

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Adam Levitus, ZEO
DATE: March 12, 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 2 feet, 8 inches when 30 feet is required and a westerly front yard of 37 feet, 4 inches 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

3/12/21 Update (Public Hearing not opened at 2/23/21 meeting at request of applicant)

NOTE: The public hearing was not opened at the 2/23/21 ZBA meeting and was postponed at the request of the applicant. The dimensions for the requested yard variances for ZBA #2021-05 have been updated by the applicant since the 2/23/21 ZBA meeting. The applicant is now requesting a 2-foot, 8-inch northerly side yard and a 37-foot, 4-inch westerly front yard instead of a 1-foot northerly side yard and 37.5-foot westerly front yard. The overall project of a new 1-car attached garage and addition to replace an existing detached garage and lean-to has not changed.

Since the 2/23/21 ZBA meeting, staff understanding is that the applicant discussed the design with the northerly neighboring property owner/their representatives. Moreover, the applicant has updated the design of the proposed garage/addition to reduce the overall size of the proposed garage/addition. Most significantly, the width and length of the garage have been reduced to reduce the encroachment on the required northerly side yard. The applicant has also updated their application form, including a revised description of hardship.

To help clarify some of the questions staff have received regarding terminology and setback distances:

- For both the side and front yards, nonconformities are proposed to expand/increase because the structure would be expanding within the required setbacks.
- In the case of the side yard, the updated design may result in a less severe encroachment into the side yard than the existing 1930 garage. However, it would still be an increase in a nonconformity as the overall garage footprint within the setback would increase.
- Because nonconformities are being expanded/increased within both yards, variances based on exceptional difficulty/hardship are required for both yards.
- Accordingly, the submitted application is requesting these variances.

Staff have produced a table (below) based on applicant information and the available 9/24/2020 survey data of existing conditions to help identify/compare some varying setback dimensions relevant to this application:

Note: All dimensions are approximate	Minimum Setbacks by Regulations for R-43 REQUIRED	Existing Minimum Setbacks for the Existing 1930 Garage (per 2020 Survey)	Original Minimum Setbacks for the Proposed Garage/Addition for 2/23/21 Meeting	Revised Minimum Setbacks for the Proposed Garage/Addition CURRENT
Northerly Side Yard	30 ft	2.5 ft (2 ft, 6 in)	1 ft	2.66 ft (2 ft, 8 in)
Westerly Front Yard	50 ft	41.8 ft (41 ft, 9.6 in)	37.5 ft (37 ft, 6 in)	37.33 ft (37 ft, 4 in)

Per staff discussions with the applicant, staff's understanding is that alternative designs for the garage/addition were considered; however, were not pursued due to considerations including driveway configuration, utility of the backyard, and removal of existing trees.

Staff recommends the Board review/discuss the following topics:

- The hardships proposed by the applicant to justify the variances for each yard
- The overall design of the addition such that nonconformities are increased (rather than maintained, decreased, or eliminated).
 - Note that the proposed re-design would appear to decrease the severity of the side yard encroachment; however, there would still be an overall increase in the nonconformity in the side yard
- Proximity to the adjacent property and maintenance/upkeep within the proposed narrow side yard
- Rear yard access considerations

Original staff comments below from 2/18/21 – kept for continuity since existing building, background, and overall project intent (garage/addition) largely has not changed:

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 feet, 4 inches

Proposed Side Yard: 2 feet, 8 inches

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 # _____ - _____ - _____

Planning and Zoning Department

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

ZONING BOARD OF APPEALS APPLICATION

- | | | |
|---|--|--|
| <input type="checkbox"/> Special Permit | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Appeal of ZEO |
| <input type="checkbox"/> Motor Vehicle Location | <input type="checkbox"/> Alcohol Uses Location | <input type="checkbox"/> Other / Determination |

Property Owner(s): Ryan and Michelle Haley

Project Address*: 379 Main Street East Berlin, CT 06023

Map: 23-2 Block: 152 Lot: 6 Zone(s): R-43 Lot Area: 1.264 acres

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): 10-27-72 Request by previous owner to build an addition on front, south corner of house was denied.

Applicant Information

Name: <u>Ryan Haley</u>	Firm Name: _____
Street Address: <u>379 Main Street</u>	City: <u>East Berlin</u> ST: <u>CT</u> Zip: <u>06023</u>
Email: <u>ryan_haley@comcast.net</u>	Phone: <u>860-828-5195</u>
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): 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: 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 & Side Setback requirement.

Requested requirement: 2'-8" Side and 37'-4" Front Setbacks

Reason/Description of Hardship (REQUIRED): Existing 1770's house predates Zoning Regulations. Existing unusual physical condition of house & garage located tight to NW corner of lot, entirely within the front and side setbacks. Variance being sought to continue our desired use of the land by preserving our back yard, mature trees, and existing hand-dug well, and to maintain our desired use of the existing driveway and main entry points to the property.

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 \$ _____ (Refer to current Fee Schedule)

ZBA # _____ - _____ - _____

Received by: _____

Scheduled on ZBA Agenda of: _____

ZONING BOARD OF APPEALS DECISION:

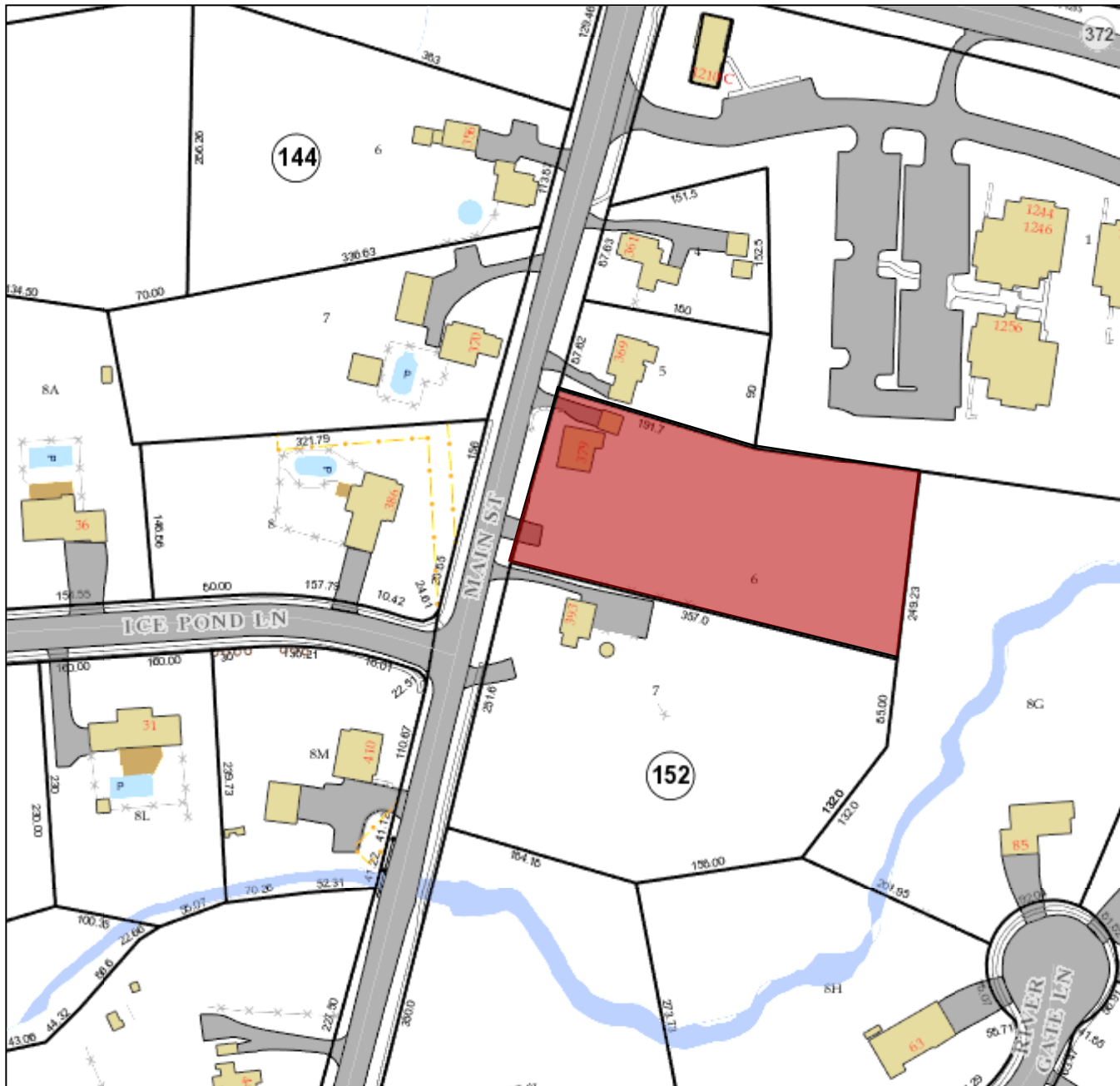
Plan Title & Date: _____

Town of Berlin

Geographic Information System (GIS)



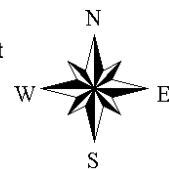
Date Printed: 2/18/2021



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				Section: E dc VA CB Letter				RES OUTBL	1-4	3,000	2,100										
		GIS ID 23-2-152-6				Assoc Pid#				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	
												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;"> <div>Appraised Bldg. Value (Card)</div> <div>138,500</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Appraised Xf (B) Value (Bldg)</div> <div>0</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Appraised Ob (B) Value (Bldg)</div> <div>3,000</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Appraised Land Value (Bldg)</div> <div>117,700</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Special Land Value</div> <div>0</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Total Appraised Parcel Value</div> <div>259,200</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Valuation Method</div> <div>C</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <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			

The diagram shows a large rectangular area defined by a blue border. Inside this area, the following labels and numbers are present:

- Top-left corner:** A red-bordered box contains the text "FST" in red. To its right, the number "7" is written in red. Below the "FST" box, the number "14" is written in red.
- Top-left corner (blue text):** The text "EAU", "FUS", "BAS", and "BSM" are stacked vertically in blue.
- Right side:** The number "29" is written in blue.
- Bottom center:** The number "38" is written in blue.
- Bottom center:** A red-bordered box contains the text "FOP" in red. To its right, the number "5" is written in red. Below the "FOP" box, the number "6" is written in red.

A photograph of a residential property. In the foreground, a concrete driveway runs from the bottom center towards the background. To the left of the driveway is a green lawn with a small white object. To the right is a stone retaining wall made of dark, irregular stones, separating the driveway from a grassy area. In the background, a white house with a two-car garage is visible. A white post stands near the house. The sky is not visible.

LEGEND:

- EXISTING STRUCTURES TO BE REMOVED
(GARAGE AND LEAN-TO)
- PROPOSED NEW STRUCTURES
(GARAGE AND ADDITION)
- EXISTING STRUCTURES TO REMAIN

ZONING INFORMATION:

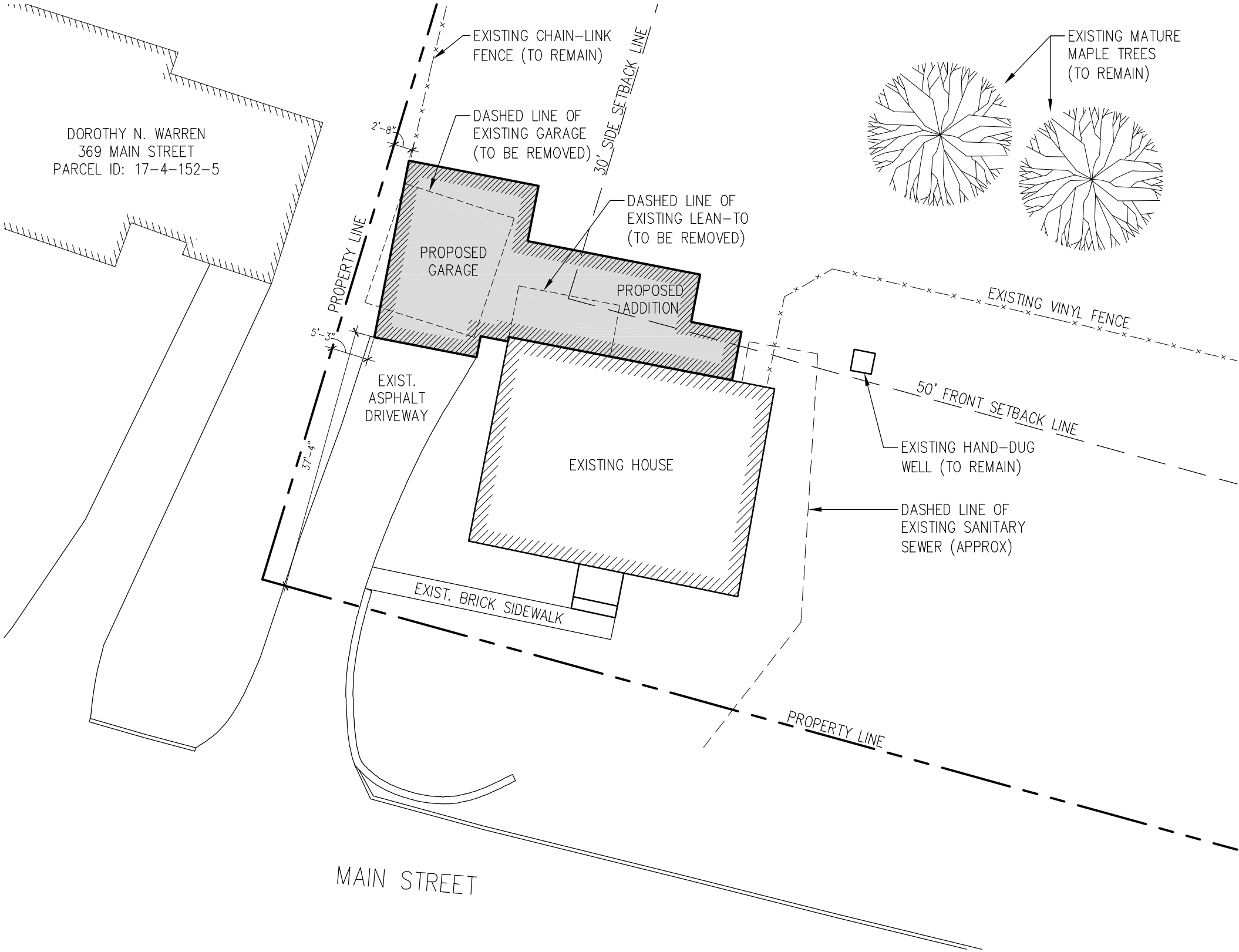
ZONE: R-43

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

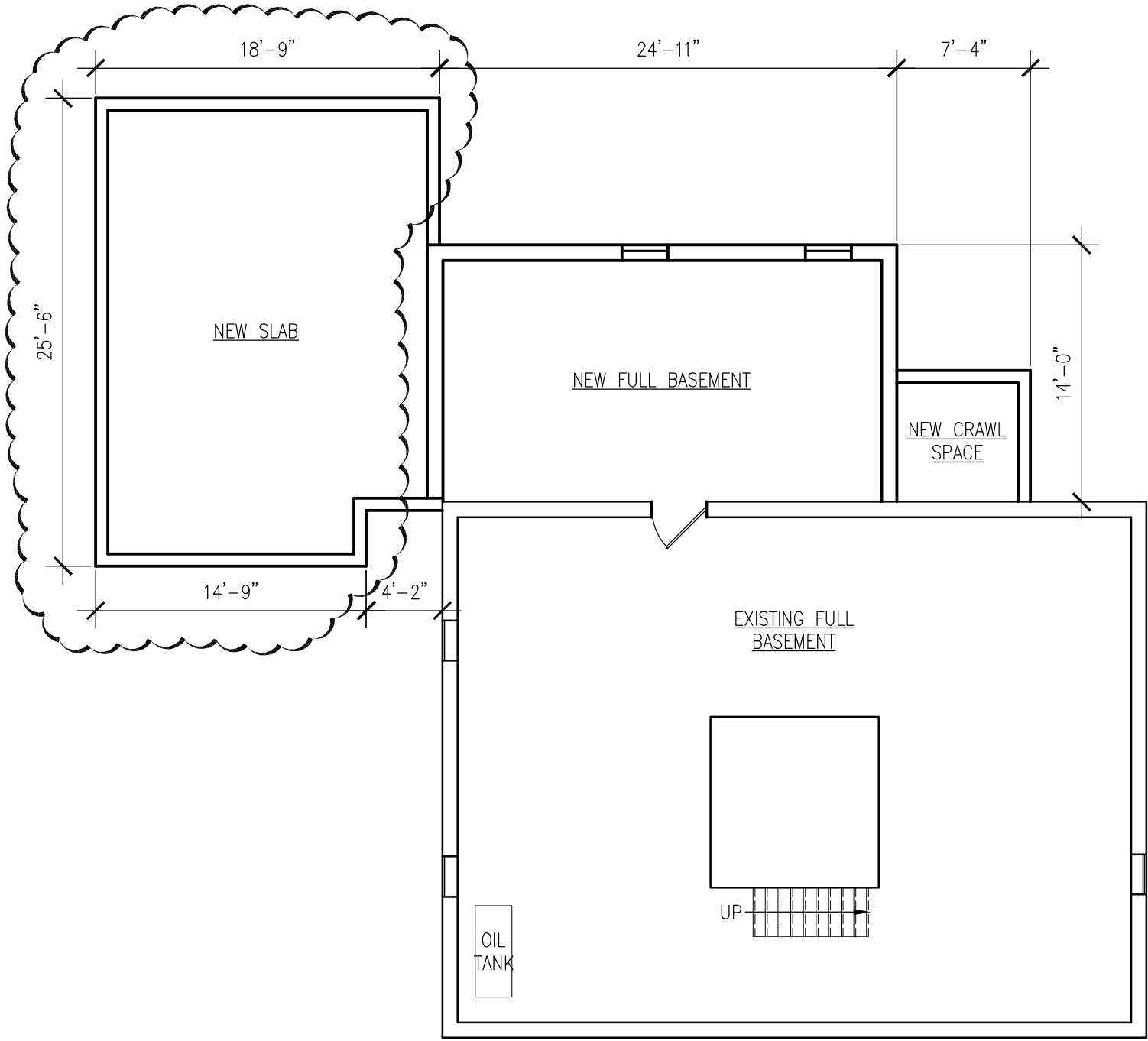
PHASE:
ZONING BOARD
OF APPEALS

DRAWING NAME:
EXISTING AND
PROPOSED
SITE PLAN

NOT FOR CONSTRUCTION

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

N
SHEET:
S1.0



1 PROPOSED BASEMENT FLOOR PLAN
1/8" = 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

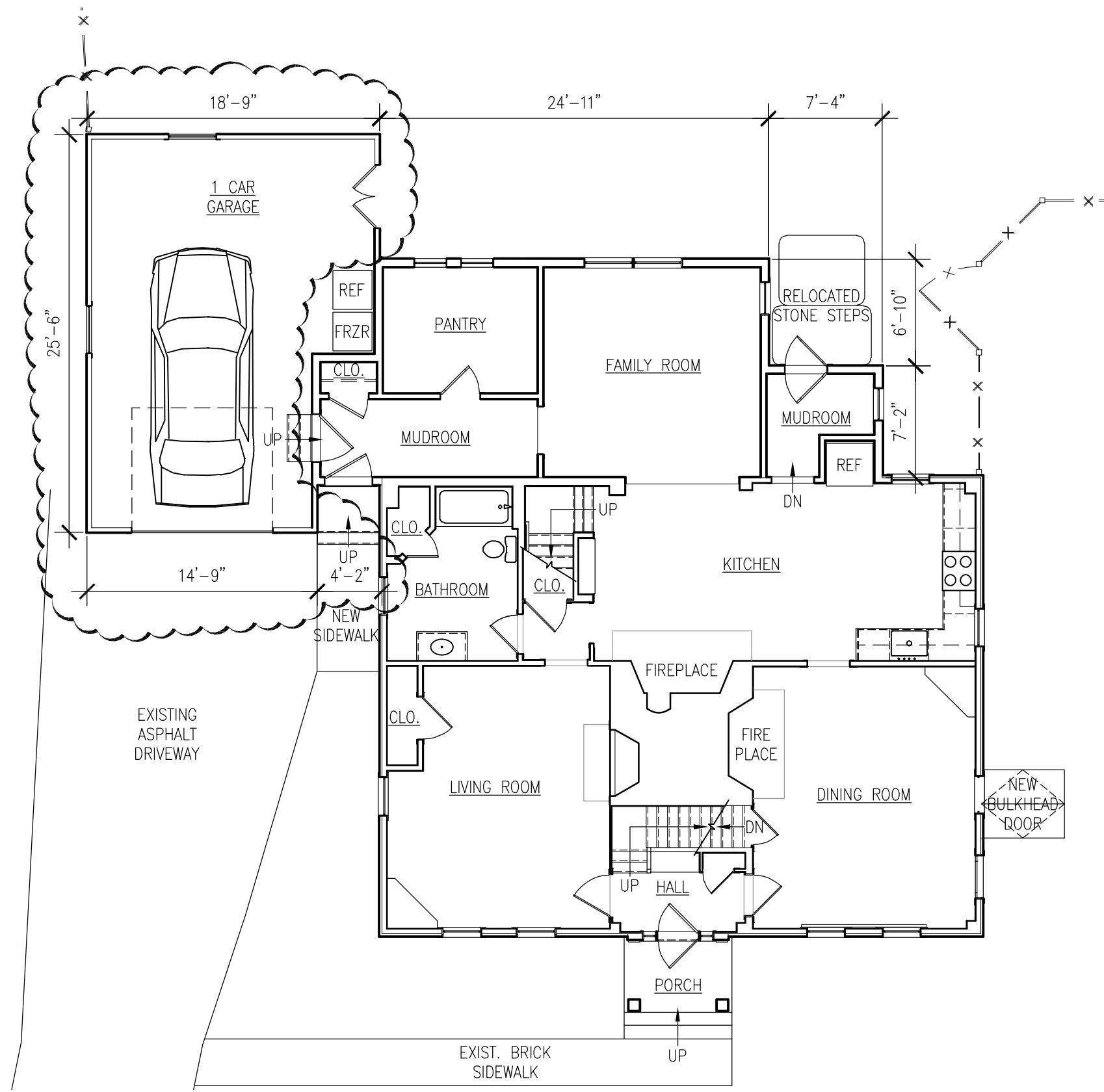
DRAWING NAME:
PROPOSED
BASEMENT
FLOOR PLAN

NOT FOR CONSTRUCTION

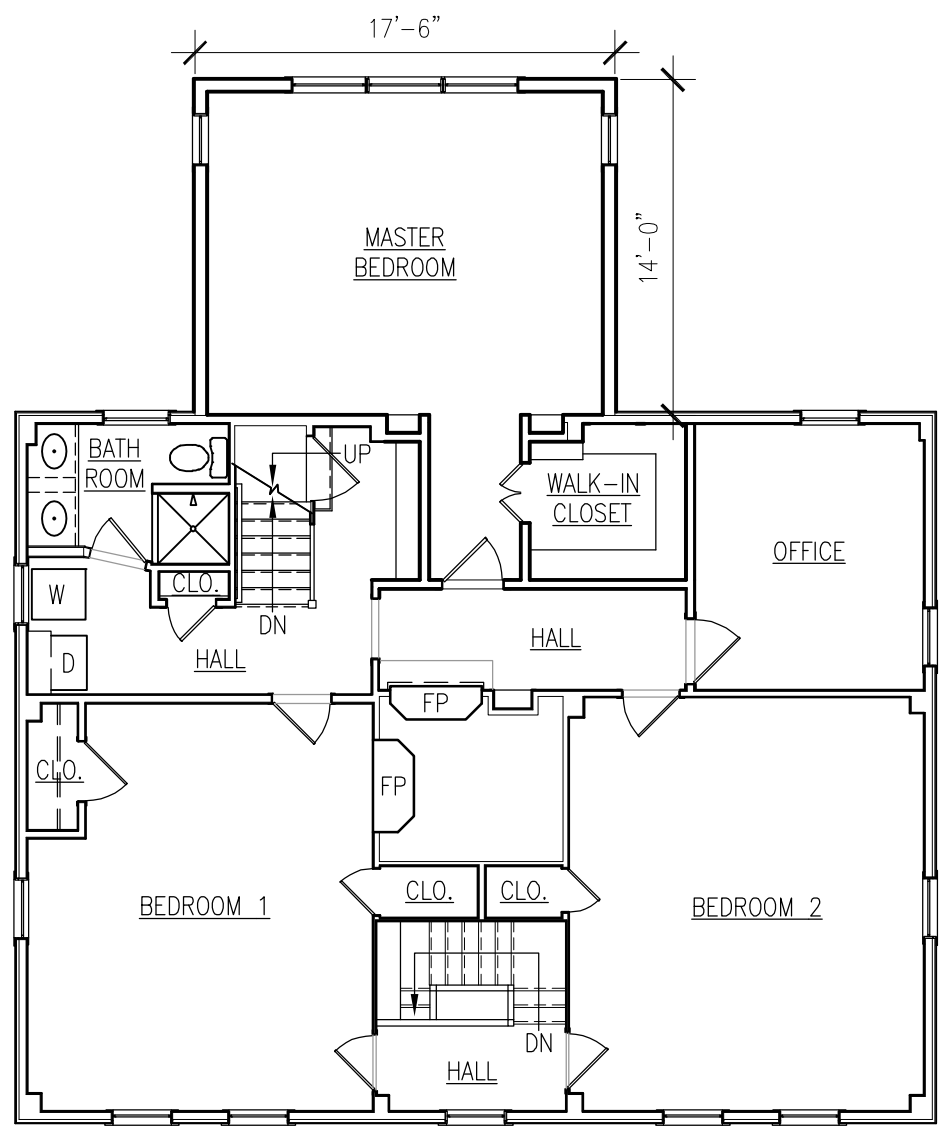
DRAWN BY: SMH/REH DATE: 2-2-2021



SHEET:
A1.0



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



2 PROPOSED SECOND FLOOR PLAN
1/8" = 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:
PROPOSED
FIRST AND SECOND
FLOOR PLANS

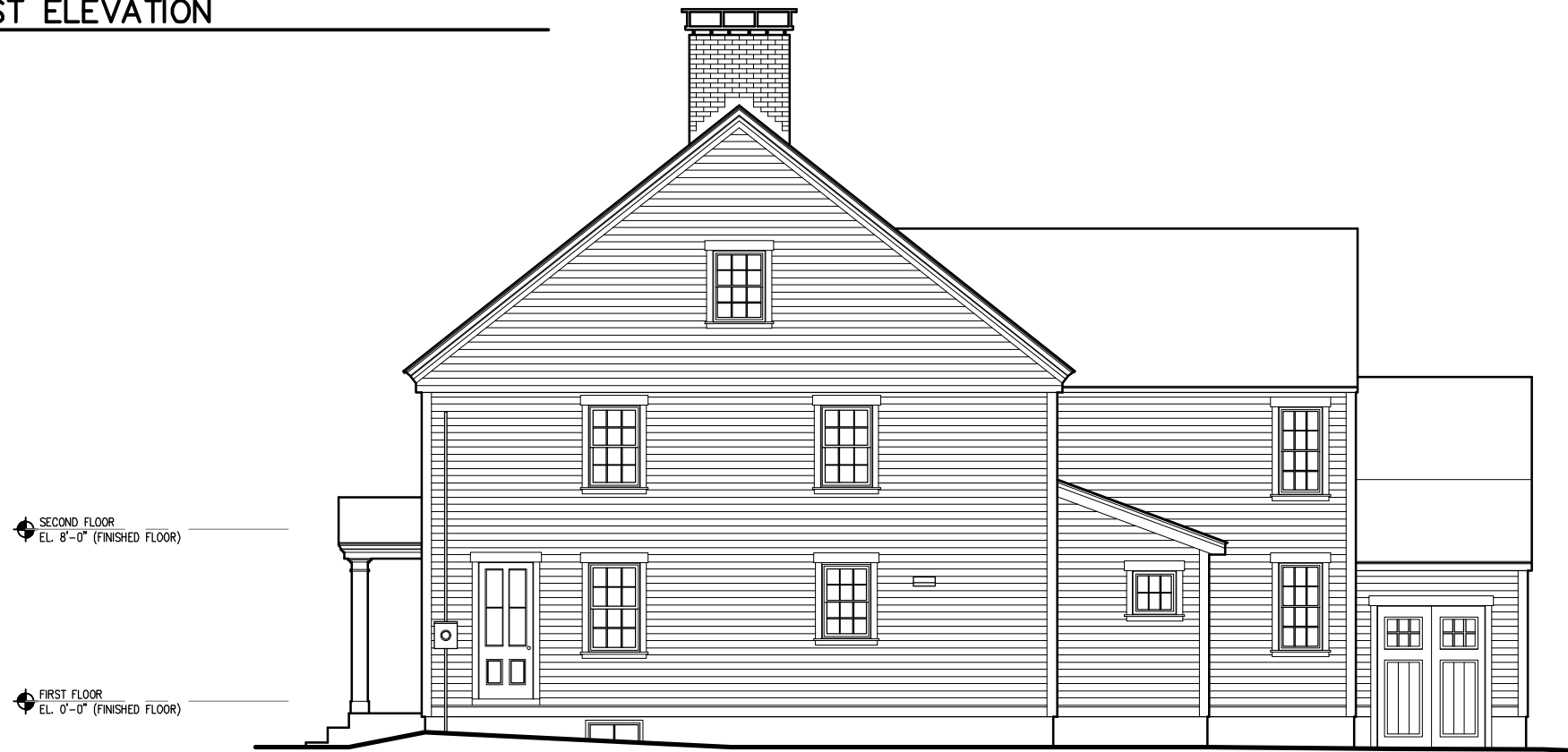
NOT FOR CONSTRUCTION

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

SHEET:
A1.1



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



EXIST. VINYL FENCE NOT SHOWN

2 PROPOSED SOUTH ELEVATION
1/8" = 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:

PROPOSED
EXTERIOR
ELEVATIONS

NOT FOR CONSTRUCTION

DRAWN BY: SMH/REH

DATE: 2-2-2021

SHEET:

A3.0

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:
PROPOSED
EXTERIOR
ELEVATIONS

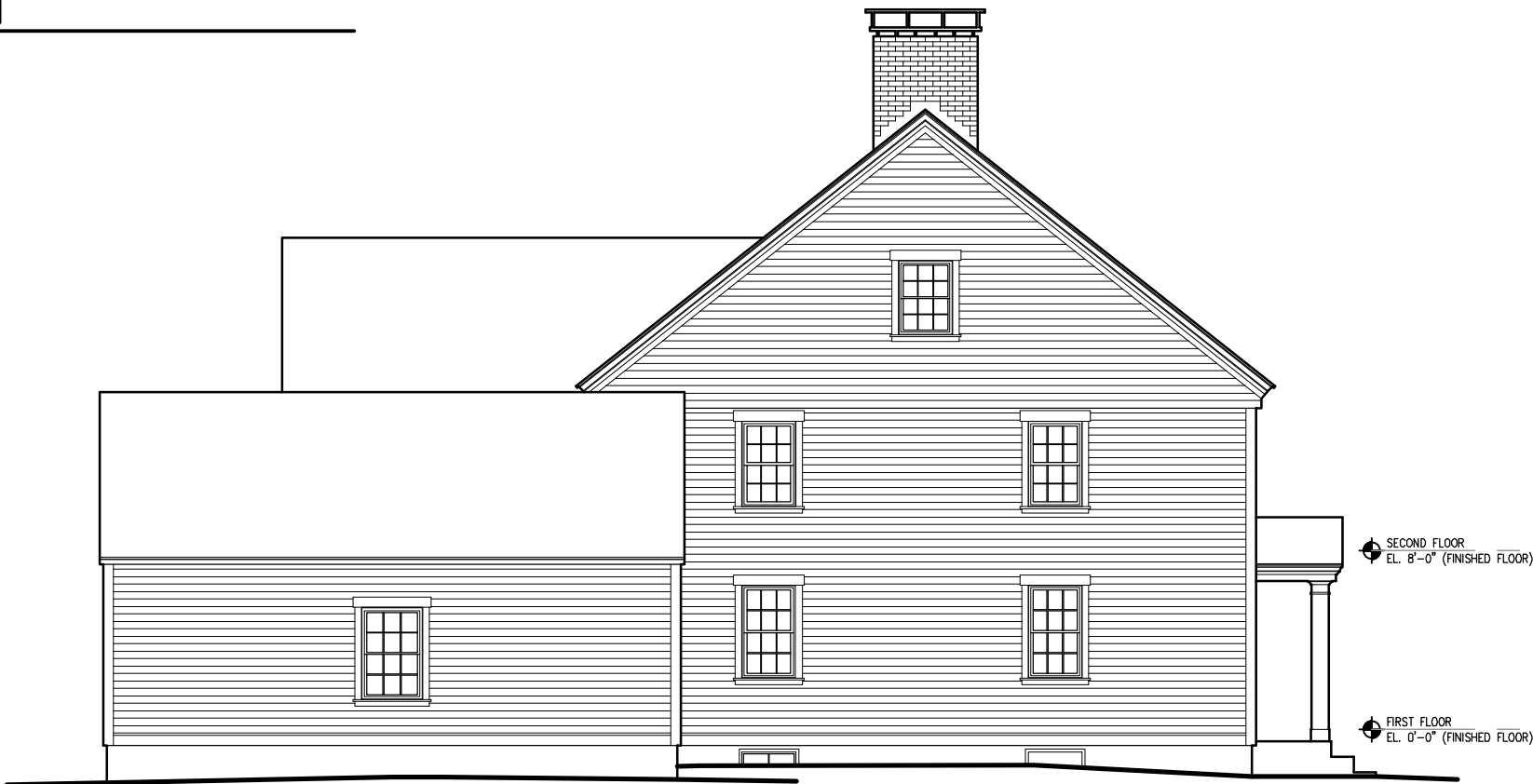
NOT FOR CONSTRUCTION

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

SHEET:
A3.1



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



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

