

UPDATE: This application had been originally distributed and rescheduled from February due to applicant conflicts and has agreed to use of extension time. A GIS aerial view and original subdivision map has been added to the packet.

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Maureen Giusti, Acting Town Planner/ZEO
DATE: February 24, 2020
RE: #2020-01 Yard Variance
APPLICANT: Eugene Palazzolo, Garian Property Management for Federal National Mortgage Association
ADDRESS: 208 Stockings Brook Road
MBL 19-3 / 15 / 48
ZONE: R-43

Proposal and Background

Eugene Palazzolo, Garian Property Management, is requesting a variance to maintain the existing side yard setback of 30+/- feet when 50 feet is required per Berlin Zoning Regulations § V.A.10 in the R-86 zone, to allow an existing 22 ft. x 14 ft. unpermitted screened porch on the northwest rear of the existing attached garage to remain. The property is owned by Federal National Mortgage Association.

This lot on Stockings Brook Road was developed as part of Section 4, Brookview Hills residential subdivision, in 1962, approved and filed as Berlin Land records Map #868. The lot is nonconforming to the current R-86 zone for size with 0.75 acres, the existing side setback for the permitted construction of the house/garage at 30 feet is also nonconforming.

The screened porch and rear deck are identified on the 2007 Assessor's card. Permits were not found for their construction. The porch is approximately 30 feet (scaled on plot survey) from the side line when current zoning requires 50 feet.

Staff Comments

The applicant has been working to update the bank owned property and rectify permit and zoning discrepancies. The applicant has removed the unpermitted deck and is not seeking approval to reinstall. There is an existing 10-foot storm drainage ROW along the northly side property line. The screen porch does not encroach on the ROW.

The 22-foot-wide screen porch sits to the rear of the 24-foot-wide 2-car attached garage.

Zoning Requirements:

§V.A.10.

Side Yard- Required: 50 ft. Approved Nonconforming: ± 30 ft. Proposed: ± 30 ft.

The Town of Berlin Plan of Conservation and Development, Section II, Strategic Outline for Implementation, Strategy 1: Coordinate the Regulatory Structure to Support the Plan, 3) states: Any variance granted by the Zoning Board of Appeals should be consistent with the standards imposed by Connecticut General Statutes in which a hardship exists owing to conditions affecting a specific parcel of land, and the variance which is granted should be consistent with the goals and policies of this plan and the intent of the zoning regulations.



Town of Berlin

Planning and Zoning Department
240 Kensington Road
Berlin, Connecticut 06037
www.town.berlin.ct.us

ZBA # 2280 - 2020-01

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Planning & Zoning Department
Berlin, Connecticut

ZONING BOARD OF APPEALS APPLICATION

- ☐ Special Permit ☒ Variance ☐ Appeal of ZEO
☐ Motor Vehicle Location ☐ Alcohol Uses Location ☐ Other / Determination

Property Owner(s): FANNIE MAE

Project Address*: 208 STOCKINGS BROOK Rd.

Map: 19-3 Block: 15 Lot: 48 Zone(s): R-86 Lot Area: .75

Please select all relevant items below:

- ☐ Supplemental Information Is Required For:
ZBA Special Permit / Sale of Alcoholic Beverages Location / Motor Vehicle Uses Location
☐ Inland Wetlands and Water Course Commission review needed
☐ Planning and Zoning Commission review needed
☐ Property is within 500 feet of a Municipal Boundary of _____
☐ Previous Zoning Board of Appeals actions on this property:

Date(s) & Purpose(s): _____

Applicant Information

Name: Eugene Palazzolo Firm Name: Garian Property Maintenance
Street Address: 111 Pepes Farm Rd. City: Milford ST: CT Zip: 06460
Email: gbar@garjan.net Phone: 203 783 1361
Signature: [Signature] Date: _____

Property Owner(s) Information (If Not the Applicant)

Name: FANNIE MAE Principal: _____
Street Address: 14221 Pallas Pkwy City: Dallas ST: TX Zip: 75284
Email: _____ Phone: 800 232 6643

*Letter of Authorization Required

ZBA action is requested pursuant to Berlin Zoning Regulations Section(s): V.A.10

*Any town official and/or employee who the town deems necessary may enter the property to verify information submitted with this application.

Brief description of the proposal: Remove existing dilapidated deck, replace with small landing and stairs from rear door of screened porch to ground level.

VARIANCE APPLICATIONS: For relief of: side set back requirement.

Requested requirement: _____

Reason/Description of Hardship (REQUIRED): Current screen room and deck were non permitted. Deck is falling and hazardous. Request is to remove and replace with substantially smaller landing and stairs. Approx 4x4 with stairs to ground. Keep screened room as is.

MOTOR VEHICLE USE LOCATION¹:

The first page of the State DMV application is required to be submitted with this application

☐ New Car Dealer	<u>Number of Service Bays</u>	<u>Parking Required</u>	<u>Parking Provided</u>
☐ Used Car Dealer	_____	_____	_____
☐ General Repairer	_____	_____	_____
☐ Limited Repairer	_____	_____	_____
☐ Gasoline Station	_____	_____	_____

SALE OF ALCOHOLIC BEVERAGES LOCATION¹

The first page of the State Liquor Permit application is required to be submitted with this application

Type of State Liquor Permit:

- ☐ On -Premises Permit: Type _____
- ☐ Off-Premises: Type _____
- ☐ Other: Explain _____

To be completed by P&Z staff only:

Fee Paid \$ _____ (Refer to current Fee Schedule)

ZBA # 2020-01

Received by: _____

Scheduled on ZBA Agenda of: _____

ZONING BOARD OF APPEALS DECISION:

Plan Title & Date: _____

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**Planning & Zoning Department
Berlin, Connecticut**

Garian Property Maintenance, Inc.

Southern New England's REO Contractor

12-4-19

Zoning Compliance Office
Berlin, CT.

Re: 208 Stockings Brook Rd.

The application attached is for a zoning variance for the above referred property. This is a Fannie Mae property and as part of their effort to re market the house, they requested the existing deck be removed and replaced as it is unsafe at this time due to its' condition. As we sought permits for this, we found that this deck had been built without permits and now sits within the side setbacks established for this area. The screened room it is built off of, also was built without permits and it too is within the side setbacks.

What we are looking to do at this point is remove the deck entirely and build in a small landing with stairs from the rear door of the screened room. The elevation of the stairs is 46" from the ground. We hope to leave the screened room and if a variance is granted, apply for the necessary permits to keep it after subsequent inspections.

Thank you in advance,

Gene Palazzolo - 203 913 6026
Garian Property Maintenance
111 Pepes Farm Rd.
Milford, Ct 06460

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**Planning & Zoning Department
Berlin, Connecticut**

Town of Berlin

Geographic Information System (GIS)



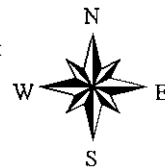
Date Printed: 2/21/2020



MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Berlin and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 400 feet



State Use: 1070
Print Date: 10/25

CURRENT OWNER										CURRENT ASSESSMENT										6007 BERLIN, CT									
FEDERAL NATIONAL MORTGAGE A L										Description										Assessed Value									
14221 DALLAS PKWY STE 1000										RES LAND DWELLING										76,400 135,600									
DALLAS, TX 75254										SUPPLEMENTAL DATA										VISION									
Additional Owners:										Other ID: 19-3 0015 000048										Total: 302,800									
CENSUS 4802										Section: W dc CB Letter VA										Total: 212,000									
(not used)										ASSOC PID#										PREVIOUS ASSESSMENTS (HISTORY)									
Incomeexpens										GIS ID: 19-3-15-48										This signature acknowledges a visit by a Data Collector or Assessor									
RECORD OF OWNERSHIP										BK-VOL/PAGE										SALE DATE q/u v/a SALE PRICE V.C.									
FEDERAL NATIONAL MORTGAGE ASSOCIATION										756/ 494										04/15/2019 U I 0 14									
FEDERAL NATIONAL MORTGAGE ASSOCIATION										753/1048										12/28/2018 U I 0 14									
BANK OF NEW YORK MELLON TRUST CO NA										753/1045										12/28/2018 U I 284,000 14									
CREAMER MARY ANN										447/ 424										04/24/2001 U I 0									
CREAMER, EDWARD, T, JR										143/ 105										04/29/1966 U I									
EXEMPTIONS										OTHER ASSESSMENTS										APPRAISED VALUE SUMMARY									
Year Type Description Amount Code Description Number Amount Comm. Int.										Total: 212,000										Total: 212,000									
NBHD/ SUB										ASSESSING NEIGHBORHOOD										Appraised Bldg. Value (Card)									
1010/A										Street Index Name Tracing Batch										Appraised XF (B) Value (Bldg)									
IA										NOTES										Appraised OB (L) Value (Bldg)									
34 FT REAR DORMER										GL17 CHG EAF/FGR TO FAT/FGR										Appraised Land Value (Bldg)									
2ND FLOOR IS IN-LAW SET-UP (NO SEPARATE ENTRANCE)										CHG DEP CODE TO AVG										Special Land Value									
FUS/BAS 34 X 15 ON PRS																				Total Appraised Parcel Value									
BAS 14 X 10 ON PRS																				Valuation Method:									
																				Adjustment:									
																				Net Total Appraised Parcel Value									
																				302,800									
BUILDING PERMIT RECORD										VISIT/CHANGE HISTORY																			
Permit ID Issue Date Type Description Amount Insp. Date % Comp. Date Comp. Comments										Date Type IS ID Cd Purpose/Result																			
										08/09/2016 1 1 JH 01 Measur+1 Visit																			
										05/02/2007 7 1 MI 14 QC Int/Ext																			
										04/26/2007 1 1 ES 00 Measur+Listed																			
LAND LINE VALUATION SECTION																													
B # Use Description Zone D Front Depth Units Unit Price Factor S.A. I Factor Idx C ST.										Special Pricing S Adj Fact										Land Value									
1 1070 SFR w/Apt R-86 0 0.75 AC 136,400.00 1.1848 5 1.00 6 0.90										Spec Use Spec Calc										109,100									
Total Card Land Units: 0.75 AC										Parcel Total Land Area: 0.75 AC										Total Land Value: 109,100									

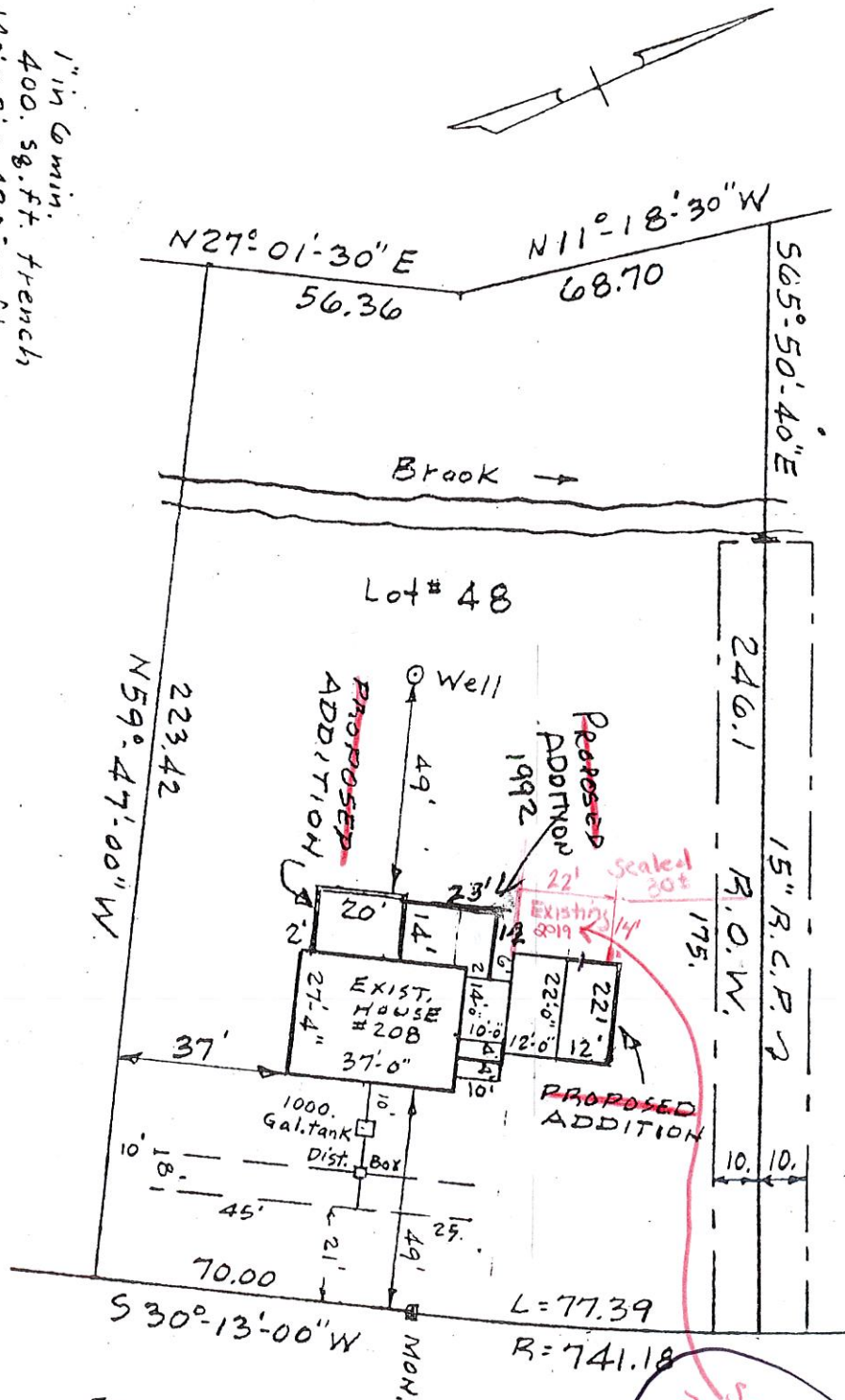
[illegible]

SUMMARY OF IMPROVEMENTS																		
TYPE CODE	1 I.D.	2	USE	3 SKY HEIGHT	4 CONST.	5 GRADE	6 YEAR BUILT	7 YEAR REMO	8 COND.	9 SIZE	10 AREA	11 RATE	12 REPLACEMENT COST	13 ACCURRED DEPRECIATION NORM. OBSOL. TOTAL	14 ESTIMATED TRUE VALUE	15 CODE	16 ASSESSED VALUE	
1 GARAGE	01	99	DWELLING	—	—	—	1964		6	—	—	—	158800	25	118700	13	83700	
2 CARPORT	02	05	POOL	116	WING		1968			—	—	—	NV	23	NV			
3 PATIO										—	—	—						
4 PORCH										—	—	—						
5 PORCH										—	—	—						
6 BATH HOUSE										—	—	—						
7 SHOP										—	—	—						
8 SHELTER										—	—	—						
9 GREEN HOUSE										—	—	—						
10 TENNIS COURT										—	—	—						
11 BARN										—	—	—						
12 SILO										—	—	—						
13 STABLE										—	—	—						
14 IMPLEMENT SHED										—	—	—						
15 POULTRY HOUSE										—	—	—						
16 BLACK TOP PAVING										—	—	—						
17 CONCRETE PAVING										—	—	—						
18 PAVING										—	—	—						
19 CABIN										—	—	—						
00 MISC. BUILDING										—	—	—						
INT. COND.										—	—	—						
LAYOUT										—	—	—						
DATA COLLECTOR			1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th
10 RB			11	508	1150													
APPRaiser			16	DATE	5-12-86													
TOTAL ESTIMATED IMPROVEMENT VALUE			118700															

208 Stocking Br. Rd.

1" in 6 min.
400.58 ft. trench,
140' x 3' = 420.58 ft.

LOCATION OF ADDITIONS TO BE BUILT BY
EDWARD & MARYANN CREAMER
AT
#208 STOCKING BROOK RD.
KENSINGTON, CONN.
SCALE - 1" = 40'



STOCKING BROOK RD.

SECTION 11.02.02

29 = 49' TOTAL OF TWO

Screened pink
28A 8000-01
request for side yard
variance

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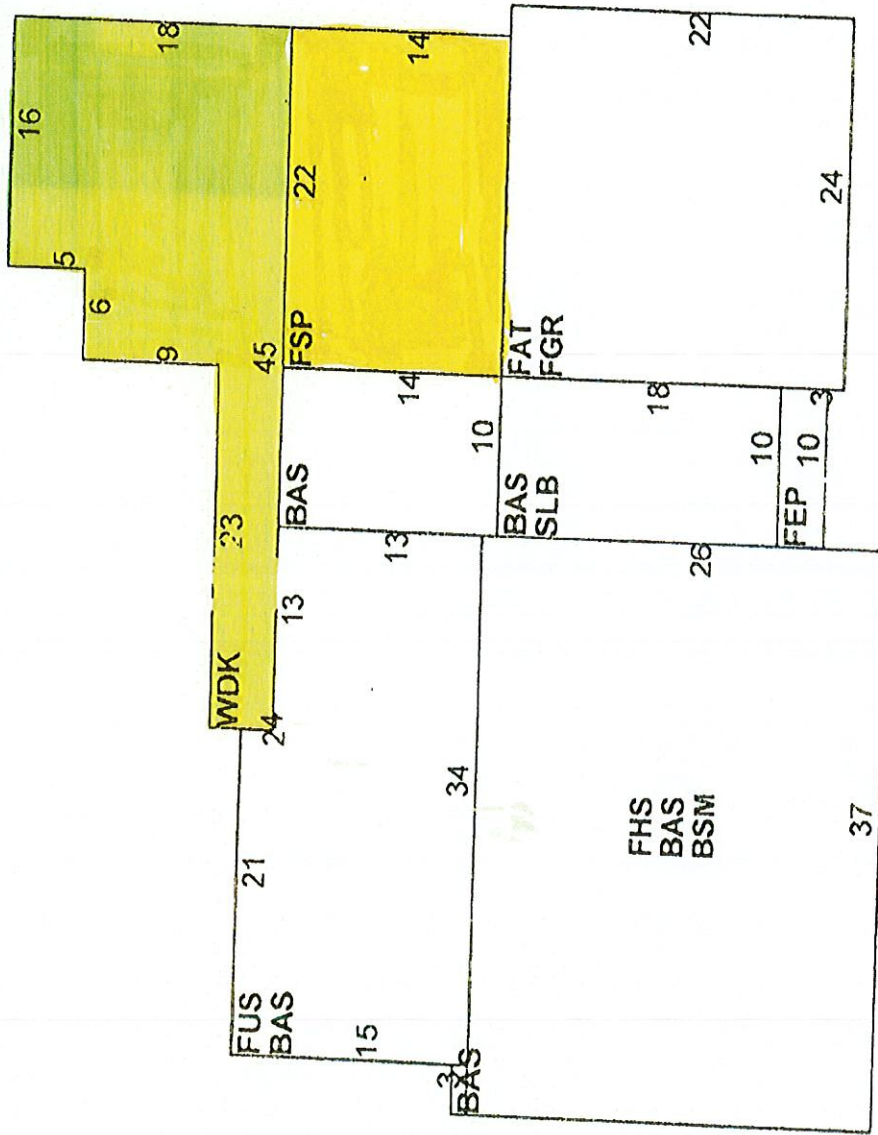
Planning & Zoning Department
Berlin, Connecticut

Certified substantially correct.
Edwin W. Dymkowski

208 STOCKINGS BROOK RD.

Non permit deck
to be removed

Non permit existing
screen porch

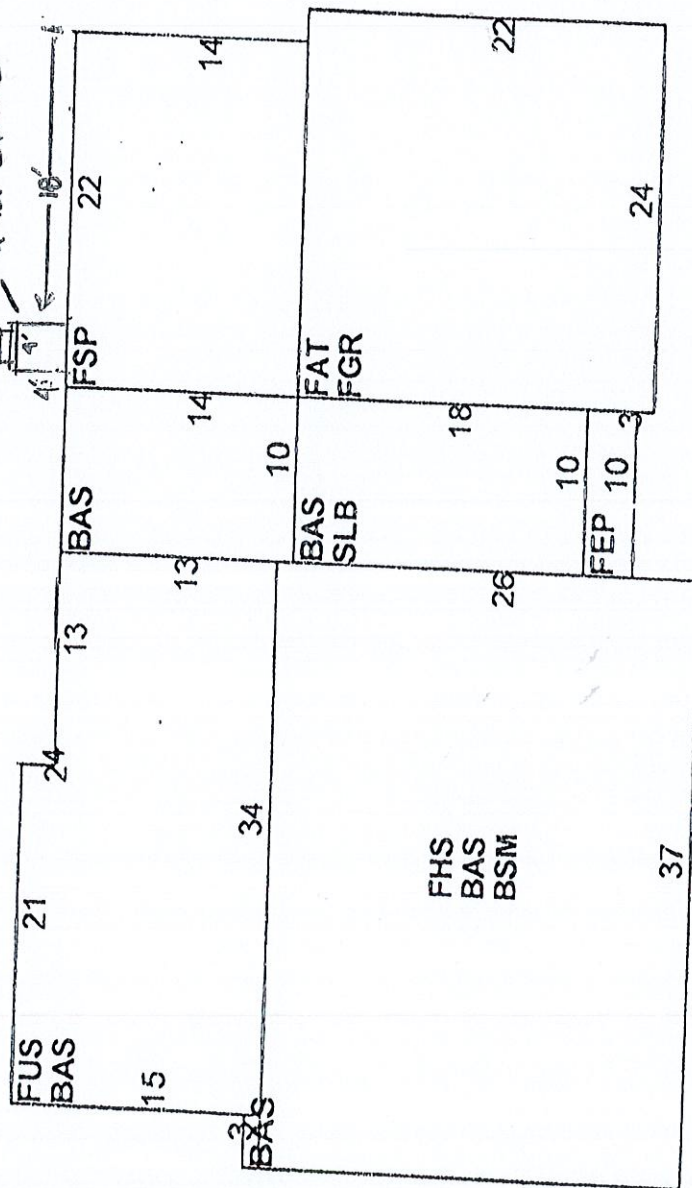


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Proposed landing
and stairs

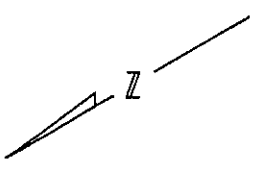


208 STOCKINGS BROOK RD.

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SECTION 4
BROOKVIEW HILLS
BERLIN, CONN.
OWNED AND DEVELOPED BY
BROOKVIEW HILLS DEVELOPMENT CO.
69 MAIN ST., KENSINGTON, CONN.
SEPT. 25, 1962
J.D. WILLIAMS
CIVIL ENGR.
SCALE: 1" = 40'
Revised August, 1964 to show referenced stream divide.
Revised November, 1964 to show headwater headwall at Lot 4 of 484

APPROVED BY TOWN PLANNING COMMISSION

Mr. J. P. Carter
CHAIRMAN

Mr. J. L. Carter
VICE CHAIRMAN

Mr. J. L. Carter
SECRETARY

12/6/69
PAGE

FOR HEALTH DIRECTOR'S APPROVAL REFERENCE
MAP, SAME TITLE AS ABOVE, FILED IN OFFICE OF
TOWN CLERK SEPT 1, 1964

RECEIVED FOR FILING
December 1964
 TOWN CLERK'S OFFICE
 BERLIN, CONN.
John H. [Signature]
 TOWN CLERK

I hereby certify this map
to be substantially correct
Signed: D. Williams
Reg. Prof. Eng'g & Land Surv.

mgjusti

From: mgjusti
Sent: Wednesday, March 18, 2020 12:36 PM
To: Gary Bier
Cc: Brian Perrella
Subject: RE: 208 Stockings Brook Rd. Zoning Appeal

Gene,

Thank you. The next regularly scheduled ZBA meeting , after the current Town Hall closure, would be April 28. Should we schedule a special meeting prior to that date, I will do my best to include this item on the agenda.

Maureen

Maureen K. Giusti, AICP
Acting Town Planner / ZEO
Town of Berlin, CT

From: Gary Bier <gbier@garian.net>
Sent: Wednesday, March 18, 2020 12:24 PM
To: mgjusti <mgjusti@town.berlin.ct.us>
Cc: Brian Perrella <perrellb@yahoo.com>
Subject: 208 Stockings Brook Rd. Zoning Appeal

Maureen,

Due to the current closure at the Town Hall, we respectfully request the Town of Berlin Zoning Department use available extension time to reschedule our hearing on 208 Stockings Brook Rd. to the next available hearing/meeting date.

Thank you,

Gene Palazzolo

Garian Property Maintenance

gbier@garian.net

Office (203)783-1361

Cell (203)913-6026

Town of Berlin

Geographic Information System (GIS)



Date Printed: 4/23/2020



MAP DISCLAIMER - NOTICE OF LIABILITY

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Approximate Scale: 1 inch = 50 feet

0 50
Feet

