MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals

FROM: Adam Levitus, ZEO DATE: February 18, 2021

RE: #2021-05 – Variances for Front and Side Yards for a New Attached Garage and Addition

APPLICANT: Ryan Haley (property owner)
ADDRESS: 379 Main Street – East Berlin

Map 23-2 Block 152 Lot 6

ZONE: R-43

Proposal and Background

Ryan Haley (property owner) is requesting a variance for northerly side yard of 1 foot when 30 feet is required and a westerly front yard of 37.5 feet when 50 feet is required in the R-43 Zone per Berlin Zoning Regulations V.A.10 for a new 1-car attached garage and small addition. The proposed new garage and addition would be located in the same general area as an existing detached garage and an existing lean-to attached to the house (existing garage and lean-to to be removed).

Staff Comments

Per Assessor's data, the existing house was built in approximately 1770 and the existing garage built in approximately 1930 (both before the creation of zoning ordinances/regulations in Berlin). Per available survey data, both the house and garage are existing, non-conforming structures:

- The house encroaches the required front yard (13.1 ft where 50 ft is required)
- The house encroaches the required side yard (22.8 ft where 30 ft is required)
- The detached garage encroaches the required front yard (41.2 ft where 50 ft is required)
- The detached garage encroaches the required side yard (2.5 ft where 30 ft is required garage is less than 12 feet from the house, so accessory setbacks do not apply)
 - o Detached garage is less than 12 feet from the house, so accessory setbacks do not apply

A ZBA variance application was submitted by a prior owner in October 1972 for an addition of a "two car basement garage, with a sun deck overhead, on the south side of 379 Main St". The hardship claimed for that application was "Location of existing house is such that it is physically impossible to attach the garage to the side of the house behind the set back line." The variance was ultimately denied by the ZBA "because of insufficient proof of hardship in the use of the land", with the motion to deny including discussion of "the existing structure is already nonconforming and there is ample land to the rear which would allow for an alternate building plan without necessitating a variance".

Two variances (side and front yards) are being requested as part of the proposed attached garage/addition project. Although both non-conformities would be increased under the applicant's proposal, staff would draw particular focus to the side yard encroachment (proposed addition to be only one foot from the property line).

Also note that two letters have been received from relatives of the neighbor to the north (Dorothy Warren, 369 Main St). Those letters have been included in the document package issued to ZBA members.

Staff recommends discussion of proximity to the adjacent property, maintenance/upkeep within the proposed narrow side yard, and the overall design of the addition such that non-conformities are increased (rather than maintained, decreased, or eliminated).

Zoning Requirements:

§V.A.10

Front Yard Required: 50 ft. Side Yard Required: 30 ft.

Proposed Front Yard: 37.5 ft Proposed Side Yard: 1 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

ZBA # 7021 - 05 -

Planning and Zoning Department

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

Town of Berlin Received

FEB 03 2021

Planning & Zoning Department

PEALS APPLICATION Appeal of ZEO Location Other / Determination In the connecticut of th
rlin, CT 06023
D 40
Zone(s): R-43 Lot Area: 1.264 acres
everages Location /Motor Vehicle Uses Location ission review needed needed Boundary of on this property:
formation
m Name:
ty:_East Berlin ST:_CT Zip: 06023
one: 860-828-5195
ite: 2/2/2021
ion (If Not the Applicant)
rincipal:
ity: ST: Zip:
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information submitted with this application.

Brief description of the proposal: Removal of existing detached garage and lean-to, and construction of a new 1-car attached garage and small addition. New construction to be located in the same general area as the removed structures.

VARIANCE APPLICATIONS: For relie	ef of: front and	side setback	requirement.
Requested requirement: 1' side and 37'-6	" front setbacks		
Reason/Description of Hardship (REQUII	RED): Existing 177	O's house predates zonin	g regulations. Existing
house and garage are located entirely within the	ne front and side se	etbacks. In order to alig	n new construction
with existing house and utilize existing drivewa			
locations are not feasible without extensive and			
	<u>'</u>		
MOTOR VEHICLE USE LOCATION	·:		
The first page of the State DMV applicati	ion is required to be	submitted with this appl	ication
1	of Service Bays	Parking Required	Parking Provided
☐ Used Car Dealer			
☐ General Repairer		3 	
☐ Limited Repairer			
☐ Gasoline Station		·	·
SALE OF ALCOHOLIC BEVERAGES	S LOCATION-1		
The first page of the State Liquor Permit	application is require	ed to be submitted with t	his application
Type of State Liquor Permit:			
☐ On -Premises Permit: Type			
☐ Other: Explain			
To be completed by P&Z staff only:		7.1	1 05
Fee Paid \$_\(\frac{2}{6}\). (Refer to current F	See Schedule)	ZBA # 707	
Received by: MS - Check #	450		
Scheduled on ZBA Agenda of:	ZONING BOA	ARD OF APPEALS I	DECISION:
2/23/21			7
			İ
	Plan Title & Date	e:	

2/18/2021 Print Map

Town of Berlin

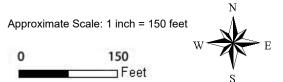
Geographic Information System (GIS)



Date Printed: 2/18/2021 ICE POND LN

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.



Property Location 379 MAIN ST EB Map ID 23-2/152/6// **Bldg Name** State Use 1010 Sec # 1 of 1 Vision ID 5683 Account # 1057730 Blda # 1 Card # 1 of 1 Print Date 2/18/2021 9:48:10 AM **CURRENT OWNER** TOPO UTILITIES STRT / ROAD LOCATION CURRENT ASSESSMENT 2 Water Appraised Value | Assessed Value Description 1 Level 1 Paved Code HALEY RYAN E & MICHELLE M 6007 3 Sewer **RES LAND** 1-1 117,700 82.400 138.500 97.000 **DWELLING** 1-3 SUPPLEMENTAL DATA BERLIN, CT 379 MAIN ST **RES OUTBL** 1-4 3.000 2.100 23-2 0152 000006 Alt Prcl ID CENSUS 4002 Section: F Medium (not used) **EAST BERLIN** CT 06023 Incomeexp dc VA **VISION** CB Letter GIS ID 23-2-152-6 Assoc Pid# 259.200 181.500 Total RECORD OF OWNERSHIP BK-VOL/PAGE | SALE DATE SALE PRICE PREVIOUS ASSESSMENTS (HISTORY) Q/U V/I VC Year Code Assessed Year Code Assessed Year Code Assessed 0636 0593 08-02-2010 Q 249.900 00 HALEY RYAN E & MICHELLE M 2020 82 400 2019 82.400 2018 0323 01-12-1992 1-1 1-1 1-1 82 400 SEELYE, MORGAN, 0554 1-3 97,000 97,000 97,000 1-3 1-3 1-4 2,100 1-4 2,100 1-4 2,100 181500 181500 181500 Total Total Total **EXEMPTIONS** OTHER ASSESSMENTS This signature acknowledges a visit by a Data Collector or Assessor Year Code Description Amount Code Description Number Amount Comm Int APPRAISED VALUE SUMMARY Appraised Bldg. Value (Card) 138.500 0.00 Total ASSESSING NEIGHBORHOOD Appraised Xf (B) Value (Bldg) Nbhd Nbhd Name Batch В Tracing Appraised Ob (B) Value (Bldg) 3.000 1030 Appraised Land Value (Bldg) 117,700 NOTES Special Land Value FPL = NON-FUNCTIONAL Total Appraised Parcel Value 259.200 FUNC = FPL & LC BSMNT С INSPECTED 3/18/08 ADD 2 FP OPENINGS Valuation Method '11 NEW BOILER Total Appraised Parcel Value 259.200 **BUILDING PERMIT RECORD VISIT / CHANGE HISTORY** Type Is Permit Id Issue Date Type Description Insp Date % Comp Date Comp Comments Date Cd Purpost/Result Amount Plumbing 10-0216 11-18-2010 PL 7.249 **BOILER INSTALLATION** 06-20-2011 AC 2 00 Measur+Listed 08-16-1999 CV Measur+Listed 1013 Permit 800 100 200 AMP UPGRADE 03-18-2009 JFA 00 PΗ Change - Hearing 12-27-2007 07-23-2007 MI 7 11 QC Review 07-05-2007 ΚK Measur+1Visit 01 1 LAND LINE VALUATION SECTION Special Pricing B Use Code Zone D Front Dept Land Units **Unit Price** S Adi Adi. Unit Land Value Description I Factor SA Cond. ST.Idx Adi. Notes Spec Use | Spec Cal 1010 R-43 7 1.140 AC 136.400 0.89078 5 1.00 0.850 1.000 117,700 Single Family Parcel Total Land Area 1.1400 Total Land Value 117.700 **Total Card Land Units** 1.1400 AC

 Property Location 379 MAIN ST EB
 Map ID 23-2/ 152/ 6/ / Bldg Name
 State Use 1010

 Vision ID 5683
 Account # 1057730
 Bldg Name
 State Use 1010

 CONSTRUCTION DETAIL
 CONSTRUCTION DETAIL (CONTINUED)

 Element
 Cd
 Description
 FST

 Style:
 03
 Colonial
 FST

 Model
 01
 Residential
 T

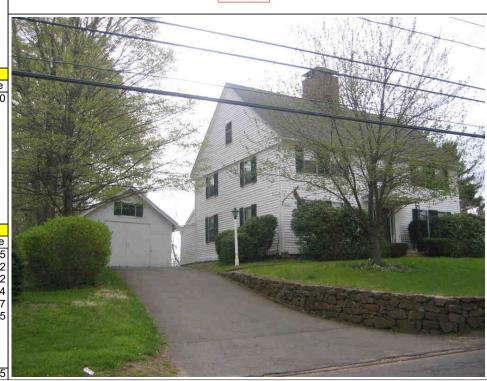
 Grade:
 08
 B
 B

C	ONSTRU	CTION DETAIL	CONSTRUCTION DETAIL (CO			TAIL (CON	ITINUED)
Element	Cd	Description	Eler	ment	Cd	Des	cription
Style:	03	Colonial					
Model	01	Residential					
Grade:	08	В					
Stories:	2.25						
Occupancy	1				MIXED		<u> </u>
Exterior Wall 1	11	Clapboard	Code		Description	on	Percentage
Exterior Wall 2			1010	Single F	-amily		100
Roof Structure:	03	Gable					0
Roof Cover	03	Asph/F Gls/Cmp					0
Interior Wall 1	Α	Plaster/Drywal					
Interior Wall 2		_		COST	/ MARKE	<u>T VALUAT</u>	ION
Interior Flr 1	12	Hardwood					
Interior Flr 2	14	Carpet	Building	Value N	ew	247,3	345
Heat Fuel	02	Oil/Gas					
Heat Type:	05	Hot Water				4770	
AC Type:	01	None	Year Bu			1770	
Total Bedrooms	03	3 Bedrooms		Year Bu			
Total Bthrms:	2			ation Cod	ie	Α	
Total Half Baths	0			el Rating			
Total Xtra Fixtrs				modeled			
Total Rooms:	7		Deprecia			38	
Bath Style:	02	Average		nal Obsol		6	
Kitchen Style:	02	Average	External Trend F			1	
Whirlpool Tub		J	Conditio			1	
# Fireplaces	4		Conditio				
Fin Bsmnt Area			Percent			56	
Fin Bsmt Qualit			Cns Sec			1	:00
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	OB ·	- OUTBU	IILDING	& YARD ITE	EMS(L)	/XF - BUIL	DING EX	TRA FL	EATURES(B	3)
Code	Descrip	tion L	B Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FGR1	Garage -	Avg L	_ 270	28.00	1930	F	40		0.00	3,000
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Code	Description	SUB-AREA Living Area		Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,102	1,102		92.33	101,745
BSM	Basement	0	1,102	220	18.43	20,312
EAU	Attic, Expansion, Unfinished	0	1,102	220	18.43	20,312
FOP	Porch, Open, Finished	0	30	6	18.47	554
FST	Utility, Finished	0	98	29	27.32	2,677
FUS	Upper Story, Finished	1,102	1,102	1,102	92.33	101,745
	Ttl Gross Liv / Lease Area	2,204	4,536	2,679		247,345



LEGEND:

EXISTING STRUCTURES TO BE REMOVED (GARAGE AND LEAN—TO)

PROPOSED NEW STRUCTURES (GARAGE AND ADDITION)

ZONING INFORMATION:

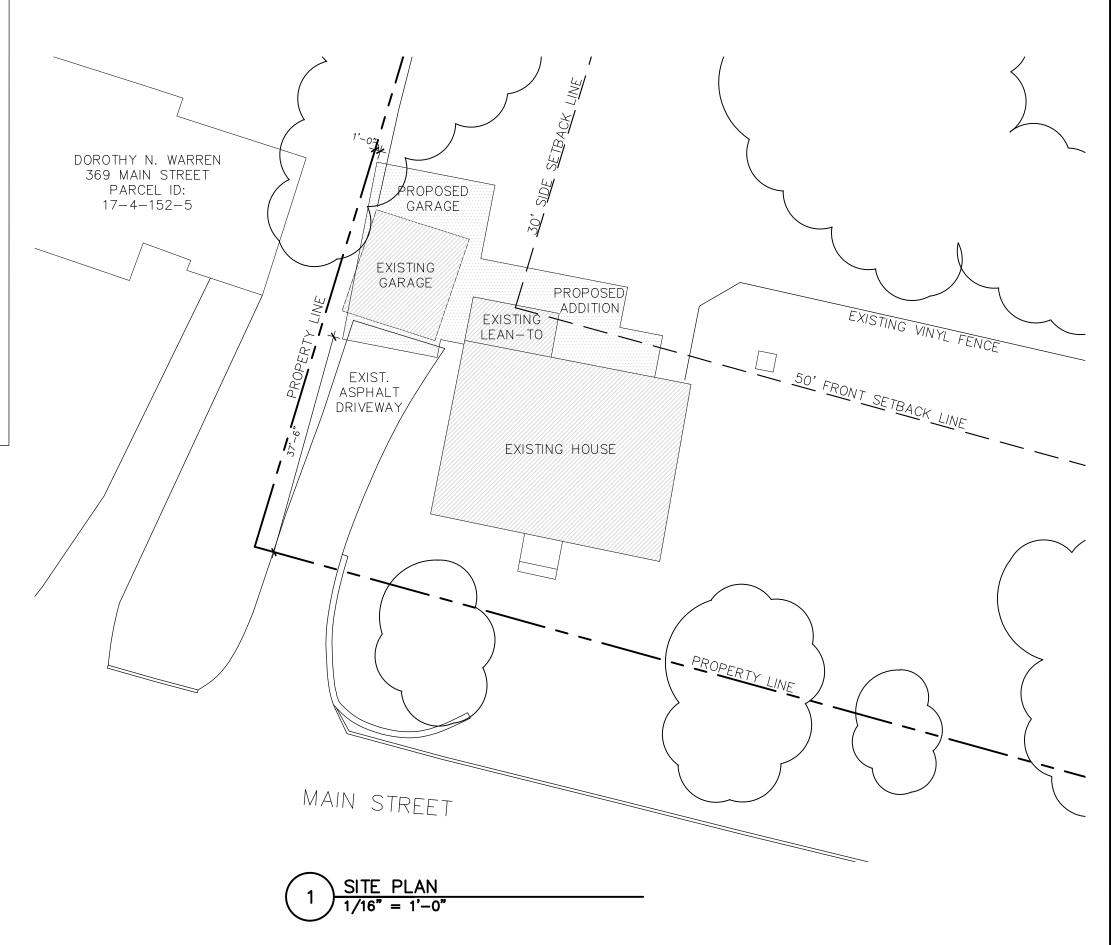
ZONE: R-43

LOT SIZE: 1.264 ACRES

FRONT SETBACK: 50 FEET SIDE SETBACKS: 30 FEET REAR SETBACK: 50 FEET

MIN. LOT AREA: 43,000 SQ. FT. ACTUAL LOT AREA: 55,079 SQ. FT.

MIN. FRONTAGE: 150 FEET ACTUAL FRONTAGE: 170.21 FEET



HALEY HOME DESIGN

OWNER

RYAN AND MICHELLE HALEY 379 MAIN STREET EAST BERLIN, CT 06023

HALEY RESIDENCE RENOVATION AND ADDITION

PHASE:

ZONING BOARD OF APPEALS

DRAWING NAMI

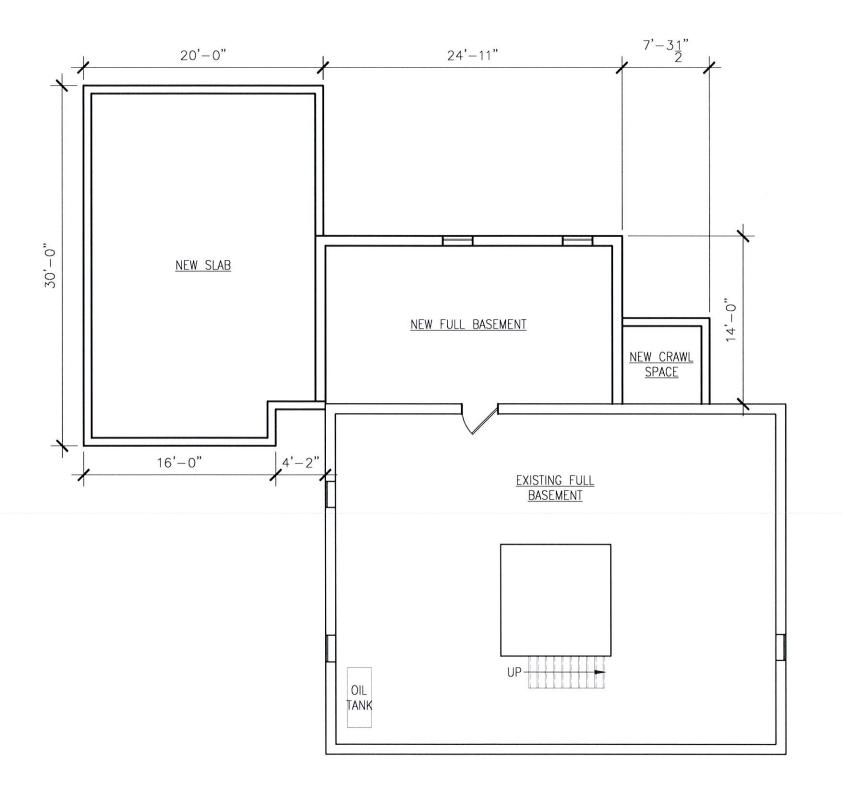
EXISTING AND PROPOSED SITE PLAN

NOT FOR CONSTRUCTION

DRAWN BY: SMH/REH DATE: 2-2-2021

SHEET:

REVISION (DIMENSIONS ADDED): 2-12-2021



Town of Berlin Received

FEB 0 3 2021

Planning & Zoning Department Berlin, Connections

HALEY HOME DESIGN

RYAN AND MICHELLE HALEY 379 MAIN STREET EAST BERLIN, CT 06023

HALEY RESIDENCE RENOVATION AND ADDITION

ZONING BOARD OF APPEALS

DRAWING NAME:

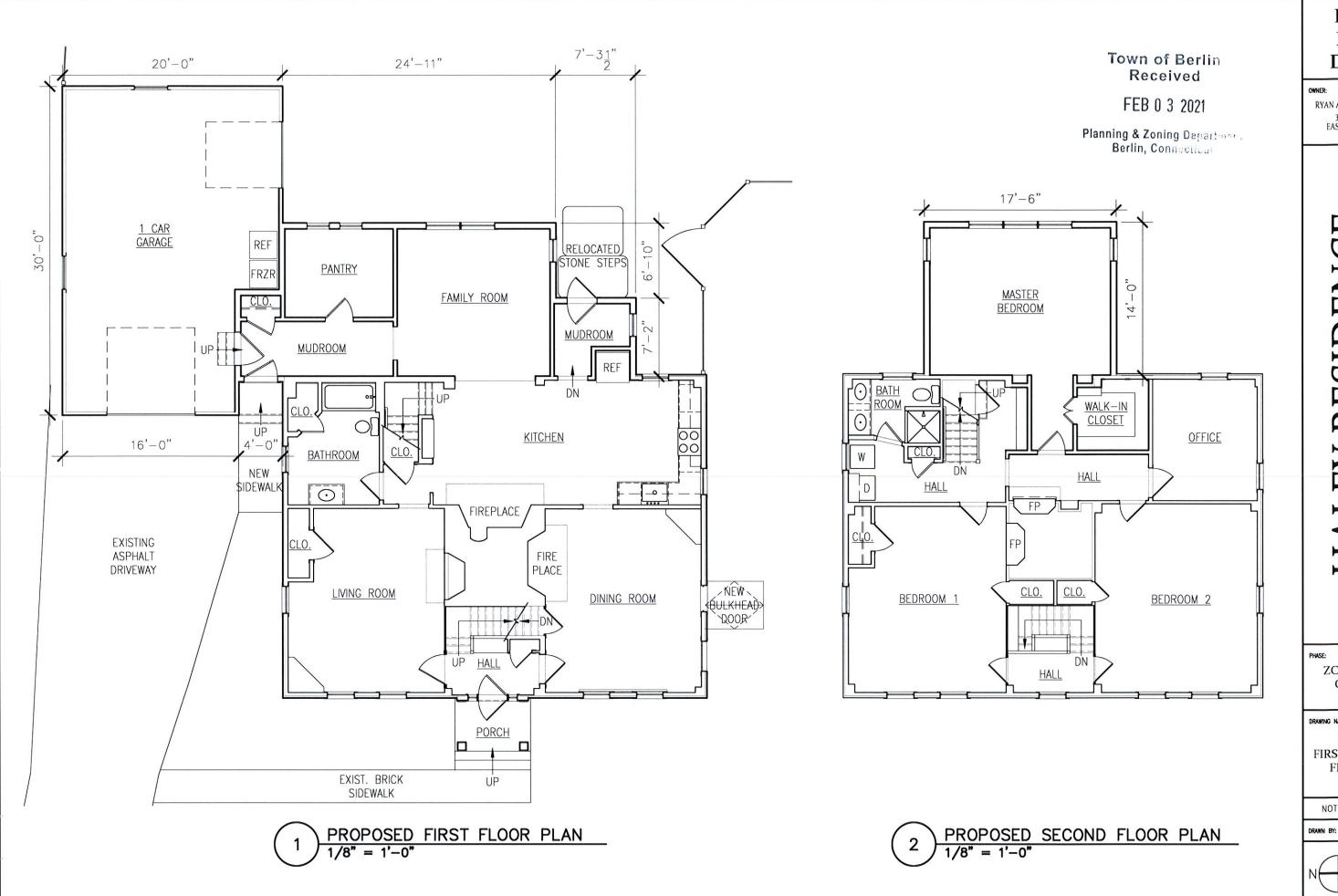
PROPOSED BASEMENT FLOOR PLAN

NOT FOR CONSTRUCTION

DRAWN BY: SMH/REH DATE: 2-2-2021



PROPOSED BASEMENT FLOOR PLAN
1/8" = 1'-0"



HALEY HOME DESIGN

RYAN AND MICHELLE HALEY 379 MAIN STREET EAST BERLIN, CT 06023

ZONING BOARD OF APPEALS

DRAWING NAME:

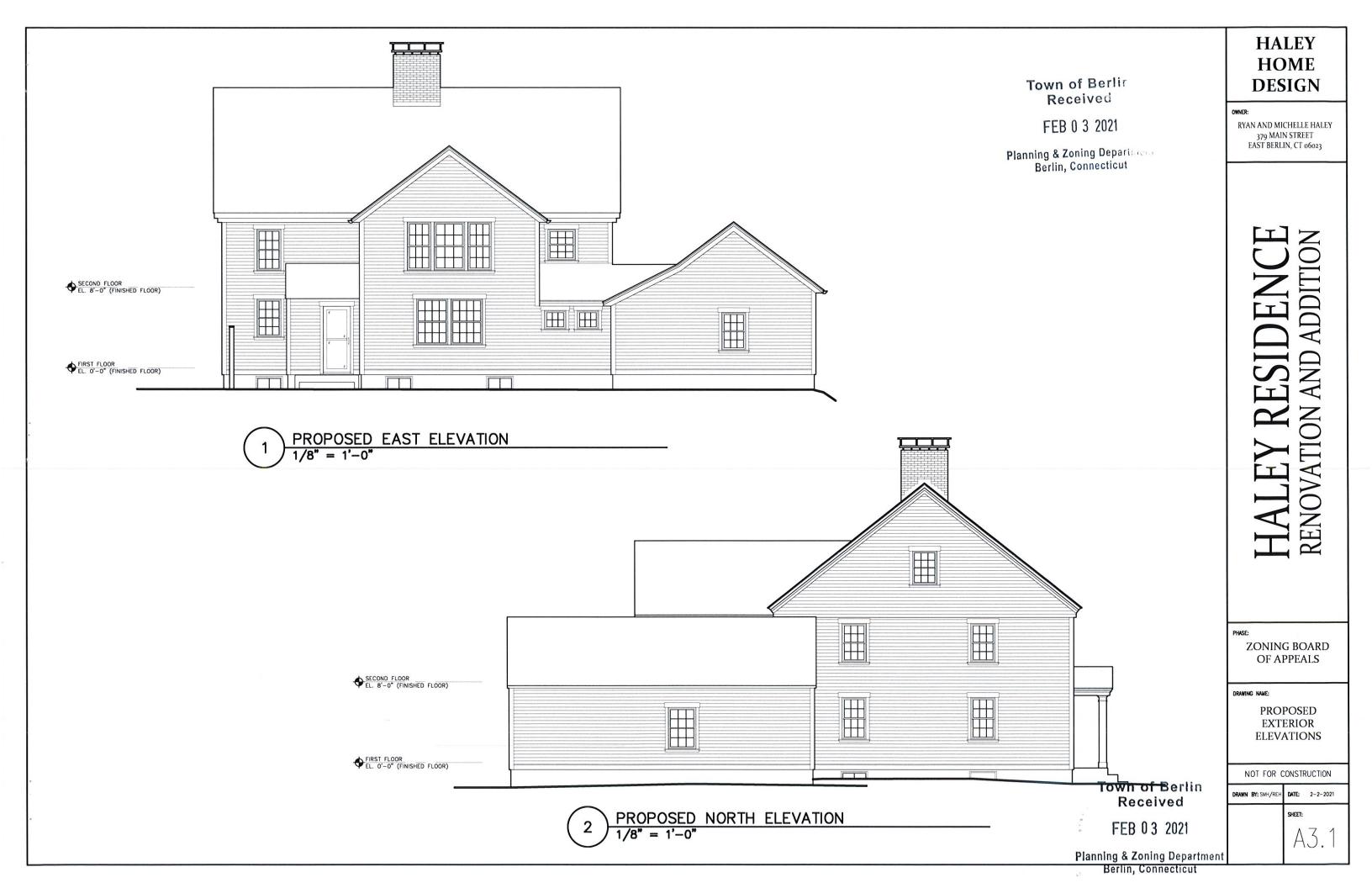
PROPOSED FIRST AND SECOND FLOOR PLANS

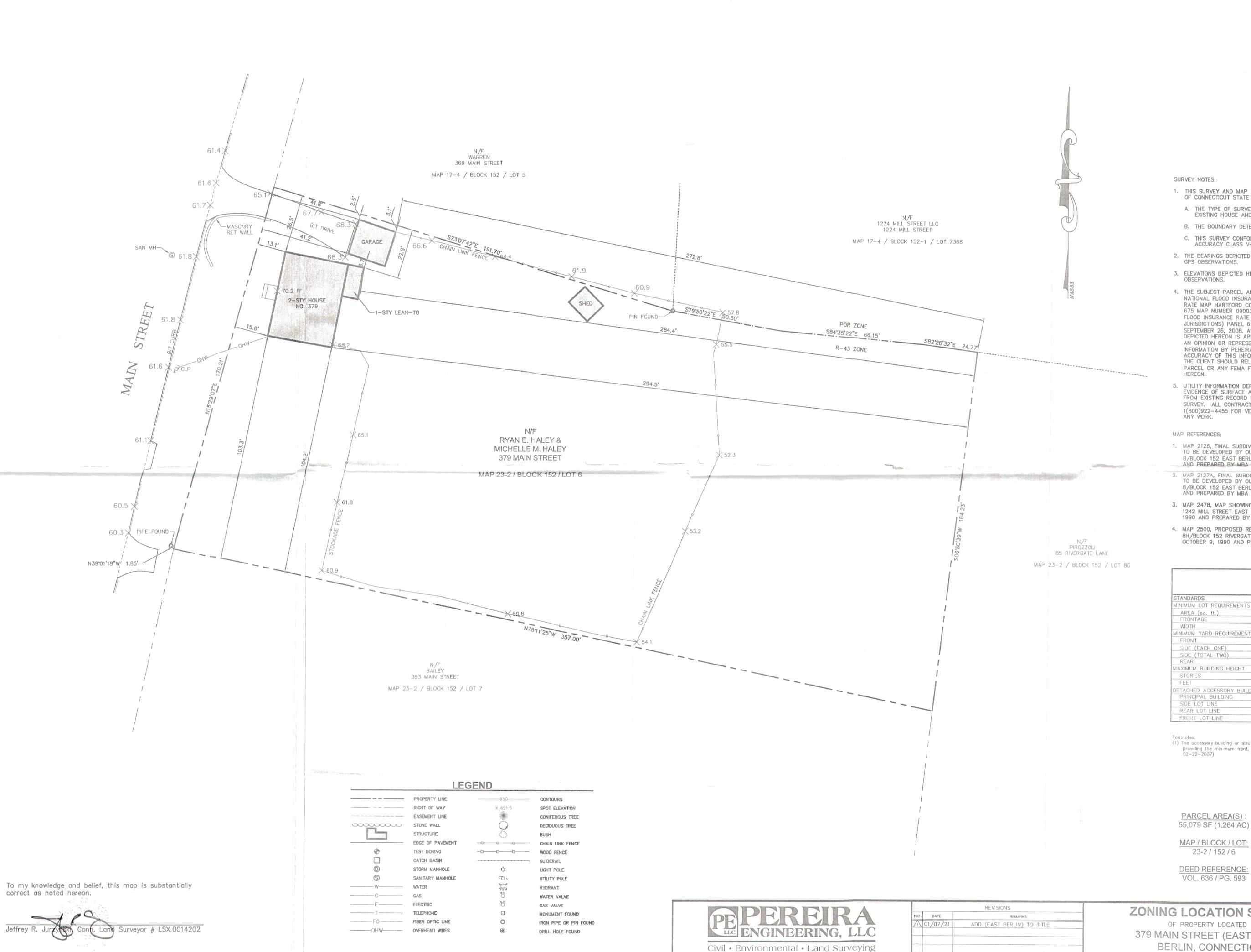
NOT FOR CONSTRUCTION

DRAWN BY: SMH/REH DATE: 2-2-2021





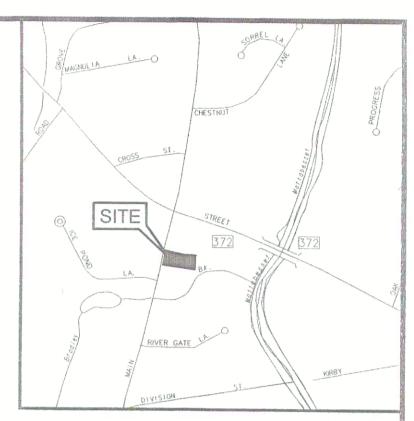




One Enterprise Drive, Suite 312 Phone: (203) 944-9944

Fax: (203) 944-9945

Shelton, CT 06484



LOCATION MAP NOT TO SCALE

- 1. THIS SURVEY AND MAP HAVE BEEN PREPARED IN ACCORDANCE WITH REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20.
- A. THE TYPE OF SURVEY IS A ZONING LOCATION SURVEY INTENDED TO DEPICT THE EXISTING HOUSE AND BARN RELATIVE TO PROPERTY LINES AS DETERMINED.
- B. THE BOUNDARY DETERMINATION CATEGORY IS A RESURVEY.
- C. THIS SURVEY CONFORMS TO HORIZONTAL ACCURACY CLASS A-2 AND VERTICAL ACCURACY CLASS V-5.
- 2. THE BEARINGS DEPICTED HEREON ARE BASED ON NAD83 DETERMINED THROUGH
- 3. ELEVATIONS DEPICTED HEREON ARE BASED ON NAVD88 DETERMINED THROUGH GPS
- 4. THE SUBJECT PARCEL APPEARS TO LIE WITHIN ZONE X AS DEPICTED ON FEMA'S NATIONAL FLOOD INSURANCE PROGRAM MAP(S) TITLED: FIRM FLOOD INSURANCE RATE MAP HARTFORD COUNTY, CONNECTICUT (ALL JURISDICTIONS) PANEL 627 OF 675 MAP NUMBER 09003C0627F EFFECTIVE DATE: SEPTEMBER 26, 2008 AND FIRM FLOOD INSURANCE RATE MAP HARTFORD COUNTY, CONNECTICUT (ALL JURISDICTIONS) PANEL 626 OF 675 MAP NUMBER 09003C0626F EFFECTIVE DATE: SEPTEMBER 26, 2008. ANY FEMA FLOODPLAIN AND/OR FLOODWAY INFORMATION DEPICTED HEREON IS APPROXIMATE ONLY AND DOES NOT IN ANY WAY CONSTITUTE AN OPINION OR REPRESENTATION OF ACTUAL FLOODPLAIN AND/OR FLOODWAY INFORMATION BY PEREIRA ENGINEERING, LLC (PE). PE DOES NOT WARRANT THE ACCURACY OF THIS INFORMATION, AND MAKES NO REPRESENTATIONS UPON WHICH THE CLIENT SHOULD RELY IN CONNECTION WITH THE FLOOD ZONE OF THE SUBJECT PARCEL OR ANY FEMA FLOODPLAIN AND/OR FLOODWAY INFORMATION DEPICTED
- 5. UTILITY INFORMATION DEPICTED HEREON IS APPROXIMATE AND IS BASED ON VISIBLE EVIDENCE OF SURFACE AND OVERHEAD STRUCTURE LOCATIONS AND AS COMPILED FROM EXISTING RECORD MAPPING AVAILABLE DURING THE PREPARATION OF THE SURVEY. ALL CONTRACTORS SHOULD CONTACT "CALL BEFORE YOU DIG" AT 1(800)922-4455 FOR VERIFICATION OF UTILITY INFORMATION PRIOR TO START OF
- 1. MAP 2126, FINAL SUBDIVISION PLAN PROPOSED SUBDIVISION RIVERGATE ESTATES TO BE DEVELOPED BY OULLETTE BUILDERS, INC. PROPERTY KNOWN AS LOT 8/BLOCK 152 EAST BERLIN, CONNECTICUT; SCALE 1"=40'; DATE MARCH 14, 1987 AND PREPARED BY MBA ENGINEERING
- 2. MAP 2127A, FINAL SUBDIVISION PLAN PROPOSED SUBDIVISION RIVERGATE ESTATES TO BE DEVELOPED BY OULLETTE BUILDERS, INC. PROPERTY KNOWN AS LOT 8/BLOCK 152 EAST BERLIN, CONNECTICUT; SCALE 1"=40'; DATE MARCH 14, 1987 AND PREPARED BY MBA ENGINEERING.
- 3. MAP 2478, MAP SHOWING PROPERTY OF CBA PARTNERSHIP PROPERTY KNOWN AS 1242 MILL STREET EAST BERLIN, CONNECTICUT; SCALE 1"=40'; DATE JUNE 28, 1990 AND PREPARED BY MBA ENGINEERING, INC.
- 4. MAP 2500, PROPOSED RESUBDIVISION OF PROPERTIES KNOWN AS LOTS 8E & 8H/BLOCK 152 RIVERGATE LANE EAST BERLIN, CONNECTICUT; SCALE 1"=40'; DATE OCTOBER 9, 1990 AND PREPARED BY MBA ENGINEERING, INC.

ZONING DATA TABL	Francisco Francisco Francisco	
R-43 ZONE		
STANDARDS	REQUIRED	EXISTING
MINIMUM LOT REQUIREMENTS		
AREA (sg. ft.)	43,000 sf	55,079 sf
FRONTAGE	150'	170.21'
WIDTH	150'	165.79
MINIMUM YARD REQUIREMENTS		
FRONT	50'	13.1'
SIDE (EACH ONE)	30'	22.8'
SIDE (TOTAL TWO)	60'	126.1
REAR	50'	284.4'
MAXIMUM BUILDING HEIGHT		
STORIES	2 1/2	2
FEET	35'	<35'
DETACHED ACCESSORY BUILDING MINIMUM DISTANCE FROM (1)		
PRINCIPAL BUILDING	12'	3.7'
SIDE LOT LINE	10'	2.5
REAR LOT LINE	30'	272.8'
FRONT LOT LINE	50'	41.2'

(1) The accessory building or structure maybe located closer than 12 feet from the principal structure, providing the minimum front, rear and side yard setbacks for principal uses are maintained. (Amended

PARCEL AREA(S)

23-2 / 152 / 6

FEB 0 3 2021 Planning & Zoning Department
Berlin, Connecticut

Town of Berlin

Received

ZONING LOCATION SURVEY OF PROPERTY LOCATED AT

379 MAIN STREET (EAST BERLIN) BERLIN, CONNECTICUT PREPARED FOR RYAN E. HALEY & MICHELLE M. HALEY

SCALE: 1" = 20' COPYRIGHT @: 2020 DATE: SEPTEMBER 24, 2020 SCALE: 1"=20' DWG: JRJ FLD: BRY SHEET 1 OF 1

CAD REF. NO. 1285SURV

February 18, 2021

ZBA #2021-05 379 Main Street, East Berlin, Ct

My name is Susan Harlan, I reside at 27 Cindy Lane, Berlin, Ct. My mother, Dorothy Warren, resides at 369 Main Street, East Berlin, Ct. The Haleys live immediately to the south at 379 Main Street, East Berlin, Ct. The Haleys have applied for a property variance which includes my mother's existing property line. Included in the Haley's plans is a complete tear down of an existing garage to erect a new, larger garage.

The Haley's have approximately an acre of land and yet they are requesting a variance to erect this garage within one foot of my mother's property line (where 30 feet is required).

This building will be so close to the property line I can't imagine how they will construct, erect and then maintain this structure without trespassing on my mother's property.

In 2016, we had to use my mom's property as collateral to secure a reverse mortgage to keep her in her home of 57 years. My mom is 98 years old, partially blind and has a hearing deficit. Her home in East Berlin is all she has left.

The reverse mortgage loan was based on the approval of the property located at 369 Main Street, East Berlin, Ct. as it appeared at that time. We are concerned if this variance is granted to the Haleys it will lower the value of my Mom's property and this will be a problem when the property must be sold and the lien repaid to the reverse mortgage company.

We feel granting this variance will cause a devaluation of my mother's property and we are against it.

Town of Berlin Received

FEB 1 8 2021

Respectfully submitted, Susan Harlan

Susan Harlas

Planning & Zoning Depart
Berlin, Connection

My name is Paul Warren I live in Southwick, MA. I am the son of Dorothy Warren who resides at 369 Main St. East Berlin. It was very recently brought to my attention that her next door neighbor Ryan Haley who resides at 379 Main St East Berlin is applying for a variance on his property that will negatively effect my mother's property value. Haley is trying to build a structure that is only one foot from my mom's property line.

My mom is 98 years old and was confused about a Christmas card that was sent to her from the Haley's explaining their plans to built one foot from her property line. To keep my mom from living at a convalescent home a reverse mortgage was utilized on her home. What I find highly disturbing, is if the variance is approved her house of 57 years will lose value and quite possibly, (numerous calls to her bank were not returned) she will prematurely run out of money and be forced into a convalescent home. Because of COVID and my mom's advanced age things become confusing.

Due to these circumstances I would like to seek the assistance of the Commission on Aging and hire legal representation. I would request that any decision be postponed so my mother can be properly represented.

Respectively submitted,

Paul Warren, Ph.D.