



**STAFF REPORT
ZONING BOARD OF APPEALS
Meeting date: April 7th, 2025**

Date: March 17th, 2025

Prepared By: Alex Samalot, Zoning Enforcement Officer
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Application Type: Variance Application

Subject Property: 45 Hillcrest Ave., Bloomfield, CT (PID 5016)

Zone: I-2 Restricted Industry District (I-2)

Applicant: Christopher Hyman

Property Owner: Hymans Trucking LLC



45 Hillcrest Ave. Overhead View with GIS Plotted Wetlands– Town of Bloomfield GIS 2023

Variance Request:

45 Hillcrest Avenue—Applicant/Owner: Christopher Hyman, Principal & Manager, Hymans Trucking LLC, for a Variance of the Zoning Regulations Section 4.4.B (Lot Area Bulk Requirements of the I-2 District) to convert the legal preexisting nonconforming residence to offices and outdoor storage.

Hardship Statement:

The Applicant shall state for the record the grounds for the variance.

Parcel Information:

45 Hillcrest Avenue is located in the I-2 Restricted Industry District (I-2). According to the official property card, the parcel is 0.29 acres (approximately 12,632 square feet). The property is developed with a legal nonconforming single family residence (that cannot be occupied without improvements) and several accessory structures. All abutting properties to the North, East, South and West are within the I-2. No wetlands are depicted on GIS mapping of 45 Hillcrest Avenue however, some amount of wetlands are depicted on all abutting properties except for the southern abutter.

The current lot configuration is a reconfiguration of smaller lots which predate zoning in the Town of Bloomfield. The current Deed Schedule A references multiple surveys circa 1910 and the most recent map referenced by the Schedule A of the deed is circa 1919. Zoning Regulations in the Town of Bloomfield were adopted February 23, 1950. The existing single-family residence was constructed in 1940 according to tax assessment records.

Previous Land Use Approvals:

- At a meeting held on September 16, 1975, ZBA granted a variance to permit expansion of non-conforming use and rear yard variance, in accordance with submitted plans (for a proposed accessory structure referred to as an aluminum hatchway).

Legal:

Sec. 8-6. Powers and duties of board of appeals. (a) The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter; (2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and (3) to determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed. No such board shall be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or by a court on an earlier such application.

(b) Any variance granted by a zoning board of appeals shall run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

Staff Comments:

- If granted, the applicant shall submit application to Town Plan & Zoning Commission (TPZ) for a Special Permit (and the Inland Wetlands & Watercourses Commission if deemed necessary) for the proposed conversion of the legal preexisting nonconforming residence to offices and outdoor storage.
- Any other alternative development would have the same nonconformity in the lot size. The applicant has also made inquiries to purchase and join surrounding parcels in order to further reduce the preexisting nonconformity.
- The proposed use is more characteristic for the I-2 District than the current residential development. Offices and outdoor storage of registered vehicles can be approved by Site Plan in the I-2 District. A method of approval is not listed for single family residences in the I-2 District Zoning Regulations.

If the Board is inclined to grant the variance, the following language is suggested:

"I make a MOTION to GRANT the variance as requested for 45 Hillcrest Avenue, Bloomfield, CT as follows: a Variance of the Zoning Regulations Section 4.4.B (Lot Area Bulk Requirements of the I-2 District) to convert the legal preexisting nonconforming residence to offices and outdoor storage

The findings for the granting of the variance are the unique conditions and circumstances associated with this request are not the result of actions of the Applicant/Property Owners taken subsequent to the adoption of the Bloomfield Zoning Regulations and the variance would be in harmony with the general intent and purpose of the Regulations and would conserve the public health, safety, convenience, welfare and property values; and

The exceptional difficulty or unusual hardship on which the decision is based is as follows: **BOARD LISTS ITS FINDINGS HERE.**

If the Board is inclined to deny the variance, it shall state its reasons on the record.