



Wallingford Zoning Board of Appeals

Monday, October 18, 2021

7:00 p.m.

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

Minutes

Present: Acting Chair Raymond Rys; Board Members: Thomas Wolfer; Samuel Carmody; Karen Harris; and Amy Torre, Zoning Enforcement Officer.

Acting Chair Rys called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Voting members are Carmody, Wolfer, Harris, and Acting Chair Rys.

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

Acting Chair Rys noted that the following application will not be heard this evening, but will be heard next month.

4. #21-029/Kowalczyk/1340 Whirlwind Hill Road

Acting Chair Rys notified the applicants that with only four board members present, four affirmative votes would be needed to approve a variance. He gave the applicants the option to continue until next month. All confirmed their intent to proceed this evening.

PUBLIC HEARINGS

1. #21-026 – Variance Request/O'Neill/16 Grieb Trail

Ms. Harris read the staff notes into the record. The applicant requests side yards of 1.1 and 3.3 ft. where 20 ft is required, the front yard of 10.4 ft. where 40 ft. is required and building coverage of 33% where 15% max is permitted to construct a 60 sq. ft. single-story addition to the rear and vertical addition to the existing 640 sq. ft. dwelling at 10 Grieb Trail in an R-18 District. The existing parcel and dwelling are non-conforming as they pre-date the inception of zoning. The lot size is 2350 sq. ft. where R-18 zones require a minimum of 18,000 sq. ft. The requested side and front yard variances are existing and expansion vertically on existing setbacks requires Variance Approval. The building coverage is currently 32.5% and the request is for 33% due to the 60 sq. ft. addition for a covered entry to the rear. The proposal also requires Wetland permitting as per comments from Erin O'Hare received October 8, 2021.

Kathleen O'Neill, 16 Grieb Trail explained that her request sounds unusual with all these variance requests but this was a lot back when it was just campsites. She explained that this addition would make the house a viable dwelling for me and the Town.

Mr. Wolfer noted that this is a very small lot which is the hardship. He stated that he thinks this application is worthy of a variance.

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

Mr. Wolfer: Motion to approve application 21-026 a Variance Request for side yard setbacks of 1.1 ft. and 3.3 ft. to construct a vertical addition to the existing dwelling and add a single story covered rear entry addition as shown on Property Survey #16 Grieb Trail prepared for Kathleen R. O'Neill dated September 2, 2021, and plans/rendering received September 9, 2021, subject to:

1. **Comments from Environmental Planner requiring IWWC permitting, received October 8, 2021.**

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Harris– yes to approve; Acting Chair Rys – yes to approve.

The variance request is approved.

Mr. Wolfer: Motion to approve application 21-026 a Variance Request for front yard setbacks of 10.4 ft. to construct a vertical addition to existing dwelling and add a single story covered rear entry addition as shown on Property Survey #16 Grieb Trail prepared for Kathleen R. O'Neill dated September 2, 2021, and plans/rendering received September 9, 2021, subject to:

1. **Comments from Environmental Planner requiring IWWC permitting, received October 8, 2021.**

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Harris– yes to approve; Acting Chair Rys – yes to approve.

The variance request is approved.

Mr. Wolfer: Motion to approve application 21-026 a Variance Request for building coverage of 33% to construct a vertical addition to existing dwelling and add a single story covered rear entry addition as shown on Property Survey #16 Grieb Trail prepared for Kathleen R. O'Neill dated September 2, 2021, and plans/rendering received September 9, 2021, subject to:

1. **Comments from Environmental Planner requiring IWWC permitting, received October 8, 2021.**

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Harris– yes to approve; Acting Chair Rys – yes to approve.

The variance request is approved.

2. #21-027 – Variance Request/Marino/10 South Drive

Ms. Harris read the staff notes into the record. The applicant seeks a side yard of 19.4 ft. where 19.4 ft. exists and 20 ft. is required to add an approximately 528 sq. ft. second story over the existing garage at 10 South Side Drive in an R-18 District. The addition will be used for additional living space for the primary dwelling and is proposed with no impact on the existing, approved Accessory Apartment.

Paul Marino, 10 South Drive, explained that this is a small addition over the garage. He needs the space for his daughter and grandkids. It won't affect the existing in-law apartment.

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

Mr. Carmody: Motion to approve application 21—027 a Variance Request for a side yard of 19.4 ft. to construct a vertical addition as shown on Limited Property/Boundary Survey, Land of Susan P. Marino, #10 South Side Drive, dated August 27,21 and plans received September 10, 2021.

Mr. Wolfer: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Harris– yes to approve; Acting Chair Rys – yes to approve.

The variance request is approved.

3. #21-028 – Variance Request/Craig/136 Chimney Hill Road

Ms. Harris read the staff notes into the record. The applicant has a front yard of 43.1 ft. where 50 ft. is required and 43.1 ft. exists to construct an approximately 887 sq. ft. second story addition/Accessory Apartment to the attached garage at 136 Chimney Hill Road in an RU-40 District. The applicant is also seeking Accessory Apartment approval from Planning and Zoning to utilize the new space accordingly. The existing attached garage is currently located with a 43.1 ft. front yard. The vertical expansion of the structure requires Variance Approval. If the resulting living space will be all or in part an Accessory Apartment Dwelling, the Planning and Zoning Commission must approve. Zoning Board of Appeal approval is necessary only for the building's location. This office would suggest that as a condition of any approval, that no interior configuration /finishing of space commence until necessary Site Plan Approval for an Accessory Apartment is secured.

Charles Craig, 136 Chimney Hill Road, explained that they thought the garage was in the side yard, but it is considered the front as it faces Chimney Hill road, so to be in compliance with the setback, they would have to remove part of the garage. That is the hardship. He asked for a variance to allow the vertical addition to the garage. He acknowledged that he will have to apply to Planning and Zoning for the Accessory Apartment approval. Tonight, he is just asking for the setback variance.

Mr. Carmody asked if this would change the footprint of the current building. Mr. Craig stated that it would not.

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

Mr. Carmody: Motion to approve application 21—028 a Variance Request for a front yard setback of 43.1 ft. to construct a vertical addition to an attached garage for a future Accessory Apartment at 136 Chimney Hill Road as shown on the Existing Conditions Map for Charles and Janet Craig, 136 Chimney Hill Road dated September 16, 2021, plans received September 17, 2021, and revised plans received October 2, 2021, subject to:

- 1. Comments from Environmental Planner requiring Inland Wetlands and Watercourses Commission permitting, received October 8, 2021;**
- 2. No construction to the interior of addition for use as an Accessory Apartment may commence until Site Plan Approval for an Accessory Apartment is obtained from the Planning and Zoning Commission.**

Mr. Wolfer: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Harris– yes to approve; Acting Chair Rys – yes to approve.

The variance request is approved.

MEETING SCHEDULE

5. Consideration of ZBA 2022 Meeting Schedule

The consensus was to table the discussion and vote until November when the full Board will be present.

CONSIDERATION OF MINUTES

6. September 20, 2021, Regular Meeting

Mr. Wolfer: Motion to accept the minutes of the Monday, September 20, 2021, Wallingford Zoning Board of Appeal meeting as submitted.

Mr. Carmody: Second

Vote: Unanimous to approve

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the October 18, 2021 meeting at 7:20 pm.

Mr. Carmody: Second

Vote: Unanimous to approve

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary