



Town of Cromwell Zoning Board of Appeals

***PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY NOVEMBER 14, 2017
ROOM 224/225 CROMWELL
TOWN HALL, 41 WEST STREET***

AGENDA

RECEIVED FOR FILING
11/7 2017 at 1:16 P.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Gloria Brendergast, asst.
TOWN CLERK

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. New Business:
 - a. Introduction of Mr. Bruce Driska new Zoning Enforcement Officer
 - b. Approval of 2018 Meeting Calendar
7. Public Hearing:
 - a. Application #17-12: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Minimum Lot Size) to allow for the creation of a new lot at 54 West Street. Brian A. DePerry is the Applicant and the Owner.
 - b. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner.
8. Approval of Minutes:
 - a. October 10, 2017
9. Adjourn

Memo

To: ZBA Commission Members
From: Stuart B. Popper, Town Planner
Date: November 3, 2018
Re: ZBA Meeting Dates for 2018

Please approve the following meeting dates for 2018 at your next ZBA meeting on November 14, 2018.

January 9, 2018

February 13, 2018

March 13, 2018

April 10, 2018

May 8, 2018

June 12, 2018

July 10, 2018

August 14, 2018

September 11, 2018

October 9, 2017

November 13, 2018

December 11, 2018

Memo

To: Zoning Board of Appeals
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: November 7, 2017
Re: Comments on the November 14, 2017 Meeting Agenda

7. Public Hearing:

a. Application #17-12: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Minimum Lot Size) to allow for the creation of a new lot at 54 West Street. Brian A. DePerry is the Applicant and the Owner. *The .68 acres (28,309 square feet) site contains the existing 2,199 square foot single family house and is located in the R-15 Zone District on the north side of West Street. The minimum lot size in the R-15 Zone District is 15,000 square feet. The plans call for creating Lot # 1 fronting on West Street containing the existing house on a 15,005 square feet. Lot #2 will contain a proposed house on 13,304 square feet. The applicant is requesting a variance to allow for creation of non-conforming Lot #2. The Town Attorney reviewed the request and below is her response.*

It is the basic premise of zoning regulations that you cannot approve something that does not conform to your regulations. They will have to prove a hardship arising out of the application of the regulations to the particular property, i.e. can't use the property without the variance for any permitted purpose. The personal desire to create another non-conforming lot for financial reasons is not a hardship.

b. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner. *The 997 square foot single family house is located on a .15 acre lot (6,534 square feet) on the north side of Evensen Place in the R-15 Zone District. The lot is non-conforming to the current minimum lot size in the R-15 Zone District (15,000 square feet). The applicant is requesting a variance to install a pool in the back yard that would extend 5 feet into the required 10 foot pool setback from the rear and side yard property lines. The hardship is that the lot is non-conforming.*

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 November 14, 2017 in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #17-12: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Minimum Lot Size) to allow for the creation of a new non-conforming lot at 54 West Street. Brian A. DePerry is the Applicant and the Owner.
2. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner.
3. Application #17-16: Appeal from ZEO Decision dated October 6, 2017 for 123 Evergreen Road. Lou Gagnon is the Applicant and Anthony Gagnon Et Al 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 1st day of November 2017

TOWN OF CROMWELL
ZONING BOARD OF APPEALS

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

Address: 54 West Street	PIN #: 00303500
Zoning District: R-15	Volume/Page: 1481/99
Applicant: Brian DePerry c/o Michael Dowley	Property Owner: Brian DePerry
Home or Business Address: 116 Washington St. Middletown CT 06457	Home or Business Address: 54 West St. Cromwell, CT 06416
Phone #: 860-347-9987 Email: Michael.dowley@dowleylaw.com	Phone:
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 hereby consent to the Applicant acting as my agent for the purpose of this application.
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: <u>See attached.</u>	

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.

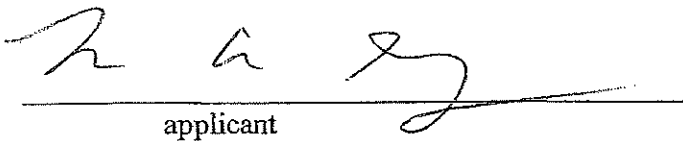
If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

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

8/23/17


date

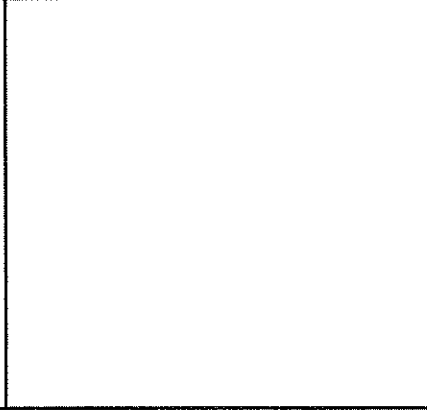
- 1) This request is to vary the zoning regulations in a manner which would permit a lot to exist in a nonconforming state with regard to a dimensional requirement. Section 2.2.B of the zoning regulations requires that a lot within the R-15 Zone be at a minimum 15,000 square feet. Respectfully, we request that the zoning board of appeals grants a variance for the above described property so that a new lot may be created. In doing so, the lot which will retain the current building shall consist of 13,304 square feet, while the new lot shall consist of 15,000 square feet. In all other respects, both new lots shall remain in compliance with the zoning regulations. Upon a granting of this variance, Mr. Deperry wishes to construct a new home on the newly created lot.

- 2) Mr. Deperry has recently received the news that he and his wife are expecting their first child. However, their current residence is not suitable for this addition to his family. Mr. Deperry loves his town and would prefer to stay in the neighborhood, hoping to build a new house off of Brooks lane. He wishes to create an additional lot off of the current lot he owns at 54 West Street. The neighborhood itself is full of nonconforming lots which do not meet the requirement of being at least 15,000 square feet. In granting the variance requested, the character of the neighborhood would not be negatively impacted as the two newly created lots would still remain two of the larger ones in the neighborhood. The current zoning regulation fails to adequately keep up with the realities of the neighborhoods it applies to; as the requirement of a 15,000 square foot lot ignores the reality of existing lots in the neighborhood. In granting this variance, two new lots which more adequately conform to the realities of the surrounding neighborhood would be created.



Property Information	
Property ID	00303500
Location	54 WEST STREET
Owner	DEPERRY BRIAN A


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 10/1/2016
 Properties updated daily



17-14

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: <u>6 Evensen Place</u>	FIN #: <u>004064007</u>
Zoning District: <u>A-15_{re}</u>	Volume/Page: <u>754/105</u>
Applicant:	Property Owner: <u>Linda Samuelson</u>
Home or Business Address:	Home or Business Address: <u>6 Evensen Place Cromwell, CT 06416</u>
Phone #:	Phone: <u>860-635-1093</u>
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: <u>Linda M. Samuelson</u>	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: <u>Install a 14' x 28' in-ground swimming pool</u>	

rev. 6/20/2011

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.

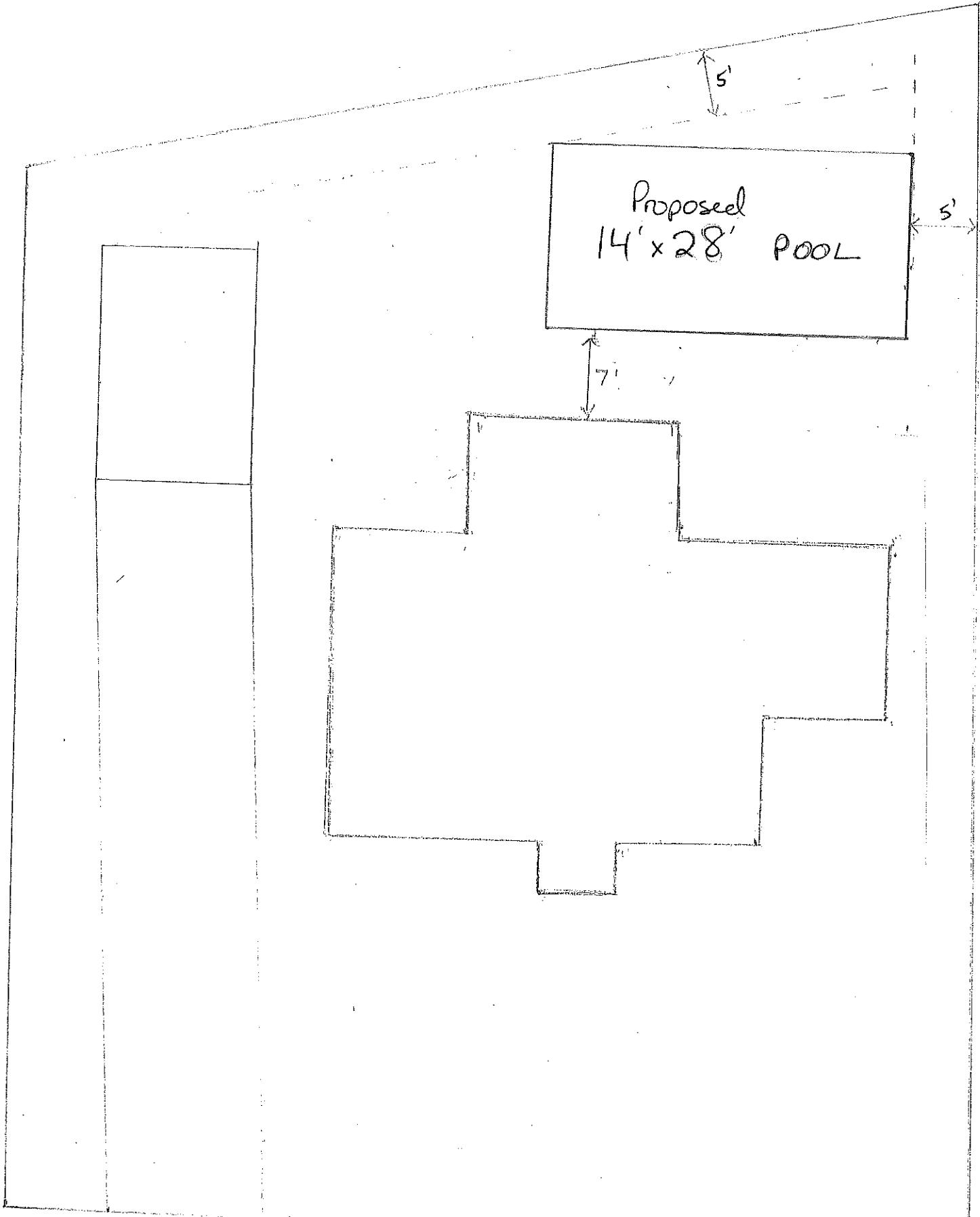
If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

Maintaining a 10' setback makes it impossible to install even a very small in-ground pool at a reasonable distance from the house.

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.

Linda M. Samuelson
applicant

9/14/17
date



6 Evensen Place 1" = 10'



Property Information
 Property ID: 00406400
 Location: 6 EVENSEN PLACE
 Owner: SAMUELSON LINDA



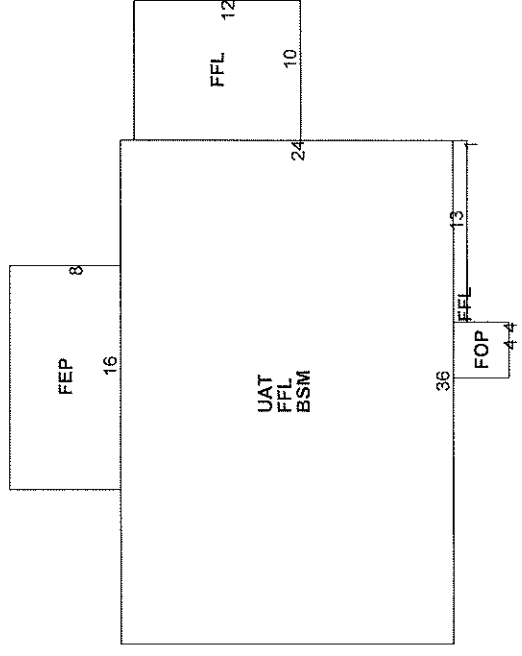
MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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

Parcels updated 1/1/2016
 Properties updated 4/1/17



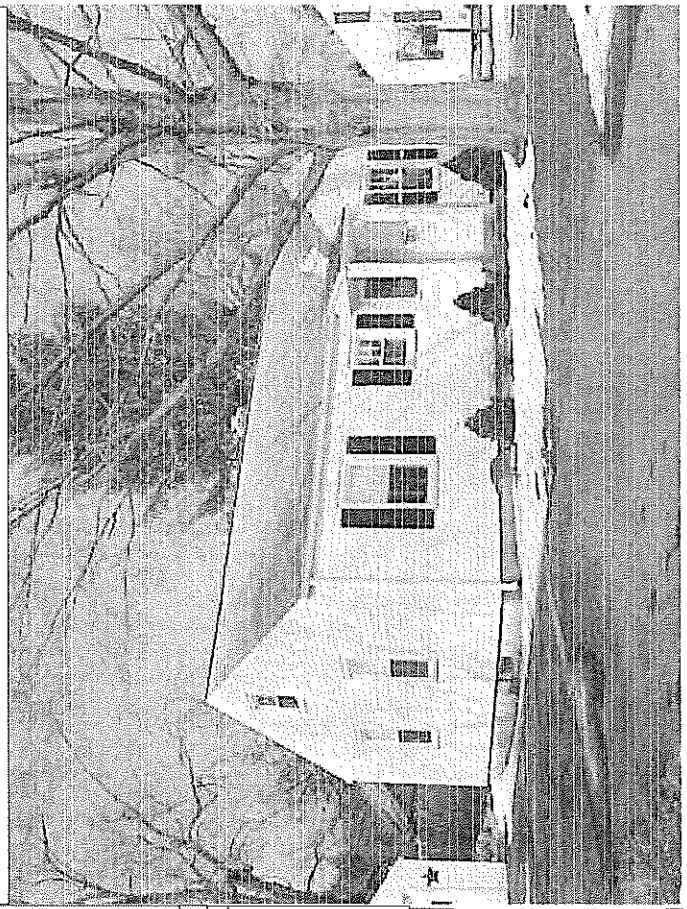
CONSTRUCTION DETAIL			MIXED USE		
Element	Description	Attributes	Code	Description	Percentage
Style	Ranch	Bedrooms	02	101 Single Family	100
Grade	C	Full Baths	2		
Exterior Wall 1	Vinyl Siding	Half Baths	0		
Exterior Wall 2		Total Rooms	7		
Roof Structure	Gable	Jet Tub		COST/MARKET VALUATION	
Roof Cover	Arch. Shingles	Full Baths below			
Interior Wall 1	Plastered	Fireplace		Year Built	1939
Interior Wall 2		Fireplace Dtlid.		Physical Depreciation Code	VG
Interior Flr 1	Hardwood	Gas Fireplace	1	Remodel Raining	
Interior Flr 2	Pine/Soft Wood	Fin Bsmt %	40	Year Remodeled	
Heat Fuel	Oil	Fin Bsmt Qual	Fair	Physical Depreciaton	23
Heat Type	Hot Water	Bsmt. Garages	0	Functional ObsInc	
AC Type	Central			External ObsInc	
				Adjustment	
				Adjustment %	77
				Overall % Cond	0
				Override %	
				Override Reason	
				Building Appraised Value	88,490



BUILDING PERMIT INFO		
Issue Date	Type	Date of CO
08/02/2011	FP	09/26/2011
Comments: Gas directed, inst 1 50gal PR		

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)					
Code	Description	Sub	Unit Price	Yr	Crtd
GAR1	Garage	FR	25.00	1939	75
		L	216		4,050

VISIT/CHANGE HISTORY				BUILDING SUB-AREA SUMMARY SECTION	
Date	ID	Purpose/Result	Code	Description	Living Area (Gross Area)
08/01/2012	AJ	Change - Field Review	BSM	Basement	864
09/12/2011	DZ	Permit- Drive By	FEP	Enclosed Porch	0
01/20/2007	MK	Interior Inspect	FFL	First Floor	997
01/07/2007	DW	Callback	FOP	Framed Open Porch	16
11/22/2006	ES	Measured	UAT	Unfinished Attic	864
Tot. Gross Liv/Case Area:					997
					2,869



CURRENT OWNER		TOPO	UTILITIES	STRT/ROAD	LOCATION
LYONS LINDA			2		
6 EVENSEN PLACE			3		
CROMWELL, CT 06416			7		
Additional Owners:					
Census Tr. 5702					
Prior Zoning A-15					
Color WHITE					
100 Yr Flood					
GIS ID: 00406400					
BAA					
Prior Value 134500					

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q	SALE PRICE	V.C.
LYONS LINDA		754/105	10/13/2000	Q		0

CURRENT ASSESSMENT		ASSESSMENT VALUE		ASSESSED VALUE	
Description	Code	Yr.	Code	Yr.	Code
RES LAND	1-1	2011	1-1	2011	1-1
DWELLING	1-3	2011	1-3	2011	1-3
RES OUTBL	1-4	2011	1-4	2011	1-4
Total		142,350		142,350	

PREVIOUS ASSESSMENTS (HISTORY)		ASSESSED VALUE		ASSESSED VALUE	
Yr.	Code	Yr.	Code	Yr.	Code
2011	1-1	2011	1-1	2011	1-1
2011	1-3	2011	1-3	2011	1-3
2011	1-4	2011	1-4	2011	1-4
Total		142,350		142,350	

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY 10-01-2012

Appraised Bldg. Value (Card) 88,490
 Appraised XF (B) Value (Bldg) 0
 Appraised OB (L) Value (Bldg) 4,050
 Appraised Land Value (Bldg) 99,600
 Special Land Value 0
 Total Appraised Parcel Value 192,140
 Valuation Method: C
 Adjustment: 0
 Net Total Appraised Parcel Value 192,140

BUILDING PERMIT RECORD		Amount	Issn. Date	% Comp.	Date Of CO	Comments
Permit ID	20044	5,900	09/12/2011	100	09/26/2011	Gas directed, inst 1 50gal PR

LAND LINE VALUATION SECTION		Acres	Disc	Factor	Idx	Adj.
B #	101	6.534	5	1.0000	1.00	4000
Use Code	Single Family					
Use Description						
Zone	R-15					
Depth						
Frontage						
Units						
Special Pricing						
Land Value						99,600
Total Card Land Units:	0.15 AC	Parcel Total Land Area:	0.15 AC	Total Land Value:	99,600	

VISION

RECEIVED FOR FILING
10-13 2017 at 9:16 AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

L. L. ...
TOWN CLERK

**TOWN OF CROMWELL
ZONING BOARD OF APPEALS
PUBLIC HEARING AND MEETING
6:30 PM TUESDAY OCTOBER 10, 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

Absent: John Keithan, Brian Fisk (alternate), Steven Wygonowski (alternate)

Also Present: Director of Planning and Development Stuart Popper

1. Call To Order

The meeting was called to order by Chairman Morin at 6:36 p.m. Chairman Morin explained to the applicants present that four positive votes were needed for approval of an application. Since there were only four commissioners present, it was up to the applicants whether they wished to be heard tonight or wanted to wait until a later meeting when more commissioners might be present.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

NONE

4. Approval of Agenda

Application #17-12: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Minimum Lot Size) to allow for the creation of a new lot at 54 West Street). Brian A DePerry is the Applicant and Owner.

Mr. Popper stated that the attorney for Mr. DePerry had contacted him to say that Mr. DePerry would not be able to attend tonight's meeting, so the application should be removed from tonight's agenda. Mr. Popper said that if the application was to be heard at a future date, the sign would need to be posted again and the neighbors renoticed.

Mark Zampino made a motion to amend the agenda to remove Application #17-12, Seconded by John Whitney. *All in favor; motion passed.*

5. Public Comments

NONE

6. New Business:

Mr. Popper said that the commissioners had asked for more information to be included in their packets, which is why he included a comments memo and the portion of the relevant zoning regulations. The Commission was very happy and Mark Zampino said the additional information was very helpful.

7. Public Hearing:

- b. Application #17-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of deck at 186 Evergreen Road. Dino F. Bonelli is the Applicant and Dino F. and Laura Bonelli are the Owners.

Chairman Morin read the public hearing notice. Dino Bonelli, 186 Evergreen Road, appeared and stated that he planned to remove an existing enclosed deck and replace it with another deck. The proposed deck would extend further into the side yard. Mr. Popper referenced his comments memo by saying that the current deck was non-conforming and Mr. Bonelli was asking to further encroach into the side yard. He said that the hardship was the fact that the existing house was non-conforming as to the required side yard setback.

Mr. Popper said that Mr. Bonelli had submitted evidence of mailing the required notice and posting a sign. There were no questions from the Commission. Mark Zampino made a motion to approve Application #17-13: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of deck at 186 Evergreen Road; Seconded by Daniel Delisle. *All in favor; motion passed.*

Chairman Morin advised the applicant to wait the required fifteen days from legal notice before beginning construction.

- c. Application #17-14: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Rear and Side Yard Setbacks) to allow for the construction of in ground pool at 6 Evensen Place. Linda M. Samuelson is Applicant and the Owner.

Chairman Morin read the public hearing notice. The applicant was not present. Mark Zampino made a motion to open the public hearing; Seconded by John Whitney. *All in favor; motion passed.* Daniel Delisle made a motion to table Application #17-14; Seconded by Mark Zampino. *All in favor; motion passed.* Mr. Popper stated that he would call to the applicant to follow-up.

- d. Application #17-15: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of a shed adjacent to the existing garage at 3 Patricia Lane. Paul Dworak is the Applicant and Paul and Antonella Dworak are the Owners.

Daniel Delisle read the public hearing notice. Mark Zampino made a motion to open the public hearing; seconded by John Whitney. *All in favor; motion passed.* Paul Dworak, 3 Patricia Lane, stated that he wanted to build a shed off of the side of his existing garage, which was attached to his house. It would extend six feet into the side yard setback, which was already non-conforming at 13 feet. Mr. Dworak submitted a drawing to the Commission. He stated the he spoke with the abutting neighbor on Windwood, had notified all of the neighbors, and posted the required sign. He said that the abutting neighbor said it was ok.

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

Mark Zampino made a motion to approve Application #17-15: Request for Variance from Section 2.2.B Bulk Requirements of the Zoning Regulations (Side Yard Setback) to allow for the construction of a shed adjacent to the existing garage at 3 Patricia Lane; Seconded by Dan Delisle. *All in favor; motion passed.* Chairman Morin advised the applicant to wait until the legal notice had been published before doing any work.

8. Approval of Minutes:

- a. July 11, 2017: A motion to approve the minutes was made by Mark Zampino; Seconded by Daniel Delisle. *All in favor; motion passed.*

- 9. Adjourn:** Motion to adjourn at 6:52 p.m. by Mark Zampino; Seconded by Daniel Delisle. *All were in favor; the motion passed.*

Respectfully Submitted,



Julie C. Petrella
Recording Clerk