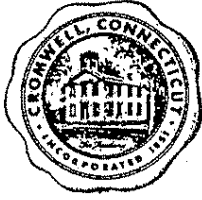


RECEIVED FOR FILING  
8-11 2010 at 2:30 P.M.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.



**Town of Cromwell  
Zoning Board of Appeals**

*Jean A. Lyman*  
TOWN CLERK

**PUBLIC HEARING AND REGULAR MEETING  
7:00 P.M. TUESDAY, AUGUST 24, 2010  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

**AGENDA**

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. Public Hearing:
  - a. Application #10-12: Variance from Article 3.1.24 (Maximum Height of an Unattached Garage) to construct an addition approximately 19' high at 68 Washington Road. Charles and Barbara Cota, owner/applicant.
7. Old Business: None.
8. New Business: None
9. Approval of Minutes:
  - a. July 27, 2010
10. Adjourn

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF CROMWELL ZONING BOARD OF APPEALS

The Cromwell Zoning Board of Appeals will hold a Public Hearing and Regular Meeting at 7:00 pm on Tuesday, August 24, 2010 in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:


1. Application #10-12: Variance from Article 3.1.24 (Maximum Height of an Unattached Garage) to construct an addition approximately 19' high at 68 Washington Road. Charles and Barbara Cota, owner/applicant.

At this hearing interested parties may appear and be heard, and written testimony received. This application is on file in the office of the Town Planner at 41 West Street, Cromwell, CT.

Thomas Tokarz  
Chairman

Dated in Cromwell, Connecticut this 12th day of August 2010

# Memo

**To:** Zoning Board of Appeals  
**From:** Craig Minor, AICP   
Town Planner  
**Date:** August 18, 2010  
**Re:** ZBA meeting on August 24, 2010

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## 6. Public Hearing:

a. Application #10-12: Variance from Article 3.1.24 (Maximum Height of an Unattached Garage) to construct an addition approximately 19' high at 68 Washington Road. Charles and Barbara Cota, owner/applicant.

On August 3, 2010 Zoning Enforcement Officer Fred Curtin sent a letter to Charles and Barbara Cota informing them that the addition to their detached garage was a zoning violation. The addition, which they constructed without a building permit, exceeds the 18' maximum allowable height for a private garage by about 10". The Cotas have applied for a variance to keep the addition.

The main hardship claimed by the applicants is the topography: the garage is in an area that slopes downward, as can be seen by the topo lines on the attached aerial photograph. The garage is "banked" into the side of a hill, which makes the floor of the addition about five feet lower than the floor of the garage. Mr. Curtin has told me that when calculating the height of a structure on the side of a hill, he measures from the lowest point to the highest point.

The second "hardship" claimed by the applicants is that they have already built it. The application mentions a previous addition called "the shed" (the rear one-third of the garage in the aerial photo). During our meeting the Cotas told me that they had obtained a building permit when they built the previous addition, but not for the replacement addition. They also told me that they needed the extra 10" to keep the addition in harmony with the existing garage. However, the addition is actually about 10" higher than the garage: if they had built up to the ridgeline of the garage, it would have been in compliance with the zoning regulations.

cc:  
Charles and Barbara Cota  
ZEO  
file

### TOWN OF CROMWELL ZONING BOARD OF APPEALS

#### APPLICATION FOR VARIANCE, ZONING APPEAL, DMV LOCATION APPROVAL, OR CHANGE OF NON-CONFORMING USE SPECIAL PERMIT

Address: 68 Washington Road		Map/Block/Lot: N/A	
Zoning District: A-25		PIN #: 00104500	Volume/Page: 395/22
Applicant: Charles, Barbara Cota		Property Owner: Same	
Home or Business Address: 68 Washington RD		Home or Business Address: Same	
Phone: 860 635 5223		Phone: Same	
<p><i>I hereby certify that the information presented is to the best of my knowledge true and accurate, and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.</i></p>		<p><i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i></p>	
Signature: Charles & Barbara Cota		Signature:	
<p><b>Type of Application (check one):</b></p> <p><input checked="" type="checkbox"/> Variance from Article 3.1.24 of the Zoning Regulations.</p> <p><input type="checkbox"/> Appeal from ZEO Decision dated _____.</p> <p><input type="checkbox"/> Change of Non-Conforming Use Special Permit.</p> <p><input type="checkbox"/> Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)</p>			
<p><b>Description of Request:</b></p> <p>1. replace existing shed 10" deeper than the allowed 18 feet.</p>			

**Justification for Request:**

If Applying for a variance, state the hardship and explain why the variance is required.

If appealing a Decision of the ZEO, explain why you feel the ZEO is wrong.

If Applying for a Change in Non-Conforming Use Special Permit, explain how the new use will be less non-conforming than the current use.

If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

1. Topography of land - land slopes down from 1 end of side to the other 3 feet

2. the old shed has already been replaced by the new one

1. If you are applying for a variance to reduce a minimum setback by one-half or more, you must submit either a "zoning location survey" or a recent "as-built survey". This survey should show the location of the desired building, the setbacks, and as much of the site as is necessary to illustrate what you are requesting. Photocopies of the Tax Assessor's Map are not acceptable.

2. Written notice must be sent to the owners of property across the street and property that abuts this property not less than 14 days before the public hearing. A "certificate of mailing" must be submitted to the ZBA not less than 10 days before the hearing.

3. A sign must be posted on the property not less than 14 days before the public hearing per Article 21.1 of the zoning regulations.

Charles Cota

applicant

Barbara Cota

8/9/10

date

68 Washington Road



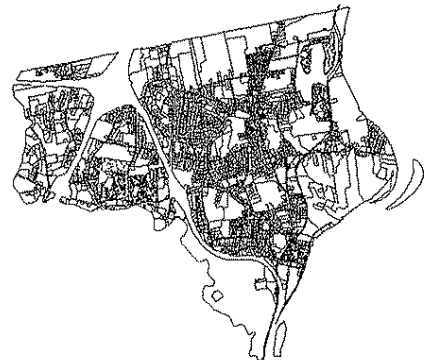
Property Information

Property ID 00104500  
Location 68 WASHINGTON ROAD  
Owner Name COTA CHARLES J & BARBARA



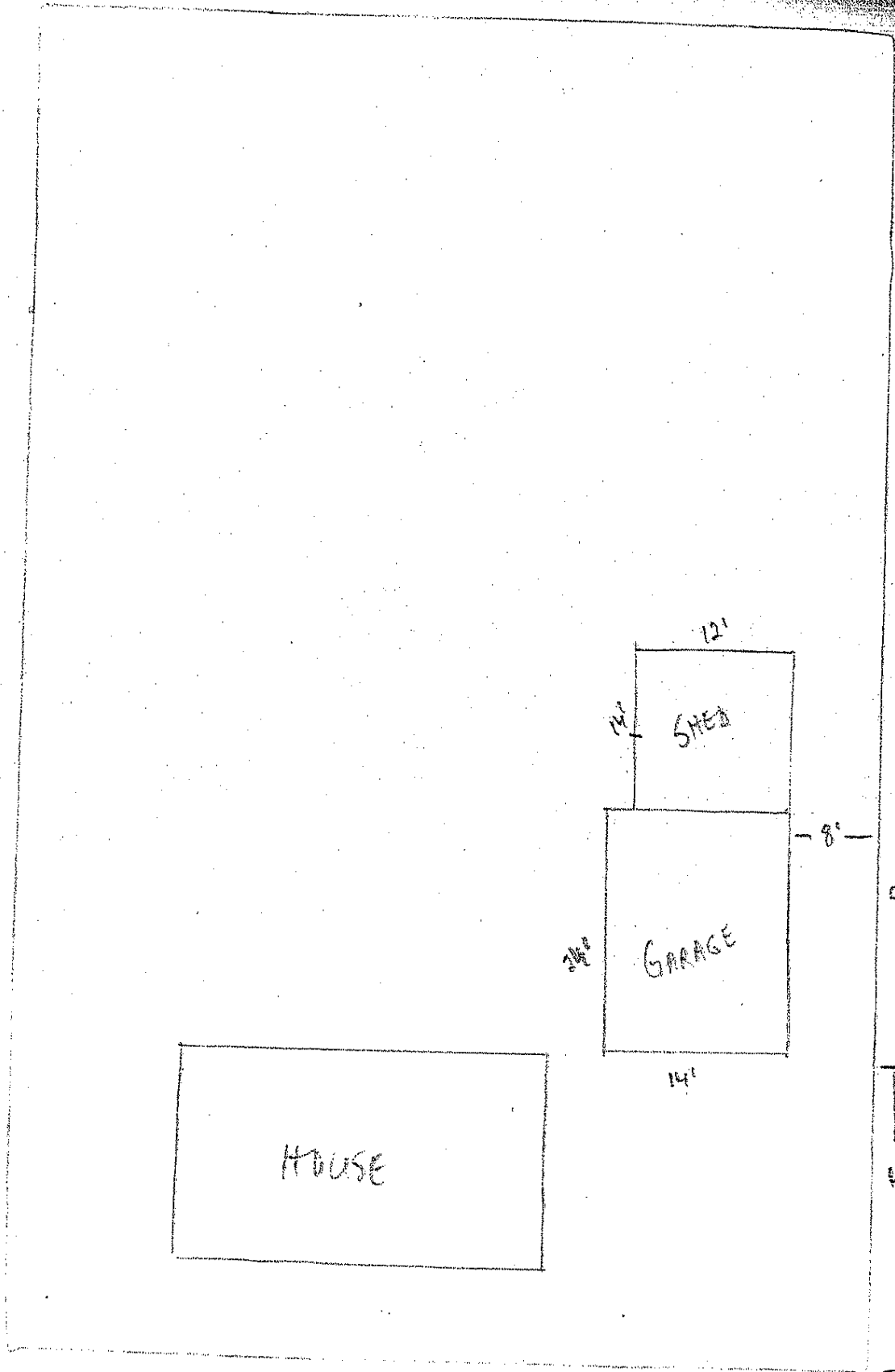
MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

The Town of Cromwell makes no claims, no representations, and no warranties, expressed or implied, concerning the validity (expressed or implied), the reliability, or the accuracy of the GIS data and GIS data products furnished by the Town, including the implied validity of any uses of such data. The use of this data, in any such manner, shall not supercede any federal, state or local laws or regulations.



68 WASHINGTON RD

200'



120

12'

14'

SHED

8'

14'

GARAGE

14'

PROPERTY LINE

75'

HOUSE

75'

5150

for your maille  
any kept by the f  
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may ONLY be combine  
I may not available for any c  
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es, please consider insur  
Form, a fee  
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TOWN OF CROMWELL  
COMMUNITY DEVELOPMENT  
41 West Street, Cromwell, CT 06416

7007 0710 0005 5947 3388

August 3, 2010

Mr. Charles J. Cota  
Mrs. Barbara A. Cota  
68 Washington Road  
Cromwell, CT 06416

Re: 68 Washington Road  
Cromwell, CT

**NOTICE OF DECISION**

Dear Mr. & Mrs. Cota:

Thank you for meeting with me on July 16, 2010, regarding the height of the unattached garage.

Upon reviewing Section 3.1.24 of the Cromwell Zoning Regulations, I've determined that your new unattached garage exceeds the "overall height" as per your Zoning Approval permit #10-95 which allows a maximum "overall height" of eighteen feet. Your new garage exceeds the allowable eighteen feet.

By receipt of this notice, you must reduce this "overall height" to eighteen feet. The "overall height" is measured from extreme point, thus being the East end of the unattached garage. There is no averaging height on unattached garages. The height reduction must be completed by August 16, 2010.

If you feel that I have issued this Notice of Decision in error, you have the right to appeal this decision to the Cromwell Zoning Board of Appeals as per Section 2-7 of the Connecticut General Statutes. The appeal must be in writing and submitted to Ms. Greta O'Connell within 30 days from today's date. The amount of the appeal is \$160.00.

Sincerely,



Fred Curtin  
Zoning Officer  
Town of Cromwell

c: Joe Mazurek, Director of Community Development  
Dave Jolley, Building Official

- 3.1.20 Farm: An area of five (5) or more acres devoted to farm uses, for gain or the expectation of gain, in the raising of agricultural products, livestock, poultry, or dairy products. It includes necessary structures within the prescribed limits and the storage of materials and equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables, and dog kennels.
- 3.1.21 Filling Station, Gas Station. Any building or premises so used for the sale of gasoline as to require a license from the Commissioner of Motor Vehicles as provided in Section 14-321 of Chapter 250 of the General Statutes, 1958 Revision, as amended. It shall also include any building or premises used for polishing, greasing, washing, repairing or servicing of motor vehicles and the hiring of vehicles and equipment trailers.
- 3.1.22 Floor Area. That area which has a minimum head room of seven (7) feet when measured vertically upward from a finished floor; but in the area next below the roof such space shall be counted only if it is connected with the floor below by a permanent inside stairway. Basement rooms; garages or any other form of attached structure; cellars; rooms for heating equipment; and open or enclosed porches shall not be included.
- 3.1.23 Garage, Community. A structure or a series of structures for storage of automobiles of residents of the neighborhood and not used for the making of repairs for profit.
- 3.1.24 Garage, Private: A structure intended or designed to be used for storage of motor vehicles. Unattached private garages must comply with the accessory building setbacks and shall not exceed eighteen feet in overall height. Large domestic animal pets may not be kept in a private garage.
- 3.1.25 Garage, Public. A building other than a private or community garage used for maintenance, repair and storage of motor vehicles as well as sale, lease and hire of vehicles.
- 3.1.26 Golf Course. An area of not less than forty acres devoted to the playing of golf and related activities, with participation either being limited to members or open to the general public. It includes necessary structures and the storage of equipment and materials used.
- 3.1.27 Golf Driving Range. An area of not less than two acres nor more than twenty-five acres where practicing of golfing technique may take place. It includes necessary structures and the storage of equipment and materials used.
- 3.1.28 Golf, Miniature. An area of not more than two acres devoted to the playing of golf. It includes necessary structures and the storage of equipment and materials used.

TOWN OF CROMWELL  
ZONING BOARD OF APPEALS  
PUBLIC HEARING AND REGULAR MEETING  
7:00 P.M. TUESDAY, JULY 27, 2010  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET

*Gloria Brendergast, Asst*  
TOWN CLERK

**MINUTES**

**1. Call to Order**

Chairman Thomas Tokarz called the meeting order at 7:05 PM.

**2. Roll Call**

Present: Chairman Thomas Tokarz, Vice Chair Christie Carpino, Shaun Sullivan, Ed Wengers, Alternate Jeffery Ramia, Alternate Stanley Stachura (arrived at 7:25 PM)  
Also Present: BOS Liaison Ann Halibozek, Town Planner Craig Minor, Commission Clerk Sarah Voog  
Absent: Kimberley Enowitch, Alternate Brian Fisk

**3. Seating of Alternates**

Ed Wengers made a motion to seat alternate Jeffery Ramia, 2<sup>nd</sup> by Christie Carpino.  
All in Favor, Motion Passed

**4. Approval of Agenda**

Christie Carpino made a motion to approve the agenda, 2<sup>nd</sup> by Shaun Sullivan.  
All in Favor, Motion Passed

**5. Public Comments- None Present**

**6. Public Hearing:**

a. Application #10-11: Variance from Article 8.1 (Minimum Frontyard) to construct a covered front porch with less than 40' of front yard at 1 Helena Drive. Steven and Kim Fritsch, owner/applicant.

Steven & Kim Fritsch of 1 Helena Dr presented the application. Steven Fritsch explained that snow and ice builds up in the area of the front door. He said that he is the Town's registrar for the soccer club and many people come to his home and he is afraid of someone slipping and falling, which is why they are asking for a variance to build a porch that is 6' deep across the front of the right side of his home. He also said they are asking for a covered porch because of the snow and ice buildup against the house. He stated that he tries very hard to keep the area free of ice and snow, but it is very hard as there is no real sun exposure on the front of the home. He said that the home is on a small dead end street with 5 homes and no neighbors have objected to the proposed porch. Thomas Tokarz asked if the applicant sent the required notices to

the neighbors and both Craig Minor and Steven Fritsch said yes. Christie Carpino asked about the porch being 8' off the house and Craig Minor explained that it is 6' for most of the porch and 8' to the door that is set back. Craig Minor explained that when the house was built it conformed to the zoning requirement of 25' minimum frontyard setback, but since then the area has been rezoned and the minimum requirement is now a 40' setback, so the request is in addition to the house that is already too close to the road. Ann Halibozek of 7 Christian Hill Road and the BOS Liaison said that she went by the home and there is a very large pine tree that blocks the sun from hitting the front of the house and she can see the safety issue that the applicant has indicated. She discussed the centerline of the road and the zone change. She said she is in support of an approval of the application due to safety reasons.

**Christie Carpino made a motion to close the public hearing at 7:27 PM, 2<sup>nd</sup> by Shaun Sullivan.**

**All in Favor, Motion Passed**

**Christie Carpino made a motion to approve Application 10-11, 2<sup>nd</sup> by Ed Wenners.** Ed Wenners said that it is a unique neighborhood and he understands the ice issue and would be in favor of approval due to the hardship of safety. Thomas Tokarz said that there must be a land hardship for the board to approve the application. Jeffery Ramia said that he disagrees with the safety issue as the hardship, however he thinks that the ice build up against the foundation that is causing damage is the land hardship. He said the covered porch would mitigate the damage to the home by preventing the ice from freezing and sitting against the foundation, which can damage the home and deteriorate the value of the home and neighborhood. Thomas Tokarz stated that a majority vote of 4 members is required for an approval. Chairman Tokarz called the question.

**Vote: Yes: Christie Carpino, Ed Wenners, Shaun Sullivan, Jeffery Ramia  
Abstain: Thomas Tokarz**

## **6. Old Business:**

- a. **New procedure for filing ZBA applications**  
Discussion was held regarding the new procedure for ZBA applications. Commissioners expressed concern over having some kind of ZBA information available on the Town's website. Craig Minor said that he believes the new policy will help applicants with the presentation of their request. He explained that he is able to review the situation and in some cases help them to find the hardship they require for the Commission's approval. He said that he is available after hours if an applicant cannot meet with him during normal business hours. In response to the Commission's concerns Craig Minor agreed to put the application policy on the website with additional information that property owners that may want to file a variance need to make an appointment to meet with him prior to filing and that he is available for after hours appointments when needed.

7. **New Business:** None

8. **Approval of Minutes:**

a. June 22, 2010

Christie Carpino made a motion to unseat Alternate Jeffery Ramia and to seat Alternate Stanley Stachura to vote on the Minutes, 2<sup>nd</sup> by Shaun Sullivan.

All in Favor, Motion Passed

Ed Wenners indicated that in two instances in the minutes his last name was spelled without an "S". He said he wanted it noted that his last name has an "S" at the end.

Stanley Stachura made a motion to approve the minutes as amended, 2<sup>nd</sup> by Ed Wenners.

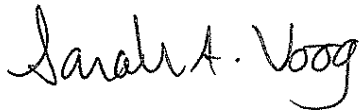
All in Favor, Motion Passed

9. **Adjourn**

Thomas Tokarz closed the meeting at 7:50 PM.

All in Favor, Motion Passed

Respectfully Submitted By



Sarah A. Voog, ZBA Commission Clerk