

Wallingford Zoning Board of Appeals

Monday, April 18, 2022

7:00 p.m.

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

Minutes

Present: Chairman Joseph Rusczek; Vice-Chair Ray Rys; Board Members: Bruce Conroy; Thomas Wolfer; Robert Parisi; Karen Harris; and Amy Torre, Zoning Enforcement Officer.

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

Voting members tonight are Conroy, Wolfer, Rys, Parisi, and Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, April 22, 2022. The effective date of your variance will be Friday, April 22, 2022; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, May 8, 2022. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. **#22-009 – Variance Requests/Riotte/side yard of 9.27 ft. (12 ft. required) where 9.27 ft. exists and a front yard of 15.07 ft. (20 ft. required) and 15.07 ft. exists to construct a +/- 48 sq. ft. covered front entry at 19 Carriage Drive, in and R-11 District.**

Mr. Rys read the staff notes into the record. The applicant seeks a variance for a front yard of 15.07 ft. where 15.07 ft. exists and 20 ft. is required, and a side yard of 9.27 ft. where 9.27 ft. exists and 12 ft. is required to construct a +/- 48 sq. ft. covering over the front entrance at 19 Carriage Drive in an R-11 District. The lot (undersized) and dwelling are both non-conforming, predating zoning. The applicant is proposing a covered front entry that expands the existing non-conformities horizontally, thus requiring a Variance Approval, but does not further reduce the existing front and side yards beyond current levels.

Edward Riotte, 19 Carriage Drive, explained that they just want to put a cover over the front stairs to protect his 93-year-old mother from the ice and rain.

Chairman Rusczek asked if it will be enclosed. Mr. Riotte replied that it is just a covering over the stairs. He added that the paperwork mentions a 9 ft side yard; he stated that it is level with the house.

Mr. Rys referred to the photo provided with the application and asked if there is currently a temporary cover. Mr. Riotte replied that the construction was started and they realized they needed a permit so they stopped. The final will look just like that. Ms. Torre stated that a canvass awning would not need a permit but a roof structure does. She confirmed that it is just a cover over the front step.

Hearing no public comments, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve application #22-009, Variance Request for side yard of 9.27 ft. to construct a +/-48 sq. ft. covered front entry at 19 Carriage Drive as shown on Existing Building Location Survey, Property of Marian S. Riotte, 19 Carriage Drive, dated 12/09/21 and submitted photo rendering received 1/21/22.

Mr. Parisi: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Parisi – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.

The variance is approved.

Mr. Rys: Motion to approve application #22-009, Variance Request for front yard of 15.07 ft. to construct a +/- 48 sq. ft. covered front entry at 19 Carriage Drive as shown on Existing Building Location Survey, Property of Marian S. Riotte, 19 Carriage Drive, dated 12/09/21 and submitted photo rendering received 1/21/22.

Mr. Conroy: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Parisi – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.

The variance is approved.

- 2. #22-017 – Variance Request/Signore/side yard of 11.69 ft. (20 ft. required) where 25.69 ft. exists to construct an attached single-story, single car garage at 15 Far Horizon Drive, in and R-18 District.**

Mr. Rys read the staff notes into the record. The applicant seeks a Variance for a side yard of 11.69 ft. where 20 ft. is required to construct an attached, single-story, single-bay garage at 15 Far Horizon Drive in an R-18 District. The parcel is situated at the beginning of the turnaround at the end of a cul-de-sac with the dwelling oriented compliantly, but diagonally on a rectangular lot. If the dwelling were oriented parallel to the street, the frontage of a single bay garage would not require a variance. As proposed, per the existing conditions, the garage would require an 11.69 ft. side yard with respect to the minimum point of the front (Northeast) corner.

Stephen Signore, a builder, presented for the Carling family at 15 Far Horizon. He explained that the family has a new driver, so they would like to create additional space to store a car. The hardship is the angular side lot with a severe slope to the side. There is nowhere else on the property to build even a detached structure.

Mr. Wolfer asked what the new garage will be used for. Mr. Singore replied for car storage.

PUBLIC COMMENT

Gary Bouley, 17 Far Horizon Drive stated that his property is adjacent to number 15. He is concerned with the location of the heavy equipment and dirt during construction as it's only 20 feet on the side. There is a very steep hill toward his yard and he is concerned with drainage. He is concerned that the pool heater, garbage bins, and propane tanks on that side will be pushed toward his yard. He is concerned with the effect on the value of his property.

Carl Richter, 11 Far Horizon Drive stated that he is concerned with the treatment of his property. His property abuts the rear of 15 Far Horizon. He offered to share a plot map. His property abuts the State property along Rt. 68. Recently he noticed trees and brush cleared on the state property at the point where the three properties meet. Additional plantings have been done on both sides of the state property fence that will grow into the fence. He reported that the applicant had a fence put up between #11, #13, and #17. Construction debris was thrown on his property in a wooded area beyond the installed fence. He also noted that when the applicant had the patio installed the contractor dumped cement into a wetlands area at the back of his property. He says it's a question of respect for others' property. There is also a gate in the fence with entry and egress to Mr. Bouley's property or my property. He assumed that the egress is to dump yard waste on state property. He stated that the contractors were likely at fault. He is concerned with how this new construction will affect him and his property.

Chairman Rusczek asked the applicant if all construction materials and fill will be kept on site. Mr. Signore replied yes, they will use a silt fence and make sure the drainage and sloping are proper. He noted that the gutters will be in-ground as is the rest of the house. Chairman Rusczek asked where they run to. Mr. Signore replied front corner runs to the front, which won't be changing. He stated that he is not sure where the back wall gutter will go yet.

Mr. Richter offered to share photos. Ms. Torre recommended that he give those photos to the Wetlands officer. She added that under a normal building permit process there will be proper erosion control. Chairman Rusczek agreed that it should be reported to Wetlands. Mr. Signore noted that they will maintain construction within the property and that no heavy equipment will be in others' yards. The backlot will be 200-300 ft. away.

Mr. Parisi asked why they installed the gate in the back. Ms. Carling replied that that was a different project done a couple of years ago and was a fence around the pool. They had a building permit. In the back is a deer fence. The gate was so the kids can fetch balls that go over the fence. Mr. Parisi noted that it isn't their property back there. Ms. Carling replied that she assumed it was state property.

Chairman Rusczek directed the conversation back to the garage.

Hearing no further public comments, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #22-017/Signore/15 Far Horizon Drive, a variance request for a side yard of 11.69 ft. where 20 ft. is required and 25.69 ft. exists to construct an attached, single-story, single car garage at 15 Far Horizon Drive as shown on the As-Built Plot Plan Lot 9 North Farms Estates, Far Horizon Drive dated 9/30/1995 and submitted plans received 3/31/2022.

Mr. Conroy: Second

Vote: Conroy – no to approve; Wolfer – no to approve; Parisi – no to approve; Rys – no to approve and Chairman Rusczek – yes to approve.

The variance is denied.

3. **#22-018 – Variance Request/Robinson/front yard of 35 ft. (40 ft. required) where 41.8 ft. exists to construct a single story 6 ft. x 32 ft. front porch at 14 Cardinal Drive in an R-18 District.**

Mr. Rys read the staff notes into the record. The applicant seeks a front yard setback of 35 ft. where 41.8 ft. exists and 40 ft. is required to construct a 6 ft. x 32 ft. single-story front porch at 14 Cardinal Drive in an R-18 District. The property had a Variance granted in 2002 for a detached garage/side yard setback. The Board should condition any approval for a front porch with no attachment of the garage to the dwelling as depicted in the rendering/plan submitted on April 5, 2022. The attachment of the garage to the dwelling would require an additional Variance. The application pertains to the front porch of the dwelling only.

David Robinson, 14 Cardinal Drive explained that he had water issues. The settling of the foundation caused a low spot. For safety reasons, he wants to make an entry to the front door so water doesn't drain there. He wants to exit the gutter to the left of the house to keep the water away. He noted that he has permits for house improvements. This will also lighten up the front of the house.

Chairman Rusczek asked about the variance for attaching the garage to the house with a breezeway. Ms. Torre noted that the Board should look at the existing conditions map from 2015 which doesn't show a breezeway. That needs to be looked at separately. The focus of this discussion is the porch. Mr. Robinson stated that the construction for the garage will be just a breezeway roof, it won't be enclosed. Mr. Robinson asked if the previous variance was still in effect. Ms. Torre replied that if it was approved it won't expire. She recommended the motion not include mention of the garage construction because that is a separate variance. She reminded Mr. Robinson to build according to whatever the approved variance was in 2002.

Hearing no public comments, Chairman Rusczek closed the public hearing and asked for discussion or possible action.

Mr. Rys: Motion to approve #22-018/Robinson/14 Cardinal Drive, a Variance Request for front yard of 35 ft. where 40 ft. is required and 41.8 ft. exists to construct a single-story, 6 ft. x 32 ft. front porch at 14 Cardinal Drive as shown on Zoning Location Survey Showing Proposed Garage Addition prepared for David Robinson, 14 Cardinal Drive, dated November 5, 2015, and submitted plan/rendering received 4/5/2022, subject to:

1. **Construction is limited to the front porch.**

Mr. Parisi: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Parisi – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.

The variance is approved.

CONSIDERATION OF MINUTES

Mr. Wolfer: Motion to approve the Zoning Board of Appeals minutes from March 21, 2022, as submitted.

Mr. Parisi: Second

Vote: Unanimous to approve

ADJOURNMENT

Mr. Parisi: Motion to adjourn the April 18, 2022 meeting at approximately 7:30 pm.

Mr. Wolfer: Second

Vote: Unanimous to approve

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary