

DRAFT

Wallingford Zoning Board of Appeals

Monday, May 17, 2021

7:00 p.m.

Meeting Conducted Remotely through GoToMeetings

Minutes

Present: Chairman Joseph Rusczek; Vice-Chair Raymond Rys; Secretary Louis Czerwinski; Commissioners Thomas Wolfer; Samuel Carmody; Alternates: Karen Harris and Robert Parisi; 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.

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

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, May 21, 2021. The effective date of your variance will be Friday, May 21, 2021; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, June 6, 2021. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. **#21-004 – Variance Request/Frank/3 Beechwood Drive**

Mr. Czerwinski read the staff notes into the record for application. This is a continuation of the Public Hearing for the above application opened at the April 19, 2021, ZBA meeting. The applicant requested a variance for a side yard of 6.5 ft. where 37.5 ft. exists and 20 ft. is required, a front yard of 12 ft. where 26 ft. exists and 40 ft. is required and building coverage of 17% where 8% exists and a maximum of 15% is permitted to construct an attached two-story garage. The lot is a corner, undersized lot which currently is non-conforming with respect to its two front hard setbacks as it pre-dates the inception of zoning. The dwelling is oriented diagonally on the lot with no garage. The proposal also includes a two-story addition to the existing dwelling, further encroaching on the front setback. The application was continued to evaluate an alternative to lessen or eliminate any/all variance requests. The applicant submitted modified plans reducing the three variance requests to a side yard of 11.5 ft. (original request 6.5 ft.), a front yard of 20.5 ft. (original request 12 ft.), and building coverage of 16% (original request 17%). The Board should evaluate not only what the hardship may be, but whether or not reductions to the original requests were sufficient to satisfy the Board's request for reduction/ modification. In addition, there are revised drawings dated May 5, 2021, and the original drawings dated March 12, 2021.

Chairman Rusczek reminded the Board that this is a continuation from last month when we asked the applicant to make some changes to make the request more conforming.

Jonathan Frank, 3 Beechwood Drive reviewed the changes. He stated that they changed the angle of the garage and made it smaller. This brought the coverage down about 100 sq. ft. They also reduced the side and front setbacks. The proposed garage is cape style to match the house and the houses in the area. The second floor is limited in square footage by the style. The first-floor addition includes the garage, an entryway into the house from the garage, and expands kitchen to accommodate a pantry and the laundry. Upstairs will be a master suite with a bathroom. They added stairs in the area as well.

Chairman Rusczek thanked the applicant for adapting the plans to be more conforming. He asked for clarification of the hardship. Mr. Frank replied that the house is on a corner lot and positioned at an angle and does not conform with the front setback. The garage has to be at an angle to the house. The back yard slopes down from the neighbor's yard.

Mr. Carmody commended the applicant for trying to make the request more compliant with the zoning regulations.

Mr. Wolfe echoed this, as did Mr. Parisi and Ms. Harris.

Mr. Czerwinski asked about the plantings on the drawing and if there was enough room to get a car in with the island there. Mr. Frank explained that the existing driveway is U-shaped. The smaller circle is a tree, the D shape is grass. The plan is to take down the tree which should give clearance to get into the garage. He noted that the driveway may need to get a little wider in that corner. He stated that the garage is in what is the parking area now. Mr. Czerwinski asked for the distance between the grass and the front of the structure. Mr. Frank replied about 10 feet.

Hearing no public comment, Chairman Rusczek closed the public hearing and called for discussion and possible action.

Mr. Rys: Motion to approve a Variance Request for a front yard setback of 20.5 ft. to construct an attached garage and two-story addition as shown on the Location Improvement Survey 3 Beechwood Drive dated January 2021 and revised plans/rendering received 5/5/21.

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 request is approved.

Mr. Rys: Motion to approve a Variance Request for a side yard setback of 11.5 ft. to construct an attached garage and two-story addition as shown on the Location Improvement Survey 3 Beechwood Drive dated January 2021 and revised plans/rendering received 5/5/21.

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 request is approved.

Mr. Rys: Motion to approve a Variance Request a building coverage of 16% to construct an attached garage and two-story addition as shown on the Location Improvement Survey 3 Beechwood Drive dated January 2021 and revised plans/rendering received 5/5/21.

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 request is approved.

2. #21-008 – Variance Request/Torelli/15 Town Farm Road

Mr. Czerwinski read the staff notes into the record. The applicant seeks side yard variances of 5.1 ft. where 15 ft. is required and 27.1 ft. exists to locate a 22 ft. x 22 ft. attached garage at 15 Town Farm Road in an R-15 District. The parcel is a compliant lot (15,000 sq. ft.), with a compliant structure with regard to setbacks and building coverage. As such, compliant alternatives and /or lesser variance request exists to construct a garage on the parcel. Therefore, no hardship is evident with the property. The applicant could detach the same 22 ft. x 22 ft. garage and locate the garage 22 ft. toward the rear and remain compliant. Detached garages may be 5 ft. from side and rear boundaries if located behind the dwelling. Attaching a single car garage 12 ft. x 22 ft. would also be a compliant option requiring no variance. All Variances which have been granted to properties on Town Farm Road were to non-conforming lots that are approximately ½ of the required 15,000 sq. ft. lot area required for the zone.

Lisa Torelli of 15 Town Farm Road and Albert Torelli of 191 So. Cherry Street, explained the application. Ms. Torelli explained that she is a single woman living alone on a corner of a parking lot and doesn't feel safe. She wants a two-bay garage because a single bay wouldn't be enough space.

Chairman Rusczek noted that the hardship has to be related to the land and asked if there is any way the property would not allow you to build it in the backyard. He stated that staff indicated that there are other ways to do this without a variance. Ms. Torelli stated that she could do a detached garage in the backyard. But doesn't want that. She noted that the next-door neighbor has the same style home and an attached two-car garage and the yards are the same depth. Mr. Torelli stated that Ms. Torelli purchased the property seven years ago in foreclosure and made major improvements to the property.

Ms. Harris asked if the applicant has considered a different location so she doesn't need a variance. Ms. Torelli replied that she hadn't considered it and she is not interested in a detached garage.

Mr. Rys questioned the hardship. Ms. Torelli noted that an attached garage would flow with the aesthetics of the neighborhood. She understands that her lot is different than her neighbor's yards.

Ms. Torre stated that she doesn't know if the neighbors needed variances and noted that each situation is different. Unfortunately, the lot is compliant and the hardship has to be something that makes it so you can't comply. Ms. Torelli noted that this isn't for convenience, but security. Ms. Torre noted that she respects the applicant's need to be safe and is not belittling her safety needs. The variance has to be for a hardship with the land.

Hearing no public comment, Chairman Rusczek closed the public hearing and called for discussion and possible action.

Mr. Czerwinski noted that he understood the safety concerns but it seems like that could be achieved with a single car garage. Ms. Torre noted that a variance would not be required for a single-car garage.

Mr. Rys: Motion to approve Variance Request for side yard of 5.1 ft. to construct an attached garage as per Plot Plan Property Survey 15 Town Farm Road dated 4/5/21 and rendering received 4/13/20.

Mr. Wolfer: Second

Vote: Carmody – no to approve; Wolfer – no to approve; Czerwinski – no to approve; Rys – no to approve and Chairman Rusczek – no to approve.

The variance request is denied.

CONSIDERATION OF MINUTES

Mr. Wolfer: Motion to approve the minutes of the April 19, 2021 meeting as submitted.

Mr. Rys: Second

Vote: Unanimous to approve

OTHER BUSINESS

Chairman Rusczek welcomed Bob Parisi back to the board. The other Board members echoed the sentiment.

Ms. Torre noted that there is no guidance yet on whether future meetings will be virtual or in person. She will assume that the June meeting is virtual for the legal notice.

Chairman Rusczek thanked Board members for their efforts.

ADJOURNMENT

Mr. Rys: Motion to approve the minutes of the April 19, 2021 meeting at 7:35 pm.

Mr. Wolfer: Second

Vote: Unanimous to approve

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary