

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Adam Levitus, ZEO
DATE: February 18, 2021
RE: #2021-04 – Variance for a Side Yard for a New Addition
APPLICANT: Pawel Naporowski (property owner)
ADDRESS: 14 Harvest Hill Road
Map 8-1 Block 10 Lot 121
ZONE: R-21

Proposal and Background

Pawel Naporowski (property owner) is requesting a variance for an easterly side yard of 19 feet when 20 feet is required in the R-21 Zone per Berlin Zoning Regulations V.A.10 for a one-story addition for an added bedroom and relocated bathroom.

Staff Comments

The existing house was built in approximately 1965. A rear deck was added in approximately 2012. Both the principal structure (house with attached garage and deck) and the lot are existing non-conforming:

- The lot is 100 ft wide with 100 ft of frontage (125 required in the R-21)
- The lot is 0.35 Acres (0.48 required in the R-21)
- The principal structure is situated approximately 38 ft from the front property line (40 ft currently required in the R-21)
- The principal structure is located approximately 8 and 16 ft from the west and east side property lines, respectively (a minimum of 20 ft is required within a side yard, with 45 ft combined required for both side yards in the R-21)

There is an existing sewer right-of-way along the side property line adjacent to the proposed addition; however, the location of the proposed addition does not appear to interfere with this right-of-way.

Staff did raise the question of the size/location of the addition to the applicant, as a slightly-smaller or relocated addition that maintained a 20 ft side yard setback (as opposed to the proposed 19 ft) would not require a variance. However, staff understanding (per conversations with the applicant) is that the existing configuration of the house (e.g., exit doors) coupled with space requirements for the addition's rooms/elements precluded an alternate location or a reduction in size to yield the 1 ft of additional side yard.

Staff note that the non-conformity would not be more severe as a result of this proposed addition (existing house is 16 ft from the side property line, and the addition would be further set back at 19 ft from the property line). Staff recommends discussion of proximity to the adjacent property, the overall non-conformity of the property/parcel, and the overall design of the addition as it related to the need for a variance.

Zoning Requirements:

§V.A.10

Side Yard Required: 20 ft., minimum

Proposed Side Yard: 19 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 # 2031-04

Town of Berlin
Received

JAN 26 2011

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): Pawel & Kamila Naporowski

Project Address*: 14 Harvest Hill Rd Berlin, CT 06037

Map: 8-1 Block: 10 Lot: 121 Zone(s): R21 Lot Area: 0.35

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: Pawel Naporowski Firm Name: _____
Street Address: 14 Harvest Hill Rd City: Berlin ST: CT Zip: 06037
Email: pawel@newenglandgear.com Phone: 860-987-2994
Signature: _____ Date: _____

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

Name: _____ 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.

JAN 26 2021

Planning & Zoning Department
Berlin, ConnecticutBrief description of the proposal: _____

_____VARIANCE APPLICATIONS: For relief of: setback requirement.Requested requirement: my addition will be 19' from property line

Reason/Description of Hardship (REQUIRED): _____

Our family has 5 people. Two adults and three kids, two boys and one girl.Currently our house has 3 bedrooms. We would like to add one bedroom,so the kids will have separated rooms. Also, we would like to move existing full bathroom.In addition, we will open dining space.**MOTOR VEHICLE USE LOCATION¹:**

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

	<u>Number of Service Bays</u>	<u>Parking Required</u>	<u>Parking Provided</u>
<input type="checkbox"/> New Car Dealer	_____	_____	_____
<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 LOCATION⁻¹

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 \$ 210.00 (Refer to current Fee Schedule)ZBA # 2021 - 0004Received by: APL CLK # 116

Scheduled on ZBA Agenda of:

2/23/21**ZONING BOARD OF APPEALS DECISION:**Plan Title & Date: _____

Town of Berlin

Geographic Information System (GIS)



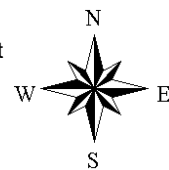
Date Printed: 2/18/2021



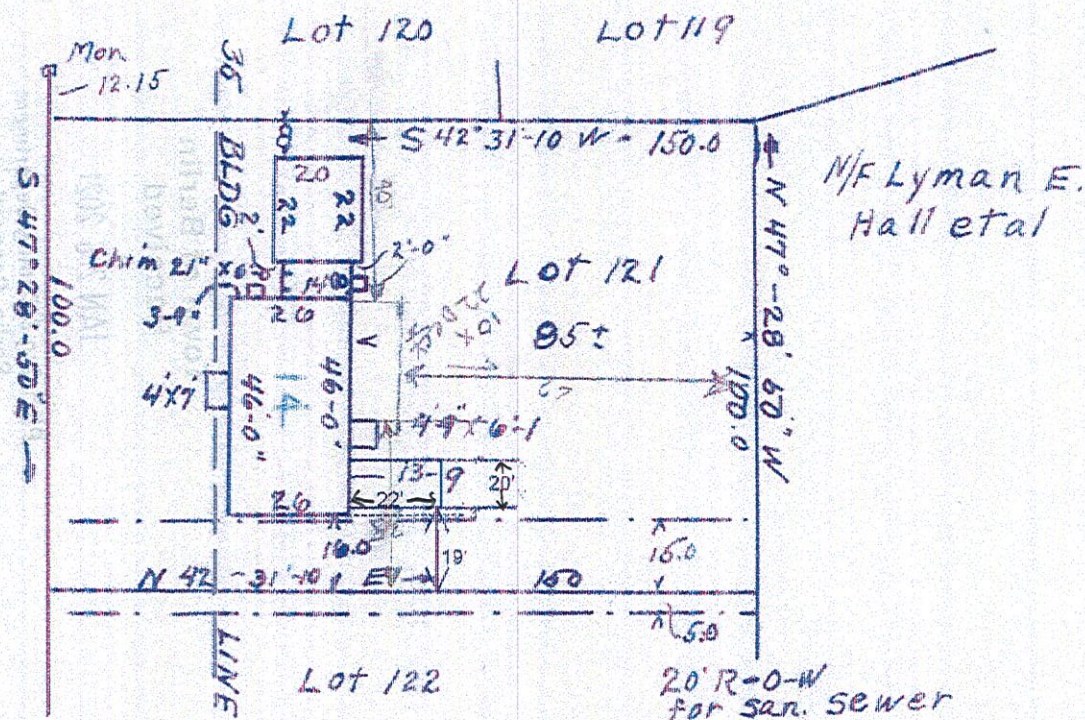
MAP DISCLAIMER - NOTICE OF LIABILITY

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 = 100 feet



HARVEST HILL ROAD



I hereby certify that this proposed residence has been staked out accordingly

Joseph D. Williams
Reg. Land Survr

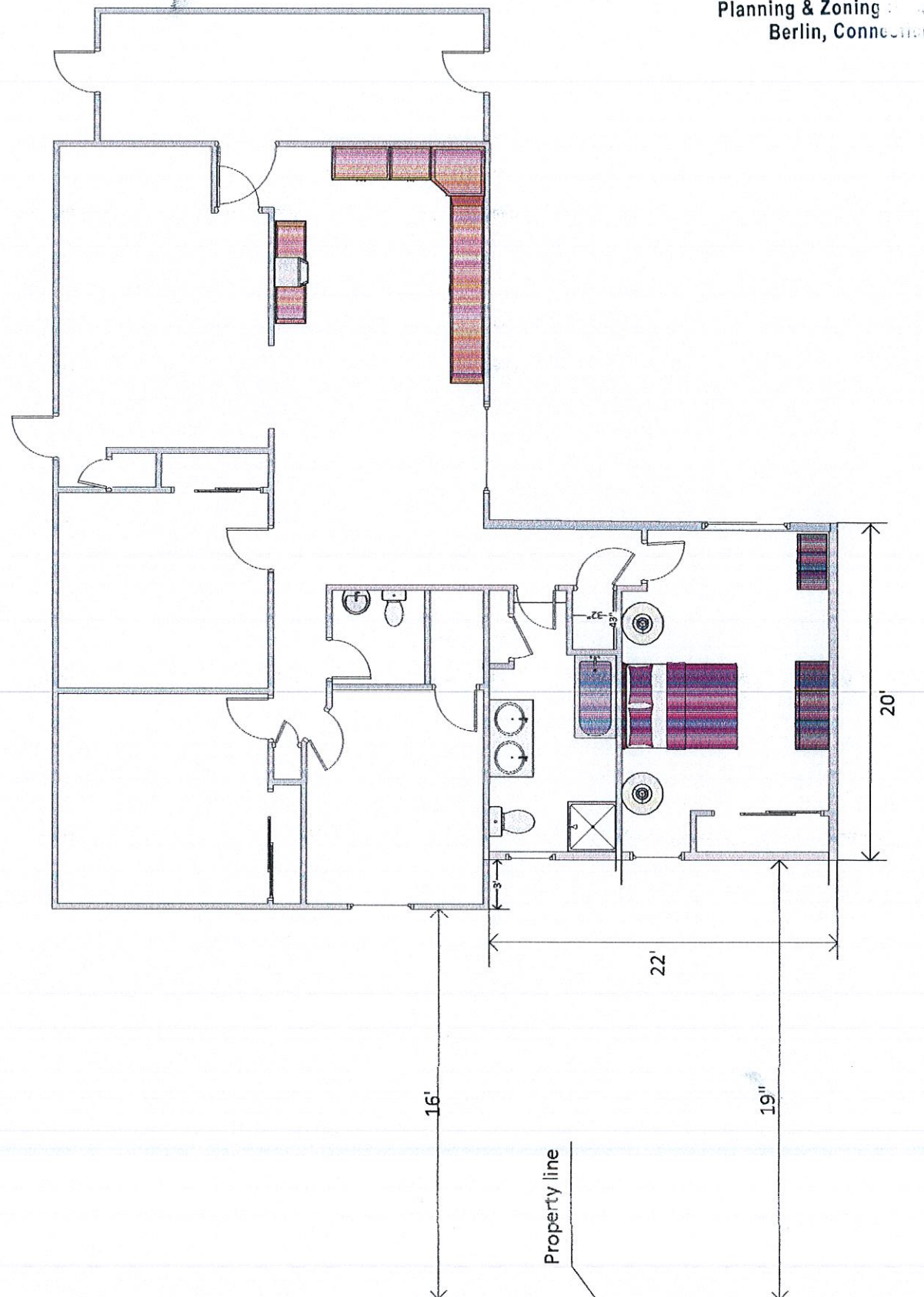
GLENVIEW MANOR, SECTION 1
PLOT PLAN FOR PROPOSED RESIDENCE
BLOCK 10, LOT 121
HARVEST HILL ROAD, BERLIN, CONN

May 1965
Scale 1" = 40'

J.D. Williams
CIVIL ENGR
9167

JAN 26 2021

Planning & Zoning Department
Berlin, Connecticut



CURRENT OWNER			TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				6007 BERLIN, CT VISION				
NAPOROWSKI PAWEL & KAMILA P 14 HARVEST HILL RD KENSINGTON CT 06037			1	Level	1	All Public	1	Paved				Description	Code	Appraised Value	Assessed Value
												RES LAND	1-1	118,900	83,200
												DWELLING	1-3	133,900	93,700
SUPPLEMENTAL DATA										RES OUTBL		1-4	4,200	2,900	
			Alt Prcl ID 08-1 0010 000121 CENSUS 4003 (not used) Light Incomeexp			Section: W dc VA CB Letter									
			GIS ID 8-1-10-121			Assoc Pid#				Total		257,000		179,800	

RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)								
NAPOROWSKI PAWEL & KAMILA P HANNON HILDA C (EST) STACK STEVEN S(HANNON HILDA C		0687	0165	06-21-2013	Q	I	230,000	00	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
		0645	0920	01-27-2011	U	I	0	25	2020	1-1	83,200	2019	1-1	83,200	2018	1-1	83,200
		0136	0542	09-16-1965	U	I	0			1-3	93,700		1-3	93,200		1-3	93,300
										1-4	2,900						
								Total		179800		Total		176400		Total 176500	

EXEMPTIONS				OTHER ASSESSMENTS					This signature acknowledges a visit by a Data Collector or Assessor	
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int		

ASSESSING NEIGHBORHOOD			
Nbhd	Nbhd Name	B	Tracing
1021			

NOTES			
IA, CARPET OVER HARDWOOD SOME AREAS. ATTIC HAS 4 FT 10 IN CENTER 20GL add Gen, paver front patio an chang wdkto paver patio GL 13 SENT LETTER/NO RESPONSE GL14 RESONDED TO SECOND LETTER		APPOINTMENT SET/ OWNER REFUSED AT DOOR STATING NO GOOD TIME TO RESCHEDULE EST PERMITS COMPLETE, INFO GIVEN AT DOOR FEP IS HEATED, ADD CENTRAL, COND TO GD KITCHEN & BATH REMODEL 2013, ESTIMATED	

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
EP-20-0123	06-04-2020	EL	Electric	4,300		0		UPGRD TO 200 AMPS	10-01-2020	JF			52	Building Permi
PP-20-0056	03-18-2020	PL	Plumbing	350		0		ADD 42' OF NEW HARD PIPE	10-01-2015	JF	2		52	Building Permi
BP15-0051	03-30-2015	RS	Residential	10,000		100		STRIP & REROOF	04-10-2014	JH	2	1	08	Measur/Int Refusal No inf
12-0235	08-20-2012	RS	Residential	5,500		100		10 X 22 DECK	07-31-2013	JH	2		51	BP Exterior only
12-0176	07-23-2012	EL	Electric	1,000		100		WIRING C/A	09-12-2012	AC	2		52	Building Permi
12-0085	07-23-2012	PL	Plumbing	14,000		100		C/A	06-07-2007	MI	7		11	QC Review
									05-24-2007	SM	1	1	00	Measur+Listed

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-21	1			0.350	AC	136,400	2.37147	5	1.00	9	1.050				0		1.000		118,900
Total Card Land Units							0.3500	AC	Parcel Total Land Area						0.3500	Total Land Value						118,900

The diagram illustrates the layout of a building with the following rooms and dimensions:

- FGR**: 20 x 21
- PPA**: 2.83 x 18
- FEP**: 14 x 8
- UST**: 2.83 x 0
- BAS**: 26 x 46
- BSM**: 26 x 46

The diagram shows the relative positions and dimensions of these rooms, with the large central room (BAS/BSM) being the most prominent feature.