

Town of Cromwell Zoning Board of Appeals

***REGULAR PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY DECEMBER 11, 2018
ROOM 224/225 CROMWELL
TOWN HALL, 41 WEST STREET***

AMENDED AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Seating of Alternates**
- 4. Approval of Agenda**
- 5. Public Comments**
- 6. Public Hearing:**
 - a. Application #18-19: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Requirements) to allow for the installation of a shed in the front yard at 45 River Road. Cecunjanin Mubera is the Applicant and the Owner (Public Hearing continued from November 13, 2018 meeting).
- 7. Approval of Minutes:**
 - a. November 13, 2018
- 8. Adjourn**

Memo

To: Zoning Board of Appeals
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: December 3, 2018
Re: Comments on the December 12, 2018 Meeting Agenda

6. Public Hearing:

a. Application #18-19: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Requirements) to allow for the installation of a shed in the front yard at 45 River Road. Cecunjanin Mubera is the Applicant and the Owner. (Public Hearing continued from November 13, 2018 meeting).


The existing 18,730 square foot lot contains a two family 2,518 square foot house and is located in the R-15 Zone District on the west side of River Road. The Applicant is proposing to locate a shed in the front yard.

#18-19

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: 45 River Rd	PIN #:
Zoning District: R75	Volume/Page: 1556/57
Applicant: Same →	Property Owner: (Alex) Muhera Cecunjanin
Home or Business Address: 45 River Road Cromwell, CT 06416	Home or Business Address: Same
Phone #: 860-759-5770	Phone:
Email:	
<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>	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i>
Signature: 	Signature:

Type of Application (check one):

- Variance from Section 3.1.B of the Zoning Regulations.
- Appeal from ZEO Decision dated _____.
- Change of Non-Conforming Use Special Permit.
- Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)

Description of Request:

Requesting a variance from front yard setbacks to install a shed

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.

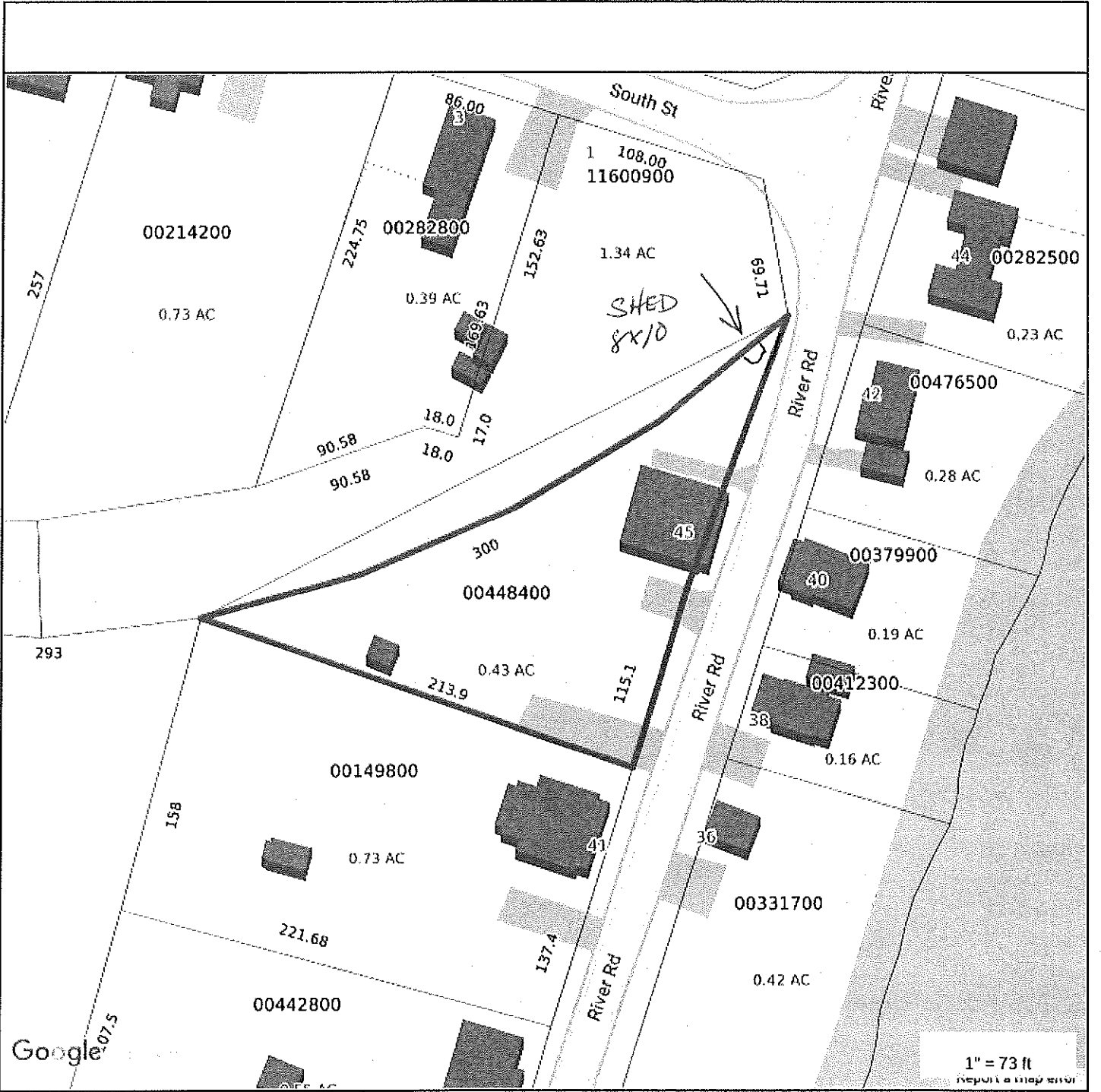
If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

1. 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

10-30-18
date



Property Information

Property ID 00448400
 Location 45 RIVER ROAD
 Owner CECUNJANIN MUBERA



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Town of Cromwell, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 7/1/2018
 Properties updated 10/24/2018

Current Owner
CECUNJANIN MUBERA

Percent
100

PA 490 Value Building Value

0 0

123,700 123,700

0 0

232,700 232,700

162,890 162,890

162,890 162,890

0 45 RIVER ROAD
CROMWELL CT 06416

Previous Value Information

Tax Yr	Land Value	Blgd Value	Outbuildings	Total Value	Total Assessment
2018	109,000	123,700	0	232,700	162,890
2017	109,000	123,700	0	232,700	162,890
2016	79,630	122,570	0	202,200	141,540
2015	79,630	122,570	0	202,200	141,540
2014	79,630	72,980	0	152,610	106,830
2013	114,770	64,400	0	179,170	125,420

Sales Information

Grantee	Vol-Page	Type	SaleDate	SalePrice	Sale Verif	GeneralNotes
CECUNJANIN MUBERA	1556-57		05/13/2016	0		
CECUNJANIN MUBERA	1512-81		12/31/2014	0		
CECUNJANIN MUBERA	1486-56		01/31/2014	55,000		
SYC LEONA W	197-237		12/18/1980	0	Other	
WADE FLORENCE	114-327		01/02/1974	0		

Activity Information

Date	Results	Visited By
09/30/2017	No Change - Field Review	Dave Stannard
06/01/2017	Change - Field Review	John Hoeking
09/14/2015	Permit - Miscellaneous	AO
09/14/2015	Permit - Measure Exterior	MM
09/14/2015	Permit - Miscellaneous	AO
06/16/2015	Permit - Miscellaneous	AO
04/01/2015	Permit - Miscellaneous	AO
11/12/2014	Permit - Int Inspect	MM
09/19/2014	Permit - Int & Ext Inspect	MM
09/19/2014	Permit - Miscellaneous	AO

Use	Description	Units	Value	Neigh
102	2 Family	15,000	SF	R4
102	2 Family	0.080	AC	R4

Total Area: 0.43

PA 490 Use Asmt: 0

Total Appraised: 109,000

Assessed Value: 76,300

Building Permit Information

Date	Permit #	Description	Amount	% Comp	Visit Date	CO Date	GeneralNotes
07/31/2015	23582	Electric	2,000	100	09/14/2015	12/10/2015	Change from Single Meter
06/16/2015	23460	Int. Alteration	900	100	06/16/2015	12/10/2015	Wall & Fire Door in Basem
04/01/2015	23251	Solar Panels	22,172	100	04/01/2015	07/09/2015	37 Solar Panels
09/19/2014	22859	Solar Panels	19,176	100	09/19/2014	01/20/2015	32 RF mounted panels
04/09/2014	22420	Remodel	23,000	100	04/09/2014	11/12/2014	
02/19/2014	22317	Int. Alteration	35,000	100	09/14/2015		Int Renov, Elec, Plumbin

Land Data

Special	Appraised	Neigh
R2	107,800	PA 490
R2	1,200	Asmt Order
	0	5000



Patriot

Properties Inc.

Property Factors

Census 5703

Flood: YES

Level

Paved

Street

Dev. Map

Dev. Map

Zoning Data

Desc. %

R-15 100.00

Utilities

2 Public Water

3 Public Sewer

BAA

13G

Exterior Information

Building Type: Family Duplex
 Story Ht: 2 Att Ltr
 Living Units: 2
 Foundation:
 Prim. Ext. Wall: Vinyl Siding
 Sec. Ext. Wall:
 Roof Type: Gable
 Roof Cover: Asphalt Shm
 Avg. Wall Ht:
 Color: GREEN

Interior Information

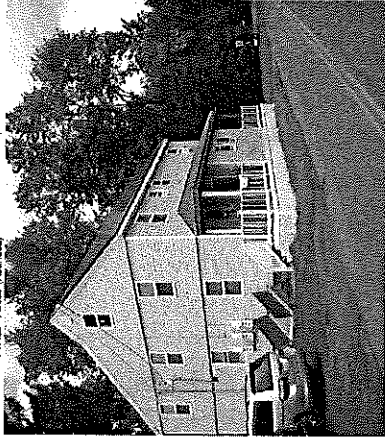
Prime Wall: Drywall
 Sec. Wall:
 Floor Type: Carpet 50%
 Sec. Floor: Hardwood 50%
 Heat Fuel: Electric
 Heat Type: Floor Baseb
 Sec. H Type:
 %A/C: 25
 % Sprinkled: 0
 Bsmt. Gar: 0
 Kitchens: 2 Add. Kit: 0
 Fireplaces: 0 Gas: 0
 Int. Condition: Average

Room Count

Total Rooms: 9
 Bedrooms: 5

Bath Features

Full Baths: 3
 Addl. Full Baths: 0
 Half Baths: 1
 Addl. Half Baths: 0
 Full Baths Below: 0
 Half Baths Below: 0
 Other Fixtures: 0
 Total Baths: 31



Condo Information

Name:
 Style:
 Location:
 Tot Units:
General Information
 Year Blt: 1880
 Grade: C
 Remodeled Yr:
 Rem. Kitchen Yr:
 Rem. Bath Yr:

Depreciation %

Phys Cond: Good
 Func: 26.00
 Eorn: 2.00
 Spec: 0.00
 CV: 0.00
 Total %Dep: 28.93

Calculation

Basic \$/SQ: 50.00
 Replacement Cost: 174,012
 Depreciation: 50,342
 Depreciated Value: 123,670
 Final Total (Rebated): 123,700

7	FUS FEL (259)	37	7
27		37	27
5	WDK (30)	6	6
6	FOP (60)	10	10
5		10	10
16	FEP (96)	6	6
11	FOP (66)	11	11
6	WDK (36)	6	6
5		5	5

UAT
 FUS
 FFL
 BSM
 (\$99)

Extra Features / Yard Items (1st 10 Lines Displayed)

Code	Description	Qty	Size	Cond.	Year	Unit Price	Dep%	Appraised Value	Undep Value	Assessment
SOL	Solar Panels	1	32	VG	2015	0.00	29	0	0	0
Total Sp. Features: 0 Total Yard Items Total Appraised: 0 Total Assessed Value 0										

Sub Area Detail

Code	Desc.	Living	Gross Area
FFL	First Floor	1,258	1,258
FUS	Finished Upp	1,258	1,258
FEP	Enclosed Por	0	96
UAT	Unfinished A	0	200
FOP	Framed Open	0	126
WDK	Wood Deck	0	66
BSM	Basement	0	969
Total		2,516	4,003

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
REGULAR PUBLIC HEARING AND MEETING
6:30 PM TUESDAY, NOVEMBER 13, 2018
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Joseph Morin, Vice Chairman Daniel Delisle, Mark Zampino, Steven Wygonowski (alternate)

Absent: John Whitney, John Keithan, Brian Fisk (alternate)

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

1. Call To Order

The meeting was called to order by Chairman Morin at 6:33 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Dan Delisle made a motion to seat Steven Wygonowski; Seconded by Mark Zampino.
All in favor; motion passed.

4. Approval of Agenda

A motion to accept the agenda as presented was made by Mark Zampino; Seconded by Steven Wygonowski. *All in favor; motion passed.*

5. Public Comments: NONE

6. New Business:

a. Approval of 2019 Meeting Calendar

A motion to approve the 2019 Meeting Calendar was made by Steven Wygonowski; Seconded by Mark Zampino. *All in favor; motion passed.*

7. Public Hearing:

- a. Application #18-16: Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the**

relocation of a single family home at 14 South Street. TriCan Realty, LLC is the Applicant and the Owner.

- b. Application #18-17: Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 18 South Street. TriCan Realty, LLC is the Applicant and the Owner.
- c. Application #18-18: Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 286 Main Street. TriCan Realty, LLC is the Applicant and the Owner.

Chairman Morin read the legal notice for Application #18-16.

Mark Zampino made a motion to open the public hearing for Application #18-16; Seconded by Dan Delisle. *All were in favor; motion passed.*

James Cassidy, PE, Hallisey, Pearson and Cassidy Engineering Associates, Inc., 630 Main Street, said he was representing TriCan Realty, LLC, the owner of three parcels and asking for three variances at 14 South Street, 18 South Street, and 286 Main Street. He began by reviewing an existing site photo and said that these three lots were the remaining residential building lots from the 2003 subdivision. He reviewed the lot sizes and their frontage and said they were all within the Downtown Cromwell District.

Mr. Cassidy said that they were seeking these variances in order to place existing houses within the lots. He said that the recently approved project at Covenant Village on West Street included a reconfiguration of the front entranceway and driveway, and that the houses at 99, 101 and 103 West Street needed to be relocated or demolished. These houses had been in Cromwell for more than fifty years and they wanted to repurpose them by pick them up and relocating them to the lots on Main and South Streets.

The house at 101 West Street is a one story ranch and is planned for 14 South Street. The zone requires a 10 foot sideyard and 25 foot aggregate side yard. Mr. Cassidy said that the house was slightly too wide for the property and they needed a variance of 2 feet on the easterly sideyard and 3.55 feet from the overall aggregate. He said that they met all of the remaining bulk requirements.

Chairman Morin read the legal notice for Application #18-17.

Dan Delisle made a motion to open the public hearing; Seconded by Mark Zampino. *All in favor; motion passed.*

Mr. Cassidy said that the house at 99 West Street was proposed to be relocated to 18 South Street. They would need a variance of 1.71 feet from the sideyard and 3.99 feet

from the aggregate. Otherwise, they met all of the remaining bulk requirements for the zone.

Chairman Morin read the legal notice for Application #18-18.

Mark Zampino made a motion to open the public hearing for Application #18-18, Seconded by Dan Delisle. *All in favor; motion passed.*

Mr. Cassidy said that the house at 103 West Street, to be located at 286 Main Street, met the remaining lot bulk requirements, but needed a variance of 1.92 feet from the side yard and 3.84 feet from the aggregate yard. He said that the adjoining house was close to the property line and the applicant was proposing to grant an easement allowing the neighbor to access his hatchway.

Mr. Cassidy showed a plan with the houses superimposed on the lots. He said that a number of houses in the neighborhood did not meet the required setbacks. He said that relocating the houses was a good use, as it prevented them from going into a landfill. He said that the process was not inexpensive at about \$65,000 per house.

Chairman Morin asked about the flood elevation and said that the applicant would need to go to Planning and Zoning for a Special Flood Hazard Permit. Mr. Cassidy said they were at elevation 25, about 1 foot above the 100 year flood.

Chairman Morin asked if the houses could be turned sideways with a combined driveway. Mr. Cassidy said he didn't think that would look appropriate and such a configuration would make it hard to back out of the garage. Chairman Morin asked about detaching the garage and Mr. Cassidy said that they could not do that without demolishing the garage. He briefly explained the process of relocating the houses.

The hearings were opened to public comment.

Kathleen Powell, 3 Pleasant Street, said she was concerned with the stormwater and wanted to make sure it was taken into account as her yard is lower than the adjoining property. Chairman Morin asked about the intermittent stream in her yard. Mr. Cassidy said that there were existing catch basins and yard drains and reviewed the drainage flow in the area. He said that they were not raising or eliminating those basins.

Michael Cannata, 136 Nooks Hill Road, a member of TriCan Realty, LLC, said that they were not changing any of the flow patterns. He said that there is a swale between the properties and water will drain towards the catch basin.

Mr. Popper read two letters into the record.

Maria Brown, 274 Main Street, objected to the application. She said that the relocation of an outdated brick house will not improve the appearance or fit in with the neighborhood.

JoAnn McDonald, 270 Main Street, objected to the application. She said that she thought the houses would be built a certain way and she was worried that this application would lower her property value.

Mr. Popper said that these lots were in the Downtown Cromwell District and that they complied with the zoning and subdivision regulations when they were created.

Mark Zampino made a motion to close the public hearings for Applications #18-16, 18-17, and 18-18; Seconded by Steven Wygonowski. *All in favor; motion passed.*

Dan Delisle made a motion to approve Application #18-16, Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 14 South Street, Seconded by Mark Zampino.

Chairman Morin asked Mr. Popper if they were creating a non-conformity through the granting of a variance. Mr. Popper read the section on Non-conforming lots aloud and said that it did not apply as this lot was conforming. Mr. Popper said that if the property owner wanted to add additional structures on the side with the variance, they would need to apply for another variance. He said that they usually see variances on existing buildings.

There was a brief discussion as to whether the variance would be needed if the garage was removed, and Chairman Morin said it would be needed because of the "L" shape to it.

Chairman Morin asked how to justify using a variance for placing a house that is out of character with the neighborhood. Mr. Popper said that the neighborhood appeared to contain a mix of housing types. He said whether these houses fit in and are appropriate to the neighborhood is a question for the Commission. He said that when the newer houses were built, they did not match the neighborhood at the time.

Mark Zampino said he was ok with the variances for South Street, but had concerns with the Main Street proposal.

Chairman Morin called for a vote. *All were in favor; motion passed.*

Mark Zampino made a motion to approve Application #18-17, Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 18 South Street; Seconded by Dan Delisle. *All were in favor; motion passed.*

Dan Delisle made a motion to approve Application #18-18, Request for a Variance from Section 3.1.B Bulk Requirements of the Zoning Regulations (Minimum Sideyard and Aggregate Side Yard) to allow for the relocation of a single family home at 286 Main

Street, Seconded by Steven Wygonowski. Chairman Morin said he did not think that the house fit in with the neighborhood and seemed like it was in the wrong place and out of character.

In favor: Dan Delisle. Opposed: Chairman Morin, Mark Zampino, Steven Wygonowski. *Motion denied.*

Chairman Morin said it was denied because of the sight of the lot and character of the neighborhood. He suggested that they push the house back on the lot or remove the garage.

- d. Application #18-19: Request for a Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Requirements) to allow for the installation of a shed in the front yard at 45 River Road. Cecunjanin Mubera is the Applicant and the Owner.

Neither the applicant, nor their representative, was present. Mark Zampino asked about the history of this application. Mr. Driska said that the shed was already located on the property and the subject of a zoning enforcement action. The applicant was asking for a variance, rather than opting to move it to another location or remove it altogether.

Mark Zampino made a motion to open Application #18-19, Seconded by Steven Wygonowski. *All were in favor; motion passed.*


Dan Delisle made a motion to table Application #18-19; Seconded by Mark Zampino. *All were in favor; motion passed.*

8. Approval of Minutes:

- a. October 9, 2018: Mark Zampino made a motion to approve the minutes; Seconded by Dan Delisle. *All were in favor; motion passed.*

9. Adjourn: Motion to adjourn made by Mark Zampino. Meeting adjourned at 7 :23 p.m.

Respectfully Submitted,


Julie C. Petrella
Recording Clerk