



Town of Cromwell Zoning Board of Appeals

***PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY AUGUST 9, 2022
TOWN HALL COUNCIL CHAMBERS
41 WEST STREET CROMWELL***

AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Public Hearing:**
 - a. Application #22-03: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Building Coverage Ratio, Side Yard Setbacks and total Aggregate Side Yards) to allow for the construction of the garage on the north side of the house and a porch and balcony on the south side of the house at 6 River Park Drive. John Paul Golino is the Applicant and the Owner.
7. **Board Members Comments:**
8. **Approval of Minutes:**
June 14, 2022
9. **Adjourn**

RECEIVED FOR RECORD
Aug 02, 2022 12:20P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

Memo

To: Zoning Board of Appeals
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: August 2, 2022
Re: Comments on the August 9, 2022 Meeting Agenda

6. Public Hearing:

a. Application #22-03: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Building Coverage Ratio, Side Yard Setbacks and total Aggregate Side Yards) to allow for the construction of the garage on the north side of the house and a porch and balcony on the south side of the house at 6 River Park Drive. John Paul Golino is the Applicant and the Owner. Attached is a copy of the Application and a map showing the proposed garage and porch/balcony addition.

The existing .75-acre or 32,670 square foot lot is located in the Riparian Protection District Zone on the west side of Main Street. The properties across the street are located in the R-25 Zone District. The site contains an existing 6,113 square foot single family house.

It appears that this property was once located in the Residence 25 Zone District but was rezoned to the RPD in 2011. Mr. Driska, the Zoning Enforcement Officer determined based upon Section 1.4.B of the Regulations which states; "in cases of uncertainty regarding a zone boundary on the Zoning Map, the location of the zone boundary shall be determined by the Zoning Enforcement Officer". Mr. Driska has determined that the best way to treat this property with respect to setbacks is to treat it as it were still R-25 Zone District as the properties across the street.

The applicant is asking for a variance of the side yard setback and aggregate sideyard setback to allow for the construction of the garage on the north side of the house and for the construction of a porch and balcony on the rear south side of the house. The existing 32,670 square foot lot is conforming to the current R-25 Zone District lot frontage of 130 feet with 138 feet of frontage. The required sideyard setbacks are a minimum of 20 feet for a total of 50 feet. The existing sideyard setbacks are 21.2 feet on the south side and 15.7 feet on the north side of the house. The required Aggregate Side yard setback is 50 feet. The house is nonconforming with only 36.5 feet of aggregate sideyard. The addition will only be 16.8 feet from the south property line. It is an additional encroachment of 4.2 feet into the side yard on the south side and a reduction of the Aggregate Sideyard setback from 36.5 feet to 32.3 feet. The current building coverage ratio is 23.3% the proposed will 25.0%. The applicant states that the reason for the hardship is that the house was built in the mid 90's and the new zoning regulations made it nonconforming.

LEGAL NOTICE
PUBLIC HEARING
TOWN OF CROMWELL ZONING BOARD OF APPEALS

The Cromwell Zoning Board of Appeals will hold a Public Hearing and Meeting at 6:30 pm on Tuesday, August 9, 2022 in the Council Chambers at the Cromwell Town Hall at 41 West Street on the following item:

1. Application #22-03: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Building Coverage Ratio, Side Yard Setbacks and total Aggregate Side Yards) to allow for the construction of the garage on the north side of the house and a porch and balcony on the south side of the house at 6 River Park Drive. John Paul Golino is the Applicant and the Owner.

At this hearing interested parties may appear and be heard and written testimony received. The application is on file in the Planning and Development Department office at 41 West Street, Cromwell, Connecticut.

Joseph Morin
Chairman


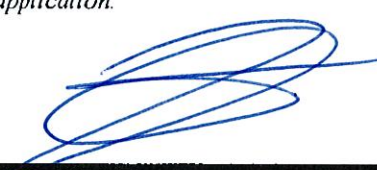
Dated in Cromwell, Connecticut this 25th day of July 2022.

App # 22-03

rev. 6/20/2011

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS**

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

Address: 6 River Park Dr.	PIN #:
Zoning District:	Volume/Page:
Applicant: John Paul Folino	Property Owner: John Paul Folino
Home or Business Address: 6 River Park Dr. Cromwell, CT 06416	Home or Business Address: 6 River Park Dr. Cromwell CT 06416
Phone #: 860.882.8112	Phone: 860.882.8112
Email: JP@folino.com	
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. Signature: 	I hereby consent to the Applicant acting as my agent for the purpose of this application. Signature: 
Type of Application (check one): <input checked="" type="checkbox"/> Variance from Section _____ of the Zoning Regulations. <input type="checkbox"/> Appeal from ZEO Decision dated _____. <input type="checkbox"/> Change of Non-Conforming Use Special Permit. <input type="checkbox"/> Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)	
Description of Request: <p style="text-align: center;">" See Exhibit A "</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).

" See Exhibit A "

1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.


applicant

7/12/22
date

Exhibit A

Description of Request:

Increase building coverage ratio for existing home.

Item 1: Variance requested for Garage Addition. Expands into the side yard. Increases non-conformance

Item 2: Variance requested for Balcony & Porch. Expands into the side yard. Increases non-conformance

Item 3: Increasing Coverage Ratio. Ratio going from 23.3% to 25%

Hardship: Existing non-conformance with current zoning regulation. Home was built in the mid to late 90's. New Zone regulation has put the entire home in a non-conformance state.

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
6:30 PM TUESDAY, JUNE 14, 2022
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Vice Chairman Daniel Delisle, John Keithan, John Whitney, Mark Zampino, and Steve Wygonowski (alternate)

Absent: Chairman Joseph Morin, Brian Fisk (alternate)

Also, Present: Director of Planning and Development Stuart Popper, and Zoning Compliance Officer, Bruce Driska.

1. Call to Order:

The meeting was called to order by Daniel Delisle at 6:33p.m.

RECEIVED FOR RECORD
Jul 01, 2022 02:55P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

Daniel Delisle made a motion to seat Steve Wygonowski as an alternate; Seconded by John Whitney. *All in favor; Motion passed.*

4. Approval of Agenda:

John Whitney made a motion to amend the agenda to add commissioners' comments after the approval of minutes; Seconded by Steve Wygonowski. *All in favor; Motion passed.*

5. Public Comments:

There were no comments.

6. Public Hearing:

a. Application #22-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of the addition in the rear of the house at 559 Main Street. Rose A. and Mark E. Horan are the Applicants and the Owners.

John Whitney made a motion to open the public hearing; Seconded by Mark Zampino *All in favor; Motion passed.*

Daniel Delisle read the legal notice.

The Cromwell Zoning Board of Appeals will hold a Public Hearing and Meeting at 6:30 pm on Tuesday, June 14, 2022 in the Council Chambers at the Cromwell Town Hall at 41 West Street on the following item:

1. Application #22-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback and total Aggregate Side Yard) to allow for the construction of the addition in the rear of the house at 559 Main Street. Rose A. and Mark E. Horan are the Applicants and the Owners.

At this hearing interested parties may appear and be heard and written testimony received. The application is on file in the Planning and Development Department office at 41 West Street, Cromwell, Connecticut.

Joseph Morin
Chairman

Dated in Cromwell, Connecticut this 27th day of May 2022.

Mr. Popper said he would like to explain the application to the commission. He read his comments memo:

The existing .49-acre or 21,344 square foot lot is located in the R-15 Zone District on the west side of Main Street. The site contains an existing 1,099 square foot single family house.

The applicant is asking for a variance of the side yard setback and aggregate sideyard setback to allow for the construction of an addition in the rear of the house. The existing 21,344 square foot lot is nonconforming to the current R-15 Zone District lot frontage requirement of 100 feet (only has 50 feet). The sideyard setbacks are a minimum of 15 feet for a total of 35 feet. The existing sideyard setbacks are 6.6 feet on the south side and 21 feet on the north side of the house. The required Aggregate Side yard setback is 35 feet. The house is nonconforming with only 27.6 feet of aggregate sideyard. The addition will only be 4.5 feet from the south property line. It is an additional encroachment of 2.1 feet into the side yard on the south side and a reduction of the Aggregate Sideyard setback from 27.6 feet to 25.5 feet. Attached is a copy of the map showing the location of the house and the proposed addition.

Mr. Popper said the lot is very long and narrow and any work done on either side of the house would require a variance. He said they have 6.6 feet of side yard on the south side of the home and 21 feet of side yard on the north side. Mr. Popper said the total aggregate side yard is currently nonconforming at 27.6 because the requirement is 35 feet. He said the addition will be 4.5 feet from the property line at the closest point when finished, which is an additional 2.1 feet encroachment into the side yard. He asked the applicant to speak to the commission.

Mr. Popper said that this information is shown on the plan submitted by the applicant which was included in your package. The board members pointed out to Mr. Popper that they had not received any map or plan with their meeting packet. Mr. Popper apologized for the error and showed the Board members the file copies of the site plan.

Rose Horan, resident at 559 Main Street addressed the Board and said she would like to put an addition on her home which will include a larger kitchen and bathroom. She said the neighbor to the south of her has an addition they put up, however, this addition will be half the size. Mrs. Horan said all of her neighbors are in favor of her proposed addition and noted that it will increase the value of her home.

Mr. Popper asked the commission if they had any questions. Mark Zampino asked if the addition will be one or two stories.

Michael Burgess, architect with MJB Architects LLC at 16 Raymond Place Cromwell said the addition is one story with an attic and includes a larger kitchen, a full bathroom, a walk-in closet and upgrading the interior façade

Mr. Popper asked what the exterior of the house will look like. Mrs. Horan said the house will be upgraded with new siding.

John Keithan asked what the square footage of the addition was. Mr. Popper said the addition is 24' X 35' which equals 840 square feet.

Daniel Delisle asked the commission if anyone has any addition questions. No one had any questions.

John Whitney made a motion to close the public hearing; Seconded by Steve Wygonowski. *All in favor; Motion passed.*

John Keithan made a motion to approve Application #22-02: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of the addition in the rear of the house at 559 Main Street. Rose A. and Mark E. Horan are the Applicants and the Owners. Seconded by John Whitney. *All in favor; Motion passed.*

7. Approval of Minutes:

a. January 11, 2022

John Keithan abstained approving the minutes due to being absent on April 12th.

John Whitney made a motion to approve the April 12, 2022, minutes; Seconded by Mark Zampino. *All in favor; Motion passed.*

8. Commissioner's Comments:

John Whitney spoke on behalf of Chairman Joseph Morin. John Whitney said the approval for the Knights of Columbus was for one business to move in there and space is being leased to additional business. He said Chairman Joseph Morin would like to know if this goes past our agreement.

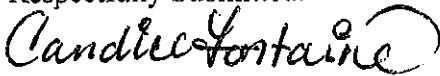
Mr. Popper said they were granted a Special Permit because it's a non-conforming use in a residential zone. He said in the terms of our approval the board approved the concept

to convert the assembly space into an office space. Mr. Popper and the board in its approval did not specifically limit the number of businesses that could move into the space. He noted that the owners plan on leasing a small space to a one person business that also works for them.

Mr. Popper said the Town has hired SLR Consulting, Inc. out of Cheshire to update the Zoning Regulations and the Plan of Conservation and Development. He said when the zoning regulations were amended years ago many of the smaller houses on small lots were made nonconforming. He said we see these houses for variances all the time. Mr. Popper said the consultants will be looking at ways to address these issues.

- 9. Adjourn:** John Whitney made a motion to adjourn at 6:53PM. *All in favor; Motion passed.*

Respectfully Submitted:

A handwritten signature in cursive script that reads "Candice Fontaine". The signature is written in black ink and is positioned above the printed name and title.

Candice Fontaine
Administrative Secretary