

**Wallingford Zoning Board of Appeals**

**Monday, May 16, 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: Thomas Wolfer; 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 Wolfer, Rys, Harris, and Rusczek.

Chairman Rusczek noted that tonight's decisions will be published in the Record-Journal on Friday, May 20, 2022. The effective date of your variance will be Friday, May 20, 2022; the date a certified copy is recorded on the land records. The statutory 15-day appeal period will expire on Sunday, June 5, 2022. If you commence operations and/or construction during the appeal period, you do so at your own risk.

Chairman Rusczek apologized and announced that there are only be 4 board members at the meeting tonight when normally there are five. At least 4 votes are needed to pass a variance. He gave the applicants the option to continue to the June meeting in hopes of having 5 members in attendance. Ms. Torre explained that if the public hearing is not opened there is no penalty for continuing but they will need to re-notify. Both applicants confirmed that they prefer to be heard tonight.

**PUBLIC HEARINGS**

**1. #22-019 – Variance Request/Gawdun (Chick-Fil-A)/1098 North Colony Road**

Mr. Rys read the staff notes into the record. The applicant seeks a variance for a side yard of 16.8 ft. where 20 ft. exists and 20 ft. is required to construct a meal delivery and drive-thru customer canopies at 1098 North Colony Road in an RF-40 District. The drive-thru canopy is not encroaching and requires no ZBA Approval. The variance request pertains to the 698 sq. ft. canopy to be erected on the southern side of the building, covering the pick-up window. The applicant is not proposing any changes to the existing parking or drive aisles as a result. The applicant will be proceeding to the Planning and Zoning Commission for the site plan modification. Correspondence included a correspondence from the Fire Marshal asking for the building plans to be submitted for review if approved.

Jason Rosier, 5200 Buffington Road, Atlanta, GA presented the application. They are asking for the North side setback to be able to serve guests and protect team members. They hope to construct delivery canopies on both the order and delivery sides. The canopy is structurally attached to the building, with nothing in the ground. It hangs over the setback by a few feet. It is heated and lit fully for safety. There will be a striped walkway with bollards. The first reason is to protect the team members from the elements, and the second is to speed customer traffic on and off the lot.

Chairman Rusczek asked if there is a canopy in place now. Mr. Rosier replied there is only a small awning over the window now. The canopy will go out 50 to 60 ft. to cover several cars. Chairman

Rusczek asked if it is attached to the building. Mr. Rosier replied yes, structurally attached and supported by the building.

Mr. Wolfer asked if Mr. Rosier has experience installing these canopies at other locations. Mr. Rosier replied yes, they've installed 50 or 60 so far this year.

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

**Mr. Rys: Motion to approve application #22-019/Gawdan/1098 North Colony Road, variance request for side yard of 16.8 ft. to construct meal delivery and drive-thru customer canopies at 1098 North Colony Road as shown on Project Data Site Plan, Canopy Program, Chick-Fil-A Store #3370, 1098 North Colony Road, and accompanying submitted plans, dated 03/17/22 and received 04/05/22.**

**Mr. Wolfer: Second**

**Vote: Wolfer – yes to approve; Harris – yes to approve; Rys – yes to approve and Chairman Rusczek – yes to approve.**

The variance is approved.

## **2. #22-020 – Variance Request/Suraci/35 Apple Street**

Mr. Rys read the staff notes into the record. The applicant seeks Variances for a front yard of 34.3 ft. where 40 ft. is required, a side yard of 5.5 ft. where 20 ft. is required, and building coverage of 26% where 15% maximum is permitted to construct a 560 sq. ft. (14' x 40') detached garage at 35 Apple Street in an R-18 District. The parcel is an undersized (8,667 sq. ft. where the zone requires a min. of 18,000 sq. ft.), corner lot predating the inception of zoning. The parcel currently has no garage. The applicant has proposed the removal of the existing sheds in order to construct the garage. The Board should condition any approval on the removal of the existing accessory structures. The Board should also consider if the applicant were to reduce the dimensions of the proposed garage to 14' x 34', the front yard variance request could be eliminated as the front yard would be compliant. Correspondence included correspondence from the Health Inspector noting if the property is served by septic and/or well a 6100a form must be submitted.

Denise Suraci, 35 Apple Street stated that they don't have a septic or well. She explained that they currently have no garage and want to build a 14'x40' detached garage in their side yard. It will be storage for cars and equipment, such as a lawnmower.

Chairman Rusczek asked if all the sheds on the property will be removed. Ms. Suraci replied yes, the woodshed will be knocked down and the two plastic ones will be removed. Chairman Rusczek asked if they would consider reducing the size of the garage to be more conforming. Ms. Suraci replied that they prefer not as they want the storage space. Chairman Rusczek asked if she is firm on that size. Ms. Suraci replied yes.

Ms. Harris asked where the equipment is being stored now. Ms. Suraci replied outdoors. Ms. Harris asked how many cars they have. Ms. Suraci replied two.

Mr. Rys asked if this is the best place on the property to put the garage. Ms. Suraci replied that it is not a big yard. The other side is considered a front yard and they couldn't do the same size garage there. Mr. Rys asked if the storage container will be removed from the driveway when the garage is built. Ms. Suraci replied yes.

Ms. Torre noted that she didn't know about the storage container and that it is not permitted. She added that the other side of the house would not be compliant either. She recommended reducing the garage by 6 ft. to remove one variance. The applicant has the means to reduce the request.

Ms. Harris asked if there is any other place on the property for the size garage they want without needing variances. Ms. Torre replied no.

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

**Mr. Rys: Motion to approve #22-020/Suraci/35 Apple Street, Variance Request for front yard of 34.3 ft. where 40 ft. is required to construct a detached, single-story garage at 35 Apple Street as shown on Improvement Location Survey, Proposed Garage, Land of Richard H. and Denise A. Suraci, 35 Apple Street dated 11/19/21 and submitted plans received 4/7/22, subject to:**

- 1. Removal of all existing accessory structures/outbuildings prior to construction commencement.**

**Mr. Wolfer: Second**

**Vote: Wolfer – yes to approve; Harris – yes to approve; Rys – no to approve and Chairman Rusczyk – yes to approve.**

The variance is denied.

**Mr. Rys: Motion to approve #22-020/Suraci/35 Apple Street, Variance Request for a side yard of 5.5 ft. where 20 ft. is required to construct a detached, single-story garage at 35 Apple Street as shown on Improvement Location Survey, Proposed Garage, Land of Richard H. and Denise A. Suraci, 35 Apple Street dated 11/19/21 and submitted plans received 4/7/22, subject to:**

- 1. Removal of all existing accessory structures/outbuildings prior to construction commencement.**

**Mr. Wolfer: Second**

**Vote: Wolfer – yes to approve; Harris – yes to approve; Rys – no to approve and Chairman Rusczyk – yes to approve.**

The variance is denied.

**Mr. Rys: Motion to approve #22-020/Suraci/35 Apple Street, Variance Request for building coverage of 26% where 15% maximum is permitted to construct a detached, single-story garage at 35 Apple Street as shown on Improvement Location Survey, Proposed Garage, Land of Richard H. and Denise A. Suraci, 35 Apple Street dated 11/19/21 and submitted plans received 4/7/22, subject to:**

- 1. Removal of all existing accessory structures/outbuildings prior to construction commencement.**

**Mr. Wolfer: Second**

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

The variance is denied.

**CONSIDERATION OF MINUTES**

**Mr. Wolfer: Motion to approve the Zoning Board of Appeals minutes from April 18, 2022, as submitted.**

**Mr. Rys: Second**

**Vote: Unanimous to approve**

**ADJOURNMENT**

**Mr. Rys: Motion to adjourn the May 16, 2022 meeting at approximately 7:20 pm.**

**Mr. Wolfer: Second**

**Vote: Unanimous to approve**

Respectfully Submitted,  
Cheryl-Ann Tubby  
Recording Secretary