

Wallingford Zoning Board of Appeals

September 16, 2024

7:00 p.m.

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

Minutes

Present: Joseph Rusczek, Chairman; Board Members: Thomas Wolfer; Raymond Rys; Karen Raddatz; 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 Gross, Wolfer, Rys, Raddatz, and Chairman Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, September 20, 2024. The effective date of your variance will be Friday, September 20, 2024; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, October 6, 2024. If you commence operations and/or construction during the appeal period, you do so at your own risk.

PUBLIC HEARINGS

1. **#24-020/Special Exception Request/Woronick/312 Parker Farms Road**
2. **#24-016/Variance Request/Woronick/312 Parker Farms Road**

Ms. Raddatz read the staff notes into the record. Applications 24-020 and 24-016 are companion applications for the same project/proposal to construct a 576 sq. ft. addition to the attached garage at 312 Parker Farms Road in an RU-40 District. Application #24-020 is a Special Exception request for a total garage area of 1,152 sq. ft. where 576 sq. ft. exists, 576 sq. ft. is proposed and a maximum of 936 sq. ft. is permitted as-of-right without the Special Exception Request (the request is for 216 additional sq. ft.) Application #24-016 is a Variance Request for a side yard of 22 ft. where 22 ft. exists and 30 ft. is required to locate the single-story garage addition to the rear of the existing attached garage, expanding the existing non-conforming side yard of 22 ft. an additional 24 ft. The parcel and dwelling predate zoning allowing the existing non-conformity yet any expansion requires variance approval.

Danny Woronick, 312 Parker Farms Road presented. Mr. Woronick explained that he has a two-car garage and needs space for two cars and his tractor and garden supplies. He proposes to it out to the back so there is room for one other car. It would be no further toward the property line.

Chairman Rusczek asked if it's just going back 24 ft. and will be the same 22 ft. off the property line that's existing. He also asked if it is mainly for cars. Mr. Woronick said yes to all.

Mr. Wolfer asked if any repairs would be done to the cars inside. Mr. Woronick replied no. The addition is just to get the cars out of the elements. Mr. Wolfer asked if it would just be used for storage. Mr. Woronick said yes.

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

Mr. Rys: Motion to approve #24-020 Special Exception Request for Woronick at 312 Parker Farms Road for a garage area of 1,152 sq. ft. where 936 sq. ft. maximum is permitted to construct a 576 sq. ft. addition to the rear of an attached garage at 312 Parker Farms Road as shown on Map Showing Parcel of Property of Alfred W. and Naomi Germain to be conveyed to Roger L. and Gloria Hocking, Parker Farms Road, Wallingford, Conn., dated 8/27/1982.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

Mr. Rys: Motion to approve #24-016 Variance Request for Woronick at 312 Parker Farms Road for a side yard of 22 ft. where 30 ft. is required to construct a 576 sq. ft. addition to the rear of the attached garage at 312 Parker Farms Road as shown on Map Showing Parcel of Property of Alfred W. and Naomi Germain to be conveyed to Roger L. and Gloria Hocking, Parker Farms Road, Wallingford, Conn., dated 8/27/1982.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

3. #24-021/Special Exception Request/Severson/33 Maltby Lane

4. #24-025/Variance Request/Severson/33 Maltby Lane

Ms. Raddatz read the staff notes into the record. Applications 24-021 and 24-025 are companion applications for the same project/proposal to construct a 624 sq. ft. detached garage at 33 Maltby Lane in an RU-80 District. The applicant requests a total garage area of 1,924 sq. ft. where 1,300 sq. ft. exists and a maximum of 1,300 sq. ft. is permitted by a Special Exception approved in June 2017. The current request is for an additional 624 sq. ft. of garage. Variance Request #24-025 is to locate the detached garage on the property requiring a front yard of 35 ft. where 75 ft. is required. The lot is irregularly shaped, has wetlands limitations, and abuts the Town of Wallingford Open Space (Tyler Mill) on 3 sides. The applicant was denied a Special Exception for 2,752 sq. ft. of garage area in March of 2024. This Special Exception Request significantly reduces the garage area previously requested by approximately 70%. The proposed detached garage would require some relief from the setback regulations wherever it is located on the parcel due to the topography, shape of the lot, and the location and orientation of the dwelling. The proposed garage would be well out of any view from any other residence or street. In addition, there is an Inter-Departmental Memo from the Inland Wetlands Commission.

Eric Severson, 33 Maltby Lane explained that he wants a building to park his tractor, mower, tractor accessories, etc.

Chairman Rusczek noted that he presented an application in March for a bigger garage in a different location. Mr. Severson agreed. Chairman Rusczek clarified that there would be no commercial activity. Mr. Severson agreed and added that there would be no second floor and no driveway. The building would be about 200 feet away from the road.

Mr. Gross asked why it was placed there. Mr. Severson explained that there is a drainage swale down the middle of the property and he was denied his request to build on a location in the back. Mr. Gross asked if this was the only place it could be built.

Ms. Torre noted that in his last application, it was in the rear yard. The property is triangle-shaped. To avoid the drainage swale and be an ample distance away from the swale, he needs some sort of relief.

Ms. Torre added for the record that correspondence also included the Inland Wetlands Soil Report.

Mr. Gross asked if the applicant was going to build it himself. Mr. Severson replied that it is a post and beam barn kit and will be 24 ft. x 26 ft.

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

Mr. Rys: Motion to approve #24-021 Special Exception Request for Severson at 33 Maltby Lane for a total garage area of 1,924 sq. ft. where a maximum of 936 sq. ft is permitted to construct a 624 sq. ft. detached garage at 33 Maltby Lane as shown on partial Property Survey, lot at 33 Maltby Lane and plans received August 15, 2024, subject to:

1. Comments of the Environmental Planner dated September 10, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

Mr. Rys: Motion to approve #24-025 Variance Request for Severson at 33 Maltby Lane for a front yard of 35 ft. where 75 ft. is required to locate a 624 sq. ft. detached garage at 33 Maltby Lane as shown on partial Property Survey, lot at 33 Maltby Lane and plans received August 15, 2024, subject to:

1. Comments of the Environmental Planner dated September 10, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

5. #24-022/Variance Request/Gomez/142 Ward Street

Ms. Raddatz read the staff notes into the record. The request is for a rear yard of 26 ft. where 26 ft. exists and 30 ft. is required to construct a partial dormer on the Northwest side of the dwelling at 142 Ward Street in an R-6 District. The structure is a 3 family home with one dwelling unit per story. The 3rd floor has height limitations due to the various roof lines. The applicant would like to add an approximately 310 sq. ft. dormer to the Northwest section of the home. The 26 ft. rear yard is existing and an expansion of a couple feet to the existing wall height for a less than 150 sq. ft. gain of added headroom still necessitates a Variance Approval to construct.

Ghissela and Miguel Gomez, 142 Ward Street presented. Ms. Gomez explained that they live on the property and they want to add a little headroom on the northwest side of the third-floor apartment. This will open up the inside of the house. They will be doing a new roof as well due to a fire on the 3rd floor.

Chairman Rusczek clarified that they are not expanding the non-conformity, just opening up the roof for more room on the 3rd floor. Ms. Gomez confirmed that there is an existing dormer there but there are several different rooflines.

Mr. Gross clarified that they are raising the roof so the living space is more comfortable. Ms. Gomez said yes.

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

Mr. Rys: Motion to approve #24-022 Variance Request for Gomez at 142 Ward Street for a rear yard of 26 ft. where 30 ft. is required to construct a partial dormer on the Northwest section of the dwelling at 142 Ward Street as shown on Improvement Location Survey, 142 Ward Street, Wallingford, property of Miguel P. Gomez, dated 8/8/2024, and submitted plans received August 16, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

6. #24-023/Variance Request/Greco/26 Tremper Drive

Ms. Raddatz read the staff notes into the record. The applicant requests Variance Approval for a side yard of 10.05 ft. where 20 ft. is required and 12.15 ft. exists to construct a 372 sq. ft. wrap-around deck to the side and rear of the dwelling at 21 Tremper Drive in an R-18 District. Regulations permit uncovered decks to project to the rear without setback, yet must be compliant with side and front setbacks. The side yard variance request is necessary as the applicant proposes expanding an existing 4ft. x 6 ft. side deck to 6 ft. x 20 ft. The rear portion of the deck along the rear of the dwelling is compliant. The property pre-dates zoning and is currently non-conforming with regard to lot area, street frontage, and side yard setbacks. One consideration the Board should consider is the hardship with an expansion from 24 sq. ft. of existing side deck to 120 sq. ft. of side deck. The Board may evaluate a lesser variance that does not expand the side deck further into the setback but rather extends one dimension (the existing deck width to the rear with a 4 ft. x 20 ft. side deck) thus reducing

the encroaching deck area proposed by 40 ft. Another option is to eliminate the side deck and add an alternate means of entry to the rear deck from either side. No Variance would be required, eliminating the additional side yard portion of the deck. Currently, the driveway is on the opposite side of the dwelling than the deck side, therefore this is not being a primary entry point to the house.

Peter and Shinese Greco, 26 Tremper Drive presented. Mr. Greco explained that there is a deck on the side of the house built over a concrete step. They want to remove the old wood decking and build a deck out the side door and around the back. This will give them a bigger exit and entry point into the house.

Chairman Rusczek asked if they have thought about keeping the side deck to 4 ft. as suggested by the zoning office. Mr. Greco replied that they could but it would be tight. Ms. Greco added that when they bought the house it had an existing deck over the concrete step. Ms. Greco added that they intend to stay in the house for a while.

Chairman Rusczek confirmed that they want to go with the 6 ft. wide side deck. Mr. Greco confirmed. He stated that they shared the plans with their neighbors and they are supportive.

Mr. Gross asked if this door is used more than the front door. Ms. Greco replied that they use both doors. Mr. Gross verified that there is no bilco or cellar door on the back of the house. He asked if they would consider doing the deck on the other side of the house. Mr. Greco replied that there was no door on the other side. Ms. Greco added that the deck doesn't go all the way. She confirmed that they will not expand that deck. Mr. Gross asked about the hardship. Mr. Greco replied that the setbacks are 20 ft and the property is only 67 ft. wide. The property predates zoning. With the setbacks, there is no room for construction. He added that they did look at doing a patio, but there is a big slope in the back. Mr. Gross verified that they don't want to take the advice of the Zoning Office for alternate plans. Mr. Greco stated that they would like the 6 ft for easier to get in and out of the house. Mr. Gross noted that it comes down to grass. Mr. Greco confirmed.

Chairman Rusczek stated that it looks like it's non-conforming now, and they are making it more non-conforming. So no matter where they put it there would be a variance.

Ms. Raddatz asked if all the properties in the area were non-conforming. Ms. Torre replied yes. All the properties pre-date zoning. She noted that her suggestions were for the Board to consider. Expanding the existing non-conformity is better than making it more non-conforming.

Mr. Greco stated that they can't do a driveway on that side due to a telephone pole.

Ms. Torre added that technically we consider decks to be portable and don't require a survey. On one hand, it's a big ask for a little thing but on the other, it's something that's not necessary for reasonable enjoyment of the home.

Mr. Gross confirmed it is not covered. Mr. Greco confirmed.

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

Mr. Rys: Motion to approve #24-023 Variance Request for Greco at 26 Tremper Drive for a side yard of 10.05 ft. where 20 ft. is required to construct a wrap-around deck at 26 Tremper Drive as shown on Proposed Plot Plan, Land of Peter Greco, 26 Tremper Drive, dated August 15, 2024, and submitted plans received August 16, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

7. #24-024/Variance Request/Heidgerd/6 Bailey Avenue

Ms. Raddatz read the staff notes into the record. The applicant proposes a side yard (western side) of 12.97 ft. where 20 ft. is required and 16.08 ft. exists to construct a 256 sq. ft. single-story addition and a 14.81 ft. side yard (easterly side) where 20 ft. is required and 15.51 ft. exists to construct/add bulkhead/Bilco basement entryway. The dwelling and lot pre-date zoning and are currently non-conforming with regard to setback requirements and street frontage (i.e. lot width). As such, although a compliant lot area exists, the lot has nearly ½ the required width for the zone with an elongated length. The side yard request on the western side for the bulkhead is approximately 6.8 inches less than the existing western side yard and is required solely for the installation of the Bilco entry rather than part of the proposed addition.

Richard Heidgerd, 6 Bailey Avenue, explained that this lot is 60 ft. wide and they have to have 20 feet on both sides. So the property is non-conforming. He wants to go out back and add a kitchen and dining room. He will be encroaching on the sides slightly more than what's there. He will also move the Bilco to the side.

Chairman Rusczek clarified that it is a single-story addition and Bilco door. Mr. Heidgerd confirmed and added that he will end up with 1500 sq. ft. He added that it will fit into the neighborhood.

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

Mr. Rys: Motion to approve #24-024 Variance Request for Heidgerd at 6 Bailey Avenue for side yards of 12.97 ft. and 14.81 ft. where 20 ft. is required to construct a single story addition and bulkhead entry at 6 Bailey Avenue as shown on Proposed Plot Plan, Land of Richard Heidgerd, 6 Bailey Avenue dated August 15, 2024 and submitted plans received August 16, 2024.

Mr. Wolfer: Second

Vote: Gross – yes to approve; Wolfer – yes to approve; Rys – yes to approve; Raddatz - yes to approve; and Chairman Rusczek – yes to approve.

The application is approved.

CONSIDERATION OF MINUTES

1. July 15, 2024, Regular Meeting

Mr. Wolfer: Motion to accept the July 15, 2024, Zoning Board of Appeals Minutes as submitted.

Ms. Raddatz: Second
Vote: Unanimous

ADJOURNMENT

Mr. Wolfer: Motion to adjourn the September 16, 2024, regular meeting of the Zoning Board of Appeals at 7:40 p.m.

Ms. Raddatz: Second
Vote: Unanimous

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary