

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)
 - 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.

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 relief of: front and side setback requirement.

Requested requirement: 1' side and 37'-6" front setbacks

Reason/Description of Hardship (REQUIRED): Existing 1770's house predates zoning regulations. Existing house and garage are located entirely within the front and side setbacks. In order to align new construction with existing house and utilize existing driveway, the new construction must be placed as shown. Alternate locations are not feasible without extensive and cost-prohibitive alterations to site, interior layout, and utilities.

MOTOR VEHICLE USE LOCATION¹:

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

<input type="checkbox"/> New Car Dealer	<u>Number of Service Bays</u>	<u>Parking Required</u>	<u>Parking Provided</u>
<input type="checkbox"/> Used Car Dealer	_____	_____	_____
<input type="checkbox"/> General Repairer	_____	_____	_____
<input type="checkbox"/> Limited Repairer	_____	_____	_____
<input type="checkbox"/> 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:

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

To be completed by P&Z staff only:

Fee Paid \$ 210.- (Refer to current Fee Schedule)

ZBA # 2021-05 - _____

Received by: fms - check #250

Scheduled on ZBA Agenda of:

2/23/21

ZONING BOARD OF APPEALS DECISION:

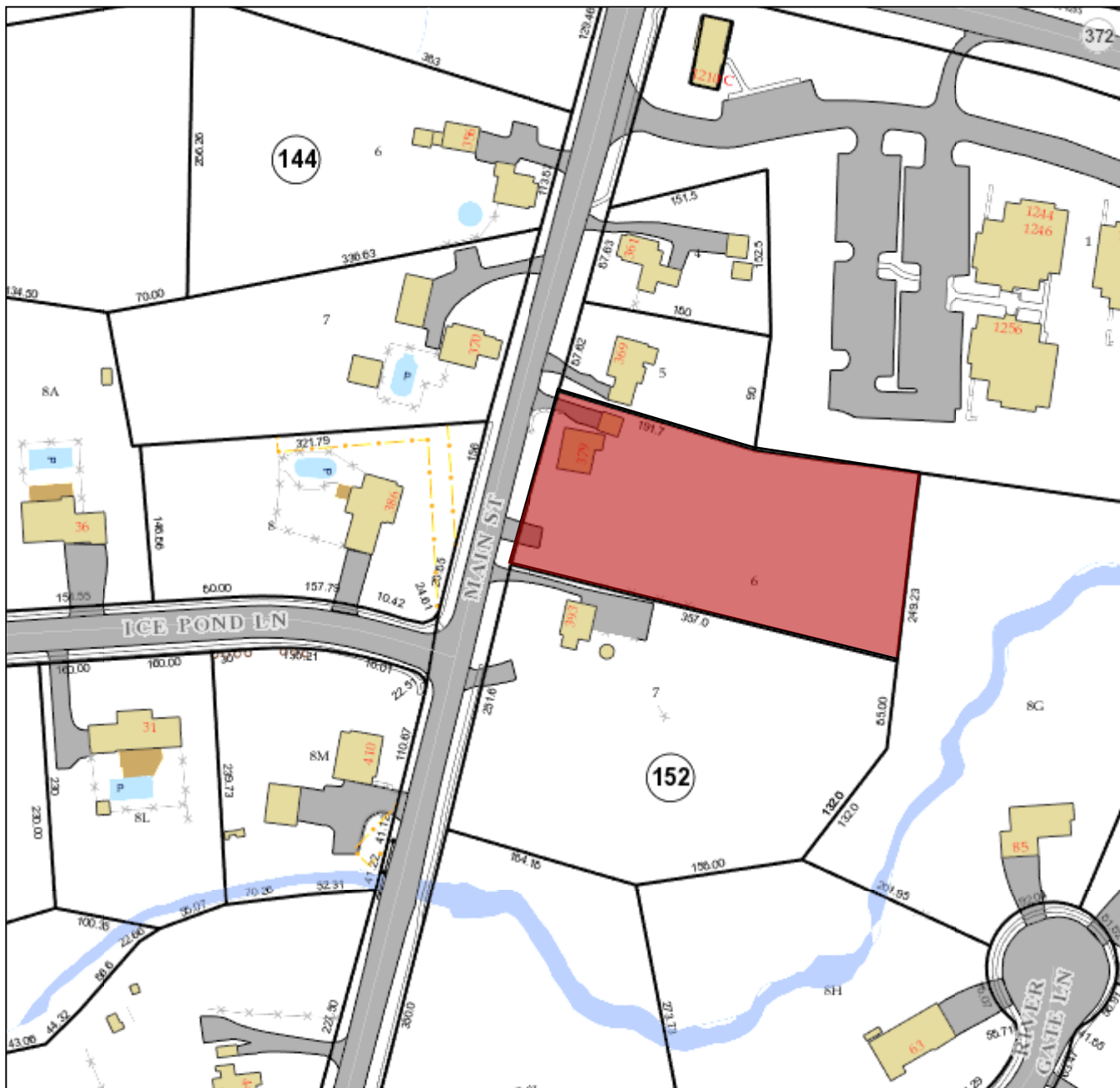
Plan Title & Date: _____

Town of Berlin

Geographic Information System (GIS)



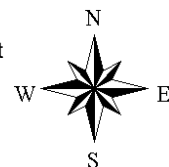
Date Printed: 2/18/2021



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 = 150 feet



CURRENT OWNER		TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT				<div style="font-size: 24px; font-weight: bold; margin: 0;">VISION</div>									
HALEY RYAN E & MICHELLE M 379 MAIN ST EAST BERLIN CT 06023		1	Level	2	Water	1	Paved			Description	Code	Appraised Value	Assessed Value			6007 BERLIN, CT							
				3	Sewer					RES LAND	1-1	117,700	82,400										
		SUPPLEMENTAL DATA								DWELLING	1-3	138,500	97,000										
		Alt Prcl ID 23-2 0152 000006 CENSUS 4002 (not used) Medium Incomeexp GIS ID 23-2-152-6				Section: E dc VA CB Letter Assoc Pid#				RES OUTBL	1-4	3,000	2,100										
										Total		259,200	181,500										
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		Q/U V/I		SALE PRICE		VC		PREVIOUS ASSESSMENTS (HISTORY)									
HALEY RYAN E & MICHELLE M SEELYE,MORGAN,,				0636	0593	08-02-2010	Q	I	249,900	00					Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
				0323	0554	01-12-1992	U	I	0					2020	1-1	82,400	2019	1-1	82,400	2018	1-1	82,400	
															1-3	97,000		1-3	97,000		1-3	97,000	
															1-4	2,100		1-4	2,100		1-4	2,100	
										Total		181500	Total		181500	Total		181500	Total		181500		
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor <div style="background-color: yellow; font-weight: bold; padding: 2px;">APPRAISED VALUE SUMMARY</div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Appraised Bldg. Value (Card)</div> <div>138,500</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Appraised Xf (B) Value (Bldg)</div> <div>0</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Appraised Ob (B) Value (Bldg)</div> <div>3,000</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Appraised Land Value (Bldg)</div> <div>117,700</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Special Land Value</div> <div>0</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Total Appraised Parcel Value</div> <div>259,200</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Valuation Method</div> <div>C</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Total Appraised Parcel Value</div> <div>259,200</div> </div>															
Year	Code	Description	Amount	Code	Description	Number	Amount															Comm Int	
Total			0.00																				
ASSESSING NEIGHBORHOOD																							
Nbhd		Nbhd Name		B		Tracing		Batch															
1030																							
NOTES																							
FPL = NON-FUNCTIONAL FUNC = FPL & LC BSMNT INSPECTED 3/18/08 ADD 2 FP OPENINGS '11 NEW BOILER																							
BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY													
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments		Date	Id	Type	Is	Cd	Purpost/Result								
10-0216	11-18-2010	PL	Plumbing	7,249				BOILER INSTALLATION		06-20-2011	AC	2		00	Measur+Listed								
1013	08-16-1999	CV	Permit	800		100		200 AMP UPGRADE		03-18-2009	JFA			00	Measur+Listed								
										12-27-2007	PH			41	Change - Hearing								
										07-23-2007	MI	7		11	QC Review								
										07-05-2007	KK	1		01	Measur+1Visit								
LAND LINE VALUATION SECTION																							
B	Use Code	Description	Zone	D	Front	Dept	Land Units	Unit Price	I Factor	SA	Cond.	ST.Idx	Adj.	Notes	Special Pricing		S Adj	Adj. Unit	Land Value				
															Spec Use	Spec Cal							
1	1010	Single Family	R-43	7			1.140	AC	136,400	0.89078	5	1.00	1	0.850			0	1.000		117,700			
Total Card Land Units							1.1400	AC	Parcel Total Land Area					1.1400	Total Land Value					117,700			

EAU
FUS
BAS
BSM

FST

14

7

29

38



FOP

5

6

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,102	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:

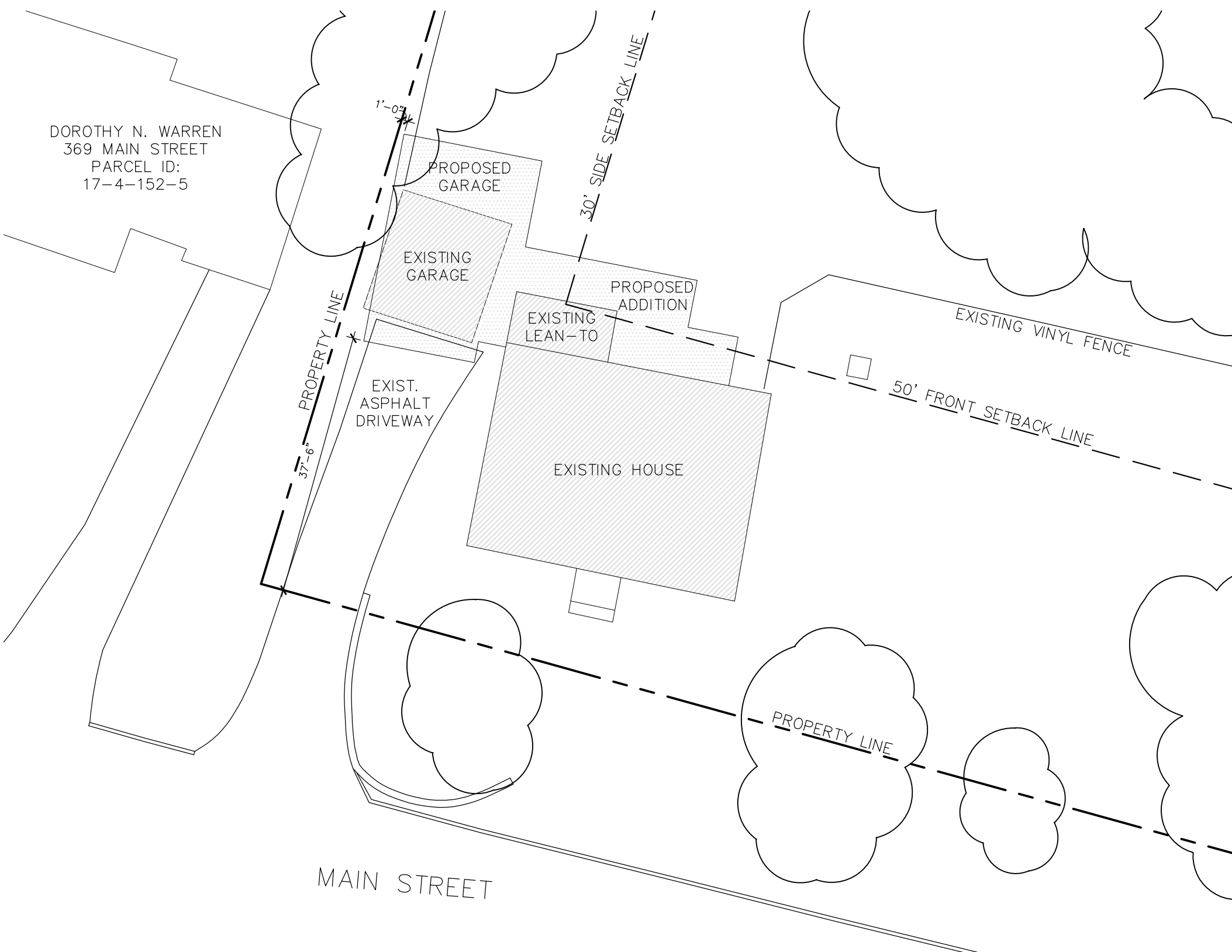
ZONE: R-43

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



1 SITE PLAN
1/16" = 1'-0"

HALEY
HOME
DESIGN

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

HALEY RESIDENCE
RENOVATION AND ADDITION

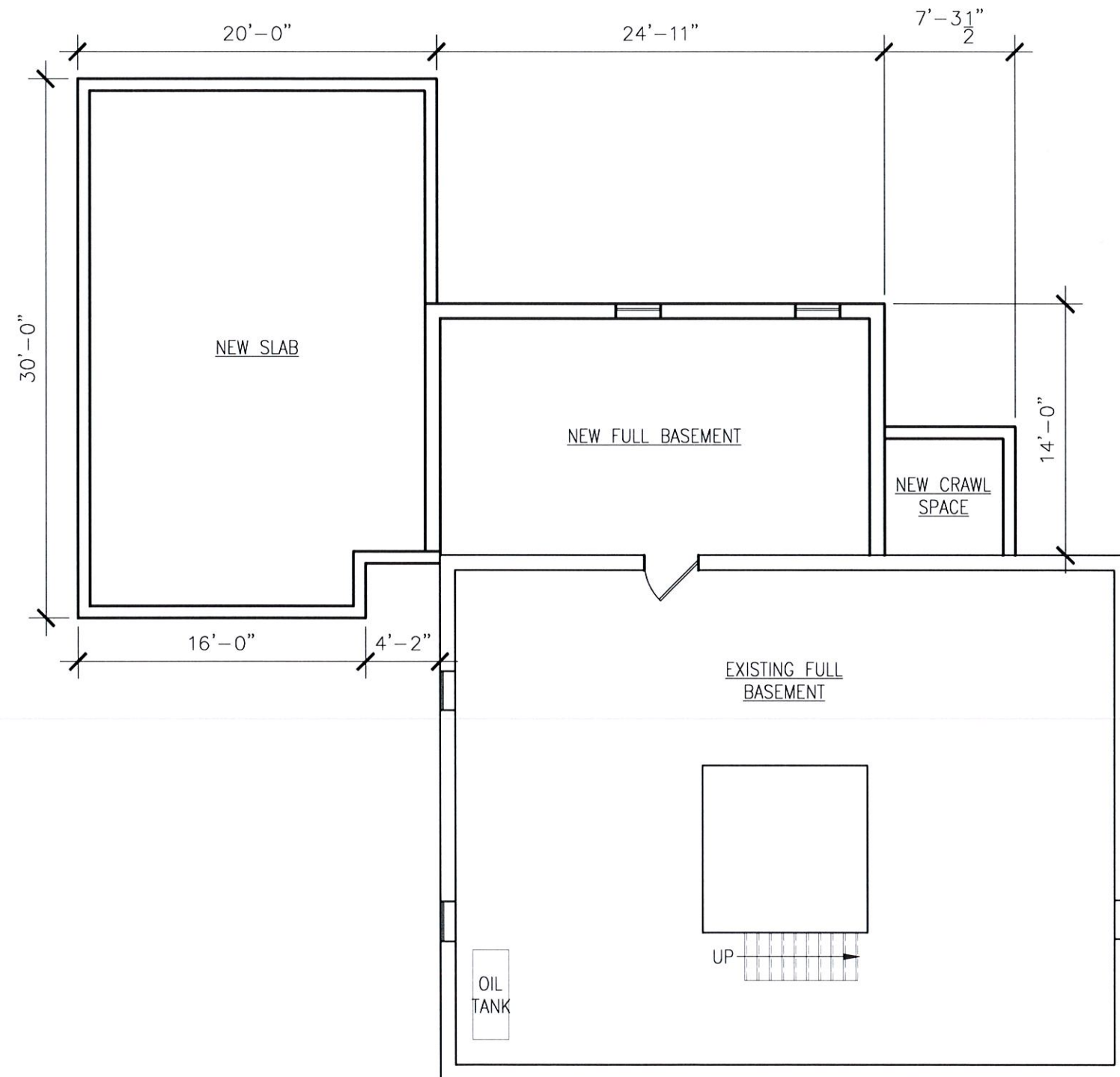
PHASE:
ZONING BOARD
OF APPEALS

DRAWING NAME:
EXISTING AND
PROPOSED
SITE PLAN

NOT FOR CONSTRUCTION

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

SHEET:
S1.0



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

Town of Berlin
Received
FEB 03 2021
Planning & Zoning Department
Berlin, Connecticut

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 NAME:
PROPOSED
BASEMENT
FLOOR PLAN

NOT FOR CONSTRUCTION

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

SHEET:
A1.0

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

HALEY RESIDENCE

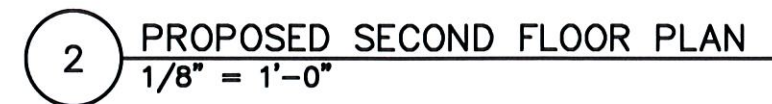
RENOVATION AND ADDITION

DRAWING NAME:

PROPOSED
FIRST AND SECOND
FLOOR PLANS

N  SHEET: A1.1

Planning & Zoning Department,
Berlin, Connecticut



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 NAME:
PROPOSED
EXTERIOR
ELEVATIONS

NOT FOR CONSTRUCTION

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

SHEET:
A3.0

Town of Berlin
Received

FEB 03 2021

Planning & Zoning Department
Berlin, Connecticut



1 PROPOSED WEST ELEVATION
1/8" = 1'-0"

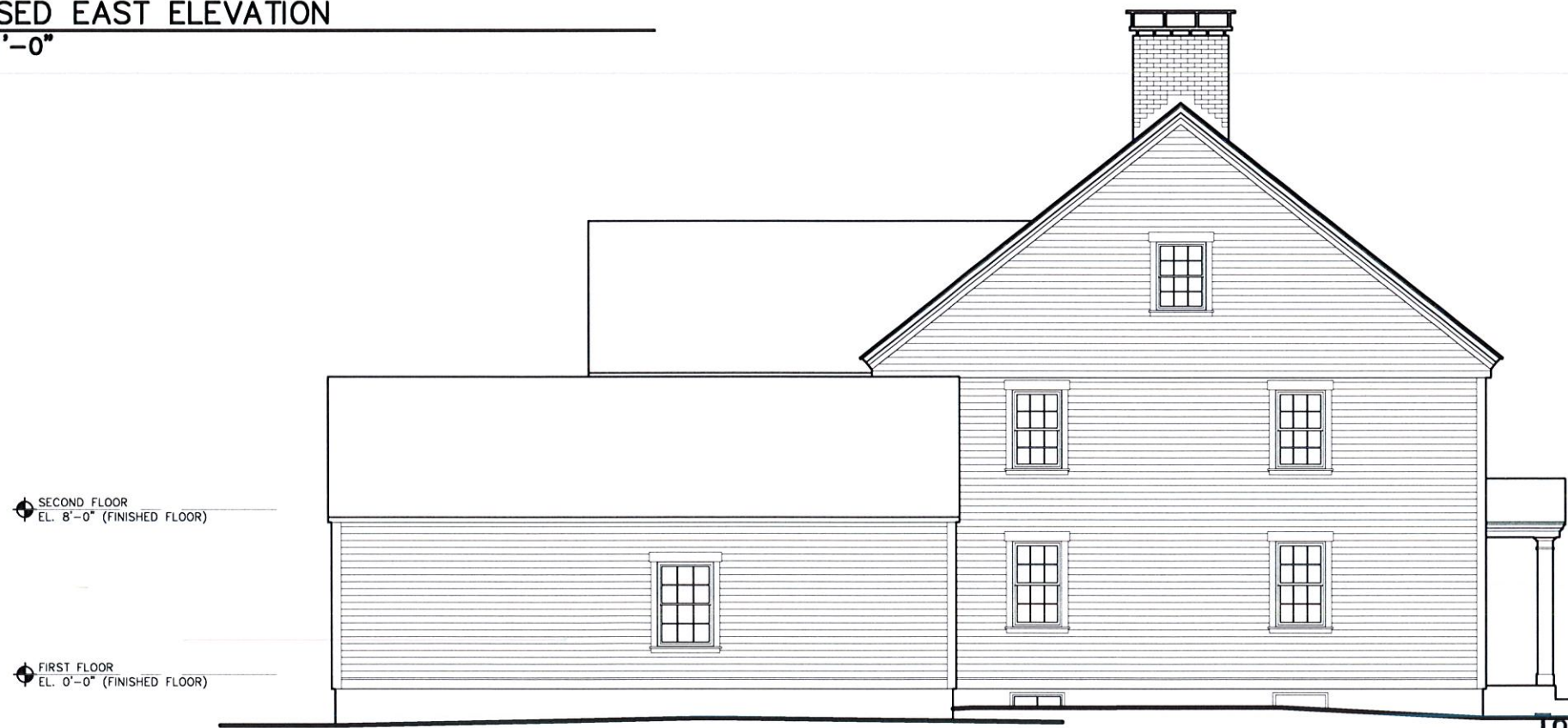


EXIST. VINYL FENCE NOT SHOWN

2 PROPOSED SOUTH ELEVATION
1/8" = 1'-0"



1 PROPOSED EAST ELEVATION
1/8" = 1'-0"



2 PROPOSED NORTH ELEVATION
1/8" = 1'-0"

Town of Berlin
Received

FEB 03 2021

Planning & Zoning Department
Berlin, Connecticut

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 NAME:
PROPOSED
EXTERIOR
ELEVATIONS

NOT FOR CONSTRUCTION

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

SHEET:
A3.1

Town of Berlin
Received

FEB 03 2021

Planning & Zoning Department
Berlin, Connecticut

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.

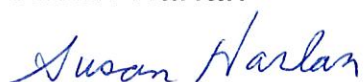
In 2016, we had to use my mom's property as collateral to secure a reverse mortgage to keep her in her home of 57 years.

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.**

Respectfully submitted,
Susan Harlan



Town of Berlin
Received

FEB 18 2021

Planning & Zoning Department
Berlin, Connecticut

Dear Zoning Board,

February 18, 2021

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.