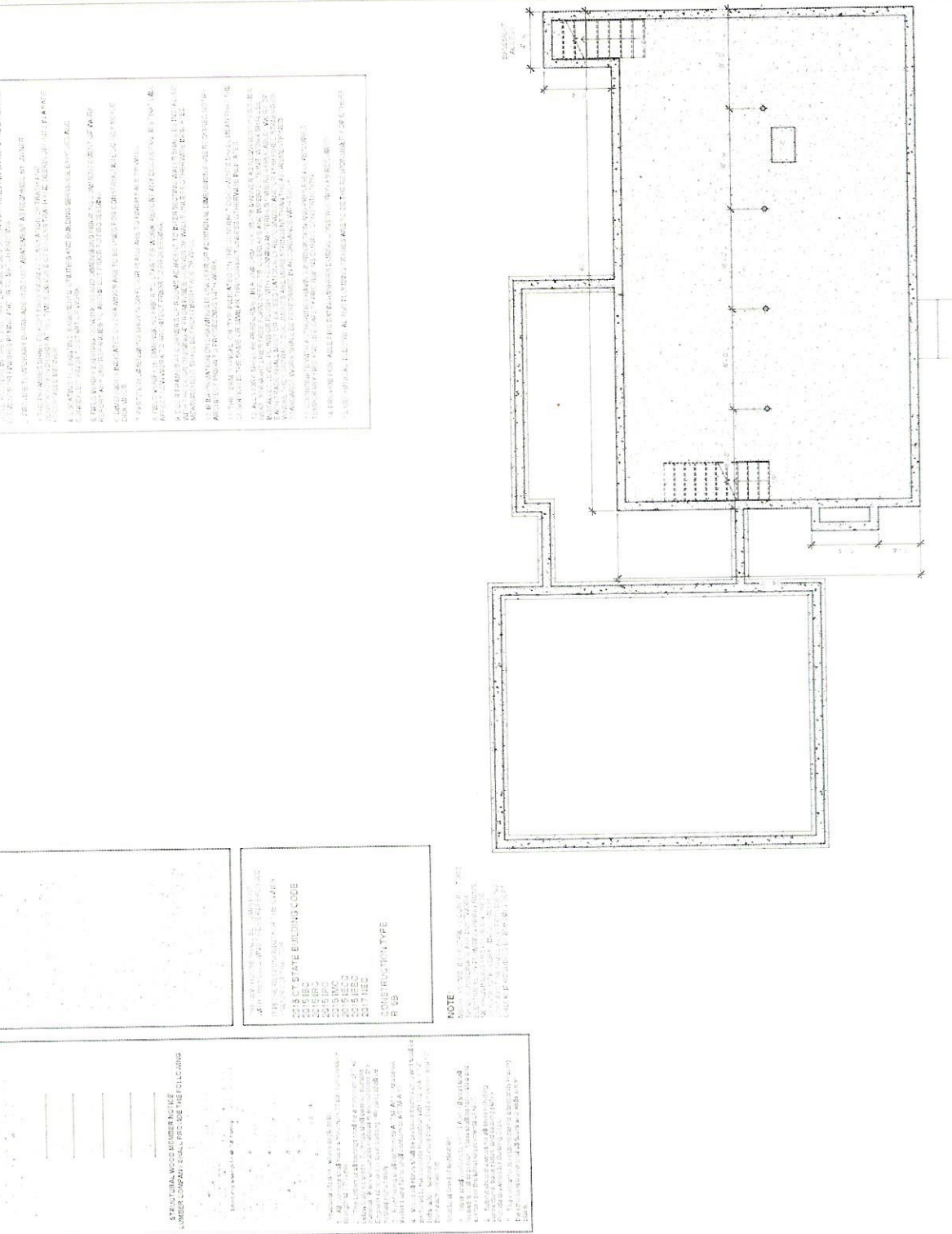
#5 GAYE LANE
WALLINGFORD CT

General Information

HARE RESIDENCE

#5 GAYE LANE
WALLINGFORD CT

General Information



PRELIMINARY
NOT FOR CONSTRUCTION

14 of 10

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

GENERAL INFORMATION

Project No.: HARE RES-001
Date: 21 JANUARY 2023
PPFG
PPFG
PPFG

January 25, 2021

Wallingford Zoning and Planning Commission
45 South Main Street
Wallingford, CT 06492

Dear Zoning and Planning Commission,

I'm writing in support of the variance request at 5 Gaye Lane by Brendan and Hillary Hare. Due to our work and family schedules, it is unlike we will be able to attend February's meeting.

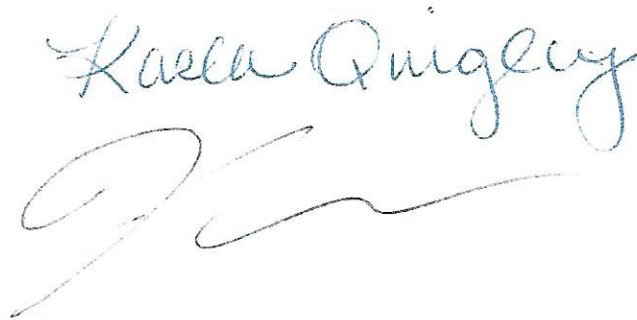
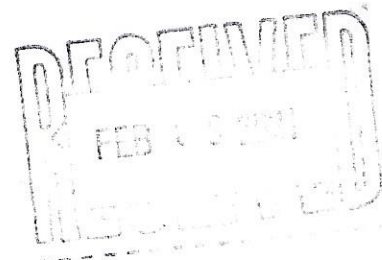
We are the homeowners of 18 Lori Lane and our property abuts the side yard in which the Hare's wish to build a two-car garage and breeze way.

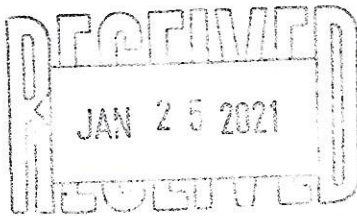
From the very beginning the Hare's have been upfront with us and their intentions for improving their property. We have seen the original design with a 6' set back from our property as well as the most recent design with a 10' set back. We are in support of both designs.

It was brought to our attention that at the zoning meeting in January there was a concern with how the Hare's variance request would affect the homeowners at 18 Lori Lane. As the homeowners of this property, our intention is to assure you we are in full support of the Hare's request for variance.

Sincerely,

Jason and Karla Quigley
18 Lori Lane
Wallingford CT 06492

A handwritten signature in blue ink that reads "Karla Quigley". The signature is written in a cursive style and is positioned to the right of the typed name.



REVISED

REVISION

Please type or print in ink.



Town of Wallingford, Connecticut

ZONING BOARD OF APPEALS

APPLICATION FOR:
[X] Special Exception
[] Appeal of Decision of ZEO

Application # 20-034

Date: 1/22/2021

Name of Applicant: Pumkin Patch Properties LLC

Mailing Address: #4 Circle Drive Wallingford CT 06492
Street City State Zip Code

Phone: (203) 522-3357

Interest in Property: [X] Own [] Rent [] Lease [] Option to Buy [] Other

Name of Property Owner: Pumkin Patch Properties LLC

Mailing Address: #4 Circle Drive Wallingford CT 06492
Street City State Zip Code

Legal Description of Property (check one box and complete information for that line only):

- [X] Street Address #4 Circle Drive
[] Lot # and Street Name
[] Volume & Page of Deed in Land Records

Zoning District: R-18

Directions to Property (from well recognized Town road): Right hand turn off of North Colony Road North at intersection with Route 71 (Old Colony Road)

A. TYPES OF SPECIAL EXCEPTION REQUESTED & MINIMUM ITEMS TO BE INCLUDED WITH APPLICATION

- 1. [] CUSTOMARY HOME OCCUPATION
a. Type of Occupation:
b. Sq. Footage of 1st floor of building: c. Sq. Footage of home occupation:
d. Map, drawn to scale, showing property, location of dwelling on property and location & dimensions of all parking spaces.
2. [] BOARDING HOUSE/ROOMING HOUSE
a. Map, drawn to scale, showing property boundaries, location & dimensions of building, number of boarders and location & dimensions of all parking spaces.
3. [] BED & BREAKFAST
a. Year house constructed: b. Number of guest rooms: c. Map, drawn to scale, showing property boundaries, location & dimensions of building, location & dimensions of all existing and proposed parking spaces, proposed landscaping. d. Floor plan of proposed B&B, with room use listed. e. Architectural drawings for any proposed additions, including emergency exits.
4. [] WINDMILL
a. Map, drawn to scale, showing property, location of any buildings on lot, proposed location of windmill and distances to buildings and property lines.
5. [] SOLAR PANELS & SATELLITE DISHES
a. Map, drawn to scale, showing property, location of any buildings on lot, proposed locations of panes or dishes and screening.
b. Height of device c. Technical literature about device
6. [X] NURSERY SCHOOL, CHILD DAY CARE CENTER, GROUP DAY CARE HOME
a. Map, drawn to scale, showing property, location of building(s) on lot, parking spaces, play area.
b. Square footage of lot: 40,213 c. Building Coverage: 17.5% d. Enrollment capacity per session:
See Attached Sheet for Special Exception Description

7. [] CEMETERIES

a. Location map showing adjacent streets.

8. [] GARAGES

a. Map, drawn to scale, showing property, location of building(s) on lot, garage location.

b. Sq. footage of principal residence: _____ (living area only) Sq. footage of existing garage space _____
Sq. footage of proposed garage space _____, total sq. footage of proposed garage space _____.

9. [] STABLES

a. Map, drawn to scale, showing property, location of building(s) on lot, proposed stable.

B. APPEAL OF DECISION OF THE ZEO: Please describe the decision of the ZEO below and why you feel it is not accurate.

Applicant must notify abutters by certified mail 10-15 days prior to the public hearing by sending them a copy of the legal notice.
Certificates of Mailing must be returned to the Planning Department at least five (5) days prior to the meeting.

Names and Mailing addresses of all abutting property owners (to the right, left and rear of your property)

| | NAME | MAILING ADDRESS |
|----|--|---|
| 1. | Infinity RT 5 Limited Partnership & C/O Great Island Development | 20 Park Plaza Suite 443, Boston, MA 02116 |
| 2. | Eric & Charlotte Stayton | #8 Circle Drive, Wallingford, CT 06492 |
| 3. | _____ | _____ |
| 4. | _____ | _____ |
| 5. | _____ | _____ |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Name of Applicant or Agent: SAIRAM SIMHADRY Title: OWNER
(Please print) (If agent or company representative)

Signature of Applicant or Agent: Sairam Simhadry

Name of Property Owner: SAIRAM SIMHADRY Title: OWNER
(Please print) (If agent or company representative)

Signature of Property Owner: Sairam Simhadry

FOR ZBA USE ONLY:

Application is: [] Granted [] Denied Effective Date: _____

REASON(S) _____

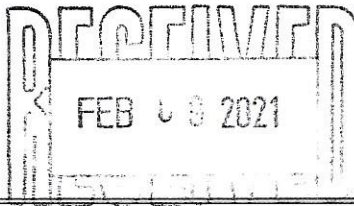
CONDITION(S) _____

SIGNED: _____ TITLE: _____

WALLINGFORD ZONING BOARD OF APPEALS

Special Exception Narrative:

The applicant is requesting a reduction of the special exception to allow for a single-family dwelling unit on the second floor of #4 Circle Drive. The current permitted use per a Special Exception is a daycare with a total floor area of 9,572 Sq. Ft. The first floor has a square footage of 6,932 Sq. Ft with the second floor having a floor area of 2,640. The special exception will reduce the total floor area used for the daycare to 7,825 Sq. Ft. with the other 1,747 Sq. Ft. being used for the single-family dwelling unit.



INTEROFFICE MEMORANDUM

TO: AMY TORRE, ZONING ENFORCEMENT OFFICER
FROM: ERIK KRUEGER, SENIOR ENGINEER, WATER AND SEWER DIVISIONS *AK*
SUBJECT: VARIANCE REQUEST NO. 20-034 – DAY CARE AND RESIDENTIAL UNIT
4 CIRCLE DRIVE – PUMPKIN PATCH PROPERTIES, LLC
DATE: FEBRUARY 8, 2021

CC: N. AMWAKE, P.E.; D. SULLIVAN; J. PAWLOWSKI; PUMPKIN PATCH PROPERTIES, LLC

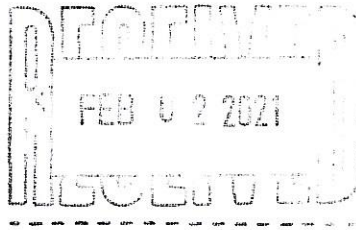
If the proposed building modifications will include:

- Additional plumbing fixtures or drains,
- Modifications to the water or sewer service lines,
- Changes to the fire protection system or irrigation system,

The owner shall:

Submit details of such modifications to allow the Water and Sewer Divisions to determine if the existing service lines and meter are adequate for the proposed modifications. In addition, the Water and Sewer Divisions will determine whether there are other water and sewer related requirements that need to be addressed prior to issuance of a building permit.

Also, Town Ordinance No. 577 stipulates that if a building permit is issued for improvements/repairs of buildings, costing at least \$25,000, then the Town may conduct an inspection of the property in order to determine if any groundwater or storm water drains are connected to the sanitary sewer. Therefore, if the proposed renovations meet these criteria, we hereby request that the property owner contact this office to arrange for an inspection of the property by the Sewer Division to review potential sources of inflow and infiltration that may need to be disconnected from the municipal sanitary sewer system.



ZONING BOARD OF APPEALS APPLICATION REVIEW

ZBA MEETING OF: Tuesday, February 16, 2021

Please review and return to Amy Torre, ZEO, by: Friday, February 5, 2021

- ELECTRIC HEALTH WATER & SEWER
- ENGINEERING INLAND WETLANDS BUILDING DEPT
- FIRE PUBLIC WORKS

COMMENTS:

ITEM # 1 FMO REQUIRES BUILDING PLAN
DUE TO CHANGE TO MIX USE AND
FIRE SAFETY CODE

ITEM # NO COMMENT

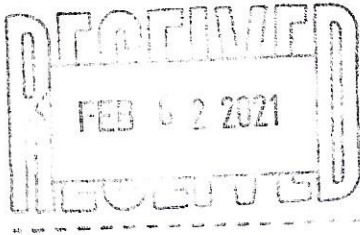
Signature/Title

2/1/21

Date

Please sign form; if you have comments on any application, please denote the application number. Please return all comments to the attention of Amy Torre, ZEO.

#20-034



ZONING BOARD OF APPEALS APPLICATION REVIEW

ZBA MEETING OF: Tuesday, February 16, 2021

Please review and return to Amy Torre, ZEO, by: Friday, February 5, 2021

- ELECTRIC HEALTH WATER & SEWER
- ENGINEERING INLAND WETLANDS BUILDING DEPT
- FIRE PUBLIC WORKS

COMMENTS:

- 1) One Hour Fire Separation Req'd Between Residential Dwelling ("R-3") And Driveway ("E") (with conditions)
- 2) See 2018 International Building Code, Section 1006.3.2 "Single Exits", For Means of Egress Compliance.
- 3) Stamped Plans Req'd To Be Submitted w/ Building Permit Application To Obtain Building Permit.

Dustin Torres / Hill Bldg Official 2-2-2021
 Signature/Title Date

Please sign form; if you have comments on any application, please denote the application number. Please return all comments to the attention of Amy Torre, ZEO.



CONSTRUCTION DETAIL

| Element | Cd. | Ch. | Description | Element | Cd. | Ch. | Description |
|------------------|------|-----|-----------------|---------|-----|-----|-------------|
| Style | 803 | | Day Care Center | | | | |
| Model | 94 | | Commercial | | | | |
| Grade | B | | | | | | |
| Stories | 2 | | | | | | |
| Occupancy | 1 | | | | | | |
| Exterior Wall 1 | 25 | | Vinyl Siding | | | | |
| Exterior Wall 2 | | | | | | | |
| Roof Structure | 03 | | Gable | | | | |
| Roof Cover | 03 | | Asphalt | | | | |
| Interior Wall 1 | 05 | | Drywall | | | | |
| Interior Wall 2 | | | | | | | |
| Interior Floor 1 | 05 | | Vinyl/Asphalt | | | | |
| Interior Floor 2 | | | | | | | |
| Heating Fuel | 03 | | Gas | | | | |
| Heating Type | 04 | | Forced Air-Duc | | | | |
| ACC Type | 03 | | Central | | | | |
| Bldg Use | 3520 | | DAYCARE M94 | | | | |
| Total Rooms | 00 | | | | | | |
| Total Bedrms | 00 | | | | | | |
| Total Baths | 0 | | | | | | |
| Heat/AC | 01 | | Heat/AC Pkgs | | | | |
| Frame Type | 02 | | Wood Frame | | | | |
| Baths/Plumbing | 02 | | Average | | | | |
| Ceiling/Wall | 05 | | Sus-Ceil & WL | | | | |
| Rooms/Ptns | 02 | | Average | | | | |
| Wall Height | 8 | | | | | | |
| % Conn Wall | 0 | | | | | | |

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)

| Code | Description | Sub | Sub Descript | L/B | Units | Unit Price | Yr | Gde | Dp Rt | Cnd | %Cnd | Apr Value |
|------|----------------|-----|--------------|-----|-------|------------|------|-----|-------|-----|------|-----------|
| DAY1 | Paving-Asphalt | | | L | 9,900 | 3.00 | 1997 | C | | A | 50 | 14,900 |
| SN4 | Fence-8'Chain | | | L | 400 | 14.00 | | C | | A | 50 | 2,800 |

BUILDING SUB-AREA SUMMARY SECTION

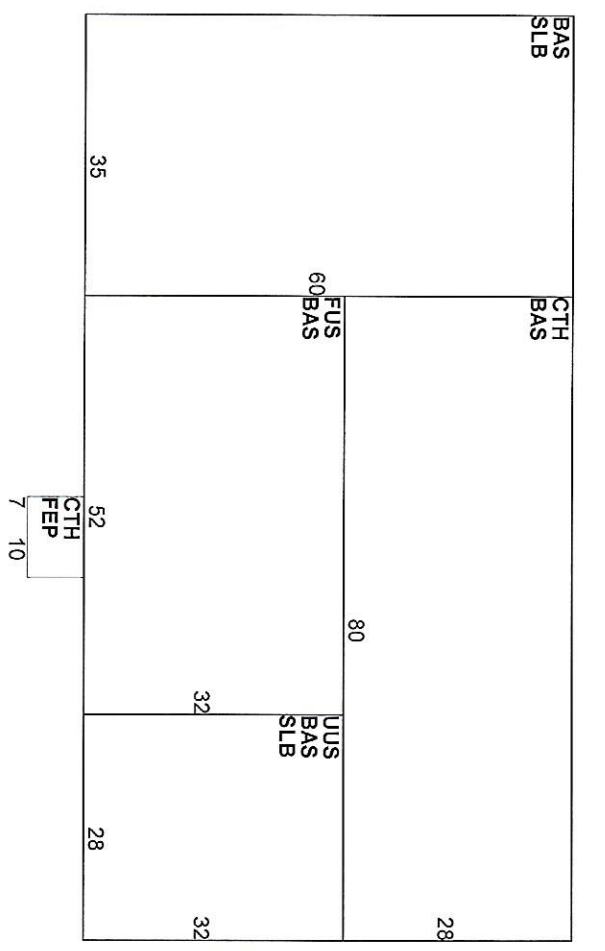
| Code | Description | Living Area | Gross Area | Eff. Area | Unit Cost | Undeprc. Value |
|----------------------------------|-------------------------|--------------|---------------|--------------|-----------|----------------|
| BAS | First Floor | 6,900 | 6,900 | 6,900 | 89.32 | 616,323 |
| CTH | Cathedral Ceiling | 0 | 2,310 | 231 | 8.93 | 20,633 |
| FEP | Porch, Enclosed | 0 | 70 | 35 | 44.66 | 3,126 |
| FUS | Upper Story, Finished | 1,664 | 1,664 | 1,664 | 89.32 | 148,632 |
| SLB | Slab | 0 | 2,996 | 0 | 0.00 | 0 |
| US | Upper Story, Unfinished | 0 | 896 | 403 | 40.18 | 35,997 |
| Ttl Gross Liv/Lease Area: | | 8,564 | 14,836 | 9,233 | | 824,712 |

MIXED USE

| Code | Description | Percentage |
|------|-------------|------------|
| 3520 | DAYCARE M94 | 100 |

COST/MARKET VALUATION

| | |
|--------------------------|---------|
| Adj. Base Rate: | 89.32 |
| Net Other Adj: | 824,712 |
| Replace Cost | 0.00 |
| AYB | 824,712 |
| AYB | 1985 |
| Dep Code | G |
| Remodel Rating | |
| Year Remodeled | |
| Dep % | 27 |
| Functional Obslnc | 0 |
| External Obslnc | 0 |
| Cost Trend Factor | |
| Condition | |
| % Complete | 73 |
| Overall % Cond | |
| Apprais Val | 602,000 |
| Dep % Ovr | 0 |
| Dep Ovr Comment | |
| Misc Imp Ovr | 0 |
| Misc Imp Ovr Comment | |
| Cost to Cure Ovr | 0 |
| Cost to Cure Ovr Comment | |



10/ 2/2015

| TOPO. | UTILITIES | STRT. ROAD | LOCATION | DESCRIPTION | Code | Appraised Value | Assessed Value |
|--------------------------|----------------|------------|------------|-------------|------|-----------------|----------------|
| 1 Level | 2 Public Water | 1 Paved | 2 Suburban | COM LAND | 2-1 | 274,700 | 192,300 |
| | | | | COM BLDG | 2-2 | 602,000 | 421,400 |
| | | | | COM OUTBL | 2-5 | 17,700 | 12,400 |
| SUPPLEMENTAL DATA | | | | | | | |
| Other ID: 039001034 | | | | | | | |
| P/Z MAP # 1754 | | | | | | | |
| ENG MAP # | | | | | | | |
| Easement | | | | | | | |
| Town Line? | | | | | | | |
| IND PARKS | | | | | | | |
| ASSOC PID# | | | | | | | |
| Record Lot | | | | | | | |
| GIS ID: 24/28 | | | | | | | |

| RECORD OF OWNERSHIP | | BK-VOL/PAGE | SALE DATE | q/ta | vi | SALE PRICE | V.C. |
|---|--|-------------|------------|------|----|----------------|---------------|
| PUMPKIN PATCH PROPERTIES LLC | | 1517/0765 | 05/26/2015 | U | 1 | 700,000 | 03 |
| SERVISS ROBERT C + PATRICIA A. TRUSTEES | | 1329/0349 | 04/24/2008 | U | 1 | 0 | 29 |
| SERVISS ROBERT C TRUSTEE OF THE | | 1329/0348 | 04/24/2008 | U | 1 | 0 | 29 |
| SERVISS ROBERT C & PATRICIA A | | 967/ 70 | 08/30/2000 | U | 1 | 0 | 04 |
| THOMAS ENTERPRISES OF CLINTON LLC | | 866/ 504 | 07/18/1997 | | | 265,000 | |
| LOCOCO & JULIVER ASSOCIATES | | 719/ 672 | 12/24/1991 | | | 0 | |
| Total: | | | | | | 626,100 | Total: |

| EXEMPTIONS | | Amount | Code | Description | Number | Amount | Comm. Int. |
|---------------|------|-------------|------|-------------|--------|--------|------------|
| Year | Type | Description | | | | | |
| Total: | | | | | | | |

| OTHER ASSESSMENTS | | Amount | Code | Description | Number | Amount | Comm. Int. |
|-------------------|--|--------|------|-------------|--------|--------|------------|
| Total: | | | | | | | |

| ASSESSING NEIGHBORHOOD | | Street Index Name | Tracing | Batch |
|------------------------|-------|-------------------|---------|-------|
| NBHD/SUB | R52/A | | | |

| NOTES | |
|--|--|
| PUMPKIN PATCH CHILD CARE EXPOSURE ON ROUTE 5 | |
| 117 CHILDREN: 6 WEEKS - 12 YEARS | |

| BUILDING PERMIT RECORD | | Permit ID | Issue Date | Type | Description | Amount | Insp. Date | % Comp. | Date Comp. | Comments |
|------------------------|--|------------|------------|------|-------------|--------|------------|---------|------------|----------|
| 9659-1 | | 07/04/1997 | | | | 72,000 | | 100 | 08/24/2012 | Closed |

| VISIT/ CHANGE HISTORY | | Date | Type | IS | ID | Cd. | Purpose/Result |
|-----------------------|----|------|------|----|-------------------------|-----|----------------|
| 04/19/2011 | 08 | 7 | KC | 19 | Map Correction-No Value | | |
| 04/30/2010 | 03 | | KPC | 29 | Field Review | | |
| 08/12/2009 | 03 | | TH | 00 | Measur+Listed | | |
| 04/24/2001 | | | TM | 00 | Measur+Listed | | |

| LAND LINE VALUATION SECTION | | Zone D | Front Depth | Units | Unit Price | Acre | I. Factor | S.A. Disc | C. Factor | ST. Idx | Adj. | Notes-Adj | Special Pricing | S. Adj Fact | Unit Price | Land Value |
|---|------------------|--------|-------------|--------|------------|------|-----------|-----------|-----------|---------|------|-----------|-----------------|-------------|------------|------------|
| 1 | 3520 DAYCARE M94 | R18 | | 40,213 | SF | 2.97 | 1.0000 | C | 1.0000 | 1.00 | C20 | 2.30 | | 1.00 | 6.83 | 274,700 |
| Total Card Land Units: 0.92 AC Parcel Total Land Area: 0.92 AC | | | | | | | | | | | | | | | | |
| Total Land Value: 274,700 | | | | | | | | | | | | | | | | |

| NET TOTAL APPRAISED PARCEL VALUE | | Amount |
|----------------------------------|--|---------|
| Net Total Appraised Parcel Value | | 894,400 |

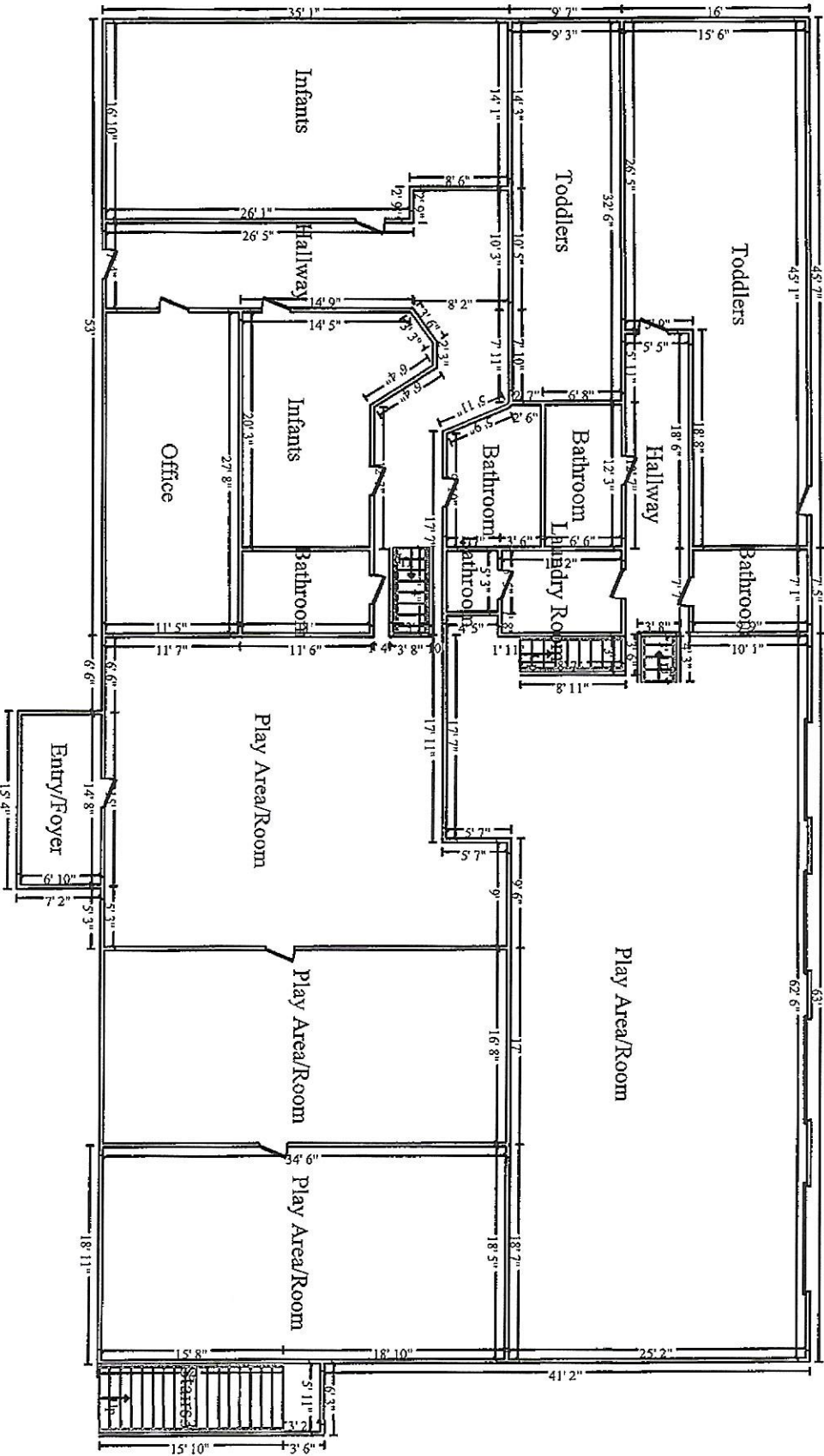
VISION

APPRaised VALUE SUMMARY

| Code | Yr. | Assessed Value | Code | Yr. | Assessed Value |
|---------------|------|----------------|---------------|------|----------------|
| 2-1 | 2017 | 192,300 | 2-1 | 2016 | 192,300 |
| 2-2 | 2017 | 421,400 | 2-2 | 2016 | 421,400 |
| 2-5 | 2017 | 12,400 | 2-5 | 2016 | 12,400 |
| Total: | | 626,100 | Total: | | 626,100 |

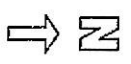
THIS SIGNATURE ACKNOWLEDGES A VISIT BY A DATA COLLECTOR OR ASSESSOR

Level 1

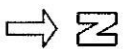
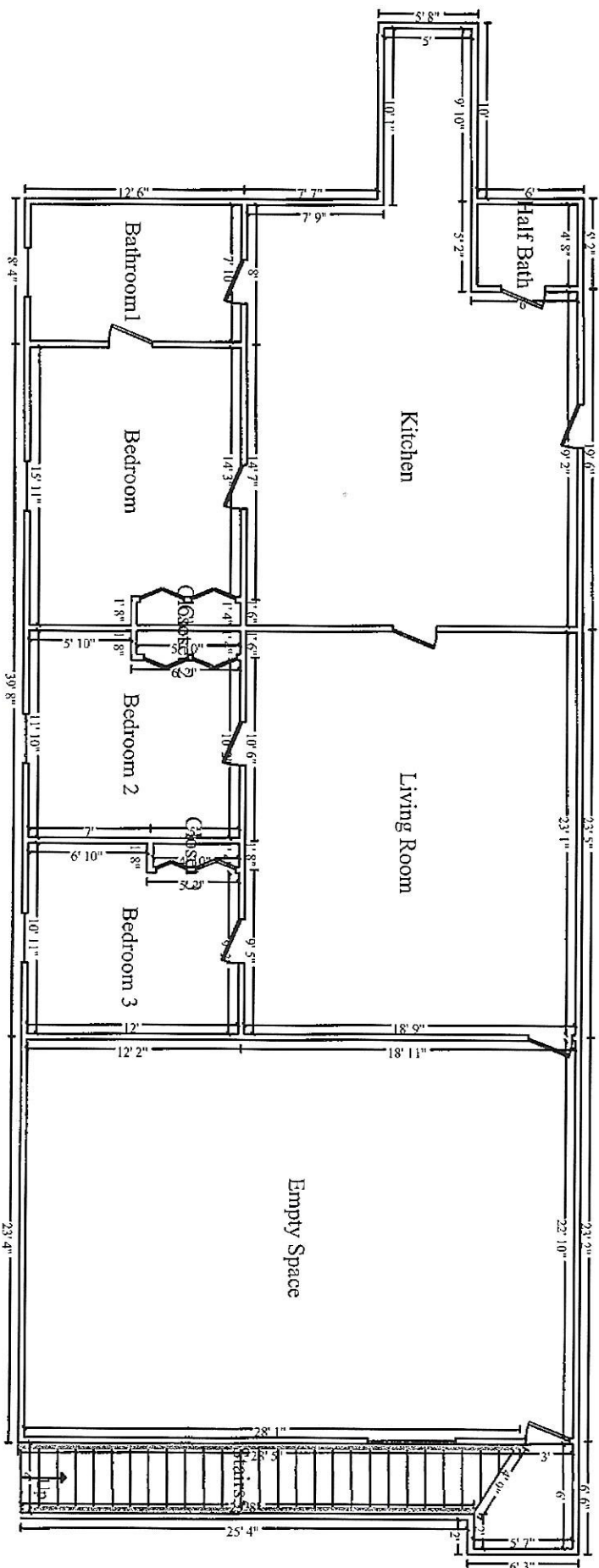


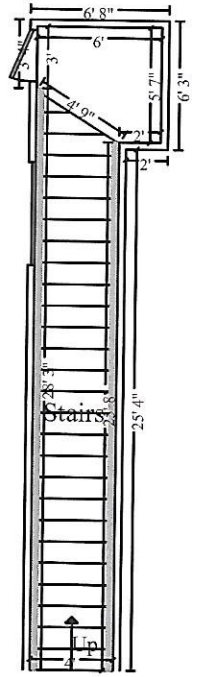
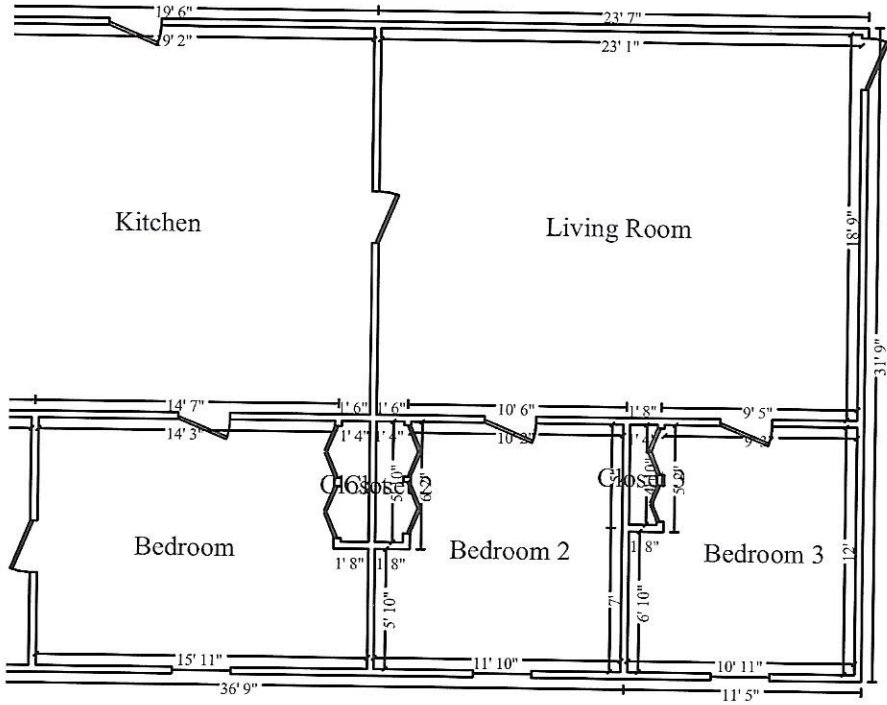
PROFITING
JAN 20 2021
REGISTERED

#20-034



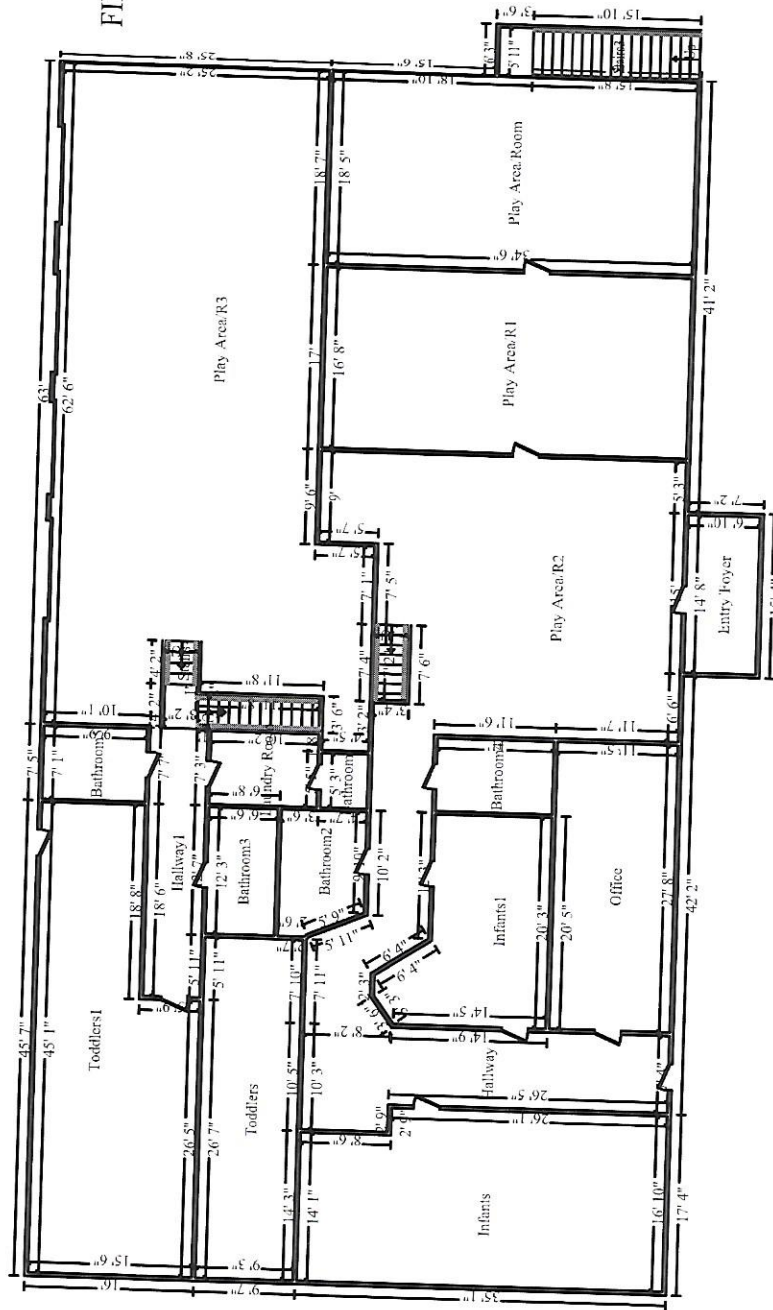
Level 1



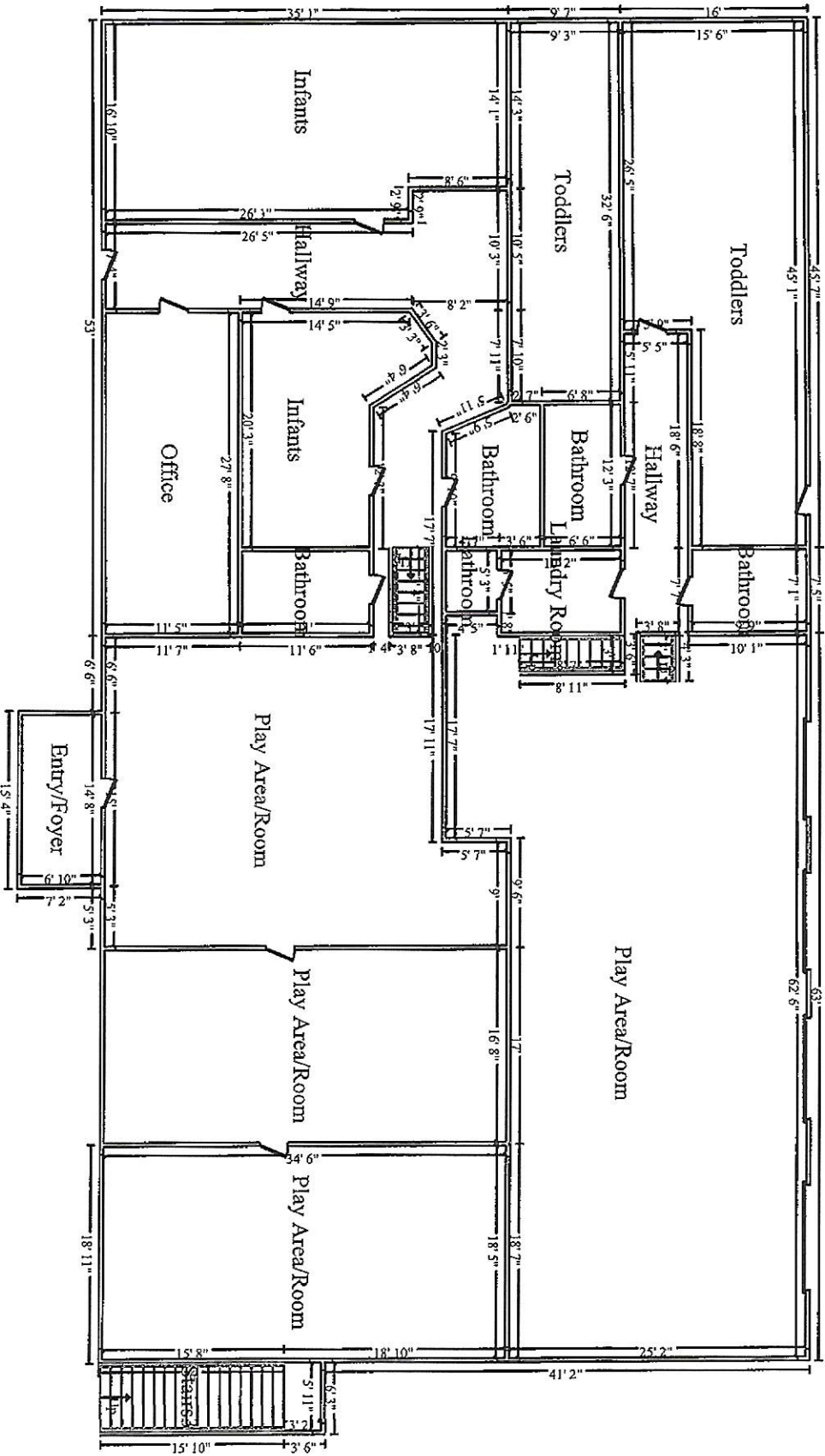


Main Level

FIRST FLOOR EXISTING LAYOUT

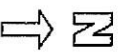


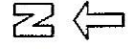
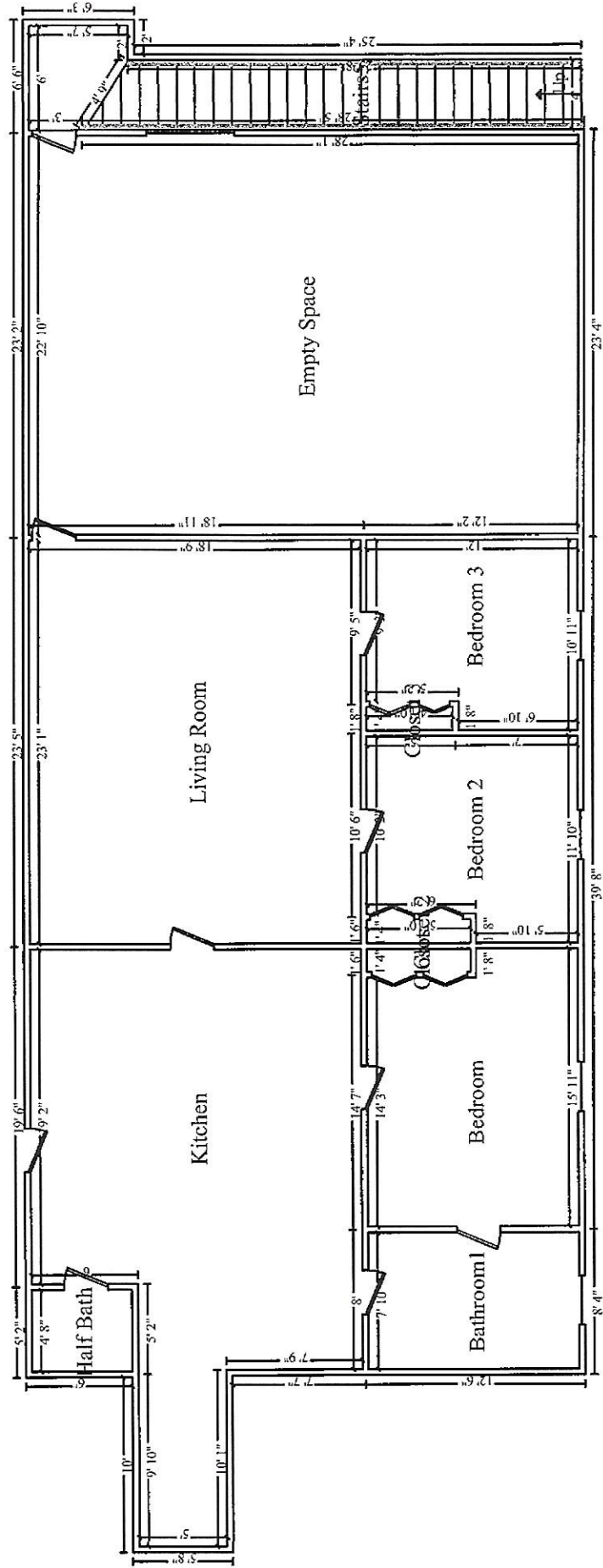
Main Level



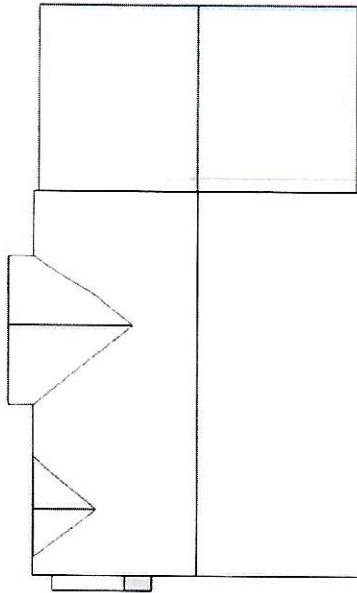
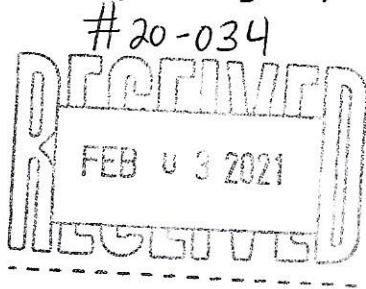
RECEIVED
 JAN 20 2021
 PROJECTS

#20-034





4 Circle Dr, Wallingford, CT 06492-1702



In this 3D model, facets appear as semi-transparent to reveal overhangs.

Report Details

Report: 38359101

Roof/Wall Details

Total Roof Area = 8,303 sq ft
 Total Roof Facets = 11
 Predominant Pitch = 4/12
 Number of Stories >1
 Total Ridges/Hips = 158 ft
 Total Valleys = 87 ft
 Total Rakes = 287 ft
 Total Eaves = 209 ft
 Total Penetrations = 7
 Total Penetrations Perimeter = 30 ft
 Total Penetrations Area = 9 sq ft
 Total Wall Area = 6,107 sq ft
 Total Wall Facets = 11

Report Contents

Images1
 Length Diagram.....4
 Pitch Diagram5
 Area Diagram6
 Notes Diagram7
 Penetrations Diagram8
 3D Wall Area Diagram.....9
 Alternate 3D Wall View.....10
 Window and Door Diagram.....11
 Elevation Diagrams13
 Report Summary17
 Wall Report Summary19

Contact: Peter Ranciato
 Company: Pgr General Contracting, Llc
 Address: 109 Montowese Trl
 Wallingford CT 06492-5713
 Phone: 203-980-0103

Measurements provided by www.eagleview.com



Certified Accurate



Satisfaction Guaranteed

Learn more at www.eagleview.com/Guarantee.aspx

Images

The following aerial images show different angles of this structure for your reference.



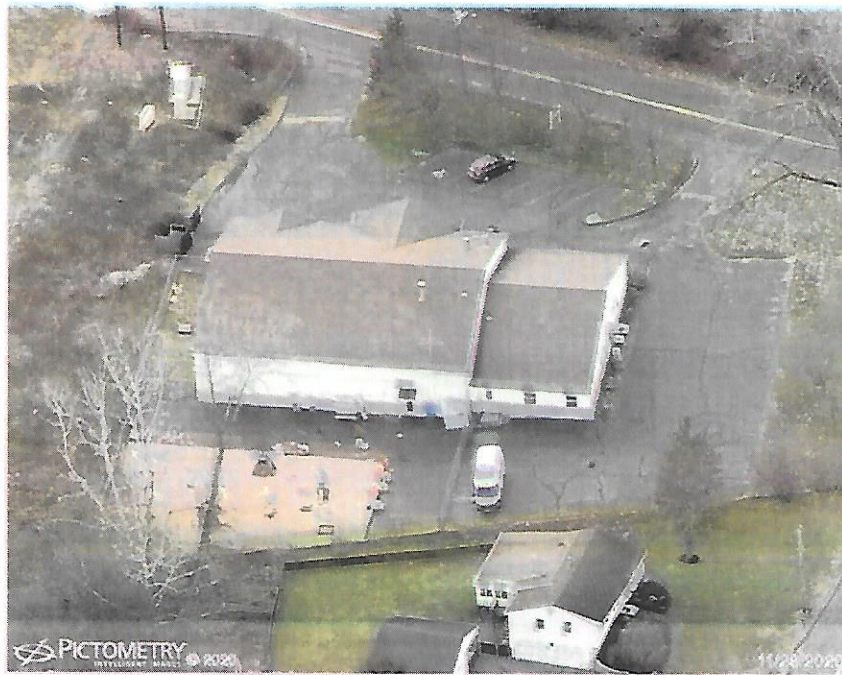
North Side



South Side



East Side



West Side

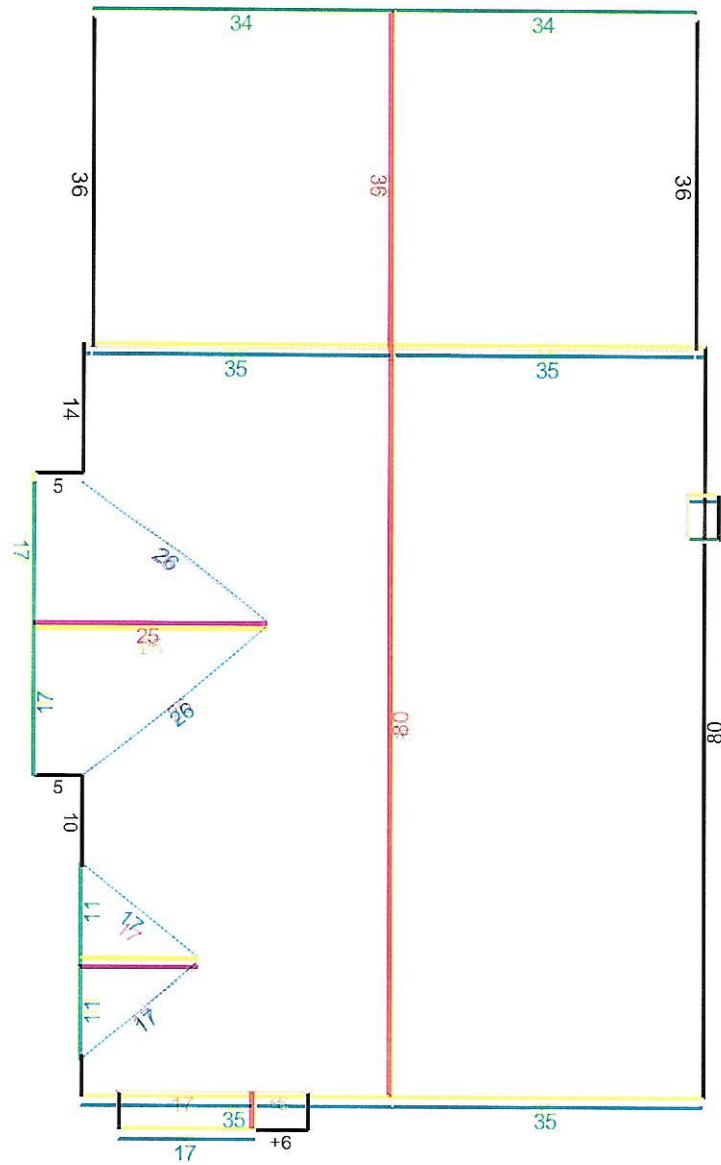


Length Diagram

Total Line Lengths:
Ridges = 158 ft
Hips = 0 ft

Valleys = 87 ft
Rakes = 287 ft
Eaves = 209 ft

Flashing = 10 ft
Step flashing = 85 ft
Parapets = 0 ft



Note: This diagram contains segment lengths (rounded to the nearest whole number) over 5 feet. In some cases, segment labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9).

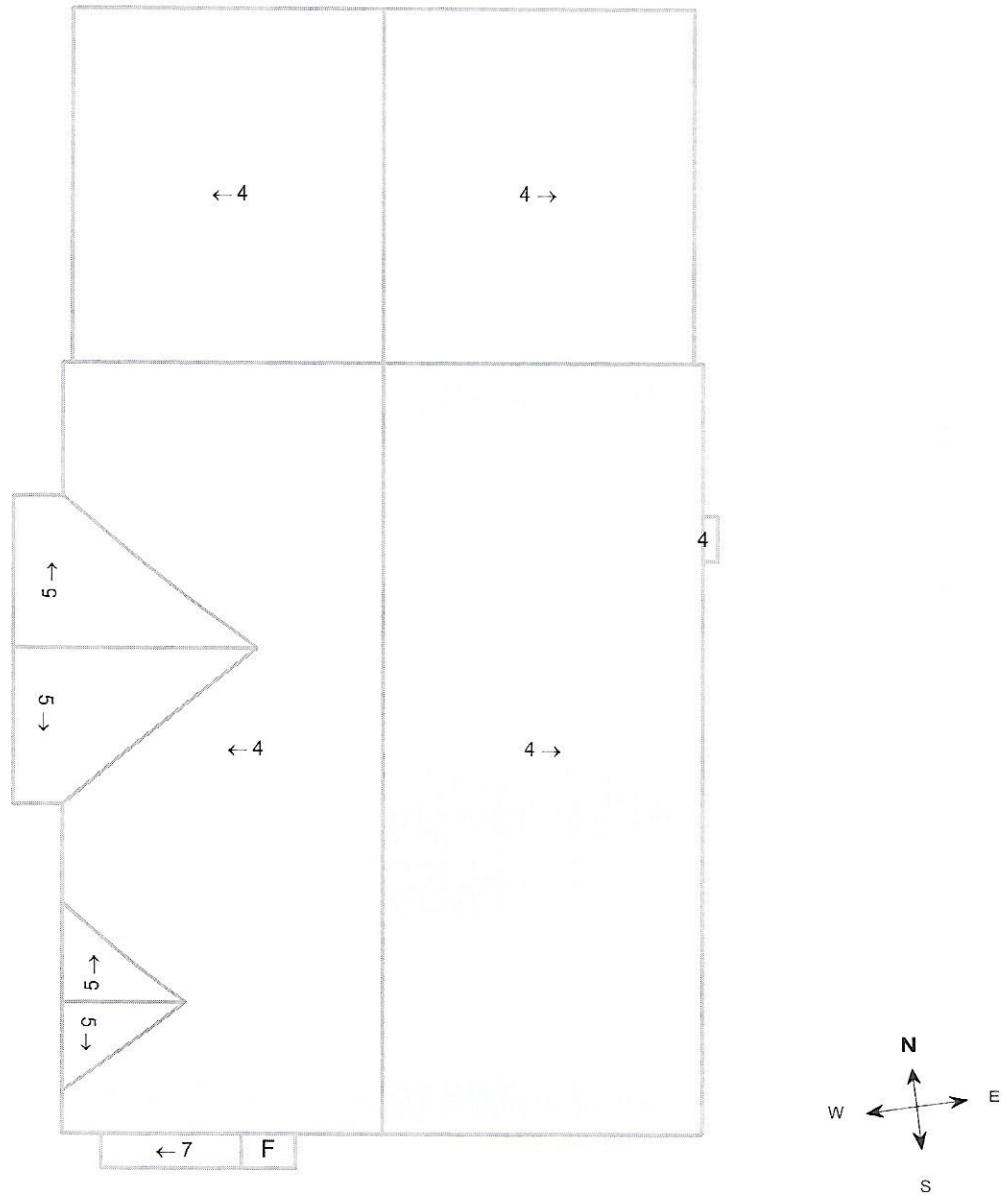


Report: 38359101

© 2008-2021 Eagle View Technologies, Inc. and Picometry International Corp. - All Rights Reserved - Covered by one or more of U.S. Patent Nos. 8,078,436; 8,149,578; 8,170,840; 8,209,152; 8,515,125; 8,625,454; 9,135,737; 8,670,961; 9,514,568; 8,818,770; 8,542,880; 9,244,589; 9,325,749; 9,556,466. Other Patents Pending.

Pitch Diagram

Pitch values are shown in inches per foot, and arrows indicate slope direction. The predominant pitch on this roof is 4/12.



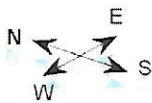
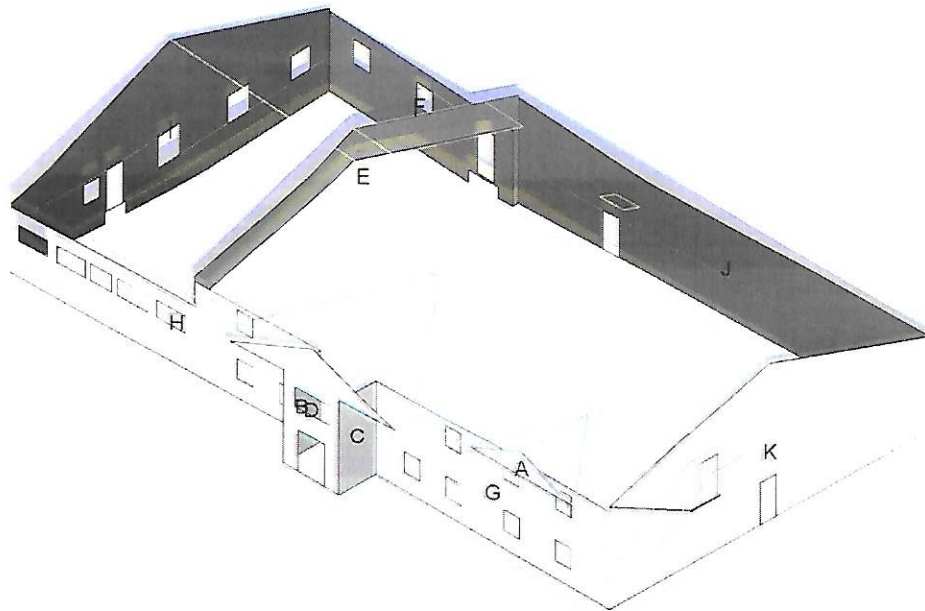
Note: This diagram contains labeled pitches for facet areas larger than 20 square feet. In some cases, pitch labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9). Blue shading indicates a pitch of 3/12 and greater. Gray shading indicates flat, 1/12 or 2/12 pitches. If present, a value of "F" indicates a flat facet (no pitch).



Wall Area Diagram

Total Wall Area = 6,107 sq ft, with 11 facets.

Total Wall Area with Windows and Doors = 6,531 sq ft



Wall Area by Direction

| North | East | South | West |
|---|-------------------------------------|-----------------------------------|---|
| B - 115.7 sq ft E - 300.4 sq ft I - 980.6 sq ft | F - 368.3 sq ft J - 1275.7 sq ft | C - 115.7 sq ft K - 1324 sq ft | A - 40.8 sq ft D - 219.7 sq ft G - 659.3 sq ft H - 706.2 sq ft |
| 1396.7 sq ft | 1644 sq ft | 1439.7 sq ft | 1626 sq ft |



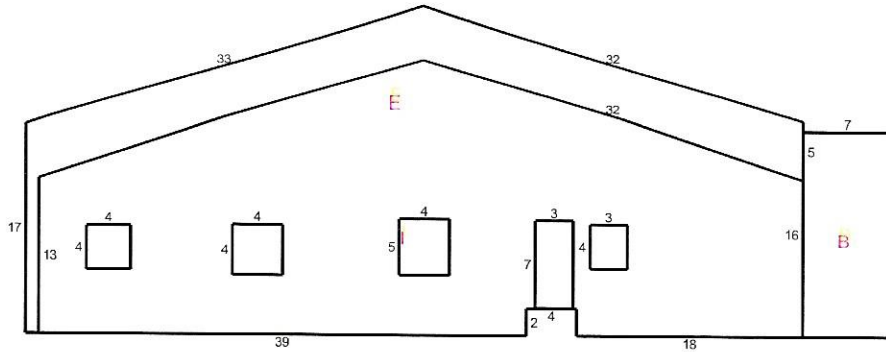
Report: 38359101

© 2008-2021 Eagle View Technologies, Inc. and Pictometry International Corp. - All Rights Reserved - Covered by one or more of U.S. Patent Nos. 8,078,436; 8,145,578; 8,170,840; 8,209,152; 8,515,125; 8,818,770; 8,542,880; 9,241,589; 9,329,749; 9,599,466. Other Patents Pending.

North Elevation Diagram

Top of Walls = 137 ft

Bottom of Walls = 133 ft



North Elevation Details

| Wall | Wall Area | Window & Door Area | Window & Door Perimeter | Window & Door Count |
|--------------|---------------------|--------------------|-------------------------|---------------------|
| B | 115.7 | 0.0 | 0.0 | 0 |
| E | 300.4 | 0.0 | 0.0 | 0 |
| I | 980.6 | 77.8 | 80.0 | 5 |
| Total | 1396.7 sq ft | 77.8 sq ft | 80 ft | 5 |

Note: On-site verification of yellow shaded areas is needed. Details are on the Wall Report Summary Page. This diagram shows segment lengths rounded to the nearest whole number. The window & door and wall area in square feet (rounded to the nearest tenth) is based on the actual (non-rounded) value of each segment length.



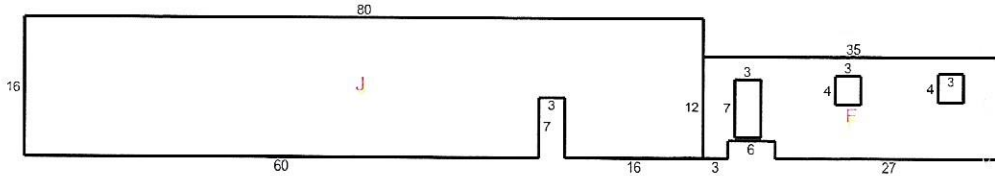
Report: 38359101

© 2008-2021 Eagle View Technologies, Inc. and Pictometry International Corp. - All Rights Reserved - Covered by one or more of U.S. Patent Nos. 8,078,436; 8,145,578; 8,170,840; 8,209,152; 8,515,125; 8,818,770; 8,542,880; 9,244,589; 9,329,749; 9,599,466. Other Patents Pending.

East Elevation Diagram

Top of Walls = 115 ft

Bottom of Walls = 115 ft



East Elevation Details

| Wall | Wall Area | Window & Door Area | Window & Door Perimeter | Window & Door Count |
|--------------|-------------------|--------------------|-------------------------|---------------------|
| F | 368.3 | 42.0 | 46.0 | 3 |
| J | 1275.7 | 21.1 | 20.0 | 1 |
| Total | 1644 sq ft | 63.1 sq ft | 66 ft | 4 |

Note: On-site verification of yellow shaded areas is needed. Details are on the Wall Report Summary Page. This diagram shows segment lengths rounded to the nearest whole number. The window & door and wall area in square feet (rounded to the nearest tenth) is based on the actual (non-rounded) value of each segment length.



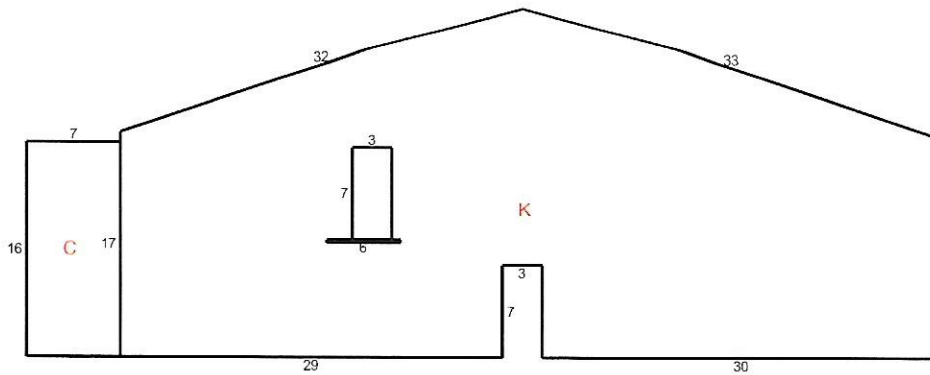
Report: 38359101

© 2008-2021 Eagle View Technologies, Inc. and Pictometry International Corp. - All Rights Reserved - Covered by one or more of U.S. Patent Nos. 8,078,436, 8,145,578, 8,170,640, 8,209,152, 8,515,125, 8,818,770, 8,542,880, 9,244,589, 9,329,749, 9,599,466. Other Patents Pending.

South Elevation Diagram

Top of Walls = 78 ft

Bottom of Walls = 75 ft



South Elevation Details

| Wall | Wall Area | Window & Door Area | Window & Door Perimeter | Window & Door Count |
|--------------|---------------------|--------------------|-------------------------|---------------------|
| C | 115.7 | 0.0 | 0.0 | 0 |
| K | 1324.0 | 42.1 | 40.0 | 2 |
| Total | 1439.7 sq ft | 42.1 sq ft | 40 ft | 2 |

Note: On-site verification of yellow shaded areas is needed. Details are on the Wall Report Summary Page. This diagram shows segment lengths rounded to the nearest whole number. The window & door and wall area in square feet (rounded to the nearest tenth) is based on the actual (non-rounded) value of each segment length.



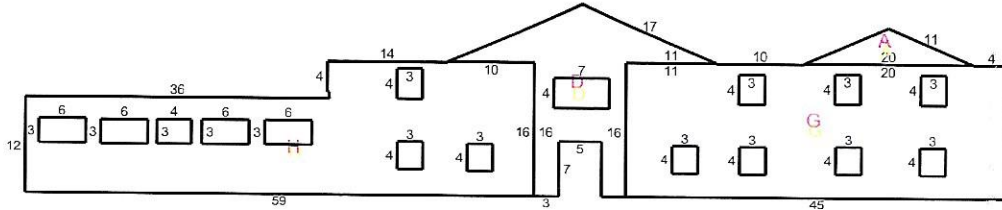
Report: 38359101

© 2008-2021 Eagle View Technologies, Inc. and Pictometry International Corp. - All Rights Reserved - Covered by one or more of U.S. Patent Nos. 8,078,436; 8,145,570; 8,170,840; 8,209,152; 8,515,125; 8,818,770; 8,942,880; 9,241,559; 9,329,749; 9,599,466. Other Patents Pending.

West Elevation Diagram

Top of Walls = 160 ft

Bottom of Walls = 115 ft



West Elevation Details

| Wall | Wall Area | Window & Door Area | Window & Door Perimeter | Window & Door Count |
|--------------|-------------------|--------------------|-------------------------|---------------------|
| A | 40.8 | 0.0 | 0.0 | 0 |
| D | 219.7 | 57.8 | 44.0 | 2 |
| G | 659.3 | 73.5 | 91.0 | 7 |
| H | 706.2 | 109.5 | 121.0 | 8 |
| Total | 1626 sq ft | 240.8 sq ft | 256 ft | 17 |

Note: On-site verification of yellow shaded areas is needed. Details are on the Wall Report Summary Page. This diagram shows segment lengths rounded to the nearest whole number. The window & door and wall area in square feet (rounded to the nearest tenth) is based on the actual (non-rounded) value of each segment length.



Report: 38359101

© 2008-2021 Eagle View Technologies, Inc. and Pictometry International Corp. – All Rights Reserved – Covered by one or more of U.S. Patent Nos. 8,078,436; 8,145,578; 8,170,810; 8,209,152; 8,515,125; 8,618,770; 8,542,880; 9,244,589; 9,329,719; 9,599,466. Other Patents Pending.

Application must be legible.
Please Type or Print in Ink.

Application No. 97-411



Town of Wallingford, Connecticut

BUILDING DEPT.

MAY 22 1997

ZONING BOARD OF APPEALS

APPLICATION FOR:

- A. Special Exception
- B. Location of Use
- C. Appeal of Decision of ZEO

 NAME OF APPLICANT PUMPKIN PATCH INC. DATE MAY 21 1997
 MAILING ADDRESS 19 LONGGATE ROAD CLINTON CT 06413 PHONE 860-664-0026
 ADDRESS

INTEREST IN PROPERTY: OWN _____ RENT _____
 LEASE _____ OPTION TO BUY
 OTHER (PLEASE SPECIFY) _____

OWNER OF PROPERTY MICHELE LOCOCO ADDRESS 4 CIRCLE DR. WALLINGFORD CT.

SIGNATURE OF PROPERTY OWNER (REQUIRED) Michele Lococo DATE 5/21/97

DIRECTIONS TO THE PROPERTY FROM A WELL-RECOGNIZED TOWN ROAD: _____

ZONE OF PROPERTY CB-40

LEGAL DESCRIPTION OF PROPERTY:
 STREET ADDRESS 4 CIRCLE DRIVE
 or LOT NUMBER & STREET NAME _____
 or VOLUME & PAGE OF DEED IN LAND RECORDS _____
 or ATTACH METES AND BOUNDS DESCRIPTION OF PROPERTY _____

A. TYPES OF SPECIAL EXCEPTION REQUESTED AND MINIMUM ITEMS TO BE INCLUDED WITH APPLICATION:

- 1. CUSTOMARY HOME OCCUPATION
 - a. Type of occupation _____
 - b. Square feet of first floor of building _____
 Square feet of home occupation _____
 - c. Map, drawn to scale, showing property, location of dwelling on property, and location and dimensions of all parking spaces.
- 2. BOARDING HOUSE
 - a. Map, drawn to scale, showing property boundaries, location and dimensions of building, number of boarders, and location and dimensions of all parking spaces
- 3. WINDMILL
 - a. Map, drawn to scale, showing property, location of any buildings on lot, proposed location of windmill, and distances to buildings and property lines.
- 4. SOLAR PANELS AND SATELLITE DISHES
 - a. Map, drawn to scale, showing property location of building(s) on lot, proposed locations of panels or dishes, and screening.
 - b. Height of device _____

- a. Map, drawn to scale, showing property location of building(s) on lot, proposed locations of panels or dishes, and screening.
- b. Height of device _____
- c. Technical literature about device.

✓
5. NURSERY SCHOOL, CHILD DAY CARE CENTER, GROUP DAY CARE HOME

- a. Map, drawn to scale, showing property, location of building(s) on lot, parking spaces, play area.
- b. Square footage of lot 40,215 SF
- c. Enrollment capacity per session 100
- d. Building coverage 17%

6. CEMETERIES

- a. Location map showing adjacent streets.

7. GARAGES

- a. Map, drawn to scale, showing property, location of building(s) on lot, garage location.

CENTRIFIED ON LEVEL SIDE

B. LOCATION OF USE

1. AUTO DEALERSHIP New _____ Used _____

2. REPAIRERS LICENSE

A site plan should be included with the application.

C. DECISION OF THE ZEO

1. Please describe the decision of the ZEO and why you feel it is not accurate.

APPLICANT ---- MUST NOTIFY ABUTTERS BY CERTIFIED MAIL, 10-15 DAYS PRIOR TO THE PUBLIC HEARING, BY SENDING THEM A COPY OF THE LEGAL NOTICE. APPLICANT MUST PICK UP LEGAL NOTICE IN THE BUILDING DEPARTMENT 15 DAYS PRIOR TO THE MEETING. CERTIFICATES OF MAILING MUST BE RETURNED TO THE BUILDING DEPARTMENT AT LEAST FIVE DAYS PRIOR TO THE MEETING. (See "ZBA Procedures" sheets.)

NAMES AND MAILING ADDRESSES OF ALL ABUTTING PROPERTY OWNERS. (Those to the right, left, and rear.)

| NAME | MAILING ADDRESS |
|-------------------------------------|---|
| 1. JULIANA WAETZLICH | 86 NORTH LANE |
| 2. JOSE AND JANEY SANTIAGO | 1 CIRCLE DRIVE |
| 3. TIMOTHY AND JOAN SHEEHAN | 8 CIRCLE DRIVE |
| 4. VINCENZO VERNA | P.O. Box 176 WALLINGFORD |
| 5. INFINITY ROUTE 5 LTD PARTNERSHIP | 1330 Boylston St. Suite 212 Chestnut Hill, MA, 02167 |
| 6. _____ | _____ |
| 7. _____ | _____ |
| 8. _____ | _____ |
| 9. _____ | _____ |
| 10. _____ | _____ |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Ben I. Stenberg Agent.
SIGNATURE OF APPLICANT OR AGENT

FOR OFFICE USE: Application Submitted _____
Filing Fee Paid _____
Received By _____
Date Certificates of Mailing Received _____

FOR ZBA USE: APPLICATION NO. 97-41

Date of Hearing 6/16/97 Advertised In Record Journal Dates 6/23/97

Application 15 Granted

Conditions: 1. _____

Denied

EFFECTIVE DATE Monday, 7/01/97

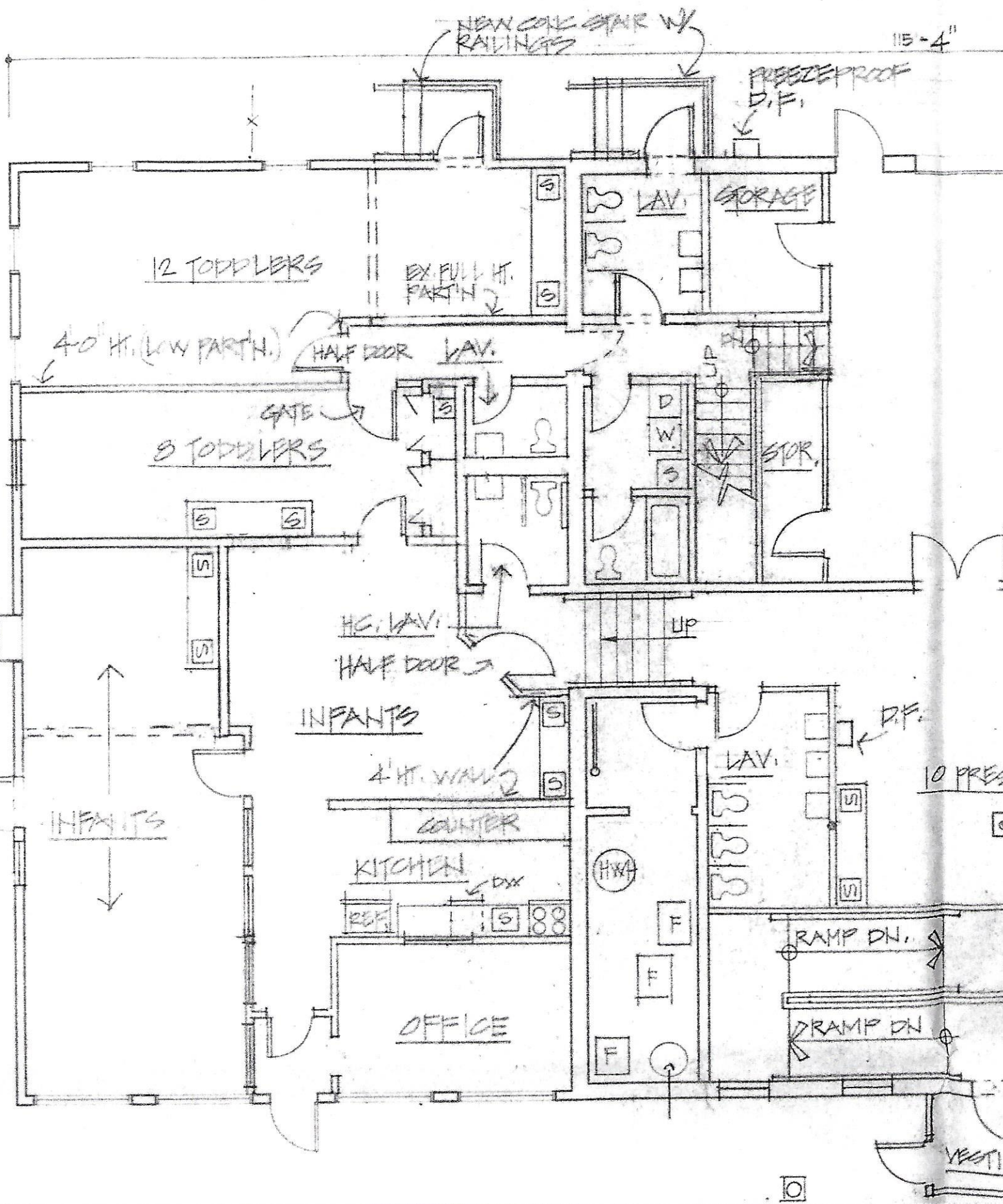
SIGNED Catherine R. Beaumont, Acting Secretary ZONING BOARD OF APPEALS

RECEIVED FOR RECORD JUN 24 1997

AT 2:23 P.M. AND RECORDED BY

Rosemary A. Bascati TOWN CLERK

Rev. 5/96



NEW COLE STAIR W/
RAILINGS

115'-4"

FREEZE PROOF
D.F.

12 TODDLERS

EX. FULL HT.
PARTN.

LAV.

STORAGE

4.0' HT. (LW PARTN.)

HALF DOOR LAV.

8 TODDLERS

GATE

D
W.
S

STOR.

HC. LAVI.

Up

HALF DOOR

INFANTS

INFANTS

4' HT. WALL

COUNTER

KITCHEN

LAV.

10 PRES

REF.

HWA

F

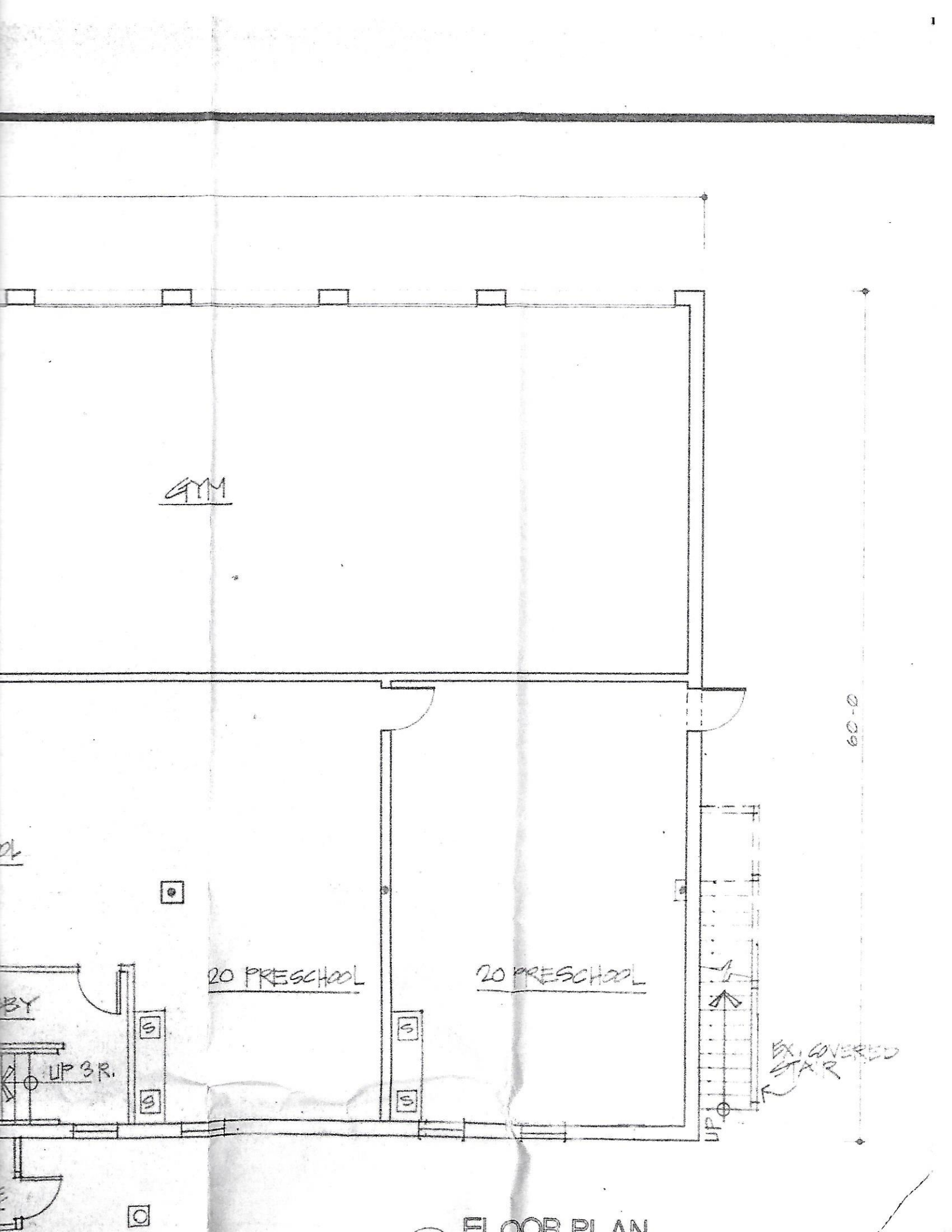
RAMP DN.

OFFICE

F

RAMP DN.

VESTI



GYM

20 PRESCHOOL

20 PRESCHOOL

60'-0"

BY

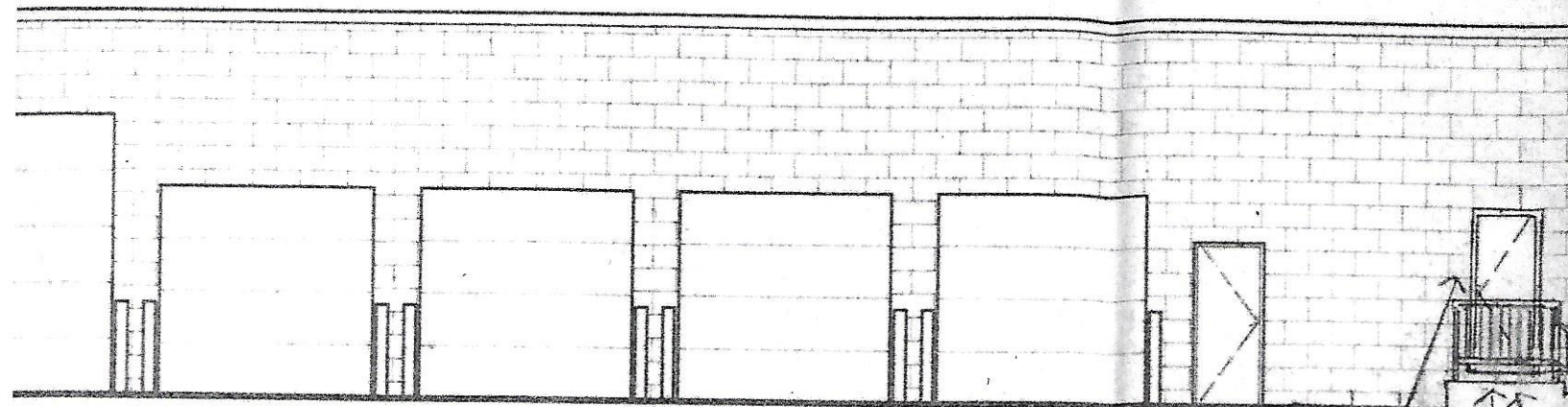
UP BR.

EX. COVERED STAIR

UP

FLOOR PLAN

← EX. ASPHALT SHINGLES



PROVIDE
LINTEL
(STU ANGLES)

NEW CONC STAIR
W/ RAILINGS



← EX. ASPHALT SHINGLES →

← EX. ASPHALT SHINGLES →

SHUTTERS (TYP)



NEW DOORS W/ FRAMES
 HARDWARE, ETC. CUT INTO
 EXIST. WALLS AS REQ'D

2 SOUTH ELEVATION
 1/8" = 1'-0"



2 NORTH ELEVATION
 1/8" = 1'-0"

H/E TIMOTHY SHEEHAN

EX. RESIDENCE

NORTH LANE

CIR

CB

CB

MANHOLES

WATER

HYD.

MH

N 69° 25' 50" W

74.971'

UTILITY POLE

R=50.00'

L=69.54'

Δ=79° 41' 00"

MH

NEW BIT

I.P. PIN FOUND

EX. BIT CURB

H 1° 34' - 20" W

25'

90.9'

10

18'

3

2 10" PVC EX.

EX. CB T=90.43
I=88.68

GATE
NEW

EX. BIT PAVEMENT

90.6'

3B

35.3'

EX. FLOOD LTS.

EX. ONE STORY
35.3' x 60.0'
= 2132 SF.

9'

TYP

18'

26'

5' WIDE CONC. WALK

3B

EXIT ONLY SIGN

EX. FLOOD LTS.

90.7'

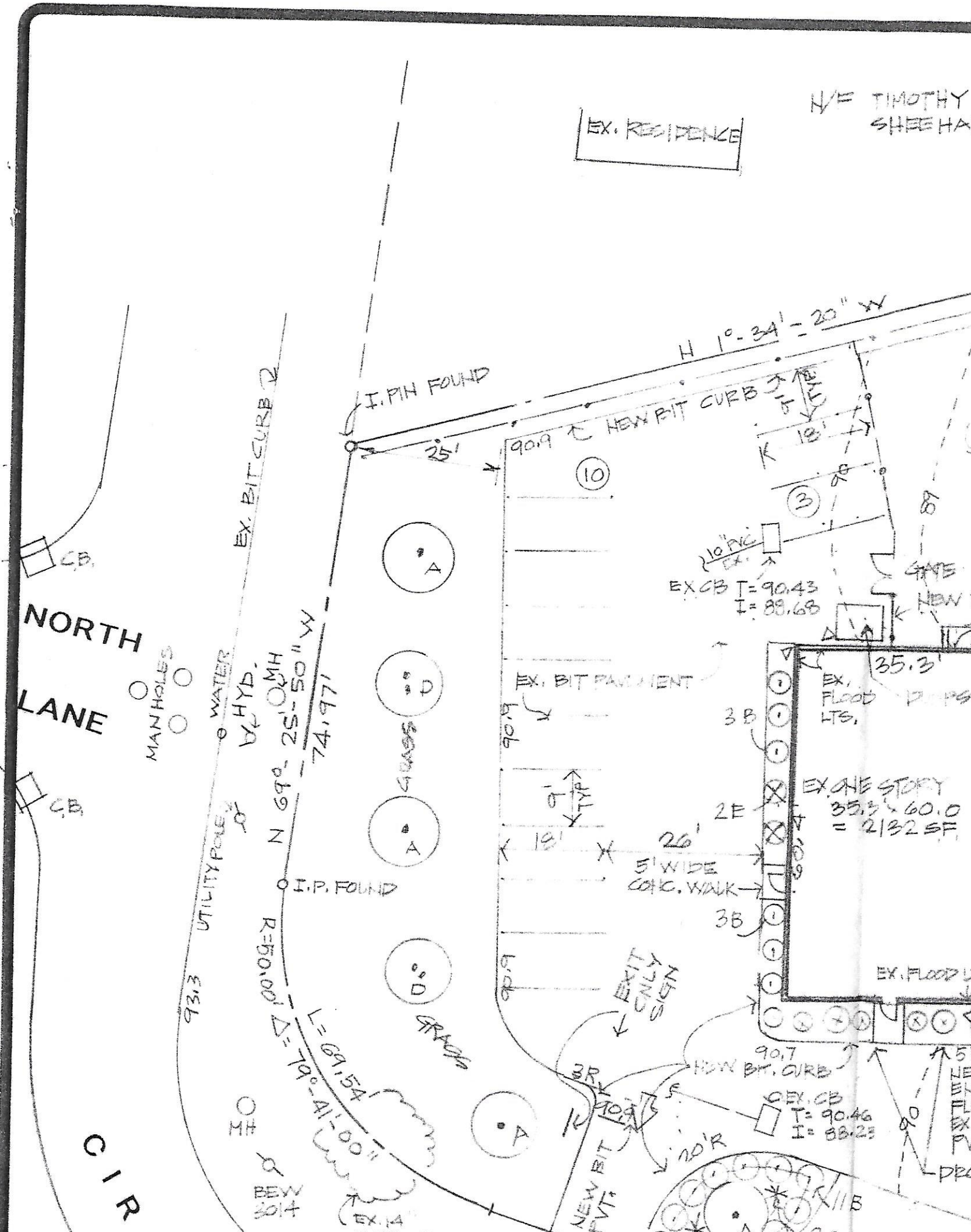
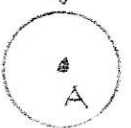
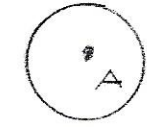
NEW BIT. CURB

EX. CB
T=90.46
I=88.25

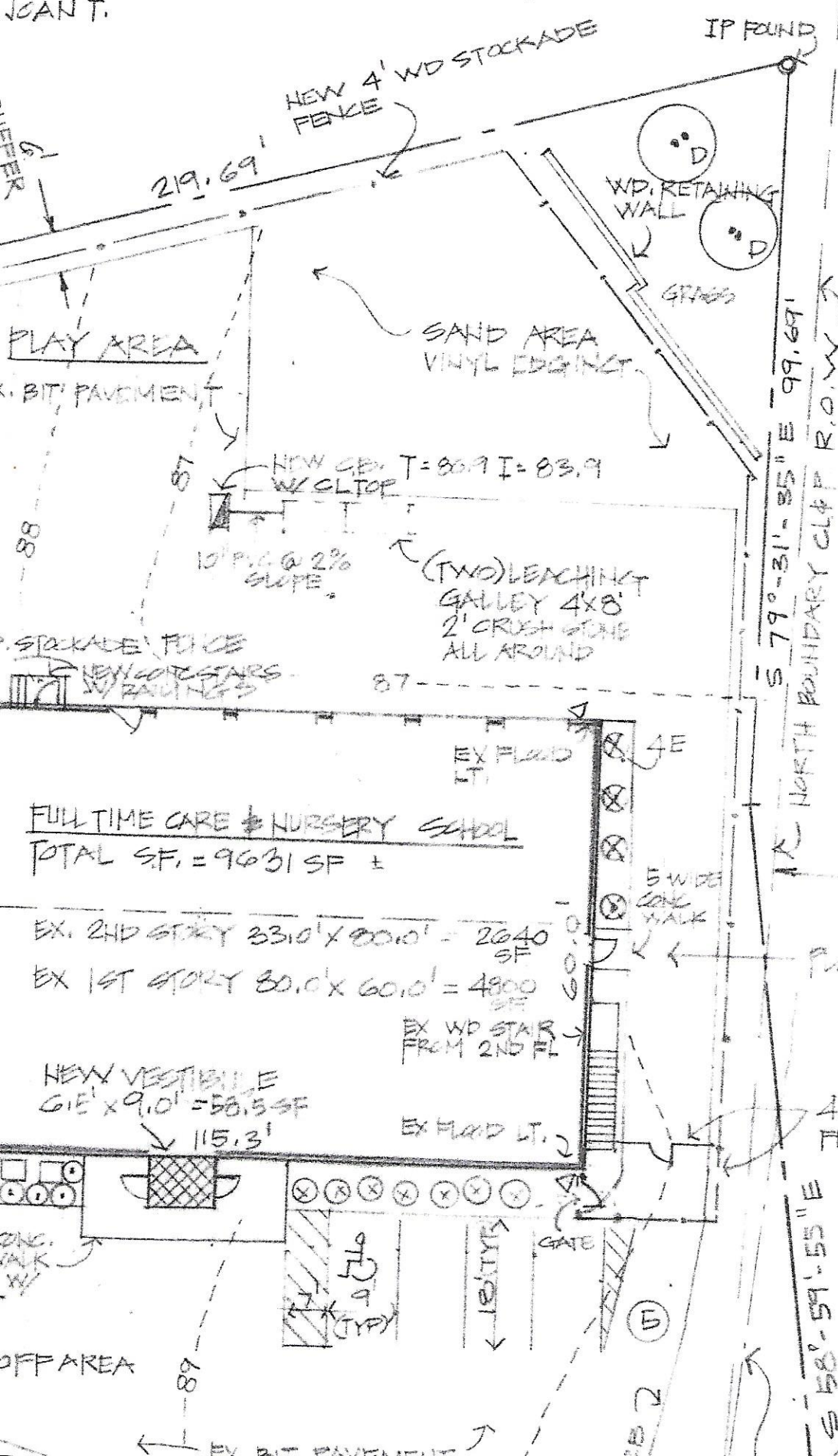
20'R

NEW BIT
PVT

NEW EX. FL. EX. PV. PROC



JOAN T.



- MINIMUM LOT AREA (S.)
- MINIMUM LOT FRONTAGE
- FRONT YARD
- SIDE YARD (EACH)
- REAR YARD
- MAXIMUM BUILDING COVER
- MAXIMUM BUILDING HEIG
- PARKING SPACES

1ST FLOOR OFFICE
EMPLOY
VAN
VISITOR

2ND FLOOR STOR
TRAI

N/F
WAL-MART

NOTE: TOTAL P

FULL TIME CARE & NURSERY SCHOOL
TOTAL S.F. = 9631 SF ±

EX. 2ND STORY 33'0" x 60'0" = 2640 SF
EX 1ST STORY 30'0" x 60'0" = 4800 SF

NEW VESTIBULE
6'6" x 9'0" = 59.5 SF
115.3'

SYMBOL

- (O) (O) B
- (A) F
- (*) S
- (X) E
- ALL P
- 3" TO

ZONING BOARD OF APPEALS
Wallingford, Connecticut
APPLICATION FOR VARIANCE

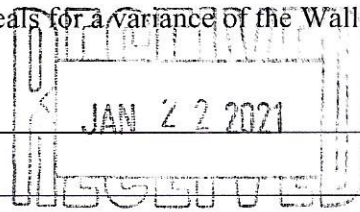
REVISED

APPLICATION NO.: 20 -- 035
 APPROVED: _____
 DENIED: _____

The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.

1.) Street Address or Location of the Property: 4 Union Street

2.) Zoning District of the Property: R-6



3.) Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied. If more than one variance, list each separately.

| <u>Type of Variance</u> | <u>Section of Zoning Regulations</u> | <u>Required by Regulations</u> | <u>Existing</u> | <u>Proposed</u> |
|-------------------------|--------------------------------------|--------------------------------|-----------------|-----------------|
| Front Yard Setback | 6.2 | 12 feet | 6 feet | 6 feet |
| Side Yard Setback | 6.2 | 6 feet | 1 foot | 1 foot |
| Lot Area Coverage | 5.1 | < 33.5% | 34.5% | 34.5% |

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): Replacing existing Playscape in this location due to safety concerns with former structure and to provide outdoor space for our daughter during Covid.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: ** See attached

6.) If any variances for the Property have previously been requested, please complete the following section.

a. Date(s) of ZBA action: August 2005

b. What variance(s) were requested: Addition to house, including attached garage

c. What variance(s) were granted: Variance granted within 2 feet of shared property line with property at 8 Union S

7.) **APPLICANT** (Please list mailing address.)

Name(s): Jeffrey Baker & Jillian Kellogg-Baker Signature: [Signature]

Address: 4 Union Street City: Wallingford State: CT Zip: 06492

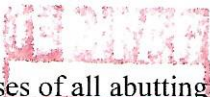
Telephone No: 203-687-6750 Interest in Property: Owner: Other: _____

8.) **PROPERTY OWNER(S) OF RECORD** (Please list mailing address. **This section must be completed.**)

Name(s): Jeffrey Baker Signature: [Signature]

Address: 4 Union Street City: Wallingford State: CT Zip: 06492

Telephone No: 203-687-6750



9.) Please list below the names and mailing addresses of all abutting property owners. (Those properties that are directly adjacent or contiguous to yours.)

| <u>Name</u> | <u>Mailing Address</u> |
|------------------------------|-----------------------------------|
| 1. Robert & Heather Beverage | 128 S Orchard St, Wallingford, CT |
| 2. Beverly King | 8 Union St, Wallingford, CT |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |

(Attach additional sheet(s) if necessary)

10.) Please provide directions to the subject property from a well recognized Town road. Turn right out of Town Hall parking lot onto Prince St. Turn left at 2nd stop sign onto S Orchard. House is on corner of S Orchard and Union.

NOTES TO APPLICANT:

1. Please provide eleven copies of a map or plan drawn to scale clearly illustrating the variance(s) requested. **(The plan must show the property boundaries, all existing and proposed buildings and dimensions for any setback, size, area or height related variance request.)**
2. The Applicant must notify abutters by Certificate of Mailing, 10-15 days prior to the Public Hearing by sending them a copy of the Legal Notice. The Legal Notice will be sent to the Applicant at least 15 days prior to the meeting. Certificates of Mailing must be returned to the Planning & Zoning Office at least five days prior to the meeting.
3. **The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.**

(FOR ZBA USE ONLY)

DECISION: GRANTED DENIED EFFECTIVE DATE: _____ / _____ / _____

REASON(S) FOR DECISION: _____

CONDITION(S): _____

The extent of any variance granted is limited to only that represented on the plan submitted as part of this application.

SIGNED: _____

TITLE: _____

WALLINGFORD
ZONING BOARD OF APPEALS
Variance Application: Revised May 2008

Hardships Caused by Strict Application of Regulations

- The current location of the playscape was selected because this is the most level and most functional area of the yard, which we logically assumed was our back yard because it is opposite the front of our house, is elevated from the street, and is fully enclosed with a privacy fence. The location was also referred to as the "Back Corner of Property" in a notice we received from the building department. Our lot is undersized by 1500 sq ft or 24% below the minimum lot area according to section 5.1A of the zoning regulations (attached) and as confirmed by Amy Torre, the Town Zoning Officer. Moving the structure out of the standard setbacks would place the structure directly in the center of the only functional outdoor area on our property, which is only roughly 1300 sq ft when taking into account these setbacks and the location of the house. The opposite corner of the yard is unlevel, as we live at the base of a hill, and contains a recently landscaped area that would be blocked if we had located the playscape there. Placing the structure in this corner of the lot would present a privacy concern for our two adjacent neighbors, whom we spoke to throughout the process, as our kids would have a clear view into their back yards while playing on the playscape. There are also remnants of a detached garage buried shallowly throughout this area of the yard, including bricks and large blocks of concrete, which would make leveling this area extremely difficult.
- Our lot was granted a zoning variance in August of 2005 for an addition, including attached garage, which is 2 feet from the neighboring lot on Union Street. This was presumably granted for many of the reasons listed above.
- The strict application of the regulations is clearly not enforced throughout this neighborhood, upon casual inspection. The tight spacing of the lots in this area leads most nearby homeowners to place their accessory structures much closer to neighboring property lines than the required 6 ft. Although we do not want our neighbors to receive violations, if the regulations need to be applied strictly to our property, then they need to be applied strictly across the entire neighborhood and throughout the town.
- The current location of the structure is the same location our previous playscape stood from July 2017 through July 2020. The previous playscape also met the definition of a structure and exceeded 10 ft in height, per the definitions in the zoning regulations, but we were not informed of an infraction during the three year period it resided in this location. Also, the design of the new playscape does not meet the requirements for a building permit and the application does not mention receiving other permits if a building permit is not required. Therefore, being unfamiliar with town zoning regulations and also considering the examples set by neighboring home-owners, we were under the impression this was an acceptable location for our new, safer structure. Having only been informed of the zoning violation after a significant amount of work had gone into construction of the new playscape, we would now have to spend a significant amount of money and time to move and/or rebuild sections of the playscape in a less desirable area. We already spent a significant amount of unplanned money and time reducing the height of the structure to less than 10 ft and further modifications will set us back even further, despite our hopes to have the playscape functional for our daughter during the pandemic, while parks and playgrounds have been closed.

§5.1A SCHEDULE OF LOT AND BUILDING REQUIREMENT - RURAL AND RESIDENTIAL DISTRICTS

| DISTRICT | MINIMUM LOT AREA (Sq. Ft.) | MINIMUM FRONTAGE (feet) | FRONT (1) | MINIMUM YARDS (feet) | | | REAR | COVERAGING (percent) | HEIGHIT (feet) |
|----------|----------------------------|-------------------------|-----------|----------------------|-------|------|------|----------------------|----------------|
| | | | | SIDE (each) | FRONT | REAR | | | |
| RU-160 | 160,000 | 250 | 100 | 40 | 40 | 40 | 5 | 30 | |
| RU-120 | 120,000 | 250 | 75 | 40 | 40 | 40 | 5 | 30 | |
| RU-80 | 80,000 | 200 | 75 | 30 | 30 | 30 | 10 | 30 | |
| RU-40 | 40,000 | 150 | 50 | 30 | 30 | 30 | 10 | 30 | |
| R-18 | 18,000 | 100 | 40 | 20 | 30 | 30 | 15 | 30 | |
| R-15 | 15,000 | 85 | 20 | 15 | 30 | 30 | 20 | 30 | |
| R-11 | 11,250 | 75 | 20 | 12 | 30 | 30 | 25 | 30 | |
| R-6 | 6,250 | 50 | 10 | 6 | 30 | 30 | 33.5 | 30 | |

(1) See Section 5.2.F

4

3

PROPERTY AT 4 UNION STREET
WALLINGFORD, CT, 06492

ZONE R-6

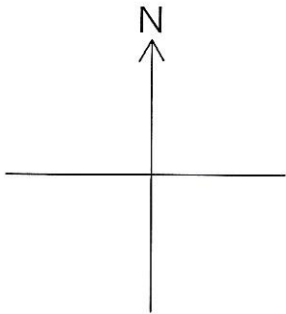
SETBACKS

FRONT YARD - 12 FT ALLOWED/6FT REQUESTED
SIDE YARD - 6 FT ALLOWED/1FT REQUESTED

TOTAL COVERAGE (33.5% ALLOWED)
1640 SQ FT / 4750 SQ FT = 34.5%

B

S. ORCHARD ST

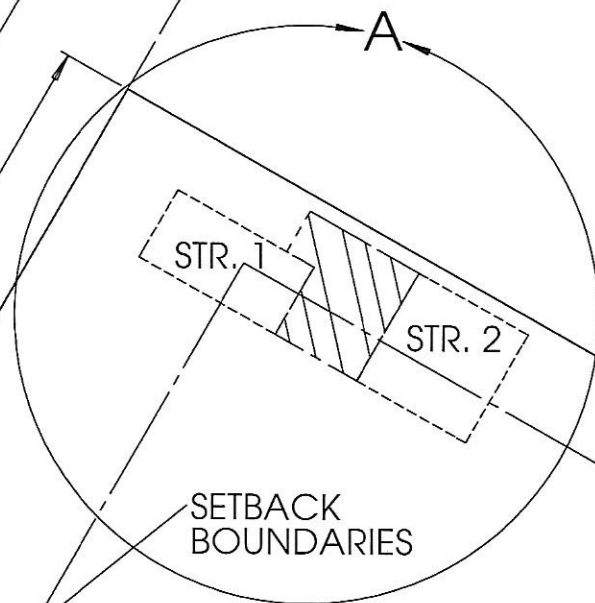


A

UNION ST

4

3



100 FT *PER DEED

12.00 FT
FR. YD

SETBACK
BOUNDARIES

SHED
80 SQ FT
EXISTING

GAZEBO
165 SQ FT
EXISTING

HOUSE
1281 SQ FT
EXISTING

2.00 FT
SIDE YD
VARIANCE
GRANTED
AUGUST 2005

47.50 FT *PER DEED

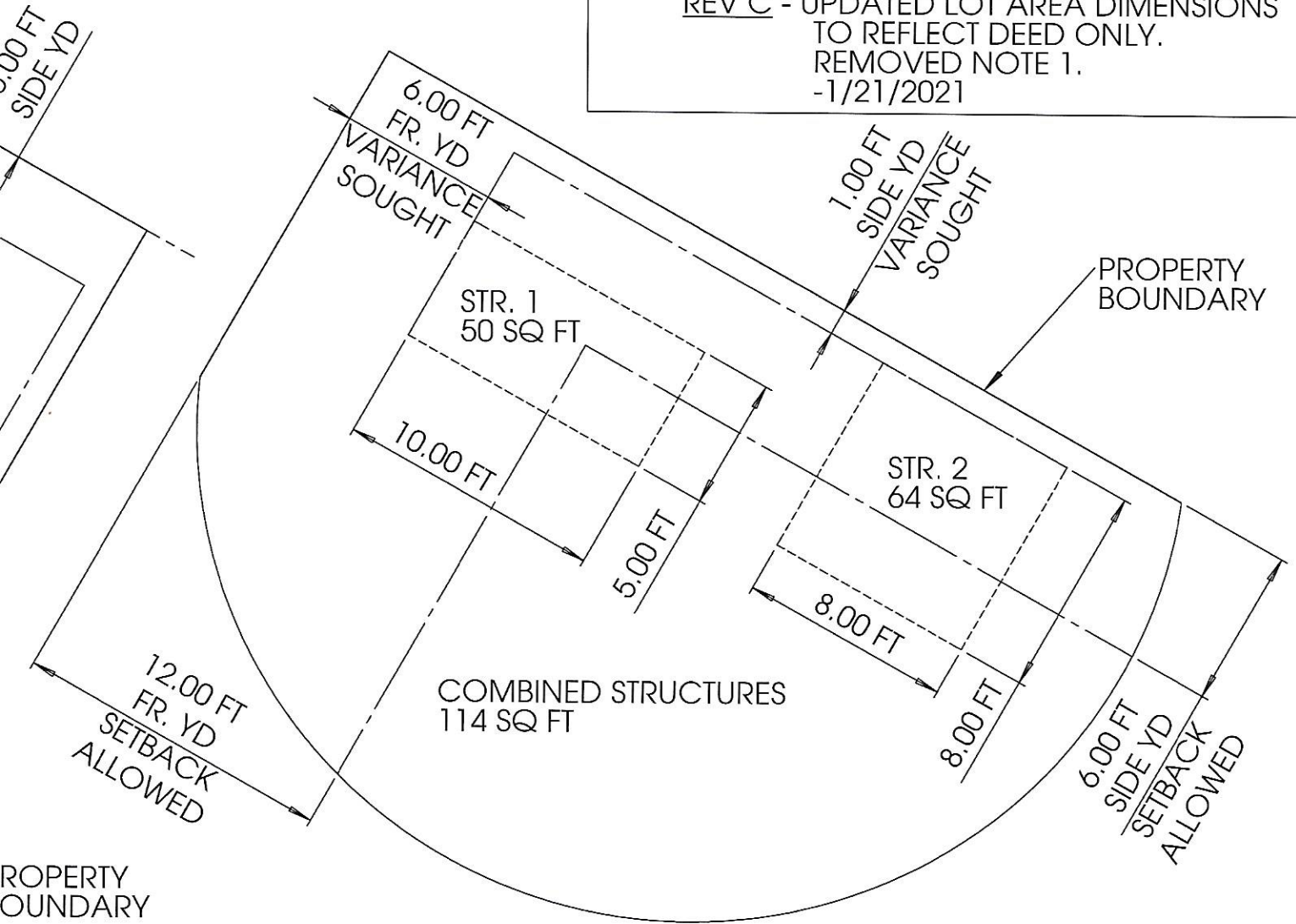
12.00 FT
FR. YD

REVISION NOTES

REV A - INITIAL REVISION - 12/15/2020

REV B - ADDED GAZEBO MEASURING 165 SQ FT; ADDED NOTE 1 AND DEED RELATED MEASUREMENTS - 1/7/2021

REV C - UPDATED LOT AREA DIMENSIONS TO REFLECT DEED ONLY. REMOVED NOTE 1. -1/21/2021



B

DETAIL A

SCALE 1 : 75

REVISED 20-035

RECEIVED JAN 27 2021

| | |
|---------------|------------|
| DRAWN BY | DATE |
| JEFFREY BAKER | 12/15/2020 |

PROPERTY BOUNDARY DRAWING FOR ZONING VARIANCE APPLICATION

| | | | |
|--|--------------|-------------------|----------|
| DO NOT SCALE DRAWING | SIZE | ADDRESS | REV |
| COMMENTS: -ALL DIMENSIONS ARE IN DECIMAL FEET -ALL STRUCTURES ON PROPERTY ARE SHOWN -SATELITE IMAGE USED AS REFERENCE | B | 4 UNION ST | C |
| | SCALE: 1:150 | SHEET 1 OF 1 | |

A



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN-PLANNING & ZONING COMMISSION

KACIE A. HAND, A.I.C.P.
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

January 7, 2021.

Jeffrey Baker
4 Union Street
Wallingford, CT 06492

RE: Survey Waiver #801-21
4 Union Street

Dear Mr. Baker:

Your request to waive the survey requirement for the building location information for the recently constructed accessory buildings at 4 Union Street was approved administratively on Wednesday, January 6, 2021; your Zoning Permit is enclosed.

Please note that this waiver does not include the request to "waive" lot area. Waivers are only granted when the absence of a survey or other official documentation certain zoning information can be reasonably ascertained by alternative means.

In the case of the lot area for 4 Union Street, there is on file in the Wallingford Land Records a deed that specifically calls out measurements of "47.5 feet front and rear and 100 feet in depth" for this property. As the current existing legal description of the property, it cannot be "waived" or essentially ignored on the basis of a field measurement conducted with a tape measure. It would require an actual survey to amend the area description found in the deed for this property.

Should you have questions relating to this matter, please do not hesitate contacting the Wallingford Planning and Zoning Office at 203-294-2090.

Regards,

Thomas M. Talbot
Planner

TMT:ss



Town of Wallingford, Connecticut

ZONING PERMIT

(Waiver of Survey Requirement)

#801-21

DATE: January 6, 2021

ISSUED TO: Jeffrey Baker

ADDRESS: Jeffrey Baker
4 Union Street
Wallingford, CT 06492

ISSUED FOR: Playscape in rear-yard

LOCATION OF PREMISES: 4 Union Street

CONDITIONS OF PERMIT: **Waiver is for building locations only
Does not include lot area "waiver".**

ALL WORK CONNECTED WITH A SITE PLAN APPROVAL SHALL BE COMPLETED WITHIN FIVE YEARS AFTER SAID APPROVAL.

WALLINGFORD PLANNING AND ZONING COMMISSION

THOMAS M. TALBOT, PLANNER

* CONDITIONS MUST BE ENTIRELY SATISFIED BEFORE COMMENCING ANY WORK ON THE SUBJECT PROPERTY



Doc ID: 002928810002 Type: LAN
BK 1565 PG 1094-1095

RETURN TO: Ryan & Tyma, LLP
William J. Ryan, Jr., Esq.
231 Coram Avenue
Shelton, Connecticut 06484

**WARRANTY DEED
(Individual)**

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL, GREETING:

KNOW YE, THAT, WE, AARON J. DESJARDINS and STEPHANIE DESJARDINS, of 4 Union Street, Wallingford, CT, (hereinafter referred to as the "Grantor"), for the consideration of **THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00)**, received to our full satisfaction of **JEFFREY BAKER** of 2 Penn Drive, Wallingford, CT (hereinafter referred to as the "Grantee"), do give, grant, bargain, sell and confirm unto the said Grantee all that certain piece or parcel of land known as **4 UNION STREET** located in the City of Wallingford, County of New Haven and State of Connecticut, more particularly described as follows:

All that certain piece or parcel of land together with the buildings and improvements thereon standing situated in the Town of Wallingford, County of New Haven and State of Connecticut and bounded and described as follows:

- NORTH: by land formerly of John Bartek, more recently of Ida Veres, Julia Veres and Margaret Veres;
- EAST: by land formerly of Joseph Stannard, more recently of Alfred Cej;
- SOUTH: by Union Street;
- WEST: by South Orchard Street.

Containing 47 ½ feet front and rear by 100 feet in depth.

Being the same premises as shown in a Warranty Deed from Jeffrey H. Rochler to Aaron J. Desjardins and Stephanie W. Bauer dated December 30, 2009 and recorded December 31, 2009 in Volume 1376 at Page 682 of the Wallingford Land Records; see also Certificate of Name Change, Stephanie W. Bauer to Stephanie Desjardins dated and recorded simultaneously herewith.

As part consideration hereof, Grantee agrees to assume and pay any and all taxes and municipal assessments hereinafter becoming due and payable.

Said premises are free and clear of all encumbrances, except:

1. Building Lines, if established, and any and all provisions of any planning or zoning ordinance enacted by the City of Wallingford, and any and all provisions of any ordinance; municipal regulation or public or private law.

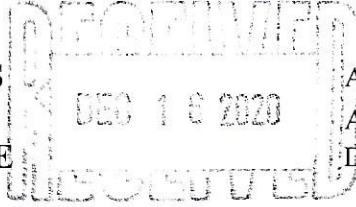
2. Variance from the Town of Wallingford Zoning Board of Appeals dated August 5, 2005 and recorded August 19, 2005 in Volume 1219 at Page 94 of the Wallingford Land Records.

Conveyance Tax Received

\$2250.00 State \$750.00 Municipal

Town Clerk - Wallingford

ORIGINAL



ZONING BOARD OF APPEALS
Wallingford, Connecticut
APPLICATION FOR VARIANCE

APPLICATION NO.: 20 -- 035
APPROVED: _____
DENIED: _____

The undersigned Applicant hereby applies to the Wallingford Zoning Board of Appeals for a variance of the Wallingford Zoning Regulations.

- 1.) Street Address or Location of the Property: 4 Union Street
- 2.) Zoning District of the Property: R-6
- 3.) Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied. If more than one variance, list each separately.

| <u>Type of Variance</u> | <u>Section of Zoning Regulations</u> | <u>Required by Regulations</u> | <u>Existing</u> | <u>Proposed</u> |
|-------------------------|--------------------------------------|--------------------------------|-----------------|-----------------|
| Front Yard Setback | 6.2 | 12 feet | 6 feet | 6 feet |
| Side Yard Setback | 6.2 | 6 feet | 1 foot | 1 foot |
| | | | | |
| | | | | |

4.) Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): Replacing existing Playscape in this location due to safety concerns with former structure and to provide outdoor space for our daughter during Covid.

5.) Briefly describe why strict application of regulations would produce an unreasonable hardship: ** See attached

6.) If any variances for the Property have previously been requested, please complete the following section.

- a. Date(s) of ZBA action: August 2005
- b. What variance(s) were requested: Addition to house, including attached garage, encroaching on side yd setback
- c. What variance(s) were granted: Variance granted within 2 feet of shared property line with lot at 8 Union St

7.) **APPLICANT** (Please list mailing address.)

Name(s): Jeffrey Baker & Jillian Kellogg-Baker Signature:

Address: 4 Union Street City: Wallingford State: CT Zip: 06492

Telephone No: 203-687-6750 Interest in Property: Owner: Other:

8.) **PROPERTY OWNER(S) OF RECORD** (Please list mailing address. **This section must be completed.**)

Name(s): Jeffrey Baker Signature:

Address: 4 Union Street City: Wallingford State: CT Zip: 06492

Telephone No: 203-687-6750

\$5.1A SCHEDULE OF LOT AND BUILDING REQUIREMENT - RURAL AND RESIDENTIAL DISTRICTS

| DISTRICT | MINIMUM LOT AREA (Sq. Ft.) | MINIMUM FRONTAGE (feet) | MINIMUM YARDS (feet) | | | | MAXIMUM BUILDING COVERAGE/HEIGHT | |
|----------|----------------------------|-------------------------|----------------------|-------------|------|--------------------|----------------------------------|--|
| | | | FRONT (1) | SIDE (each) | REAR | COVERAGE (percent) | HEIGHT (feet) | |
| RU-160 | 160,000 | 250 | 100 | 40 | 40 | 5 | 30 | |
| RU-120 | 120,000 | 250 | 75 | 40 | 40 | 5 | 30 | |
| RU-80 | 80,000 | 200 | 75 | 30 | 30 | 10 | 30 | |
| RU-40 | 40,000 | 150 | 50 | 30 | 30 | 10 | 30 | |
| R-18 | 18,000 | 100 | 40 | 20 | 30 | 15 | 30 | |
| R-15 | 15,000 | 85 | 20 | 15 | 30 | 20 | 30 | |
| R-11 | 11,250 | 75 | 20 | 12 | 30 | 25 | 30 | |
| R-6 | 6,250 | 50 | 10 | 6 | 30 | 33.5 | 30 | |

(1) See Section 5.2.F

Lot Area @ 4 Union St 5117.67 SQ.Ft.

Subject **Continuation of Appeal Process - Jeffrey Baker, 4 Union Street**
From Jeff Baker <jdbaker323@gmail.com>
To <amy.torre@wallingfordct.gov>
Date 2021-01-19 14:29



Hi Amy,
Please confirm the below message is sufficient to continue the application process for February's meeting. Thank you.

Dear Zoning Board Members,
I will be continuing my variance application process for the February meeting of the board of appeals.
Sincerely,
Jeffrey Baker
4 Union St, Wallingford, CT 06492

Zoning



8/2020



Town of Wallingford, Connecticut

JUSTIN J. ROSSETTI
CHIEF BUILDING OFFICIAL

BUILDING DEPARTMENT
TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CONNECTICUT 06492
TELEPHONE (203) 294-2005

Regular and Certified Mail

August 25, 2020

Mr. Jeffrey Baker
4 Union Street
Wallingford, CT 06492

Re: 4 Union Street

**STATE BUILDING CODE §115
STOP WORK ORDER
2-Story Structure at Back Corner of Property**

Dear Property Owner:

On August 24, 2020, an inspection was conducted of the premises located at #4 Union Street for the purposes of determining compliance with the State Building Code as amended and the applicable referenced standards, adopted pursuant to the Connecticut General Statutes §29-252. The Code and said standards are available for your inspection at this office. The inspection revealed that work was being performed at the above-referenced location without a permit in violation of State Building Code §105.

PURSUANT TO STATE BUILDING CODE §115, YOU ARE HEREBY ORDERED TO STOP ALL WORK UNTIL APPROVAL IS GRANTED AND ALL NECESSARY PERMITS ARE OBTAINED FROM THE BUILDING OFFICIAL.

This is the only order you will receive. Be advised that the Building Official is authorized to prosecute any violation of this order by requesting that legal counsel of the jurisdiction, or the Office of the State's Attorney, institute the appropriate proceeding at law. Per Connecticut General Statutes §29-254a and §29-394, and State Building Code §114.3, any person who is convicted in a court of law of violating any provision of the State Building Code or for failure to comply with the written order of a building inspector for the provision of additional exit facilities in a building, the repair or alteration of a building or the removal of a building or any portion thereof shall be fined not less than two hundred not more than one thousand dollars or imprisoned not more than six months or both.

Page Two
Jeffrey Baker
August 25, 2020

You are hereby notified that you have the right to appeal this order pursuant to Connecticut General Statutes §29-266(b) to the municipal board of appeals or Connecticut General Statute §29-266(c) in the absence of a municipal board of appeals. Variations or exemptions from the State Building Code may be granted by the State Building Inspector where strict compliance with the code would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted pursuant to Connecticut General Statutes. Any application for a variation or exemption or equivalent or alternate compliance shall be filed with the local Building Official.

This office is looking forward to working with you in the interest of building and life safety for a timely resolution of this serious matter. If you have any questions, please feel free to contact this office at 203-294-2005.

Very truly yours,



Justin J. Rossetti
Building Official

JJR/kgt



Town of Wallingford, Connecticut

JAMES SEICHTER
CHAIRMAN-PLANNING & ZONING COMMISSION

KACIE A. HAND, A.I.C.P.
TOWN PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2090
FAX (203) 294-2095

NOTICE OF VIOLATION

CERTIFIED LETTER #0000 2654 9857

October 21, 2020

Jeffrey Baker
4 Union Street
Wallingford, CT 06492

Re: 4 Union Street

Dear Mr. Baker:

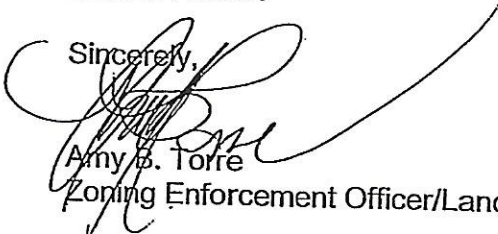
This office has advised you in August that the multi-level accessory structure you were erecting in your front yard exceeded permitted height and was located within setbacks for your property. The Building Official issued a Stop Work Order for said structure under construction with no building permits or zoning approval. I advised you upon our telephone conversation that this office would delay Notice of Violation provided the height was reduced to less than 10 feet, and the structure was located compliant with front and side setback requirements for your zone within 30 days. You were also advised that as you were a corner lot your property consists of two front yards and two side yards. The height of the structure has been reduced and is compliant yet the structure remains located in violation on the parcel. Today an individual was working on and siding the remaining structure. This remains in direct violation of Section 6.2 of the Wallingford Zoning Regulations.

You are hereby ordered to correct this violation within 15 days from receipt of this notice.

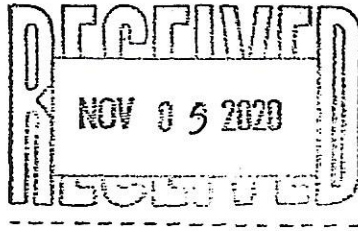
Failure to do so will result in the issuance of a Cease and Desist Order; if such an action is taken and you fail to comply, the Town may consider legal action, including seeking a court ordered injunction to compel correction of the violation, citation with fines of up to \$150.00 dollars per day for each day such violations continue, and/or a one-time civil penalty of \$2,500.00.

Please contact me at your earliest convenience to discuss this matter. I may be reached at 203-294-2090.

Sincerely,


Amy B. Torre

Zoning Enforcement Officer/Land Use Specialist



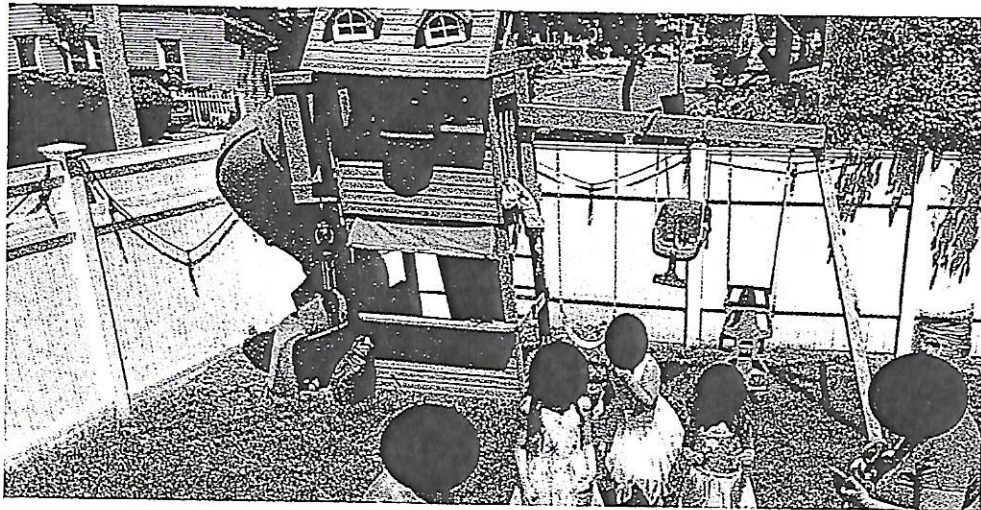
Jeffrey Baker
4 Union Street
Wallingford, CT 06492
203-687-6750

October 29, 2020

Dear Amy Torre,

I am writing in response to your Certified Letter #0000 2654 9857, which I retrieved from the Post Office on 10/29/2020.

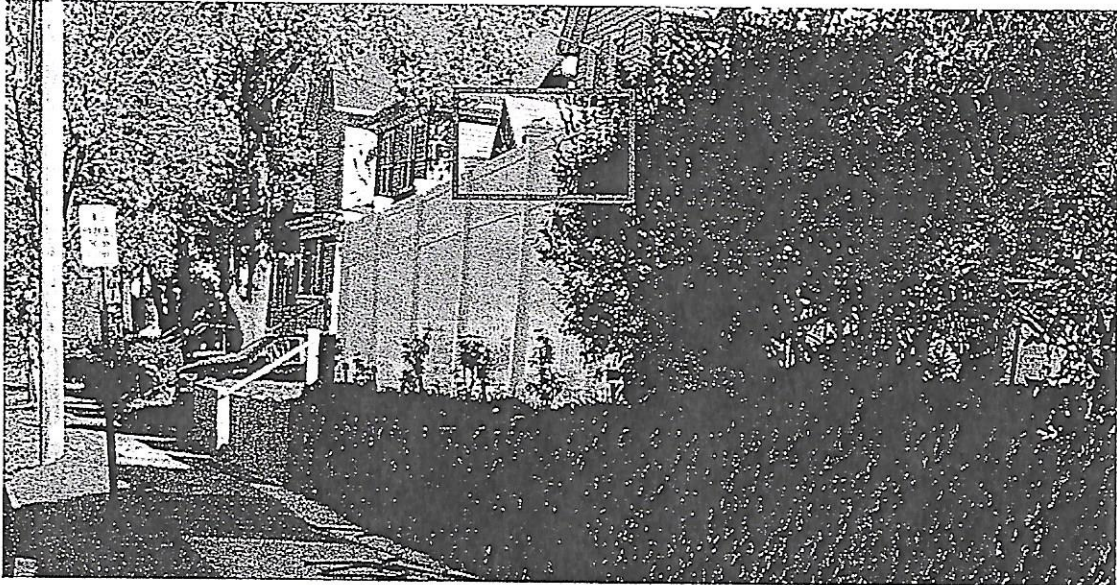
As I explained in my phone conversations with both your office and the building department, I have been building a playscape for my two daughters, ages 8 years old and 6 months old, which lies in the exact footprint of a previous playscape. The previous playscape was in this location since June of 2017, when we purchased the property. In the interest of the safety of our children — and due to general wear-and-tear and the ill-effects of moving the playscape from our previous home in Wallingford — we deemed the playscape unsafe for our daughters to use and decided to build a safer and longer-lasting playscape, which our 8-year old helped design. The old playscape included two levels and was taller than 10 feet, for reference. In the pictures below you can clearly see the location and state of the previous playscape, which included large cracks in the slide and a significant lean to the structure. I also included a view from the street level, as a reference.



Old Playscape - Location and Lean

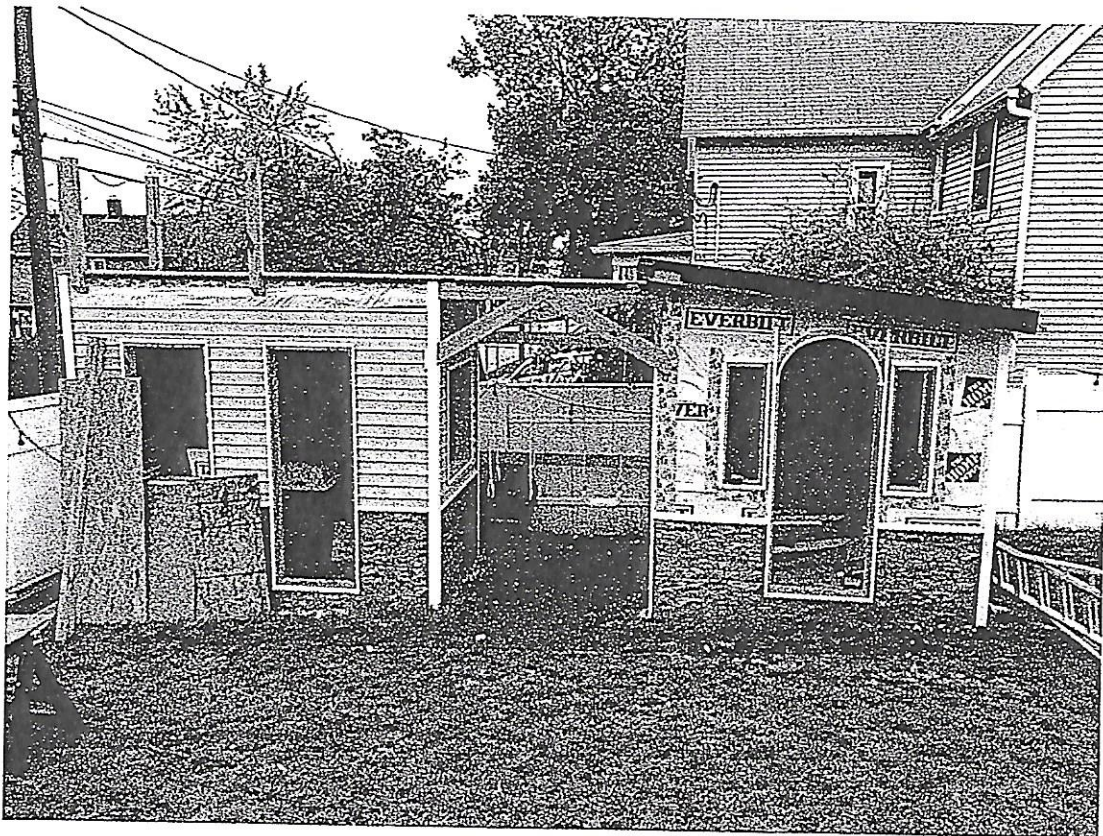


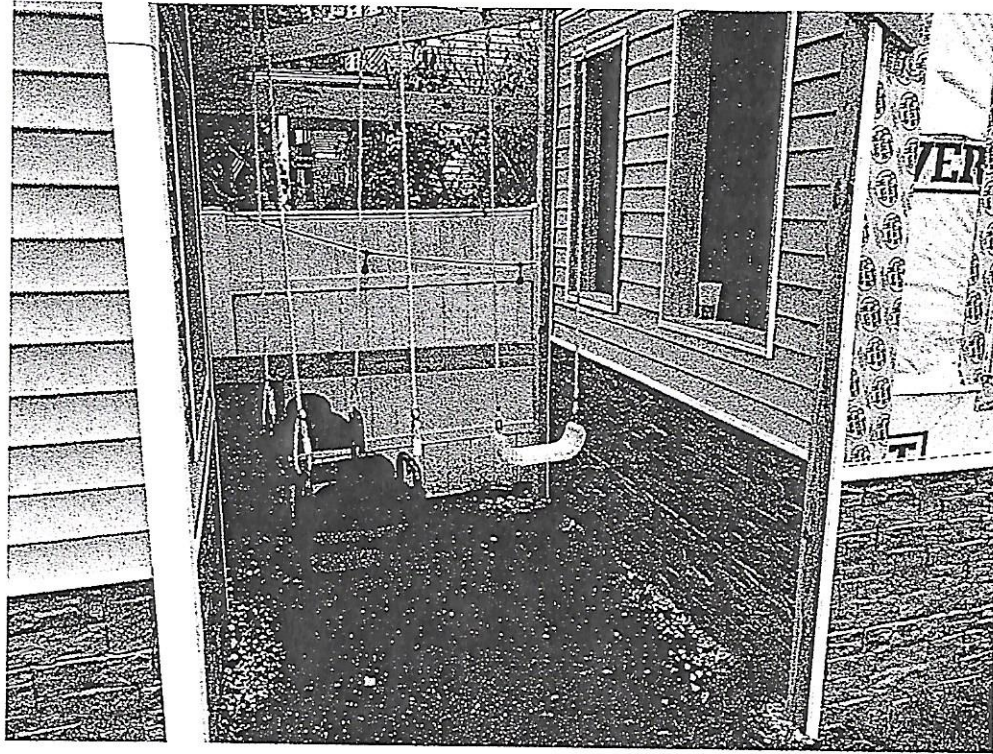
Old Playscape - Cracked Slide and Street View



At no point during the three year period that the old playscape stood in this location were we notified that it was in violation of any zoning regulations. I understand that does not necessarily mean the old playscape did not violate such regulations, but I began work on the new playscape under the impression it did not, based on the multiple years of silence from your office. I also researched the requirements for a building permit in Wallingford and confirmed that the playscape plan was under 200 sq ft (actual interior square footage was 114 sq ft, per the original design) and therefore did not require application for a building permit. With these understandings in mind, I began purchasing materials and assembling the new playscape in July of 2020.

I would like to point out that despite my understanding that the new playscape did not require a building permit or inspection, I followed building codes and best practices to the best of my abilities. We are also matching the colors and design of the playscape to our house, since we are aware of its visibility and do not want to create an eye-sore out of respect to our neighbors and the Town. We believed this project would have a positive impact on the neighborhood and our property, by allowing our children and their friends a safe place to play and enjoy the outdoors, which we believed was especially important during the Covid pandemic.



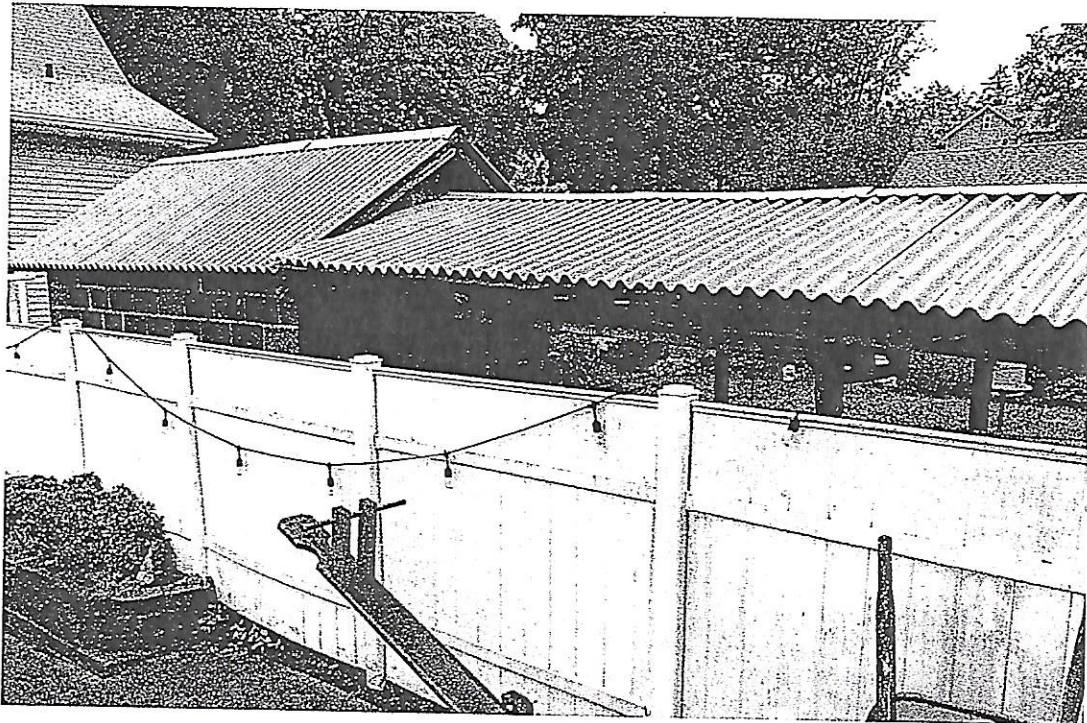


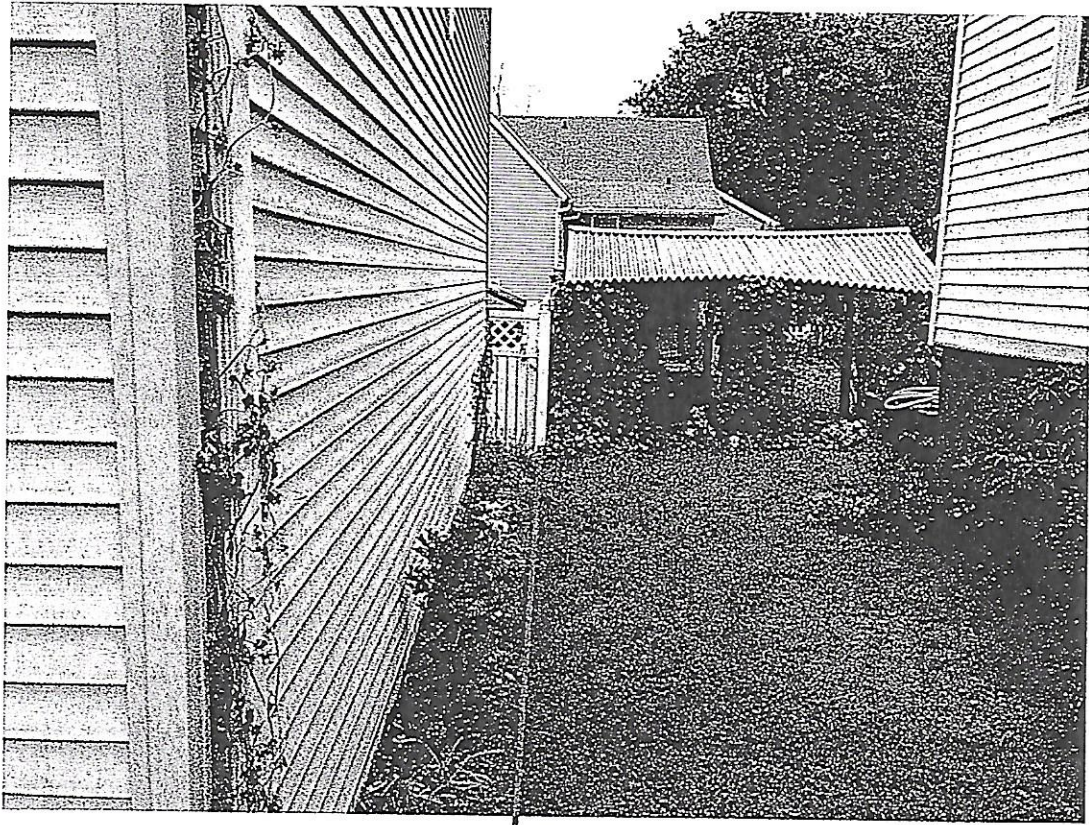
After receiving the stop-work order from the Building Department in late August, I complied and immediately stopped working on the playscape. I contacted the building department and the first person I spoke to confirmed that I did not need to apply for a building permit — since it was a playscape and it was under 200 sq ft — but later had Justin Rossetti call me back to discuss the letter he had sent. He again confirmed that my playscape did not require a permit, but explained that since it was a two story structure, I needed to speak with your office. He transferred my call to your office where I spoke to two more people. Following these four separate phone conversations, wherein I was told contradictory and confusing information, my understanding of the situation was that due to the height of the structure exceeding 10 feet and my lot being on a corner, the structure (which did not require town permit) was in violation of zoning regulations because it was placed in my second front yard, unbeknownst to me. This contradicted both common sense (since the yard is opposite the front of my house and is elevated from the street) and the wording of the notice I received from the building department, which cited the "2-Story Structure at Back Corner of Property" being the subject of the violation. I was also told two different distances for the required setback from Orchard Street during my conversations with your office. I believe the first person I spoke to said it was 30ft and the second person said it was 20ft, but neither person explained what the reference point was for the setback. I also cannot find this setback value in section 6.2 of the Wallingford Zoning Regulations, which I am cited in violation of according to your letter. My current understanding (which may be incorrect) is the setback is measured from the center of the street, which I have since measured to be approximately 28 feet. I have still not received a written explanation of exactly what I need to do to comply with all regulations, as the original letter from the building department made no mention of zoning regulations, nor did your letter specify the exact location the playscape can occupy to meet the regulations.

I was also told during these conversations that a playscape is not classified as a structure, which — coupled with the fact that it does not require a building permit — should logically mean it does not need to conform to the same standards as a structure, but I also have no written explanation of the definition of a structure. However, despite my confusion, we complied with the stop-work order and quickly reduced the height of the playscape to under 10 feet. This cost several hundreds of dollars and several hours of labor to achieve, but we understood the concern with the height and were happy to comply.

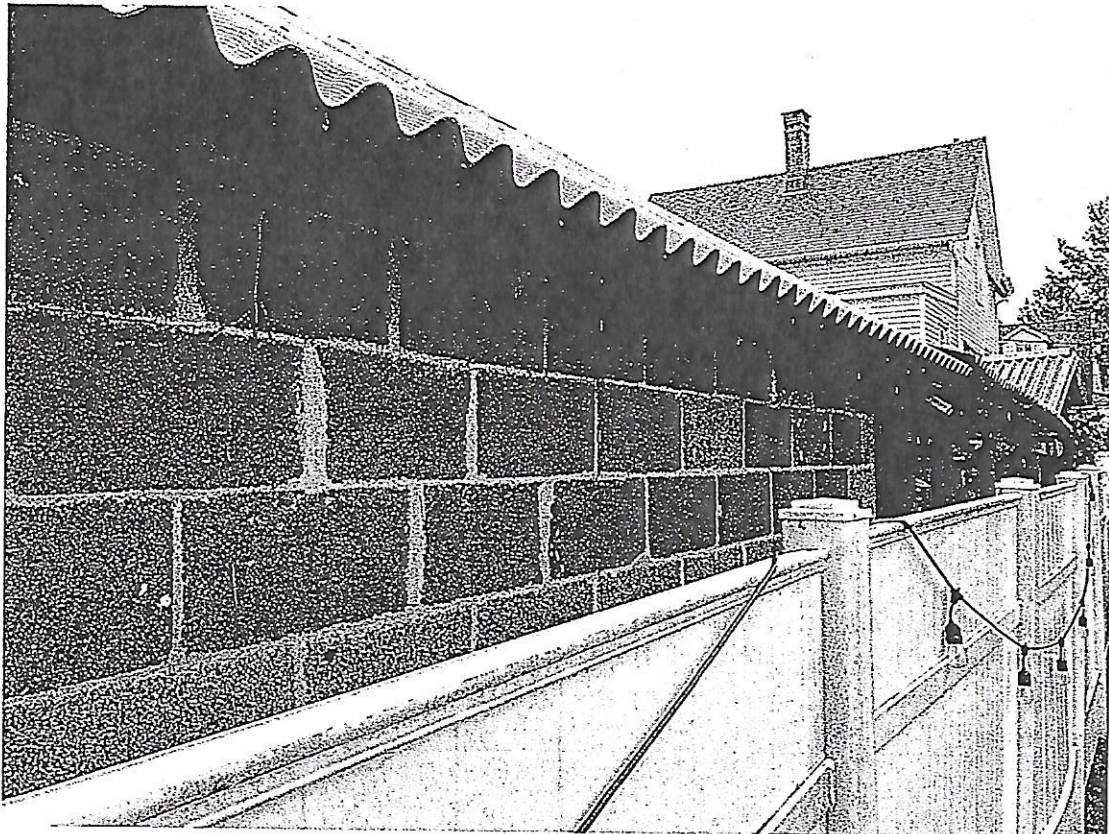
I do concede that section 6.2 of the zoning regulations defines the setback to a neighboring lot as 5 feet and that the new playscape is within this setback for the neighboring lot on Orchard Street. However, out of common courtesy, I verbally discussed the plan for the new playscape with my neighbor, both before and during the building process, and was offered help several times, so I did not believe the playscape was bothersome to them, although I understand that may not be legally significant. I would happily speak to my neighbor about a written agreement regarding the proximity to their property line, if useful or necessary.

I would like to point out, however, that the neighboring lot to mine on Union Street has a structure bordering nearly the entirety of the shared property line of our respective back yards. The walls of this structure are roughly 1-2 feet from the property line and the roofs pitch directly into my yard and do not have gutters. The pictures below show the location of the structure.





Approximate Location of Property Line. My property is to the left.



Additionally, as shown in the photos above, the side of our house is only 2 feet from this same shared property line, which was allowed via variance from your department, granted in August of 2005. Based on the precedent set by this variance, the location of the neighboring lot's structure, and the old playscape occupying the same footprint as the new one, I am having difficulty understanding why I am being threatened with significant fines and imprisonment for following the same "rules" that have seemingly been established in this neighborhood. I don't want to cause my neighbors any undue stress or hardship, but I feel I need to insist that the pictured structures be moved outside of the 5 foot setback if the same requirement is being enforced on our new playscape. Unless of course, there was a variance granted for this structure, in which case I anticipate the same exception can be made for our playscape. This neighborhood obviously predates modern zoning regulations and it seems unfair to apply these regulations to areas that were not planned with them in mind.

I also need to point out that this is our second unpleasant interaction with the Town within just three years of owning our home on Union Street, which makes me inclined to rethink my purchase, despite living in Wallingford my whole life. In May 2018, during a bad storm, a large tree fell on our house, which belonged to the Town until the moment it fell on our roof. Thanks to the Town's refusal to take any responsibility for their tree, we were left to the mercy of our insurance company, which led to a two year battle before a full check was issued. We were not able to have our roof repaired until March of this year and only 5 months later, this notice was issued. I cannot understand how the Town in which my wife and I pay taxes (she also owns a home in Wallingford) lacks any interest in providing a welcoming and helpful government. In fact, my first experience as a member of the tax-paying community of Wallingford has been fouled by a Town that seeks to control the ways I use my property while simultaneously refusing to take any responsibility for their own property.

With all of this information in mind, I am hoping we can come to an agreement without the need for my lawyer's involvement. I would be more than happy to file for a variance with your office, even if only granted temporarily (to cover a reasonable term for which our children will use the equipment), as moving the new playscape would be an incredibly costly and unrealistic endeavor at this point in the construction process. I was already forced to spend a significant amount of unplanned money to have the top portion of the playscape removed, but I promptly complied, per your request. The opposite corner of my back yard is unlevel and may present a privacy concern for both of my adjacent neighbors if we were to attempt to move the playscape there. Moving the playscape could also risk the condition of any materials we would have to remove and the integrity of the structure in the long-term, since it was not designed to be moved. So, if there is a way to apply for a variance outside of the Building Permit process, I would appreciate if you could provide the necessary documents. If pursuing a variance is not a possibility, I need to have a written specification regarding the area of my property in which I can legally place a playscape, preferably including a diagram, with distances and points of reference noted. Additionally, I am requesting a written definition of an accessory structure, to confirm that the definition is being appropriately applied to the playground equipment I am building. I ask that all of this information include citations to the applicable passages of the zoning regulations or other relevant, publicly-available document(s).

I have already had to watch my 8 year-old daughter cry after we received the letter from the Building Department back in August, but I thought we had complied with what had been asked by removing the second story of the playscape. I frankly don't want to have to see her cry again. I have spent dozens, if not hundreds of hours, and thousands of dollars in an effort to provide a safe and fun play space for our children. My wife and I are both essential workers, who have been required to work throughout this pandemic, and we wanted to do something positive, specifically for our 8 year-old, during this difficult time for all of us. Unfortunately, this project has become another source of anxiety and disappointment in a year that has been full of those feelings already. I apologize for misunderstanding the regulations, but I am hoping we can be reasonable and I am pleading to your sense of decency that we can come to an agreement based on the precedent set by the neighboring structures in our tightly compact neighborhood.

I ask that you please reply to this letter in a timely fashion, so we can consider our next steps, as Winter is fast approaching and will impact our ability to work outside.

Sincerely,



Jeffrey Baker

and Jillian, Ellarue, and Primalynn



Primalynn

Ellarue

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