

Wallingford Zoning Board of Appeals

Wednesday, February 22, 2023

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; Karen Harris; Alternates: Robert Gross; Robert Prentice; 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, Harris, Rys, and Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, February 24, 2023. The effective date of your variance will be Friday, February 24, 2023; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, March 12, 2023. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

- 1. #23-001– Special Exception Request/Anastasio/43 Algonquin Drive, and**
- 2. #23-002 – Variance Request/Anastasio/43 Algonquin Drive**

Ms. Harris read the staff notes into the record. Applications #23-001 and #23-002 are companion applications for the same proposal at the same site. The Special Exception Request is for a total garage area of 1,320 sq. ft. where a maximum of 936 sq. ft. is permitted as of right and 576 sq. ft. is existing in order to add 744 sq. ft. of garage area to a detached garage at 43 Algonquin Drive in an RU-40 District. Application #23-002 is a Variance Request for building coverage of 12.2% where the maximum is 10% is permitted and 8.9% exists as a result of the additional 744 sq. ft. of garage addition. The parcel at 43 Algonquin Drive is located in an RU-40 District.

The applicant previously applied for a Special Exception and two Variances for a 792 sq. ft. addition to a detached garage in September 2022 and was denied. The Applicant has reduced the requested garage area addition and located it in a compliant location (previously application required a side yard variance not currently requested or necessary). The modification to the initial proposal has eliminated the need for one variance in its entirety. The Building Coverage variance has been reduced. The original subdivision creating this lot in an RU-40 District was approved at such time when the bulk standards for RU-40 zones (lot size, setbacks, and building coverage requirements) were equal to the current R-18 zone, and if still in effect, this proposal would be compliant and not require any variances. The RU-40 bulk standards currently in effect today leave the lot undersized and lessen the building coverage permitted to 10% vs. 15% when created. The applicant has also reduced the previous Special Exception request by ~48 sq. ft.

Ms. Torre noted that there was a mathematical error in the staff notes but it has been corrected in the draft motion.

Christopher Anastasio, 43 Algonquin Drive, explained that he needs more square footage for storage off the back of an existing 24x24 and wants to bump out the side for tools. He noted that he was before this Board earlier and shrunk down the workshop 2 feet from the curb to the side. He noted that the house is set back so the addition will not be visible from the road. He also noted that both neighbors support this change.

Chairman Rusczek clarified that this is for a garage and workshop and it is reduced in sq. footage from the prior application. Mr. Anastasio confirmed he reduced the size of both structures.

Mr. Gross asked if there are any requirements about the size of a garage in comparison to the size of the house. Ms. Torre replied that everyone gets 936 sq. ft. of garage by right regardless of the size of the house. You can get up to 50% of the living area of the house with a cap at 1,800 sq. ft. There are no restrictions otherwise in terms of house size vs. garage size.

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

Mr. Rys: Motion to approve application #23-001 Special Exception Request for Anastasio at 43 Algonquin Drive for 1,320 sq. ft. of garage area to expand a detached garage at 43 Algonquin Drive as shown on Limited Property/Boundary Survey, Zoning Location Survey, Land of Christopher Anastasio, dated 6/5/22, revision date 11/15/22 and submitted plans received 12/15/22, subject to:

1. The garage addition width is reduced from 23 ft. 4 in. to 23 ft. 0 in.

Mr. Wolfer: Second

Vote: Conroy – no to approve; Wolfer – yes to approve; Harris – yes to approve; Rys - yes to approve, and Chairman Rusczek – yes to approve.

The application is approved

Mr. Rys: Motion to approve application #23-002 Variance Request for Anastasio at 43 Algonquin Drive for 12.2% building coverage where 10% maximum is permitted to add 744 sq. ft. additions to a detached garage at 43 Algonquin Drive as shown on Limited Property/Boundary Survey, Zoning Location Survey, Land of Christopher Anastasio, dated 6/5/22, revision date 11/15/22 and submitted plans received 12/15/22.

Mr. Wolfer: Second

Vote: Conroy – no to approve; Wolfer – yes to approve; Harris – yes to approve; Rys - yes to approve, and Chairman Rusczek – yes to approve.

The application is approved

3. #23-003/Special Exception Request/Castelli/85 Northfield Road

Ms. Harris read the staff notes into the record. The applicant seeks a Special Exception for 1,428 sq. ft. of garage area where 528 sq. ft. exists and 900 sq. ft. is proposed at 85 Northfield Road in an R-18 District to construct a 2-story attached garage with second-floor living space. The proposed garage addition is on the opposite side of the dwelling from the existing detached garage. Regulations prohibit

constructing attached garages on opposite sides of the dwelling but have no restrictions where one garage is detached. The proposed garage will also require access and any proposed new driveway will also require a permit from the Town Engineer for an additional curb cut. Engineering will consider the proximity of an additional curb cut to the intersection with Blakeslee Road. In addition, there is a memo from Alison Kapushinski, Town Engineer to Amy Torre, Zoning Enforcement Officer received February 21, 2023.

Chris Castelli, 85 Northfield Road, explained that he has two small children and needs more room. The garage will have dwelling space above, giving him two more bedrooms.

Chairman Rusczek noted that the proposed garage is on the opposite side of the house from the existing garage. He also noted the Town Engineer's concern about the new curb cut which will be across from Blakeslee Road. Mr. Castelli replied that there is already a curb cut on that side of the property. After reviewing the memo from the Town Engineer, he noted that his current driveway is the one across from Blakeslee. The new curb cut will be farther down. He stated that the Engineer is incorrect in the location of the new curb cut.

Ms. Torre clarified that approvals from the Zoning Board of Appeals are separate from approvals from the Engineering Department. She also noted that if this had not been a garage, he wouldn't have had to come to ZBA. The building is appropriately located. He is only here regarding the garage area.

Ms. Harris asked if he will end up with three garage bays. Mr. Castelli replied that he will have four. He stated that the reason for the need for extra space is too much stuff. Ms. Harris asked if the intention is to put in a second driveway. Mr. Castelli replied yes.

Ms. Harris asked for clarification that the applicant was only here for a special exception because it's a garage. Ms. Torre confirmed. The garage is in excess of what he is entitled to. She also noted that the engineer could say that he can't have a curb cut that close to the intersection.

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

Mr. Rys: Motion to approve application #23-003 Special Exception Request for Castelli at 85 Northfield Road for a garage area of 1,428 sq. ft. to construct an attached 2-story garage addition at 85 Northfield Road as shown on copy of Plot Plan dated April 15, 1977, and submitted plans received 1/12/23, subject to:

1. Comments of the Town Engineer dated 2/17/23

Mr. Wolfer: Second

Vote: Conroy – no to approve; Wolfer – yes to approve; Harris – yes to approve; Rys - yes to approve, and Chairman Rusczek – yes to approve.

The application is approved

4. #23-004/Variance Request/Cohen/20 Partridge Run

Ms. Harris read the staff comments into the record. The applicant seeks a side yard of 16.3 ft. where 36.3 ft exists and 20 ft. is required to construct a 2-story attached garage at 20 Partridge Run in an R-18

District. The applicant previously received Variance Approval for a side yard in 2007 for a 2-story addition to the opposite side of the dwelling. The Board should consider the use of the 2nd-floor space and whether the purpose of attaching the garage is for garage height since a detached garage would be compliant but limited to 15 ft. in height. Moreover, by moving the main door in front of the proposed garage to the side, and reducing the width by 4 ft., no variance approval would be necessary. There is ample area to construct an attached garage within the required setbacks.

Steve Cohen, 20 Partridge Run, explained that he wants to build a high bay garage to put a lift in so he can work on his own cars. He used to work on cars professionally. With his current small garage, he needs to work outside or rent space. This will allow him to keep everything inside. He noted that neighbors can see all sides of the house from the street. It will look much nicer as an attached garage.

Chairman Rusczek asked if he considered putting it behind the house. Mr. Cohen replied that the yard goes uphill and putting the garage there would mean removing trees and might cause problems with drainage. He recently put in a dry well between his house and his neighbor to resolve drainage issues.

Mr. Conroy asked about the hardship. Mr. Cohen replied that he doesn't have enough room for his lift. Ms. Torre noted that lifts are concerning but allowed and suggested a condition that no commercial activity will occur. It is not a hardship when there is a compliant option. She noted he is not requesting a 2-bay garage. Mr. Cohen noted that he had no plans to do commercial work. Ms. Torre clarified that the hardship is relative to the land. That means something is preventing you from complying. A compliant option is available so it's not a hardship, but a choice. She also noted that variances follow the land.

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

Mr. Rys: Motion to approve application #23-004 Variance Request for Cohen at 20 Partridge Run for a side yard of 16.3 ft. where 20 ft. is required to construct a 2-story attached garage at 20 Partridge Run as shown on Zoning Location Survey, Land Now or Formerly of Gina A. Cohen and Stephen Cohen, 20 Partridge Run, dated November 4, 2020, and submitted plan receive 1/13/2023, subject to:

1. No commercial activities at this location.

Mr. Wolfer: Second

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

The application is denied

CONSIDERATION OF MINUTES

7. November 21, 2022

Mr. Wolfer: Motion to approve November 21, 2022, Zoning Board of Appeals Minutes as submitted.

Mr. Rusczek: Second

- **Vote: Unanimous to approve**

Chairman Rusczek announced the meeting of the Annual Conference of the Connecticut Federation of Planning and Zoning Agencies on March 23rd. He encouraged any Board member to attend if interested. Ms. Torre noted that she can help with registration.

Chairman Rusczek welcomed a new alternate member, Robert Prentice.

ADJOURNMENT

Mr. Wolfer: Motion to adjourn at 7:30 pm.

Vote: Unanimous to approve

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary