

DRAFT

Wallingford Zoning Board of Appeals

Monday, May 18, 2020

7:00 p.m.

Meeting Conducted Remotely through GoToMeetings

Minutes

Present: Chairman Joseph Rusczek; Secretary Louis Czerwinski; Commissioners Thomas Wolfer; Samuel Carmody, Raymond Rys; **Alternate:** Bruce Conroy and Robert Parisi; Amy Torre, Zoning Enforcement Officer.

Chairman Rusczek called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited and a moment of silence observed in honor of those lost to COVID-19. Chairman Rusczek explained how the meeting would be conducted and provided instructions for participating.

Acting Chair Rys noted that tonight's decisions will be published in the Record-Journal on Friday, May 22, 2020. The effective date of your variance will be Friday, May 22, 2020; the date a certified copy is recorded on the land records. The statutory 15 –day appeal period will expire on Sunday, June 7, 2020. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Voting members are Carmody, Wolfer, Czerwinsky, Rys and Chairman Rusczek

Chairman Rusczek noted that application 20-004 and 20-008 requested no action at this meeting and will be heard at the June meeting.

PUBLIC HEARINGS

2. # 20-005 – Variance request/rear yard setback/David T. Warren Family Trust/809 North Main Street Extension.

Mr. Czerwinsky read the staff notes into the record: "Applicant seeks rear yard of 20 ft. where 50 ft. is required in order to construct a 1728 sq. ft. storage building/garage at 809 North Main Street Extension in an RF-40 District. Proposed storage building would be used for vehicle storage. Parcel is located abutting 844 North Colony Road along 2 boundaries (rear and the north side)." In addition there are two instances of correspondence from the Health Department.

Roslind Page, Personal Land Surveyor with Winterbourn Land Services, 604 Center Street, Wallingford presented with applicant, David MacDonald owner and operator of Wallingford Funeral Home. Ms Page stated that the application is to construct at 1728 sq ft storage building at the rear of the property in an RF-40 zone. She noted that typically property owners can add an accessory building within 5 feet of the property line, but in the RF-40 zones the regulations make conform to normal rear yard at back, which would be 50 ft. If they placed the structure within the setback, it will significantly impact the parking and circulation of cars for the business. Parking and circulation is very important for the funeral home. Ms. Page stated that the applicant is asking for a variance to put the structure 20 feet from the rear of the property line to facilitate the parking of business vehicles on site which are currently stored off site. Mr. MacDonald noted that he has spoken with the General Manager of Walmart, who had no objections to the proposal. Ms. Page read into the record a letter from the owner of the adjacent property to the south, Verna Family Trust: "Dated February 24, 2020. To whom it may concern, This letter is in regard to the proposed variance by Wallingford Funeral Home for garage located at 809 North Main Street. Verna

Family Insurance which owns the neighboring located at 801 North Main Street has no objections to variance proposed by the Wallingford Funeral Home. Signed by Mark Verna, owner of Verna Family Insurance.”

Chairman Rusczek asked the applicant what the hardship is for this application. Ms. Page replied that it is due to the layout and operation of the site. If they put the building within the parking lot, it would be an issue for the use of the site. Chairman Rusczek asked for verification that the purpose is to store funeral vehicles. Mr. MacDonald confirmed. He stated that he has to store several vehicles at his other location in Yalesville and he leaves three vehicles outside in the weather at this location. The garage would be best for plowing snow and maintenance. Chairman Rusczek clarified that this meeting is just talking about the setback and that they will need to go to Planning and Zoning. Mr. MacDonald concurred. He noted that they cleared the area and found it will allow a place to push snow in the winter as well as increase parking and it looks much better.

Mr. Carmody asked, the Health Department indicated to ask, if there is well or septic on the property. Mr. MacDonald replied that there is none to his knowledge as they are on city sewer.

Mr. Czerwinsky asked where the garage doors are on the map. Mr. MacDonald replied that they are where it is marked employee parking. Ms. Page indicated that per zoning they are not allowed to count those spaces for parking, so employees will use them.

Public Comment – none

Hearing no further questions or comments from the Board, Chairman Rusczek closed the public hearing and called for a motion.

Mr. Rys: Motion to approve application #20-005 Variance Request, rear yard of 20 ft. where 50 ft. is required in order to construct a 1728 sq. ft. storage building/garage at 809 North Main Street Extension as shown on submitted plans received February 13, 2020, and general location survey prepared by Davis T. Warren Family Trust dated February 10, 2020 subject to if there are wells or septic on the property.

Mr. Carmody: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Czerwinsky – yes to approve; Chairman Rusczek – yes to approve.

3. #20-006--Variance Request/Front Yard /Setback/MDT Realty, LLC/31 North Plains Highway. Mr. Czerwinski read the staff notes into the record: “Applicant is seeking front yard setback of 42.7 ft. where 42.7 ft. exists and 50 ft. is required in order to construct a second floor addition to the existing single family residential dwelling at 31 North Plains Highway in an I-40 Zone. Proposed second story to consist of +/- 1327 sq. ft. The building and residential use of the property are non-conforming, predating zoning. Expansion of the non-conforming building vertically necessitates this Variance request.” In addition there is correspondence from the Health Department and the Fire Department.

Roslind Page, Personal Land Surveyor with Winterbourn Land Services, 604 Center Street, Wallingford presented for MDT Realty LLC, the applicant. She stated that is dwelling pre-exists the zoning regulations and preexists North Plains Highway’s designation as industrial road. The house is actually 50 Ft. from the front property line. But because of the designated street line on North Plains Highway, we have to draw the designated street line 30 feet from the center line of the traveled way. That makes the designated setback actually 42.7 ft. instead of 50 ft. The applicant would like to build a second story to

the existing ranch house to provide more living space. The building was constructed before the current zoning regulations and before the designation as an industrial road.

Chairman Rusczek noted that the hardship is that it was built before zoning and that's the reason for the request for the request for the setback 42.7ft. He noted that any improvements would be good for the neighborhood.

Public Comment – none

Hearing no further questions or comments from the Board, Chairman Rusczek closed the public meeting and called for a motion.

Mr. Wolfer: Motion to approve application #20-006/Variance request for front yard setback of 42.7 ft. where 42.7 ft. exists and 50 ft. is required in order to construct a vertical addition to the existing single family residential dwelling at 31 North Plains Highway as shown on general location survey prepared for MDT Realty LLC, dated March 4, 2020 and subject to the Health Department request on whether a well or septic is on the property.

Mr. Rys: Second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Czerwinsky – yes to approve; Chairman Rusczek – yes to approve.

4. **#20-007 –Variance Request/Building Coverage/Stonewall Boundaries, LLC/23 Colonial Lane.** Mr. Czerwinski read the staff notes into the record: "Applicant seeks variance for building coverage in order to erect a detached two-bay garage. Site located in an R-18 District with maximum building coverage of 15%. Site is 8,371 sq. ft. in area with building coverage of 10.2% with no garage. Proposed garage is 24 ft. x 28 ft. and increases building coverage to 17.6%. One example of eliminating the need for Variance is to reduce proposed garage area to 511 sq. ft. Alternative(s) therefore exist to achieve compliance. Building elevations/plans not submitted with application so this office suggests including condition of any approval that garage height cannot exceed 15 ft." We also have correspondence from Daniel Dallas to Carol Ruggiero dated April 15, 2020 and a plot plan for 23 Colonial Lane dated April 17, 2020.

Paul Buckley Reynolds, Stonewall Boundaries, LLC, land surveyors at 8 Osage Drive, Wallingford and Mrs. Carol Dallas represented the applicant, Daniel Dallas. Mr. Reynolds noted that Mr. Dallas is a mechanic working in New York City during the COVID-19 pandemic repairing ambulances. Mr. Reynolds explained that the application is for a legally non-conforming lot in an R-18 zone in the neighborhood of Parkview. He noted that it is zoned inappropriately for the size of the lot. An R-18 zone should be for 18,000 sq. ft. for each lot and this lot is not even half that at 8,300 sq. ft. The proposal is for a 24 x 24 ft garage. It meets the setback requirements of 5 feet from the property line behind the residence. If this property was in any other residential zone it would have met the building coverage requirement. He stated that that there have been break-ins in the neighborhood and they have had property stolen from their yard. The house is only 858 Sq. Ft. so there's little room for storage. They will be eliminating the 56 sq. ft. shed. Total coverage will total 1740 sq. ft. Carol Dallas added that they don't have much storage in the house and need a place for cars and lawn furniture. Their cars were broken into a couple weeks ago. Mr. Reynolds commented on the staff suggestion to limit the garage to 511 sq. ft. that that would only be 22 ft x 22 ft, which is a small garage for the cost.

Chairman Rusczek asked what the hardship is. Mr. Reynolds replied that this is a legally non-conforming lot, pre-existing zoning, and zoned erroneously for a parcel of only 8,371 sq ft. Chairman Rusczek asked

for confirmation that the shed would be removed. Mrs. Dallas confirmed that. Chairman Rusczek asked if there were any objections to the removal of the shed being added to the conditions. Mrs. Dallas stated no objections.

Mr. Carmody suggested adding a condition that the garage height not exceed 15 Ft. Mr. Reynolds agreed.

Mr. Czerwinski asked if they could build a two car garage that fit into the recommended 511 sq. ft. that would fit within the zoning regs. Mr. Reynolds replied that to meet the 511 sq. ft. the garage would be 22 ft. x 22 ft while most standard garages are 24 ft wide. This would be a tight fit for the family vehicles and not allow other storage.

Mr. Parisi commented that he likes the idea of removing the shed.

Public Comment – none

Hearing no further questions or comments from the Board, Chairman Rusczek closed the public hearing and called for a motion.

Mr. Wolfer: Motion to approve application #20-007, Variance request for building coverage of 17.6% where 10.2% exists and the maximum 15% is permitted to construct a detached 28 x 24 ft garage at 23 Colonial Lane as shown on the proposed plot plan for Daniel Dallas, prepared by Stonewell Boundaries LLC, dated April 6, 2020 with the following conditions:

1. That the shed be removed
2. That the notification to the Health Department whether the property sits on a septic or well

Mr. Rys: Second

Mr. Carmody asked for an amendment to add the condition on the height not exceed 15 ft.

Mr. Wolfer accepted the amendment.

Condition 3: The height of the garage is not to exceed 15 ft.

Mr. Rys: second

Vote: Carmody – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Czerwinsky – yes to approve; Chairman Rusczek – yes to approve.

CONSIDERATION OF MINUTES

6. February 18, 2020 Regular Meeting

Mr. Wolfer asked for a correction to the list of voting members. Replace: "Voting members were Carmody, Wolfer, Czerwinsky (voting for Rusczek), and Acting Chair Rys." He recommended removing the words "voting for..". Chairman Rusczek noted that he had asked Mr. Czerwinsky to vote in his absence. Mr. Wolfer noted that Mr. Czerwinsky is a voting member anyway. Mr. Parisi noted that he was in attendance and voted on behalf of Chairman Rusczek.

It was agreed to change the minutes to reflect the following: "Voting members were Carmody, Wolfer, Czerwinsky, Parisi (voting for Rusczek), and Acting Chair Rys."

Chairman Rusczek recommended reviewing and approving the revised minutes at the June meeting.

ADJOURNMENT

Mr. Wolfer: Motion to Adjourn at 7:45 pm.

Mr. Rys: Second

Vote: Unanimous to approve

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary

