

### **MEMORANDUM OF STAFF COMMENTS**

**TO:** Zoning Board of Appeals  
**FROM:** Adam Levitus, ZEO  
**DATE:** October 21, 2020  
**RE:** #2020-15 Yard Variance  
**APPLICANT:** Kusum Shah (Owner/Member, Twin Spruce Motel, LLC)  
**ADDRESS:** 697 Berlin Turnpike  
MBL 10-4 / 132 / 86  
**ZONE:** BT-1

#### **Proposal and Background**

Kusum Shah (owner/member - Twin Spruce Motel, LLC) is requesting a variance for a southernly side yard of 13 feet when 25 feet is required in the BT-1 Zone per Berlin Zoning Regulations §VI.J for a detached 12 foot x 24 foot accessory garage to replace a 12 foot x 20 foot garage in the same location that was damaged.

#### **Staff Comments**

Currently the property is a motel use on an existing non-conforming lot in the BT-1 zone (lot is 1.2 Acres vs. 2 minimum required by current regulations). The original motel building was constructed in approximately 1959 and consists of a row of single-story motel rooms on the western portion of the property.

In 1973, a Zoning Board of Appeals variance was granted for the construction of the split-level addition to the east of the 1959 building. In 1986, a Zoning Board of Appeals application for the addition of four motel units and a garage was denied due to a lack of an established hardship for expansion and the potential for public safety problems for access to the rear of the building.

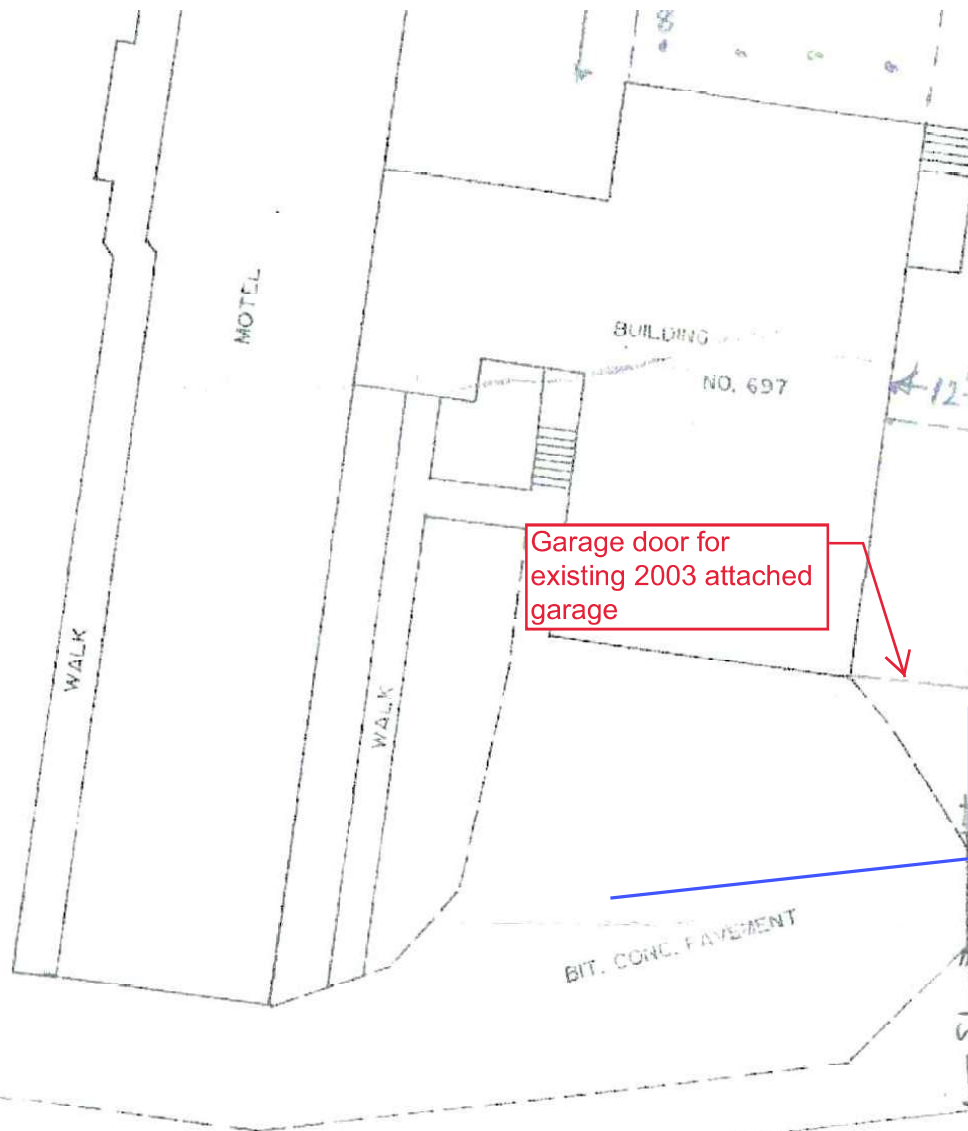
According to the town Assessor's card, the previously-demolished detached garage the applicant is proposing to replace was constructed in approximately 1988. The garage was located to the south of the 1973 split-level addition and a 2003 attached garage, and per the applicant, was destroyed by a storm in approximately 2019. Based on a 1995 survey, the garage was approximately 10 feet x 20 feet and located approximately 13 feet from the southernly side property line.

The proposed garage is four feet longer than the previously-demolished garage and would not meet current regulations for side yard setbacks. However, it would align with the previous nonconforming setback line of the demolished garage. See the attached staff plan markup for the proposed garage and setback information.

#### **Zoning Requirements:**

§VI.J Side Yard Required: 25 ft. Previously Existing Nonconforming: 13 ft. Proposed: 13 ft.

*The Town of Berlin Plan of Conservation and Development, Section II, Strategic Outline for Implementation, Strategy I: 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.*



Garage door for  
existing 2003 attached  
garage

10/21/2020 Staff Comments (ADL)

All dimensions are approximate based on  
scaling from the 1995 base survey

Red is staff understanding of applicant's  
proposed 12x24' garage location

Blue is the approximate location of the  
garage if the 25ft side yard setback was  
maintained

S 82-51-36 W

300.32'

E. TRANS.

Approx.  
25 ft

Approx.  
13 ft

Town of Berlin  
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OCT 05 2020

Planning & Zoning Department  
Berlin, Connecticut



# Town of Berlin

ZBA # 2020-15 -     

## Planning and Zoning Department

240 Kensington Road  
Berlin, Connecticut 06037  
www.town.berlin.ct.us

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OCT 05 2020

## ZONING BOARD OF APPEALS APPLICATION Planning & Zoning Department Berlin, Connecticut

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

Property Owner(s): Twin Spruce Motel, LLC  
Project Address\*: 697 Berlin Tpk, Berlin, CT 06037  
Map: 10-u Block: 132 Lot: 86 Zone(s): B1-1 Lot Area: 1.2Ac

### 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: Kusum SHAH Firm Name: Owner  
Street Address: Same as above City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: weshaah@yahoo.com Phone: 860-922-6341  
Signature: Kusum Shah Date: 10/5/20

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

Name: Owner Principal: \_\_\_\_\_  
Street Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_

\*Letter of Authorization Required

ZBA action is requested pursuant to Berlin Zoning Regulations Section(s): \_\_\_\_\_

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



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Berlin, Connecticut

Brief description of the proposal:

Replacing 12x20 old garage by new garage 12x24' at the same place

**VARIANCE APPLICATIONS:** For relief of:

Requested requirement:

Reason/Description of Hardship (REQUIRED):

Minimum Side yard 25'.  
25' to 13'  
We donot want to block existing garage & parking for the guest. Existing garage side door is on the right which could be block if I move spot of new garage to meet 25' requirement

**MOTOR VEHICLE USE LOCATION<sup>1</sup>:**

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

	Number of Service Bays	Parking Required	Parking Provided
<input type="checkbox"/> New Car Dealer			
<input type="checkbox"/> Used Car Dealer			
<input type="checkbox"/> General Repairer	NA		
<input type="checkbox"/> Limited Repairer			
<input type="checkbox"/> Gasoline Station			

**SALE OF ALCOHOLIC BEVERAGES LOCATION<sup>1</sup>**

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

Type of State Liquor Permit:

<input type="checkbox"/> On -Premises Permit:	Type	NA
<input type="checkbox"/> Off-Premises:	Type	NA
<input type="checkbox"/> Other:	Explain	

**To be completed by P&Z staff only:**

Fee Paid \$ 210.00 (Refer to current Fee Schedule)

Received by: AOL CLK # 2030

Scheduled on ZBA Agenda of:

10/27/20

ZBA # 2020 - 15 -

**ZONING BOARD OF APPEALS DECISION:**

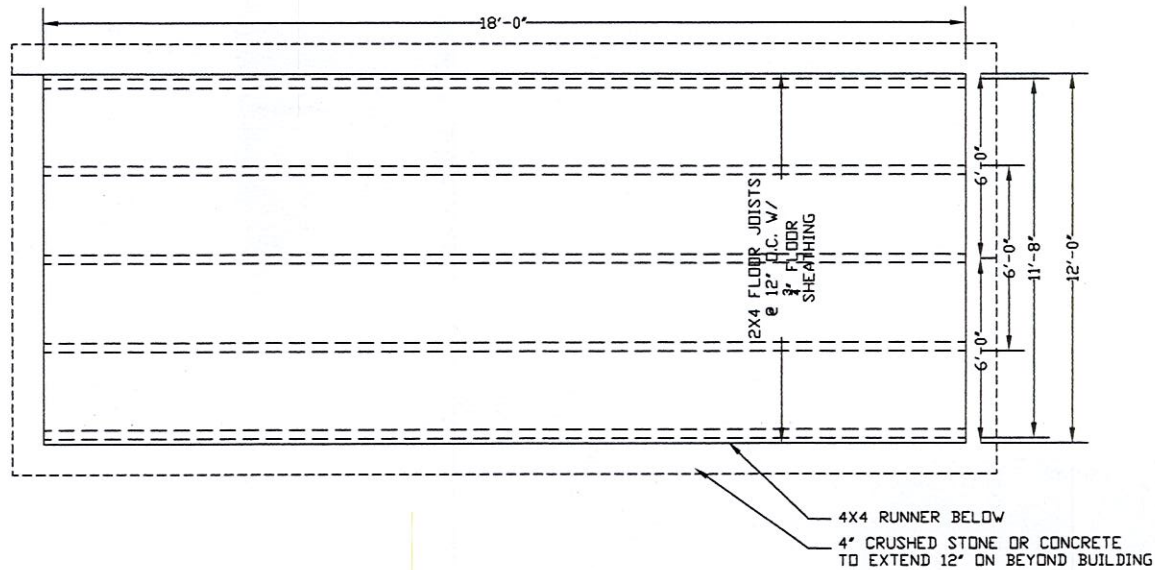
Plan Title & Date: \_\_\_\_\_



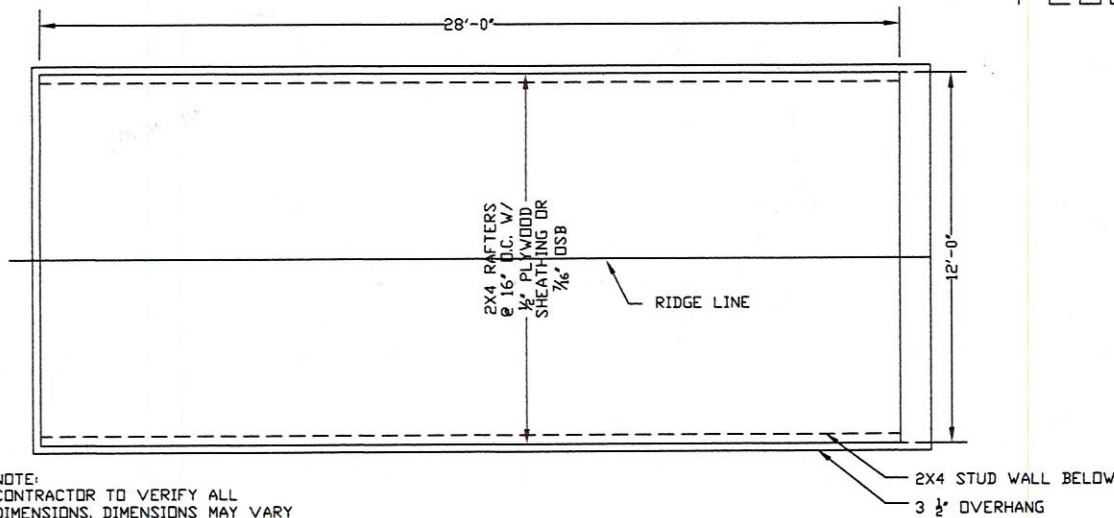
Received by T.O.B.

AUG 31 2020

Building Dept.



FLOOR FRAMING PLAN



NOTE:  
CONTRACTOR TO VERIFY ALL  
DIMENSIONS. DIMENSIONS MAY VARY  
SLIGHTLY.

ITEMS NOT SHOWN ON PLANS OR  
SPECIFICATIONS WILL BE EXTRA.

ROOF FRAMING PLAN

HEAVY DUTY 12' WIDE PEAK STYLE GARAGE NOMINAL SIZES	
12'x16'	12'x32'
12'x20'	12'x36'
12'x24'	12'x40'
12'x28'	

PAGE 1 OF 3

12' WIDE HEAVY DUTY PEAK ONE CAR GARAGE

BUILDER: BUILDERPINE CREEK STRUCTURES, INC.

102 E. MARKET STREET  
GRATZ, PA 17030  
717-365-3770 365-4008F

SCALE: 1/4"=10'

DRAWN BY: TRL

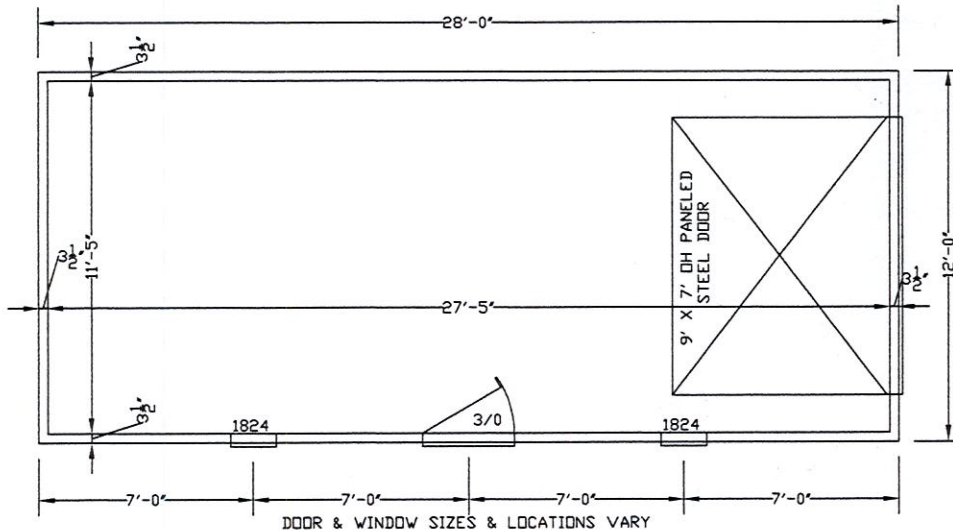
DATE: MAY 25, 2009

DRAWN BY

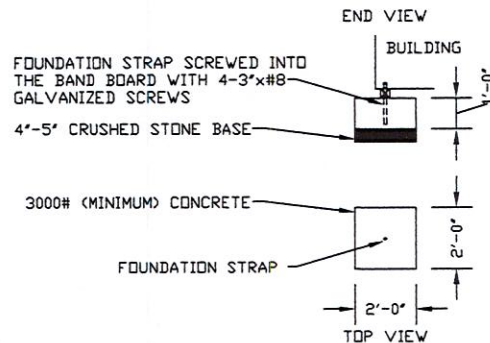
LUTTRELL DESIGN GROUP

1597 MACINTOSH WAY  
HUMMELSTOWN, PA 17036

717-566-6819 717-566-4847F



FIRST FLOOR PLAN



TIE-DOWN FOOTER DETAIL

REQUIRED ON THE FOUR CORNERS OF THE BUILDING ON ALL WIND LOAD AREAS OVER 90 MPH

NOTE: CONTRACTOR TO VERIFY ALL DIMENSIONS. DIMENSIONS MAY VARY SLIGHTLY.

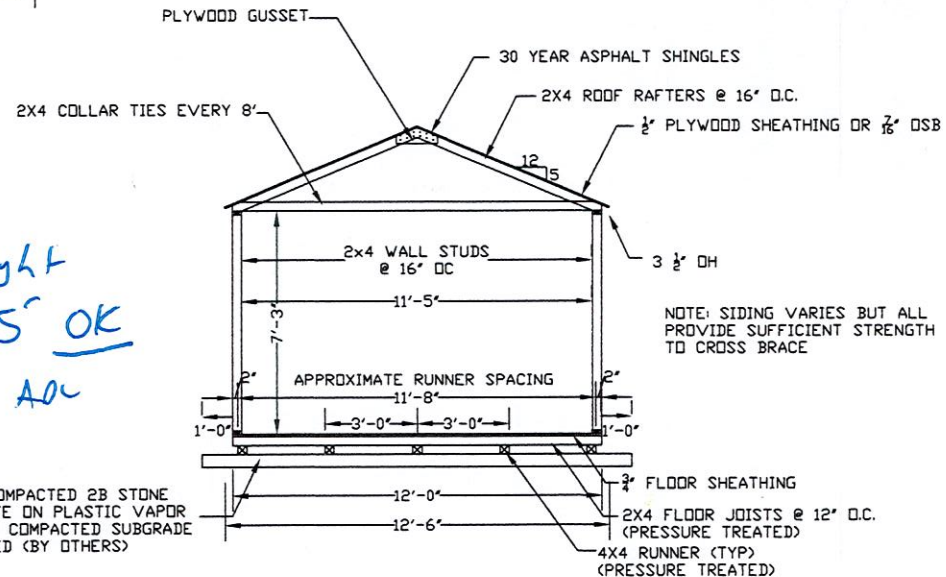
ITEMS NOT SHOWN ON PLANS OR SPECIFICATIONS WILL BE EXTRA.

#### STRUCTURAL GENERAL NOTES:

1. ALL WORK SHALL COMPLY WITH INTERNATIONAL BUILDING CODE 2009 AND ALL FEDERAL, STATE AND MUNICIPALITIES HAVING JURISDICTION OVER THE WORK.
2. THE INTERNATIONAL BUILDING CODE 2009 WAS USED IN THE STRUCTURAL DESIGN.
3. THE TIMBER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE AMERICAN INSTITUTE OF TIMBER CONSTRUCTION.
4. SHEATHING SHALL CONFORM TO THE AMERICAN PLYWOOD ASSOCIATION.
5. LUMBER SHALL BE SPRUCE PINE FIR #2 OR BETTER.
6. GROUND CONTACT LUMBER SHALL BE #2 OR BETTER PRESSURE TREATED YELLOW PINE.
6. PINE CREEK AND THE DESIGNER ARE NOT RESPONSIBLE FOR THE PREPARATION OF THE FOUNDATION MATERIAL SUPPLIED BY OTHERS.

#### SNOW AND WIND LOADS

1. THE STANDARD HEAVY DUTY BUILDING IS DESIGNED FOR 45 PSF SNOW LOAD AND 90 MPH WIND LOAD.
2. ADDITION OF COLLAR TIES ON EVERY OTHER RAFTER INCREASES THE SNOW LOAD TO 60 PSF AND THE WIND LOAD TO 110 MPH.
3. ADDITION OF COLLAR TIES ON EVERY RAFTER INCREASES THE SNOW LOAD TO 80 PSF AND THE WIND LOAD TO 120 MPH.
4. A 2'x2'x1' DEEP CONCRETE TIE-DOWN FOOTER WITH FOUNDATION STRAPS SCREWED INTO THE BAND BOARD WITH 4-3'x#8 GALVANIZED SCREWS IS REQUIRED ON THE FOUR CORNERS OF THE BUILDING ON ALL WIND LOAD AREAS OVER 90 MPH.
5. THE WOOD FOUNDATIONS OVER A CRUSHED 4" STONE BASE ARE DESIGNED TO PROMOTE DRAINAGE AND DISTRIBUTE FROST HEAVING, IF ANY, EVENLY TO PREVENT DAMAGE TO THE BUILDING.



TYPICAL SECTION 12' WIDE HEAVY DUTY PEAK STYLE GARAGE

PAGE 2 OF 3

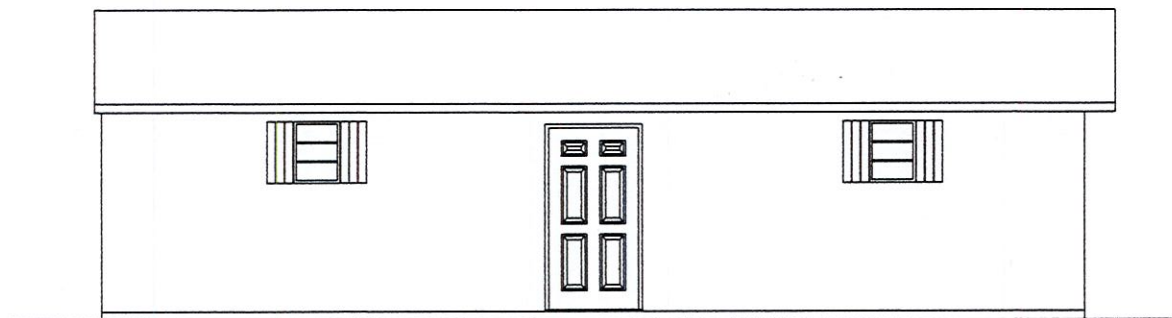
DRAWN BY  
LUTTRELL DESIGN GROUP  
1597 MACINTOSH WAY  
HUMMELSTOWN, PA 17036  
717-566-6819 717-566-4847F

12' WIDE HEAVY DUTY PEAK ONE CAR GARAGE

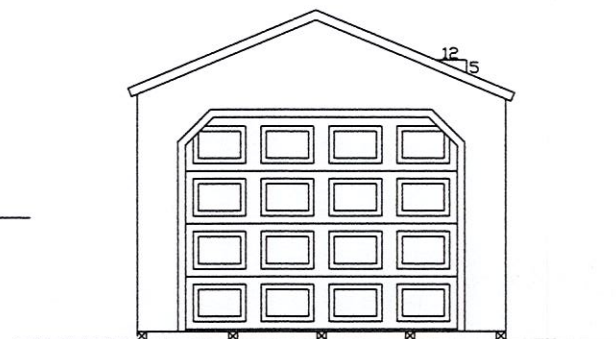
OWNERS:

BUILDER: PINE CREEK STRUCTURES, INC.  
102 E. MARKET STREET  
GRATZ, PA 17030  
717-365-3770 365-4008F

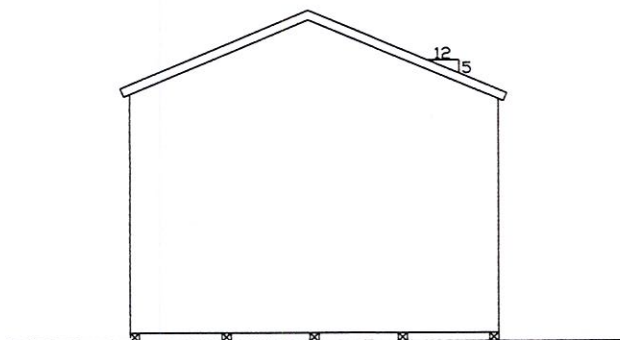
SCALE: 1/4"=1'-0" DRAWN BY: TRL DATE: MAY 25, 2009



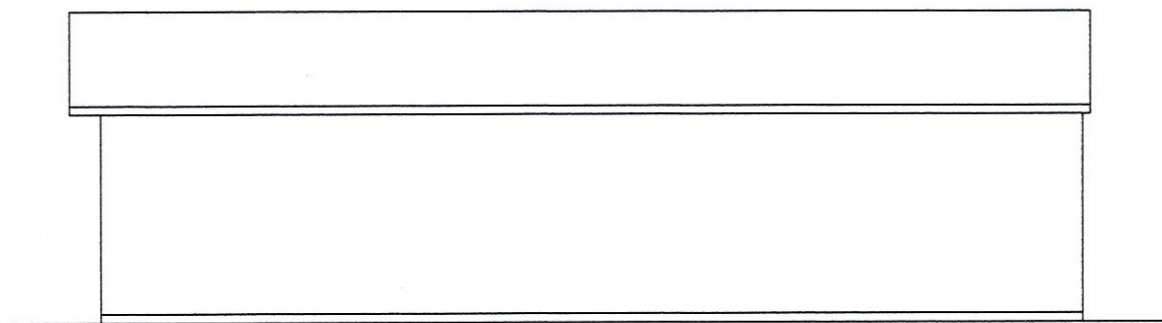
LEFT SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

NOTE:  
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PAGE 3 OF 3

DRAWN BY  
LUTTRELL DESIGN GROUP  
1597 MACINTOSH WAY  
HUMMELSTOWN, PA 17036  
717-566-6819 717-566-4847F

12' WIDE HEAVY DUTY PEAK ONE CAR GARAGE

OWNERS:

BUILDERPINE CREEK STRUCTURES, INC.

102 E. MARKET STREET

GRATZ, PA 17030

717-365-3770 365-4008F

SCALE: 1/4"=10'

DRAWN BY: TRL

DATE: MAY 25, 2009



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OCT 05 2020

Planning & Zoning Department  
Berlin, Connecticut

Kusum Shah  
TWIN SPRUCE MOTEL  
697 BERLIN TPK  
BERLIN

10/5/20

To, Planning and Zoning Dept.

Ref. Replacing existing garage.  
with new garage.

Dear Sir,

We live and run the  
TWIN SPRUCE MOTEL for forty years.  
We own Twin Spruce Motel and there  
is no complaint against us from  
Town of Berlin, Police or Fire  
Dept. It is fourteen units motel  
and we live there. The garage which  
we are replacing was over thirty  
years old and damaged & partially  
destroyed by storm in October,  
2019. Photos are attached.

Only neighbour next door to us  
is only liquor store (Merchant Warehouse)

2  
There are evergreen trees planted  
and they are now about 13 feet high  
garage is over 13 feet from next  
door liquor store property. Photos  
attached.

New portable garage we are  
buying from Pine Creek Structures  
on 1695 Berlin Tpke, Berlin, CT  
203. 548. 7355. Davey Marcarelli.  
The site work is already been  
done by J.R & sons home Improvement  
LLC  
53 Cylenius Ave.  
Plainville. CT 06062.

George Davey Jr. 860. 637 2323.  
The old garage was 12x20'  
& New Garage is 12'x24'.

We were using the garage  
for to store portable air conditioner  
in winter so it can work for the  
customers, storing customers

Town of Berlin  
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OCT 05 2010

Planning & Zoning L  
Berlin, Connecticut

3

~~600-922-6341~~

Valuable & belonging for 30 to 45 days  
their safety. If there is any question  
or concern please contact us. our  
email - is [ACShah@yahoo.com](mailto:ACShah@yahoo.com)  
860.922.6341

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OCT 05 2020

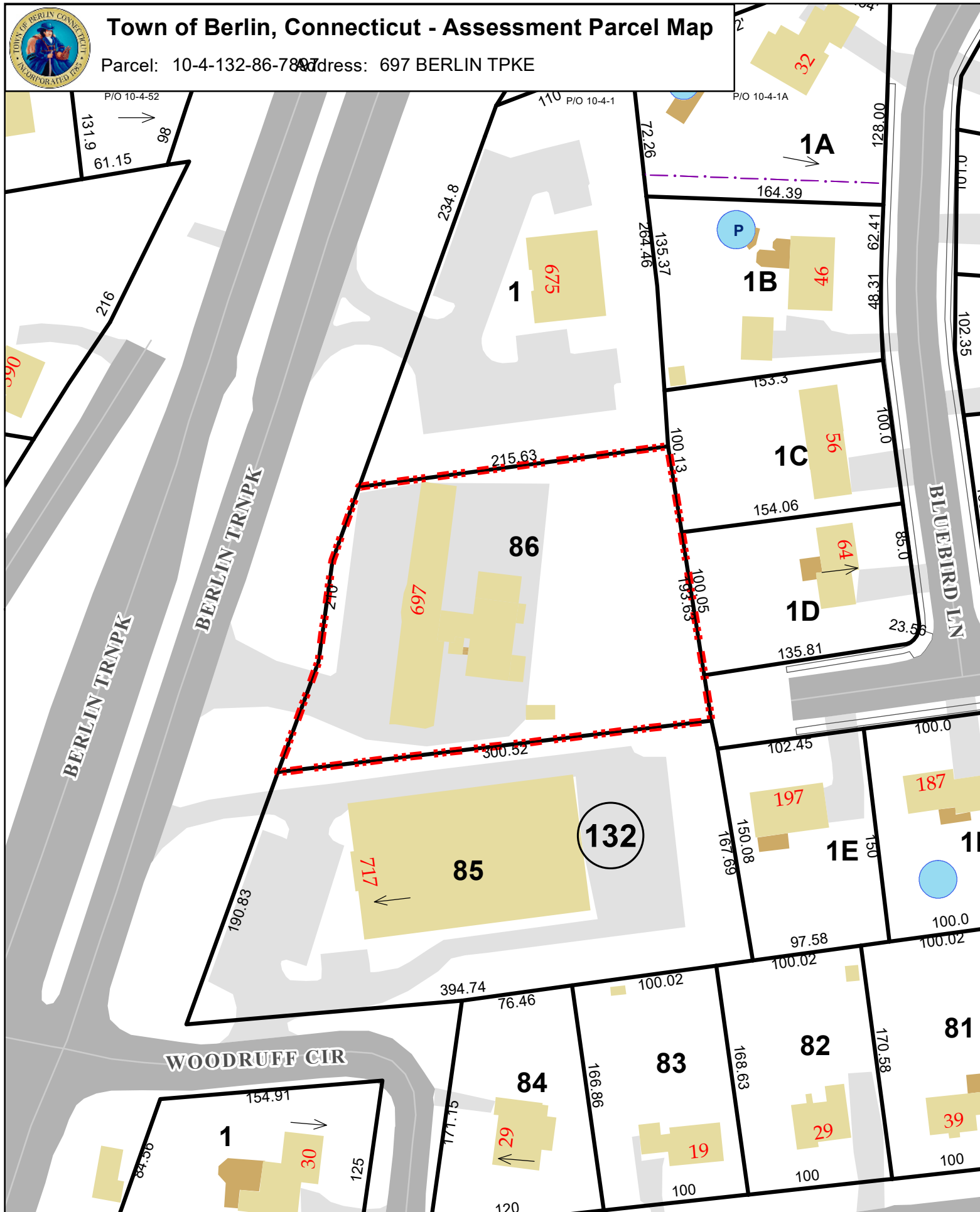
Planning & Zoning Department  
Berlin, Connecticut



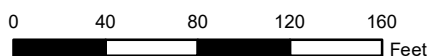


# Town of Berlin, Connecticut - Assessment Parcel Map

Parcel: 10-4-132-86-7897 Address: 697 BERLIN TPKE



Approximate Scale: 1 inch = 83 feet



Map Produced: March 2020

Disclaimer: This map is for informational purposes only. 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.

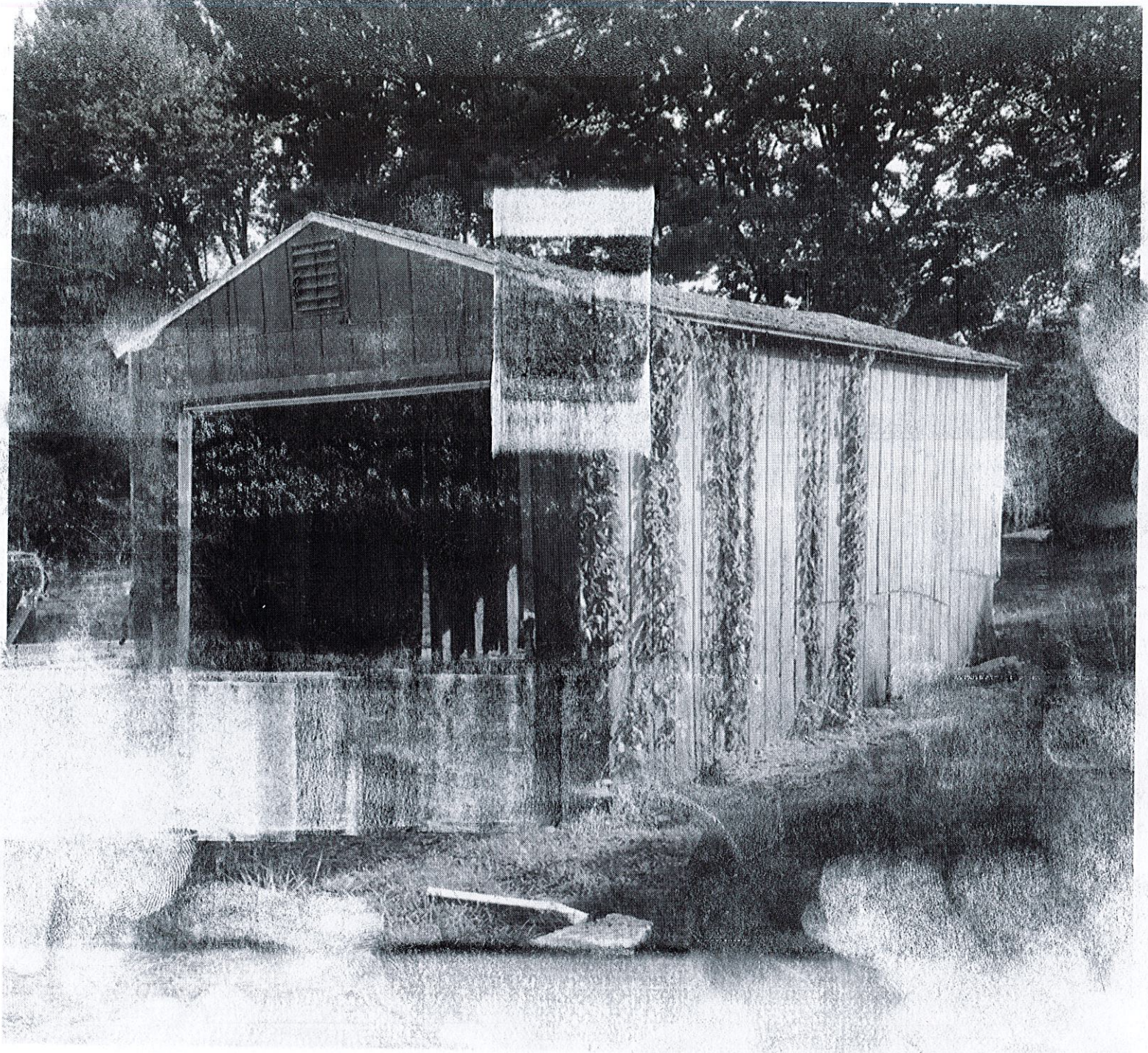
# BERLIN ZONING REGULATIONS

## § VI

**J. Area and bulk requirements.** The following area and bulk requirements shall be applicable in the PS- A, PS- B, SP- DD, SP- DD Overlay, SP- DD 2, GC, BT- 1, BT- 2, CCD- 1, and CCD- 2 districts, as indicated. Dimensions are in feet unless otherwise indicated.

	PS-A Planned Shopping- A <sup>(4)</sup>	PS-B Planned Shopping- B	SP-DD Special Design District- Regional Center	SP-DD Overlay Special Design District- Regional Center Overlay District	SP-DD 2 Special Design District 2- Berlin Turnpike Overlay District (see BT- 2)	GC General Commercial	BT-1 Berlin Turnpike e	BT 2 Berlin Turnpike 2	CCD-1 Commercial Core Design-1	CCD-2 Commercial Core Design-2
1. Minimum front yard	75	50	100 <sup>(11)</sup>	200		50	50	50	5	5
2. Minimum side yard (each) <sup>(5)</sup>	25	25	100 <sup>(11)</sup>	100		25	25	25	5	10
When abutting a residential district	50	100	200 <sup>(11)</sup>	200		50	50	50	30	30
3. Minimum rear yard	30	100	100 <sup>(11)</sup>	100		50	50	50	20	20
When abutting a residential district	50	100	200 <sup>(11)</sup>	200		50 <sup>(7)</sup>	50	50	30	30
4. Minimum parking and loading setbacks (side and rear yards) <sup>(5), (6)</sup>	10	25-parking 50-loading	50	50		10	10	10	0	0
When abutting a residential district	50	100	100 <sup>(11)</sup>	200		50	50	50	30	30
5. Maximum building height (stories) / (feet)	2 ½ / 35	40 <sup>(3)</sup>	5 / 75	5 / 75		2 ½ / 35	2 ½ / 35	4 / 35	2 ½ / 35	4 / 60 <sup>(11)</sup>
6. Minimum parking and loading setback front yard <sup>(6)</sup>	10	10 <sup>(6)</sup>	50	50		10	10	10	10	10
7. Maximum building coverage (percent)	25	30	25	25		25	25	25	50	50
8. Maximum building impervious surface coverage (percent)	75	80	80	80		80	80	80	90	90
9. Minimum lot size (acres)	5	5 <sup>(2)</sup>	10 <sup>(2)(11)</sup>	20 <sup>(2)</sup>		1 <sup>(8)</sup>	2 <sup>(9)</sup>	2 <sup>(9)</sup>	2	2
10. Minimum lot width	400	400	400 <sup>(11)</sup>	400		175	175 <sup>(13)</sup>	175	NA	NA
11. Maximum floor area (FAR)	0.3	1.0	1.0	1.0		0.3	0.5	0.5	1.5	2.5 <sup>(1)</sup>
12. Detached accessory buildings Minimum distance from principal building	12	12	12	12		12	12	12	12	12
Side lot line	25	100	100	100		25	25	25	10	10
Rear lot line	30	100	100	100		50	50	50	20	20
Front lot line	75	100	100	100		50	50	50	5	5





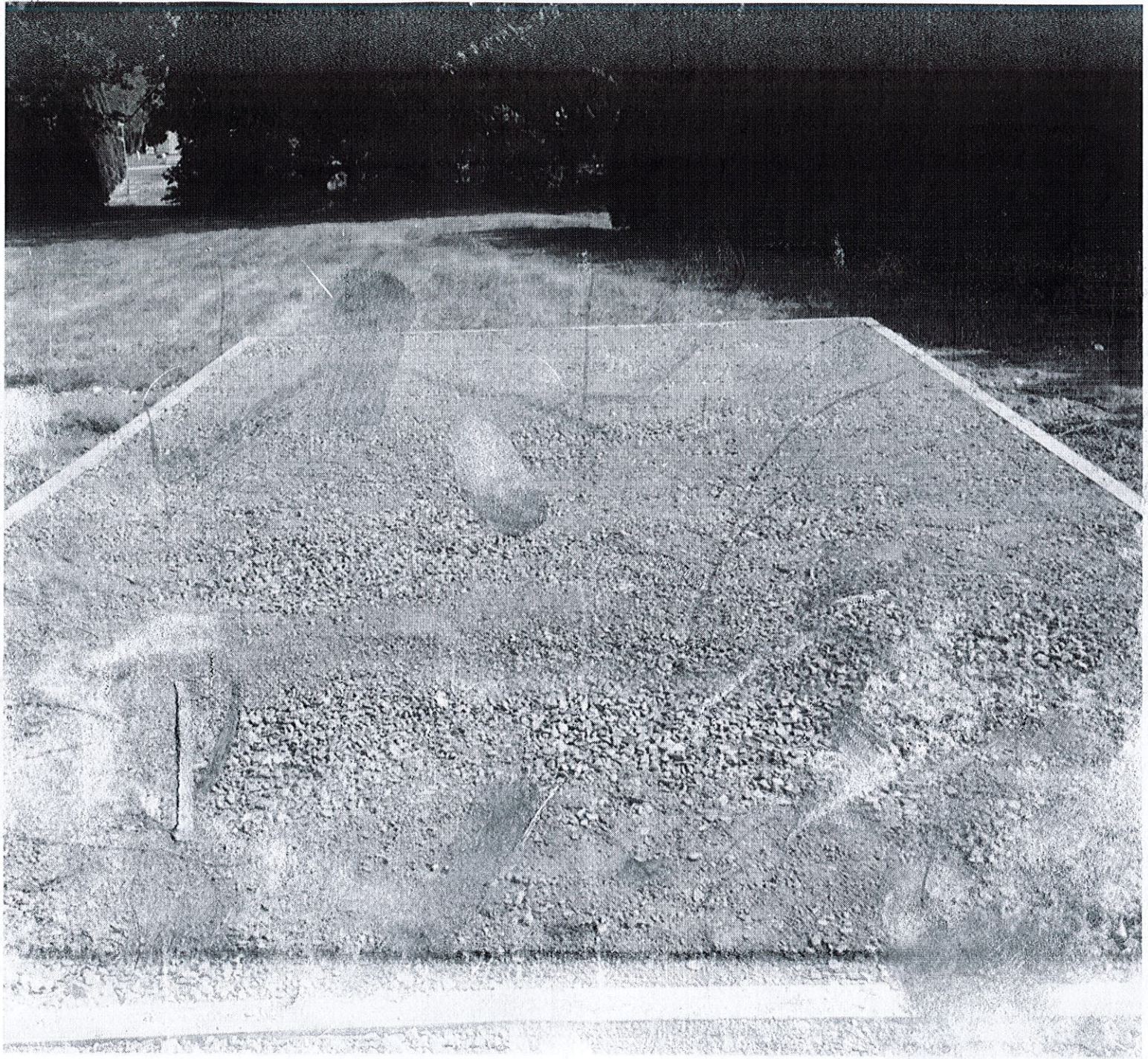
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Planning & Zoning Department  
Berlin, Connecticut

OLD  
Shed  
↓  
Damaged/destroyed  
2019





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Berlin, Connecticut

Current  
site @  
proposed  
location



Current Site  
@ Proposed  
Location

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Berlin, Connecticut

















MAP REFERENCES:

1. CONN. STATE HIGHWAY DEPARTMENT  
RIGHT OF WAY MAP TOWN OF BERLIN  
BERLIN BY-PASS FROM WORTHINGTON  
RIDGE NORTHERLY TO WORTHINGTON  
RIDGE. APPROVED 4/60
2. FINAL PLAT "GREEN ACRES" SECTION 1  
SUBDIVISION OF PROPERTY OWNED &  
DEVELOPED BY DORIO & RIERA BUILDERS  
INC. 154 WETHERSFIELD ROAD, BERLIN,  
CONN. MAY 1972 G.S. JARMOLINSKI ASSOC.  
REV. JUNE 2, 1972

LOT NO 1C  
N/F THOMAS & CARLENE BATTAGLIA

LOT NO 1D  
N/F JOHN S. 7 MARIE V. SCALIA

HUMMINGBIRD DRIVE

LOT NO. 1  
N/F FRED E. CAMPANELLA JR. & JEFFREY P. KAROLI

AREA 11.43 ACRES

LOT NO. 85  
N/F MAINSAY CORP.

THIS SURVEY MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE "RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED FOR USE BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 24, 1992

THE TYPE SURVEY PERFORMED IS A DEPENDENT RESURVEY DEPICTING A PARCEL OF LAND CREATED BY AN ORIGINAL SURVEY. THE SURVEY IS BUILT ON THE DEED IN VOL 322 PAGE 363 AND FIELD EVIDENCE. THE BOUNDARY OPINION SHOWN ON THIS MAP IS BASED ON THIS DEED AND ADJACENT MAPS AS REFERENCED.

THIS SURVEY CONFORMS TO A CLASS A-2 SURVEY.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON AND IS ONLY VALID WITH A LIVE SIGNATURE AND EMBOSSED SEAL.

RODERICK D. HEWITT L.S. #8432

Town of Berlin  
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OCT 05 2020

Planning & Zoning Department  
Berlin, Connecticut



SURVEY PLAT  
LAND OF  
KUSUM SHAW  
697 WILBUR CROSS HIGHWAY  
BERLIN CONN.  
RODERICK D. HEWITT LAND SURVEYOR  
SCALE 1" = 20' JAN. 19, 1995  
PROJECT NO. 94062

APPROVED 11-8-20  
Town of Berlin Planning and Zoning Commission