



Town of Cromwell Zoning Board of Appeals

***PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY JULY 11, 2017
ROOM 224/225 CROMWELL
TOWN HALL, 41 WEST STREET.***

AGENDA

RECEIVED FOR FILING
7-6-2017 at 10:35AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Lu Caracoglia
TOWN CLERK

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. New Business:
7. Public Hearing:
 - a. Application #17-09: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Lot Coverage Ratio) to allow for the construction of a two car garage at 4 Allen Road. Giulio Caracoglia is the Applicant and Susan Lu L. Grillo ET AL is the Owner.
 - b. Application #17-10: Request for Change of Non-Conforming Use Special Permit to allow for a less intensive use at 573 Main Street. A & M Chiropractic LLC is the Applicant and Knights of Columbus Bldg Assn MC is the Owner.
8. Approval of Minutes:
 - a. June 13, 2017
9. Adjourn

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 July 11, 2017 in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #17-09: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Lot Coverage Ratio) to allow for the construction of a two car garage at 4 Allen Road. Giulio Caracoglia is the Applicant and Susan Lu L. Grillo ET AL is the Owner.
2. Application #17-10: Request for Change of Non-Conforming Use Special Permit to allow for a less intensive use at 573 Main Street. A & M Chiropractic LLC is the Applicant and Knights of Columbus Bldg Assn MC is the Owner.

At this hearing interested parties may appear and be heard, and written testimony received. The applications are on file in the office of the Town Planner at 41 West Street, Cromwell, Connecticut.

Joseph Morin
Chairman

Dated in Cromwell, Connecticut this 26th day of June 2017

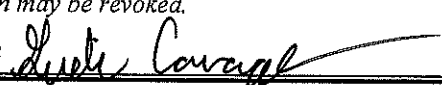
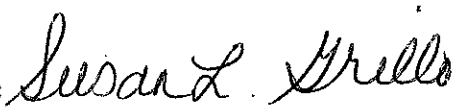
X439

17-09

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: 4 Allen Road	PIN #:
Zoning District: A-15	Volume/Page: 1519-316
Applicant: Giulio Caracoglia	Property Owner: Susan L. Grillo
Home or Business Address: 6 Allen Road	Home or Business Address: 4 Allen Road
Phone #: 860-818-0431	Phone: 860-818-0432
Email: Caracoglia@sbcglobal.net	
<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): <input checked="" type="checkbox"/> Variance from Section <u>2.2.B</u> 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: Garage will exceed the lot coverage allotment for the size of the lot. Variance for front, side, side aggregate was granted at the 6/13/17 ZBA meeting. We are re-applying for this lot coverage variance in order to build the two car garage plan that was submitted for the prior variance.	

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).

Due to the triangle configuration of the lot, the only way to safely put on the 2-car garage would be to encroach on the yard setbacks. We are requesting this variance because of the concern for the safety of the elderly homeowner being able to enter the home safely during inclement weather.

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.



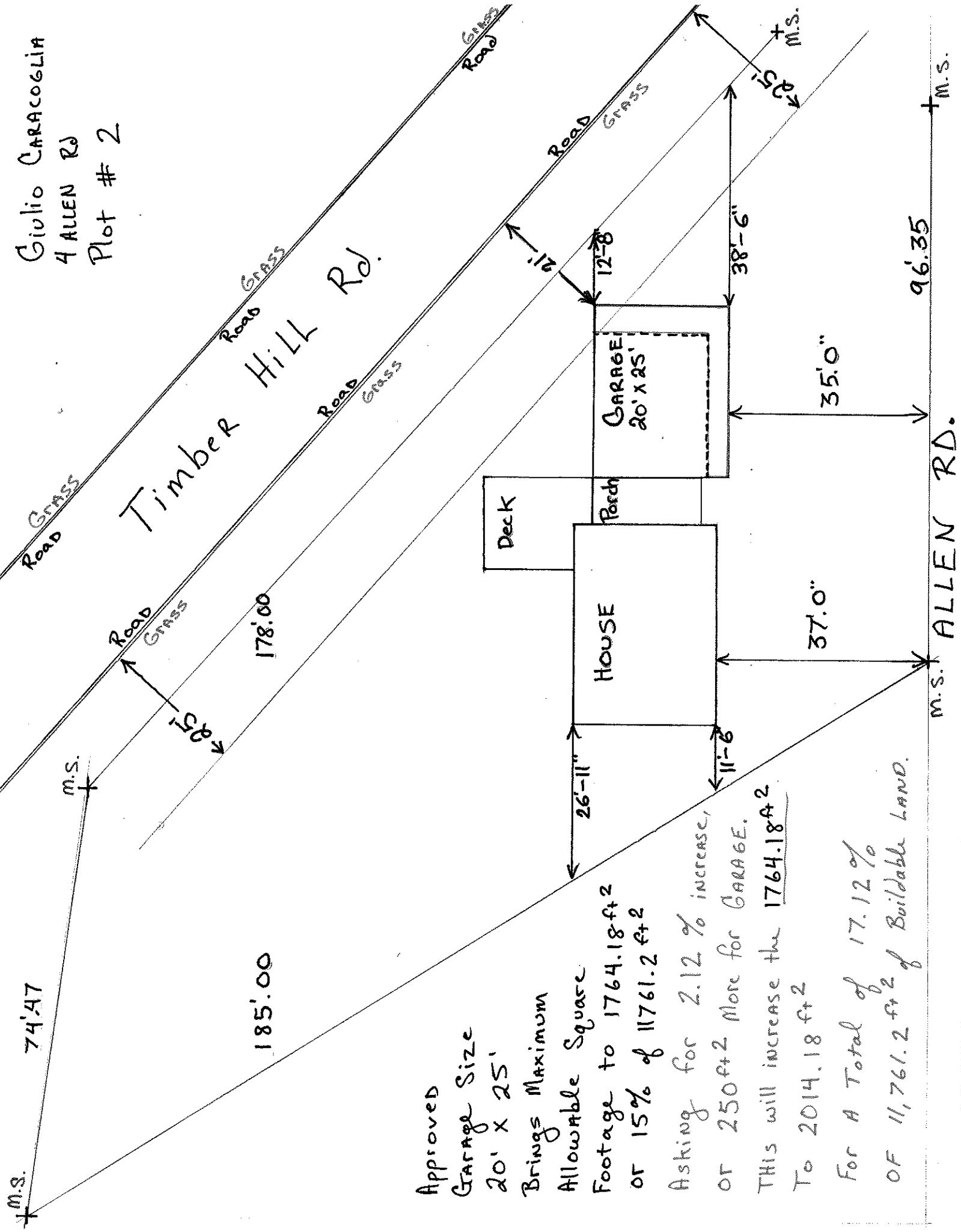
applicant

6/20/2017

date

Giulio CARACOGLIA
 4 ALLEN RD
 Plot # 2

Timber Hill Rd.



Approved
 Garage Size
 20' X 25'
 Brings Maximum
 Allowable Square
 Footage to 1764.18 ft²
 OF 15% of 11761.2 ft²
 Asking for 2.12% increase,
 OF 250 ft² More for GARAGE.
 THIS will increase the 1764.18 ft²
 To 2014.18 ft²
 For A Total of 17.12%
 OF 11,761.2 ft² of Buildable Land.

TOWN OF CROMWELL
ZONING BOARD OF APPEALS

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

Address: R-15	PIN #: 00260100
Zoning District: 573 MAIN STR, CROMWELL	Volume/Page: 32/214
Applicant: A&M CHIROPRACTIC, LLC	Property Owner: 573 Building Assoc of Cromwell Inc
Home or Business Address: 160 WEST STR. STE C CROMWELL, CT 06416	Home or Business Address: 573 MAIN ST CROMWELL CT 06416
Phone #: 800-398-5420	Phone: mark wab4 860 306 2219 ALAN Schumann 860 759 0480
Email: MACIEK@AMCHIRO.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: Mark Walsh Pres.
Type of Application (check one): <input type="checkbox"/> Variance from Section _____ of the Zoning Regulations. <input type="checkbox"/> Appeal from ZEO Decision dated _____ <input checked="" 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: see attached	

Justification for Request:

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

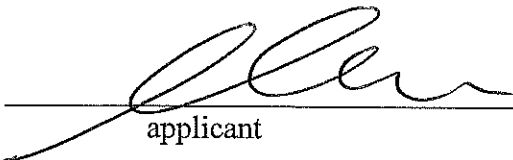
If Appealing a decision of the ZEO, explain why you feel the ZEO is wrong.

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 attached

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

6.14.17

date

Description of request:

The applicant is requesting a change of non-conforming use Special Permit to operate a medical office building. The applicant intends to use the existing one story building and parking area. The applicant also intends to acquire the adjacent property to the south, 569 Main Street. The only proposed change to the current configuration is the removal of several shrubs between the two properties to allow a curb cut and accessway. The applicant plans to continue to use the westerly portion of 569 Main Street as employee parking for 573 Main Street. The changes are shown on the proposed Compilation Plan and Site Plan.

Justification for request:

The current non-conforming use of the property is for public assembly or congregation, such as auctions, private events, and religious gatherings. The proposed use, a medical office building, would essentially eliminate certain nuisances to the neighborhood that result from these gatherings, such as crowds, late night noise, on-street parking and public intoxication.

The proposed use would be similar to those small businesses along Main Street, such as the professional office space at 558 Main Street and 630 Main Street and the hair salons at 562 and 621 Main Street.

Special Permit Criteria:

1. Compatibility with the Plan of Conservation and Development: The current use is non-conforming. The proposed use would not be any more non-conforming and is arguably less non-conforming with its daytime operation and limited staff and client base.
2. Suitable location for use: There are no significant proposed changes to the location or size of the site. The nature and intensity of the operations would be reduced by the change of use from a public assembly space to a medical office building. The hours of operation would be limited to normal business hours and the expected number of visitors to the site would be limited to employees and patients, who are seen by appointment. This type of use is more in harmony with and beneficial to the surrounding residential neighborhood.
3. Appropriate Improvements: There are no significant structural changes to the building, the parking lot, or the landscaping, other than the removal of several hedges to allow a curb cut and accessway to the adjacent lot for employee parking, so there will be no visual impact on the neighborhood's character. The change of use will promote public health and safety by reducing the nuisances listed above.
4. Suitable Transportation Conditions: The change of use will decrease the traffic congestion and on-street parking along Oakwood Manor, Main Street, and Woodlawn Drive, which currently occurs during times of public assembly. Additional parking is

proposed at the adjacent lot, ensuring adequate parking. There are no changes proposed to the street or rights of way, other than the curb cut.

5. Adequate Public Utilities and Services: There are no changes proposed that would impact the already existing public utilities or the provision of emergency services to the site.
6. Environmental Protection and Conservation: There will be no impact on the existing natural features of the property, other than the removal of several hedges between 573 Main Street and 569 Main Street. The removal of these shrubs will not significantly impact the character or environment of the area.
7. Long-term Viability: This factor is not applicable as the surrounding area is already developed.

RECEIVED FOR FILING
6/14 2017 at 1:20 P.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Gloria Brendergast, Asst
TOWN CLERK

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MEETING
6:30 PM TUESDAY JUNE 13, 2017
ROOM 224/225 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Joseph Morin, Mark Zampino, Daniel Delisle, John Whitney, John Keithan, Brian Fisk (alternate), Steven Wygonowski (alternate)

Absent: NONE

Also Present: Director of Planning and Development Stuart Popper, Town Councilman Samantha Slade

1. Call To Order

The meeting was called to order by Chairman Morin at 6:38 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

NONE

4. Approval of Agenda

A motion to approve the agenda was made by Mark Zampino, Seconded by John Whitney.

All in favor; motion passed.

5. Public Comments

NONE

6. New Business:

NONE

7. Public Hearing:

- a. Application #17-06: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear Yard and Side Yard Setbacks) to allow for the construction of addition in the rear and side yard at 16 Christian Hill Road. Dudley Salmon Sr. is the Applicant and the Owner.

John Keithan had a motion to open the public hearing; Seconded by Dan Delisle. *All in favor; motion passed.*

Dudley Salmon, Sr., of 16 Christian Hill Road, presented the application. He explained that he wished to expand his dining room and kitchen to accommodate family functions. He was very happy to live in Cromwell and intended to remain as a resident. He requested a variance of four feet from the rear and aggregate side yards. His current setbacks were twenty feet. There was no public comment.

John Keithan made a motion to close the public hearing; Seconded by Dan Delisle. *All in favor; motion passed.*

John Keithan made a motion to approve the application; Seconded by John Whitney. *All in favor; motion passed.* Chairman Morin advised the applicant to wait fifteen days from publication before beginning construction.

b. Application #17-07: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front, Rear Yard and Side Yard Setbacks) to allow for the construction of two car garage at 4 Allen Road. Giulio Caracoglia is the Applicant and Susan Lu L. Grillo ET AL is the Owner.

John Keithan had a motion to open the public hearing; Seconded by Dan Delisle. *All in favor; motion passed.*

Giulio Caracoglia of 6 Allen Road presented the application. He began by stating that the property owner is his mother in law and he lives next door. He wants to construct a 24 foot by 30 foot two car garage for her. He reviewed his drawing of the property map, showing the proposed garage. Because of the triangular configuration of the lot, the back corner of the garage will impede the 25' side yard. There was a brief discussion regarding the configuration of the garage and its distances from the various property lines. The applicant confirmed that the garage will face Allen Road. He also confirmed that he planned to rebuild the wooden deck, depending upon the amount of termite damage found. He stated that the garage needed to be able to accommodate a wheel chair, in the event the property owner needed to use one in the future.

Mr. Popper reviewed the potential lot coverage and informed the applicant that a 24 foot by 30 foot garage would not be permissible in the current R-15 zone with a lot .27 acres in size. He also confirmed that the application was only for setbacks to the side and rear yards, not the front. Because the application was not advertised for a variance for lot coverage, the garage would need to be under the coverage ratio and offered to assist the applicant in determining a permissible size, should the application be granted. Mr. Popper also restated that the hardship is the lot configuration and the personal condition of the property owner.

Frederick Deming of 66 Evergreen Road spoke in favor of the application, saying that the property owner would benefit from the addition of the garage.

A motion to close the public hearing was made by John Whitney; Seconded by Mark Zampino. *All in favor; motion passed.*

A motion to approve the application was made by John Whitney; Seconded by Mark Zampino. *All in favor; motion passed.*

8. Approval of Minutes:

a. April 13, 2017:

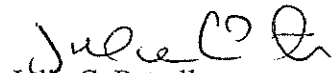
b. May 9, 2017

A motion to approve the minutes was made by Mark Zampino; Seconded by John Whitney.
All in favor; motion passed.

9. Adjourn: Motion to adjourn at 7:12 p.m. by John Whitney ; Seconded by Mark Zampino.

All were in favor; the motion passed.

Respectfully Submitted,



Julie C. Petrella

Recording Clerk