

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Adam Levitus, ZEO
DATE: March 17, 2021
RE: #2021-06 – Variance for 6-foot Tall Fence in a Residential Front Yard
APPLICANT: Tim Sullivan (property owner)
ADDRESS: 276 Chamberlain Hwy
Map 8-3 Block 12F Lot 5B
ZONE: R-21

Proposal and Background

Tim Sullivan (property owner) is requesting a variance for a 6-foot-tall fence in a residential front yard when up to 3 feet tall is permitted in a residential front yard per Berlin Zoning Regulations §IV.B.7. The property is on a corner lot, with the requested variance along West Lane.

Staff Comments

Based on Assessor's and Survey data: The existing house was built in approximately 1989 on the corner of the Chamberlain Highway and West Lane. The principal structure (house) complies the minimum yard requirements set by the current regulations for parcels in the R-21 zone. The lot complies with the minimum frontage and width requirements set by the current regulations for parcels in the R-21 zone. There is a shed in the area of the requested fence variance (built in approximately 1994) at the northwest corner of the property that is existing nonconforming (approximately 23 ft from the front property line when 40 ft is currently required, and approximately 4.3 ft from the rear property line when 15 ft is required).

Fencing is proposed by the applicant in three sections across the property:

- A 6' high section of vinyl fence at the northwest portion of the property, extending from the existing garage, extending towards and along West Lane, and along a portion of the west property line
 - **This proposed section of fence is the subject of the variance application**
 - This section of fence would either need to be reduced to 3ft in height, or be relocated to be further than 40' from the front property line, in order to comply with the regulations
- A 6' high section of vinyl fence at the southeast portion of the property, extending from the south side of the house to the southern property line.
 - This proposed section of fence would not be in a front yard nor exceed high limitations and would meet current zoning regulations as proposed
- A 4' high section of coated chain link fence along the southern and western property lines
 - This proposed section of fence would not be in a front yard nor exceed high limitations and would meet current zoning regulations as proposed

The property is zoned R-21, which currently requires front yard setbacks of 40 feet. Because it is a corner lot, the yards abutting both the Chamberlain Hwy and West Lane are 'front' yards. Therefore, the variance is required to exceed the 3ft tall front-yard fence limit along West Lane.

From available survey data, the property has a sanitary sewer easement along the Chamberlain Highway. However, the proposed sections of fence would not be in conflict with the easement.

Staff recommends the Board review/discuss the following topics:

- The hardships proposed by the applicant to justify the variance requests
- The configuration of this property as compared to other corner lots
- The configuration/location of the proposed fence as compared to alternatives that would comply with the regulations

Zoning Requirements:

§IV.B.7 Exceptions to yard requirements – Walls and Fences

Maximum (in a front yard): 3ft

Proposed (in a front yard): 6ft

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 # 2021-06 -

Town of Berlin
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MAR 04 2021

Planning & Zoning Department
Berlin, Connecticut

ZONING BOARD OF APPEALS APPLICATION

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

Property Owner(s): TIMOTHY & MELISSA SULLIVAN
Project Address*: 276 CHAMBERLAIN HIGHWAY, KENSINGTON, CT 06037
Map: 8-3-12F-5B Block: Lot: Zone(s): R-21 Lot Area: .48 AC
ADL

Please select all relevant items below:

- N/A ADL ☒ 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: TIMOTHY SULLIVAN Firm Name: N/A
Street Address: 276 CHAMBERLAIN HWY City: KENSINGTON ST: CT Zip: 06037
Email: tsullivan50@gmail.com Phone: (203) 509-5612
Signature: [Signature] Date: 3/4/21

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.

Brief description of the proposal: INSTALLATION OF FENCE IN BACKYARD AT 276 CHAMBERLAIN HWY.

VARIANCE APPLICATIONS: For relief of: FENCE MAX HEIGHT requirement.

Requested requirement: REQUEST FOR VARIANCE OF 3 FEET TO MAX HEIGHT REQ.

Reason/Description of Hardship (REQUIRED): TO PROVIDE SAFETY AND SECURITY FOR CHILDREN, SHED AND PROPERTY, DUE TO RECENT AREA THEFTS AND OTHER CRIMINAL ACTIVITY, THE PROXIMITY TO WEST LANE TRAFFIC IS A SAFETY & SECURITY CONCERN TO MY FAMILY AND PROPERTY.

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 LOCATION¹

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)

Received by: AOL

Scheduled on ZBA Agenda of:

3/23/21

ZBA # 2021 - 06 - _____

ZONING BOARD OF APPEALS DECISION:

Plan Title & Date: _____

Town of Berlin
Received

MAR 04 2021

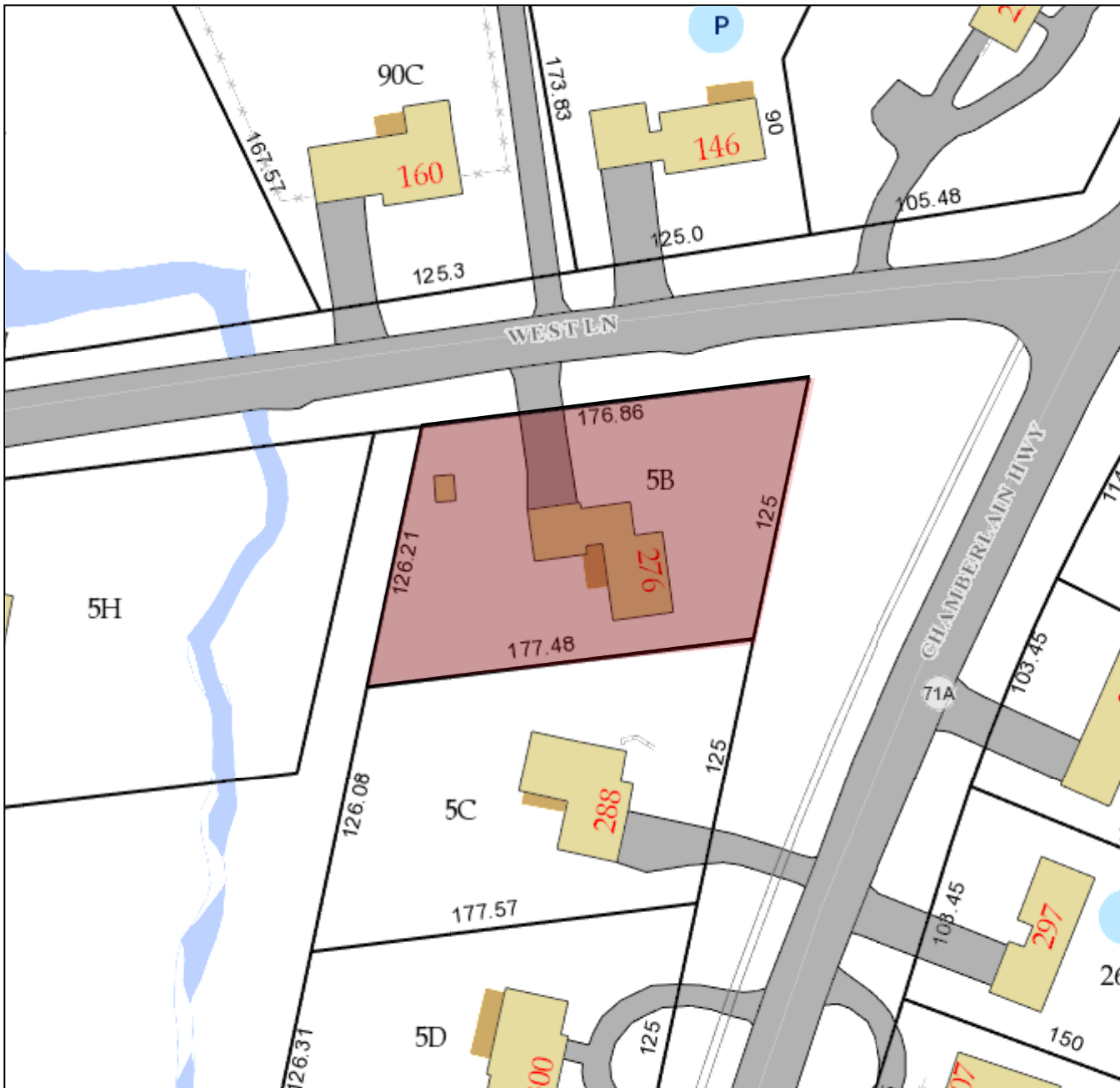
Planning & Zoning Department
Berlin, Connecticut

Town of Berlin

Geographic Information System (GIS)



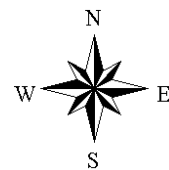
Date Printed: 3/17/2021



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 = 75 feet

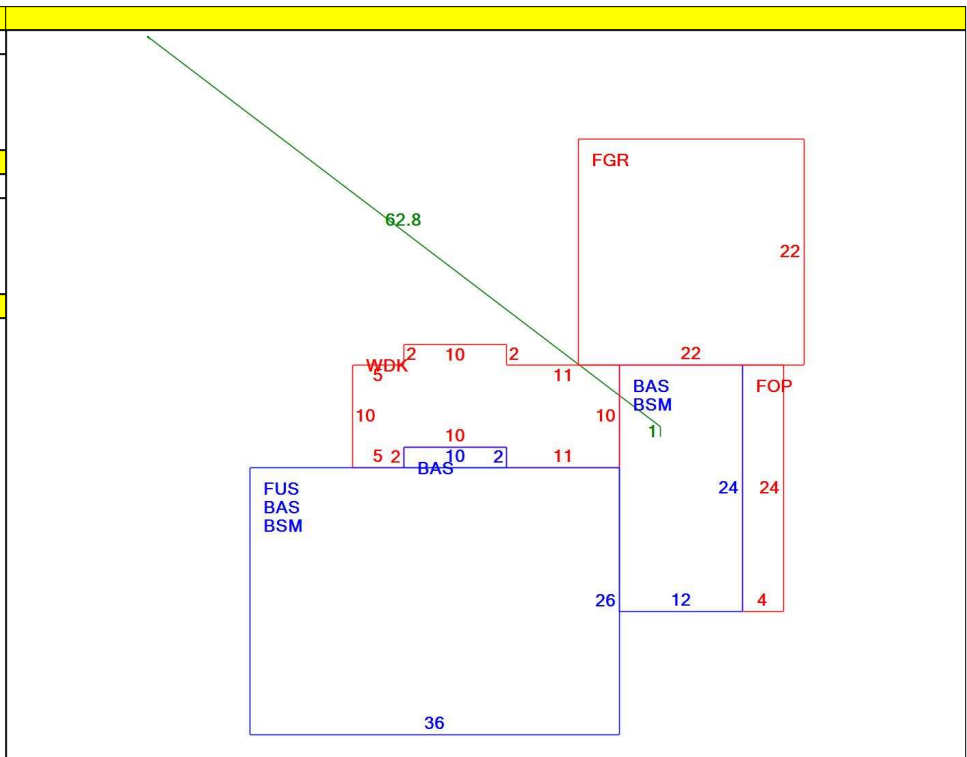


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				<div style="text-align: center; padding: 10px;"> 6007 BERLIN, CT <div style="font-size: 2em; font-weight: bold; margin-top: 20px;">VISION</div> </div>										
SULLIVAN TIMOTHY C & MELISSA A 276 CHAMBERLAIN HWY BERLIN CT 06037		1	1	1		Description	Code	Appraised Value	Assessed Value											
						RES LAND	1-1	109,600	76,700											
						DWELLING	1-3	182,600	127,800											
						RES OUTBL	1-4	2,800	1,900											
SUPPLEMENTAL DATA																				
		Alt Prcl ID 08-3 012F 00005B CENSUS 4003 (not used) Heavy Incomeexp				Section: W dc CB Letter														
		GIS ID 8-3-12F-5B				Assoc Pid#		Total		295,000	206,400									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)												
SULLIVAN TIMOTHY C & MELISSA A SWIFT KAREN BALDYGA KAREN BALDYGA EDWARD JR & KAREN		0744	1078	03-08-2018	Q	I	379,900	00	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed			
		0681	0854	03-13-2013	U	I	0	34	2020	1-1	76,700	2019	1-1	76,700	2018	1-1	76,700			
		0678	1052	01-11-2013	U	I	0	04		1-3	127,800		1-3	127,800		1-3	127,800			
		0294	0467	06-26-1989	U	I	0			1-4	1,900		1-4	1,900		1-4	1,900			
		Total						Total		206400	Total		206400		Total		206400			
EXEMPTIONS			OTHER ASSESSMENTS					This signature acknowledges a visit by a Data Collector or Assessor <div style="background-color: yellow; text-align: center; padding: 5px; font-weight: bold;">APPRAISED VALUE SUMMARY</div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Appraised Bldg. Value (Card)</div> <div>182,600</div> </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Appraised Xf (B) Value (Bldg)</div> <div>0</div> </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Appraised Ob (B) Value (Bldg)</div> <div>2,800</div> </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Appraised Land Value (Bldg)</div> <div>109,600</div> </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Special Land Value</div> <div>0</div> </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Total Appraised Parcel Value</div> <div>295,000</div> </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Valuation Method</div> <div>C</div> </div> <div style="display: flex; justify-content: space-between; padding: 5px;"> <div>Total Appraised Parcel Value</div> <div>295,000</div> </div>												
Year	Code	Description	Amount	Code	Description	Number	Amount						Comm Int							
Total			0.00																	
ASSESSING NEIGHBORHOOD																				
Nbhd		Nbhd Name		B		Tracing		Batch												
1020																				
NOTES																				
A/G POOL IN BACK '09 10X20 SHED																				
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						
BP-20-0086	03-19-2020	RS	Residential	6,000		100		DEMO IF EXISTING DECKIN 10X20 WD SHED WARRANTY REPLC VINYL SI	09-01-2020	JF			52	Building Permi Measur+Listed						
7795	09-30-2008	RS	Residential	4,000					08-25-2009	AC	2		00							
5102	08-05-2004	RS	Residential	0																
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			0.480	AC	122,760	1.77174	4	1.00	8	1.050			0		1.000	109,600
Total Card Land Units							0.4800	AC	Parcel Total Land Area					0.4800	Total Land Value					109,600

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	03	Colonial			
Model	01	Residential			
Grade:	07	B-			
Stories:	2	2 Stories			
Occupancy	1				
Exterior Wall 1	25	Vinyl Siding			
Exterior Wall 2					
Roof Structure:	03	Gable			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall			
Interior Wall 2					
Interior Flr 1	14	Carpet			
Interior Flr 2					
Heat Fuel	02	Oil/Gas			
Heat Type:	04	Forced Air-Duc			
AC Type:	03	Central			
Total Bedrooms	03	3 Bedrooms			
Total Bthrms	2				
Total Half Baths	1				
Total Xtra Fixtrs					
Total Rooms:	7				
Bath Style:	02	Average			
Kitchen Style:	02	Average			
Whirlpool Tub					
# Fireplaces	1				
Fin Bsmnt Area					
Fin Bsmnt Qualit					
Fin Bsmnt Qualit					
Bsmnt Garage					
Fin Bsmnt Area2					

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
SHD1	Shed Wd Res	L	96	12.54	1994	G	75		0.00	900
SHD1	Shed Wd Res	L	200	12.54	2009	G	75		0.00	1,900

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,244	1,244	1,244	83.19	103,483
BSM	Basement	0	1,224	245	16.65	20,380
FGR	Garage, Attached	0	484	194	33.34	16,138
FOP	Porch, Open, Finished	0	96	19	16.46	1,581
FUS	Upper Story, Finished	936	936	936	83.19	77,862
WDK	Deck, Wood	0	260	39	12.48	3,244
Ttl Gross Liv / Lease Area		2,180	4,244	2,677		222,688



- 1). "SUBDIVISION MAP PREPARED FOR ANN D. FARR AND ESTHER A. FARR KENSINGTON CONN. OCTOBER 8, 1985 SCALE 1"=40' REV. THRU JUNE 8, 1987 HARRY COLE L.S."
- 2). "CONNECTICUT STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP TOWN OF BERLIN CAT HOLE PASS ROAD FROM PERCIVAL ST. NORTHEASTERLY TO HIGH ROAD ROUTE NO. 71-A SCALE 1"=40' DATE 6-19-36 NUMBER 7-03 SHEET Nos. 2&3 OF 4 A.W. THOMPSON C.E."



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Berlin, Connecticut

7). THIS MAP AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTIONS 20-300B-1 THRU 20-300B-20, AND THE RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT EFFECTIVE OCTOBER 26, 2018 PREPARED AND ADOPTED BY THE CONNECTICUT COMMISSION OF SURVEYORS, INC. PURSUANT TO AND AS SET FORTH THESE STANDARDS:
THE TYPE OF SURVEY PERFORMED AND THE MAPPED FEATURES DEPICTED HEREON ARE IN ACCORDANCE WITH THE REQUIREMENTS OF A BOUNDARY TAKE-OUT SURVEY.

PROPERTY LINES, AS THEY ARE DEPICTED HEREON, PRESENT PROFESSIONAL OPINIONS THAT PERTAIN TO A "DEPENDENT RESURVEY". THIS MAP PRESENTS THE RESULTS OF MEASUREMENTS WHICH WERE MADE UPON THE GROUND IN ACCORDANCE WITH THE ACCURACY STANDARDS OF A CLASS A-2 SURVEY.

- 2). THIS MAP AND SURVEY WERE PREPARED FOR TIMOTHY C. & MELISSA A. SULLIVAN TO BE USED IN MATTERS THAT RELATE TO PROPERTY LOCATIONS. USE OF THIS MAP FOR OTHER PURPOSES OR BY OTHER PARTIES IS NOT AUTHORIZED OR VALID.
- 3). NO DECLARATION IS EXPRESSED OR IMPLIED BY THIS MAP OR COPIES THEREOF UNLESS IT BEARS THE IMPRESSION TYPE SEAL AND ORIGINAL LIVE SEAL AND ORIGINAL LIVE SIGNATURE OF THE SURVEYOR WHOSE NAME AND REGISTRATION NUMBER APPEAR ON THE MAP. ANY CHANGES MADE TO THIS MAP WITHOUT THE KNOWLEDGE OF THE SIGNER INVALIDATES THESE DECLARATIONS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS
SUBSTANTIALLY CORRECT AS NOTED HEREON.

Kenneth R. Cyr 10-23-2020
 KENNETH R. CYR CT.L.L.S. #70116 DATE
 NOT VALID UNLESS ORIGINAL SIGNATURE, LIVE STAMP, & RAISED SEAL ARE AFFIXED.



FLYNN & CYR LAND SURVEYING LLC
1204 FARMINGTON AVE 860-828-7886
BERLIN CONNECTICUT 06037

BOUNDARY STAKE-OUT SURVEY
PROPERTY OF
TIMOTHY C. & MELISSA A. SULLIVAN
#276 CHAMBERLAIN HIGHWAY
BERLIN, CONNECTICUT
SCALE 1"=20' OCT. 23, 2020
GRAPHIC SCALE

