

Wallingford Zoning Board of Appeals

Monday, April 17, 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, April 21, 2023. The effective date of your variance will be Friday, April 21, 2023; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, May 7, 2023. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. #23-009/Special Exception Request/Turbert/23 Wojtasik Drive

Ms. Harris read the staff notes into the record. Application #23-009 is a Special Exception Request for a 440 sq. ft. Customary Home Occupation for dog grooming services at 23 Wojtasik Drive in an R-18 District. Special Exception requirements limit clients to two at any given time, and services are provided only by the occupant resident of the property. The entire home occupation must be conducted entirely within the residential unit. No employees are permitted and no signage is permitted. The Board should evaluate the nature of the home occupation as dog grooming is a permitted service for a home occupation, but canine boarding and/or daycare is not permitted in residential zones. This office recommends any approval noting a condition for no boarding of animals, no outside designated area for home occupation, and no more than two dogs at any given time in the home occupation. Correspondence included an email from David and Nicole Crispino to Amy Torre, Zoning Enforcement Officer received April 5, 2023.

Lance Wojtasik and Ruth Wojtasik of 23 Wojtasik Drive explained the application. She explained that she would like to move her dog grooming business from North Branford to her home to reduce overhead costs and be there for her kids. She stated that her hours would be 9 am to 5 pm.

Chairman Rusczek asked about customers walking their dogs and the neighbors complaining. Mr. Wojtasik explained that there will be a fenced-in area in their yard for the dogs to use. Ms. Wojtasik confirmed that she will make sure her customers keep their dogs on leashes. She added that the dogs stay in a cage until the owners pick them up.

Mr. Rys asked about noise. Mr. Wojtasik replied that the dogs would mostly be inside.

Mr. Wolfer asked about the days of the operation. Ms. Wojtasik replied Tuesday through Saturday and no holidays. He asked about scheduling appointments to ensure no more than two dogs at a time. Ms. Wojtasik replied that she plans to start every two hours and readjust if necessary. She will make someone wait until a dog is picked up. Mr. Wolfer asked how long she has been in the business and if she has had any complaints. Ms. Wojtasik replied that she has been doing this for 25 years and has been at the Branford location for 23. She has had no complaints.

Mr. Conroy asked if she does full grooming or just nails. Ms. Wojtasik replied mostly full grooming. Mr. Conroy suggested a six-month review since it's in a residential neighborhood. The review would be to make sure it is a good fit for the neighborhood. Mr. Wojtasik stated that they will start renovations as soon as this request is granted. Ms. Wojtasik agreed to come back in nine months for the review.

Ms. Torre suggested that they add the review as a condition of approval and be clear on what it means. Mr. Conroy stated that a review by the office is satisfactory so if there are no complaints, they don't have to come back. Ms. Torre suggested that the condition be a nine-month review by the ZEO for compliance.

Ms. Harris asked about the designated area in the yard for the dogs to relieve themselves. Ms. Torre replied that it won't be an issue. An exercise area or training area or pen where they are kept would not be allowed. Ms. Wojtasik agreed.

Chairman Rusczek asked if that area will be fenced in so it's not visible from the road. Ms. Wojtasik confirmed.

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

Mr. Wolfer: Motion to approve application #23-009/Turbert/23 Wojtasik Drive a Special Exception Request for 440 sq. ft. Customary Home Occupation for Dog Grooming at 23 Wojtasik Drive as shown on submitted plans received 3/6/2023, subject to:

- 1. No outdoor activity area is permitted, and all grooming activity is limited to within the residential unit;**
- 2. No more than two clients are permitted on premises at any given time; and**
- 3. The hours of the operation will be 9 am to 5 pm, Tuesday through Saturday**
- 4. A review by the Zoning Enforcement Officer in nine months on compliance.**

Ms. Rys: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Harris – yes to approve; Rys - yes to approve, and Chairman Rusczek – yes to approve.

The application is approved.

2. #23-010/Special Exception Request/Rydzy/158 Mansion Road

3. #23-011/Variance Request/Rydzy/158 Mansion Road

Ms. Harris read the staff notes into the record. Applications #23-010 and #23-011 are companion applications to permit additional garage area and locate the proposed 1,008 sq. ft. detached garage within the yard setback at 158 Mansion Road in an RU-40 District. The Special Exception Request is for a

total garage area of 1,668 sq. ft. where 660 sq. ft. exists and 1,175 sq. ft. max is allowed as-of-right. The Variance Request is for a front yard of 26 ft. where 50 ft. is required to permit the 1,008 sq. ft. detached garage to be located accordingly. The applicant received Special Exception Approval and Variance Approvals in July 2022 for the proposed detached garage. As a result of limitations due to Wetlands, the applicant had to modify and redesign the proposed garage and thus return to ZBA for an alternate plan. The Special Exception Request increased in the area, but one Variance has been eliminated from the July 2022 Approval. This office has no issue with the modification and actual reduction from prior Approvals. The limitations of Wetlands as well as the topography and shape of the parcel demonstrate the unusual hardship. This office recommends the Board consider waiving all or part of the re-application fees associated with these applications due to the need to return to the ZBA with modification to prior approved plans.

Chairman Rusczek: Motion to waive the application fees on applications 23-010 and 23-011.

Mr. Wolfer: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Harris – yes to approve; Rys - yes to approve, and Chairman Rusczek – yes to approve.

Wayne Rydzy, 158 Mansion Road, and Wayne Garrick, 291 Whitney Avenue, New Haven, the architect presented. Mr. Rydzy explained that he had the lines drawn when he went to Wetlands back in July. This garage is going to have a lift and a heated concrete floor. So we want to get it away from the wetlands. We are trying to shift the building so we don't have an issue with the concrete cracking. Mr. Garrick reported that he noted that the back left-hand corner as per the plan would be a challenge due to the slope down to the creek and the need for a retaining wall. He suggested alternate approaches. He suggested moving it closer to the road and away from the steep slope. That resulted in a long narrow building as opposed to a standard three-car garage. He has designed the garage to be three sort of separate bays that are joined together. So no one really sees more than two bays at a time. Mr. Garrick continued, the main bay is taller though it is under the maximum. The two smaller bays surround it. It gives it a residential feel. The square footage is the same as the original application. This design works with the existing topography.

Mr. Conroy asked if that is the only spot it can be built without undue expense just to stop the concrete from cracking. Mr. Garrick replied that reinforcement of the concrete is one question but the idea of a 12 to 16 ft high retaining wall toward the creek and closer to the wetlands is. It was really a structural challenge. This design can be done on relatively standard footings, there's less grading and less disturbance. Mr. Conroy acknowledged the drop to the property behind.

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

Mr. Rys: Motion to approve application #23-010/Rydzy/158 Mansion Road for a Special Exception Request for 1,668 sq. ft. of garage area to construct a 1,008 sq. ft. detached garage at 158 Mansion Road as shown on the Property Survey of 158 Mansion Road, dated 5/9/2022, revision date 8/3/2022, and Proposed Garage Plan of 158 Mansion Road, dated 6/14/2022, revision date 3/15/2023.

Ms. Harris: 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 #23-011/Rydzy/158 Mansion Road for a Variance Request for a front yard of 26 ft. where 50 ft. is required to construct/locate a 1,008 sq. ft. detached garage at 158 Mansion Road as shown on Property Survey of 158 Mansion Road, dated 5/9/2022, revision date 8/3/2022, and Proposed Garage Plan of 158 Mansion Road, dated 6/14/2022, revision date 3/15/2023.

Ms. Harris: 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.

Ms. Torre noted that the applicant will need to modify with the Wetlands Commission. They will need to see the plans, but it doesn't have to be a meeting.

4. #23-012/Variance Request/Fleming/88 Pine Street

Ms. Harris read the staff notes into the record. The applicant requests side yards of 2 ft. each where 12 ft. is required, and building coverage of 30% where a maximum of 25% is allowed to construct a 624 sq. ft. detached garage at 88 Pine Street in an R-11 District. The applicant proposes to remove an existing shed where they would like to locate the detached garage. An existing 384 sq. ft. garage is to remain. 88 Pine Street is a corner lot with two front yards and two side yards. As such, there is no ability to avail of the 5 ft. side and rear setback option for detached garages and accessory structures since there is no 'rear' yard. The existing Building Coverage is 24.7% yielding 22 sq. ft. available on the property before exceeding coverage maximums. Although the applicant is proposing to remove an existing shed to replace it with a detached garage, the Board should condition any Approval on such. The existing 384 sq. ft. garage is currently located 2 ft. from the side boundary with 264 Ivy Street and pre-dates the inception of zoning. Although many properties in this early 1900s neighborhood have similarly located detached structures, the Board should consider whether moving the proposed garage 10 ft to the southeast toward Pine Street and/or 10 ft. to the northwest toward Ivy Street would eliminate the need for one or both side yard variance requests. In addition, there is correspondence received on April 14, 2023, from Steve and Kathy Knight.

Brent Fleming, 88 Pine Street explained that he has a single-car garage and wants to add a two-car garage. He put a stone driveway in already to the proposed garage location. There is a 10 x 16 shed at the end of that driveway. He needs a place to park his vehicle and store the yard tools.

Chairman Rusczek asked about pulling it away from the property line to avoid a variance. Mr. Fleming replied that if he goes with the 12 ft. setback it will take up most of the usable yard space. His back neighbor is the one who suggested matching the new garage to the existing garage. He admitted that he could move it but the hardship is that the lot size doesn't conform to today's standards. His proposal will match the neighbors'.

Mr. Rys noted that there is a fence along the left side of the gravel driveway. Mr. Fleming confirmed and stated that the gravel driveway would stay in place and would widen. He would move a couple of fence sections.

Ms. Harris asked if he has two driveways, one from Pine Street and one from Ivy Street. The proposed garage would be accessed from Pine Street. Mr. Fleming confirmed.

Ms. Torre asked if he has a curb cut from Pine Street. Mr. Fleming replied, yes.

Mr. Rys: Motion to approve application #23-012/Fleming/88 Pine Street for a Variance Request for a side yard (Pine Street) of 2 ft. where 12 ft. is required to construct a detached garage at 88 Pine Street as shown on Property Survey, Land of Brent L. and Jennifer P. Fleming 88 Pine Street, dated November 22, 2019, and submitted plans received 3/17/2023.

Mr. Conroy: Second

Vote: Conroy – yes 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. Wolfer: Motion to approve application #23-012/Fleming/88 Pine Street for a Variance Request for a side yard (Ivy Street) of 2 ft. where 12 ft. is required to construct a detached garage at 88 Pine Street as shown on Property Survey, Land of Brent L. and Jennifer P. Fleming 88 Pine Street, dated November 22, 2019, and submitted plans received 3/17/2023.

Mr. Conroy: Second

Vote: Conroy – yes 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. Wolfer: Motion to approve application #23-012/Fleming/88 Pine Street for a Building Coverage of 30% where a 25% maximum is permitted to construct a detached garage at 88 Pine Street as shown on Property Survey, Land of Brent L. and Jennifer P. Fleming 88 Pine Street, dated November 22, 2019, and submitted plans received 3/17/2023.

Mr. Conroy: Second

Vote: Conroy – yes to approve; Wolfer – yes to approve; Harris – yes to approve; Rys - yes to approve, and Chairman Rusczek – yes to approve.

The application is approved.

CONSIDERATION OF MINUTES

5. March 20, 2023, Regular Meeting

Mr. Wolfer: Motion to approve March 20, 2023, Zoning Board of Appeals Minutes as submitted.

Ms. Harris: Second

Vote: Unanimous to approve

ADJOURNMENT

Mr. Rys: Motion to adjourn at 7:40 pm.

Vote: Unanimous to approve

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary