

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Adam Levitus, ZEO
DATE: April 21, 2021
RE: #2021-07 – Variance for a Front Yard for a New Shed
APPLICANT: Kyle and Tracy Cooney (property owners)
ADDRESS: 38 Eastbrook Terrace
Map 15-2 Block 91 Lot 70-C
ZONE: R-21 (Open Space Subdivision)

Proposal and Background

Kyle and Tracy Cooney (property owners) are requesting a variance for southernly front yard of 10 feet when 30 feet is required in an Open Space Subdivision in the R-21 Zone per Berlin Zoning Regulations V.A.8.f for a detached 10 foot x 12 foot accessory shed.

Staff Comments

The existing house was built in approximately 2001. A rear pool and fence were added in approximately 2008. According to available survey data, the property has approximately 161' of frontage along a curved portion of Eastbrook Terrace. Accordingly, the required front yard 'wraps' around the front and sides of the house. The applicant wishes to place a shed within the required front yard on the side of the home, hence the need to apply for a variance.

The house was built under the provisions of an Open Space Subdivision (OSS) in the R-21 zone. Under the OSS provisions, setbacks are reduced for this property and this subdivision as compared to other properties in the R-21 zone. Relevant to this application, the minimum required front yard setback is 30 feet, as compared to a minimum 40-foot front yard for standard R-21 properties.

Staff did raise the question of the location of the shed to the applicant, as alternative locations would not require a variance (e.g., closer to the pool fence, behind the 30' front setback line). Staff understanding per conversations with the applicant is that alternative, compliant locations would not permit use of the yard.

Note: there is an existing buffer area along the east property line that was established as part of the requirements for an Open Space Subdivision. The buffer was originally 50' wide, but was subsequently reduced to 15' wide at the 12/13/2001 Planning and Zoning Commission meeting. The shed location as proposed - approximately 15.3' from the east (rear) property line - would not interfere with this buffer area.

Staff recommends discussion of:

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

Zoning Requirements: §V.A.8.f

Front Yard Required: 30 ft., minimum (OSS, R-21)

Proposed Front Yard: 10 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 # 2021-0007

Town of Berlin
Received

MAR 30 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): Tracy + Kyle Cooney

Project Address*: 38 Eastbrook Terrace Berlin CT.

Map: _____ Block: 91 Lot: 70C Zone(s): R-21 Lot Area: _____

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: Kyle Cooney
Name: Tracy Cooney Firm Name: _____
Street Address: 38 Eastbrook Terrace City: Berlin ST: CT Zip: 06037
Email: TKCooney@comcast.net Phone: 8609066100
Signature: [Signature] Date: 3-30-2021

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:

request 10 foot to allow shed to be placed closer to street, area is blocked with tree arborvitas.

VARIANCE APPLICATIONS: For relief of: 30-foot front yard ~~requ~~ requirement.

Requested requirement: 10 feet

Reason/Description of Hardship (REQUIRED):

unique configuration of property wouldn't allow any use of my side yard.

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)

ZBA # 2021-0007

Received by: ADL check # 8080

Scheduled on ZBA Agenda of:

4/27/21

ZONING BOARD OF APPEALS DECISION:

Plan Title & Date: _____

**Town of Berlin
Received**

MAR 30 2021

Planning & Zoning Department
Berlin, Connecticut



Town of Berlin, CT

Property Listing Report

Map Block Lot

15-2-91-70-C

Building # 1

PID

2562

Account

1026980

Property Information

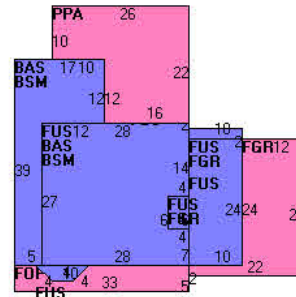
Property Location	38 EASTBROOK TER
Owner	COONEY KYLE P & TRACY L
Co-Owner	
Mailing Address	38 EASTBROOK TER BERLIN CT 06037
Land Use	1010 Single Family
Land Class	R
Zoning Code	R-21
Census Tract	4001

District	4
Acreage	0.37
Utilities	All Public
Book / Page	0533/0391

Photo



Sketch



Primary Construction Details

Year Built	2001
Building Desc.	Single Family
Building Style	Colonial
Stories	2
Occupancy	1.00
Exterior Walls	Vinyl Siding
Exterior Walls 2	
Roof Style	Gable
Roof Cover	Asph/F Gls/Cmp
Interior Walls	Drywall
Interior Walls 2	
Interior Floors 1	Carpet
Interior Floors 2	Hardwood

Heating Fuel	Oil/Gas
Heating Type	Forced Air-Duc
AC Type	Central
Bedrooms	4 Bedrooms
Full Bathrooms	2
Half Bathrooms	1
Extra Fixtures	0
Total Rooms	7
Bath Style	Average
Kitchen Style	Average
Fin BSMT Area	
Fin BSMT Quality	
Fin BSMT Area 2	
Fin BSMT Qual 2	

BSMT Garages	0
Fireplaces	1
Whirlpool Tub	0
Building Use	Residential
Building Condition	A
Industrial / Commercial Details (*Residential Not Applicable)	
Heat / AC	NA
Frame Type	NA
Baths / Plumbing	NA
Ceiling / Wall	NA
Rooms / Prtns	NA
Wall Height	NA
First Floor Use	NA

Town of Berlin, CT

Property Listing Report

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Valuation Summary (Assessed value = 70% of Appraised Value)

Item	Appraised	Assessed
Buildings	220200	154100
Extras	0	0
Improvements		
Outbuildings	30800	21600
Land	113600	79500
Total	364600	255200

Sub Areas

Subarea Type	Gross Area (sq ft)	Living Area (sq ft)
Garage, Attached	596	0
Patio Paver	452	0
Upper Story, Finished	1059	1059
First Floor	1071	1071
Porch, Open, Finished	165	0
Basement	1071	0
Total Area	4414	2130

Outbuilding and Extra Features

[illegible]

Sales History

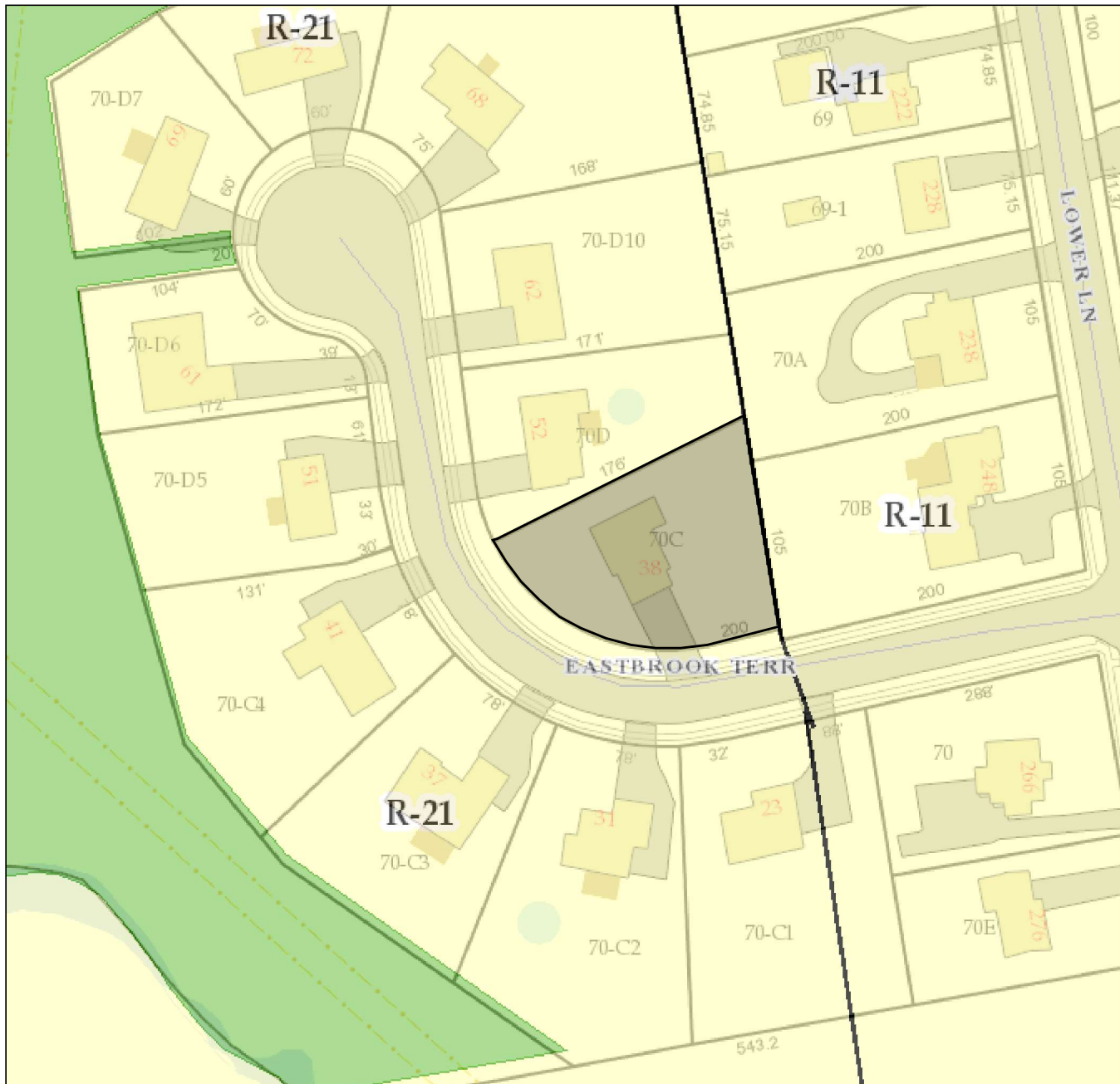
Owner of Record	Book/ Page	Sale Date	Sale Price
COONEY KYLE P & TRACY L	0533/0391	2004-08-02	380000
COHEN, MATTHEW D & DONNA J	0449/0971	2001-06-01	266094
UNIQUE BUILDERS CONTRACTORS INC	0430/0610	2000-02-02	360000
GONTARZ KASMIR & JOHN	0395/0473	1997-07-24	0
GONTARZ KASMIR & JOHN	0395/0000	1997-07-24	0

Town of Berlin

Geographic Information System (GIS)



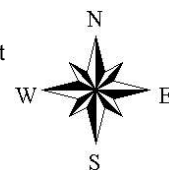
Date Printed: 4/16/2021



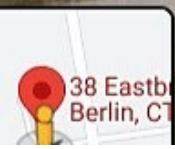
MAP DISCLAIMER - NOTICE OF LIABILITY

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





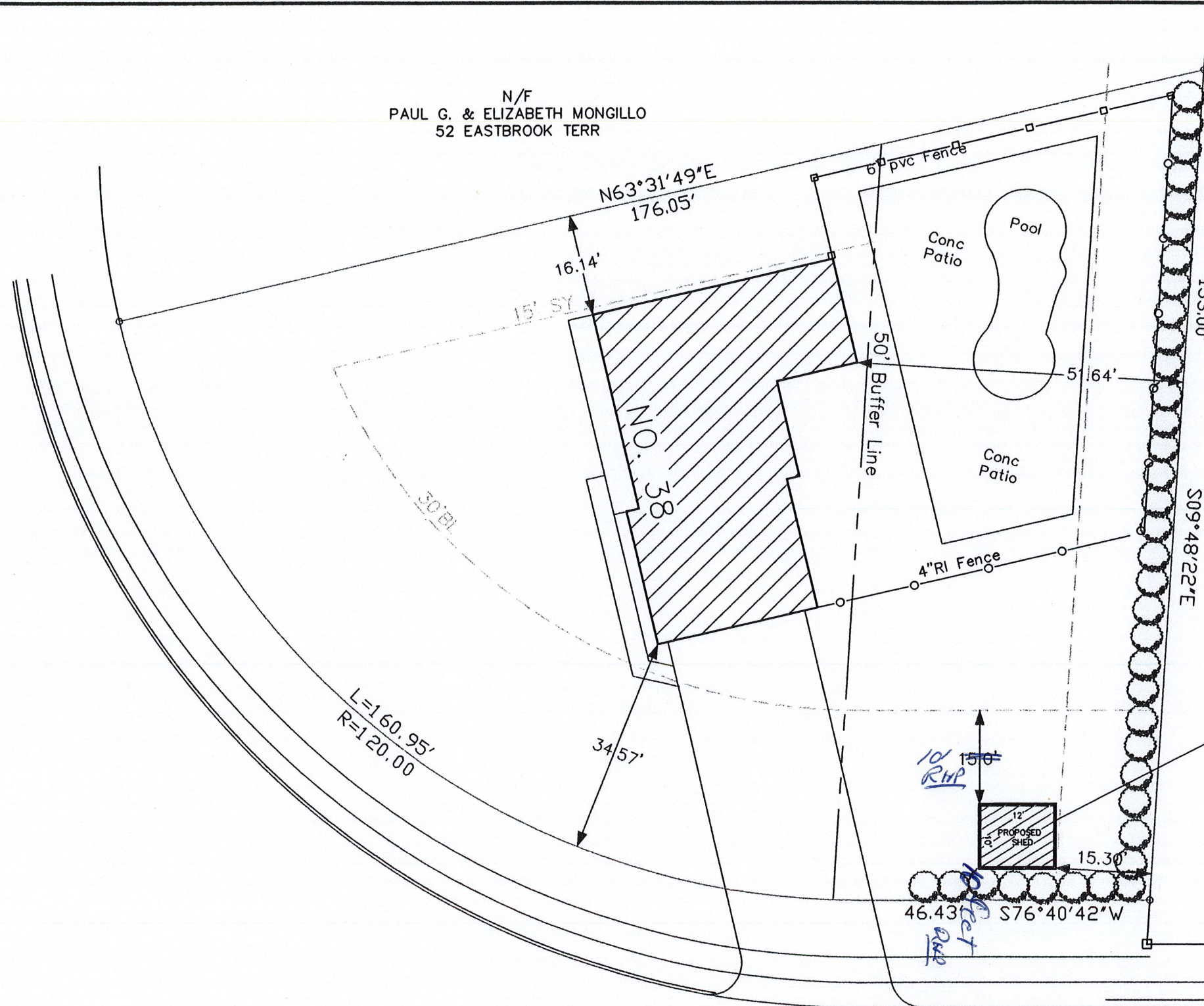


38 East Berlin, CT

N/F
PAUL G. & ELIZABETH MONGILLO
52 EASTBROOK TERR



N/F
CRYSTAL L. ARESIMOWICZ
248 LOWER LN



10' RHP
PROPOSED *15'* BUILDING LINE VARIANCE
FOR PROPOSED 10'X12' SHED

updated 4/22/21
Richard Pentore
Not to Scale

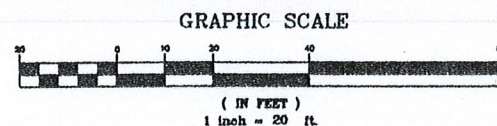
Town of Berlin
Received

APR 19 2021

Planning & Zoning Department
Berlin, Connecticut

EASTBROOK TERRACE

LEGEND	
• L.P. Pin	IRON PIPE FOUND
• U.P. Pin	IRON PIN TO BE SET
• Mon. Pin	MONUMENT FOUND
■ Mon. Set	MONUMENT SET
N/F	NOW OR FORMERLY
T	TANGENT
R	RADIUS
L	LENGTH
Δ	DELTA ANGLE
No.	NUMBER
N.T.S.	NOT TO SCALE
RY	REAR YARD
SY	SIDE YARD
BL	BUILDING LINE



MAP CERTIFICATE:
THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES-"MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT STATE ASSOCIATION OF LAND SURVEYORS, INC. THIS MAP CONFORMS TO A HORIZONTAL ACCURACY CLASS OF A-2 THE SURVEY TYPE IS DEPEND RESURVEY BASED ON EXISTING DEEDS & MAPS AND IS INTENDED TO BE USED FOR IMPROVEMENT SURVEY

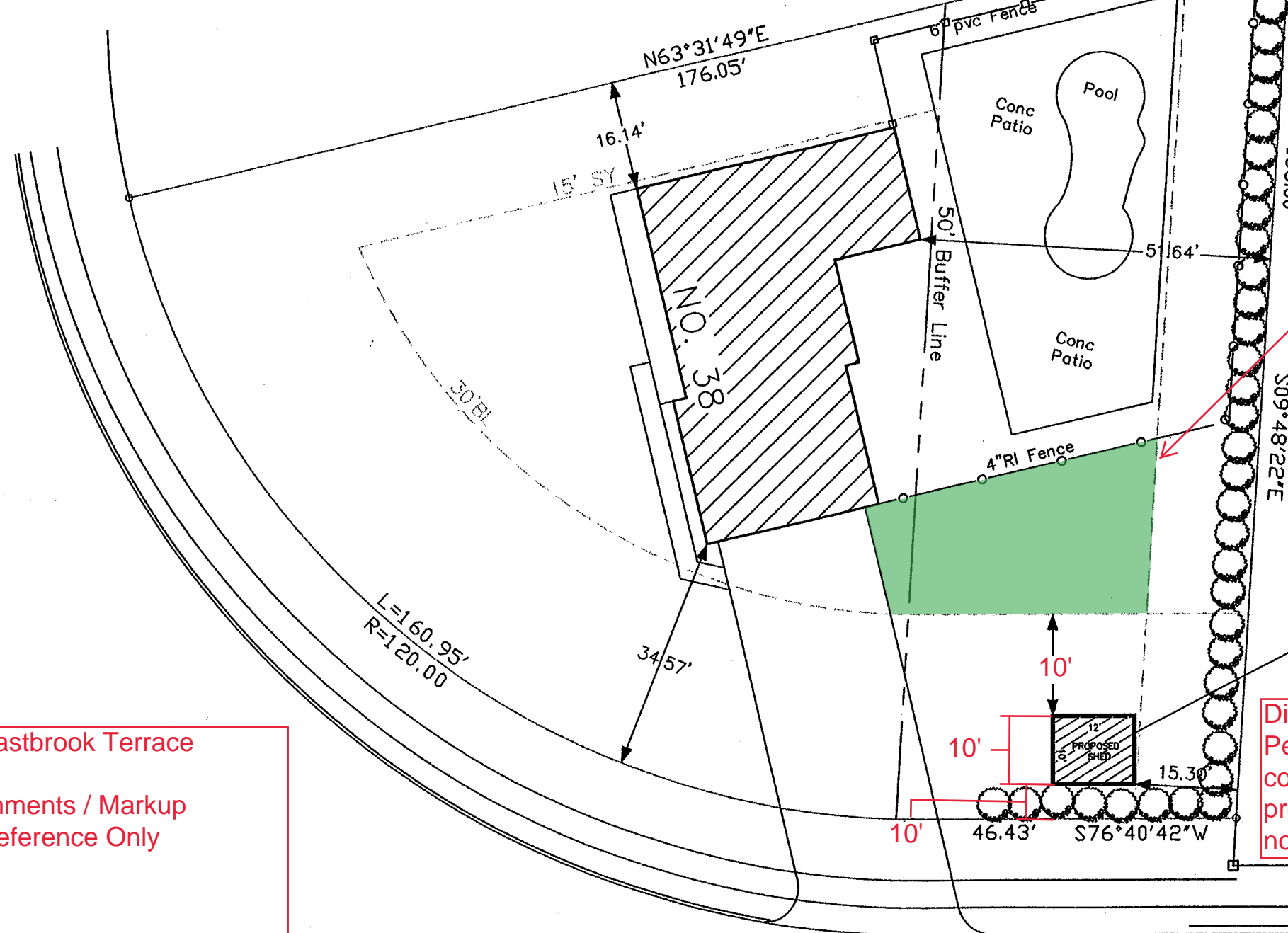
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

JEFF PESCOLOLIDO L.S.

REVISIONS	VARIANCE MAP FOR TRACY L. COONEY ET AL LOT 70-C BLOCK 91 MAP 15-2 38 EASTBROOK TERRACE BERLIN, CONNECTICUT		
	J L SURVEYING 212 OLD BRICKYARD LANE Berlin Connecticut Phone 860-828-3200		
Plot Date: 4-14-21	C:\DRAW\2021\22126\38 EAST BROOK	LG	22126 1 OF 1



N/F
PAUL G. & ELIZABETH MONGILLO
52 EASTBROOK TERR



Green shaded area indicates a sample area in the yard that the shed could be located in compliance with the setback requirements / buffer.

N/F
CRYSTAL L. ARESIMOWICZ
248 LOWER LN

PROPOSED 10' BUILDING LINE VARIANCE
FOR PROPOSED 10'X12' SHED

Dimensions updated by Atty
Pentore on 4/22/21 to clarify/
correct location of shed and
proposed variance. Shed location
not to scale.

Town of Berlin
Received

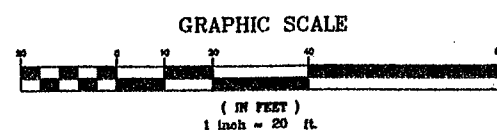
APR 19 2021

Planning & Zoning Department
Berlin, Connecticut

4/21/21 - 38 Eastbrook Terrace
ZBA-2021-07
ADL Staff Comments / Markup
For General Reference Only

EASTBROOK TERRACE

LEGEND	
○ I.P. Pin	IRON PIPE FOUND
● I.P. Pin	IRON PIN TO BE SET
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TAXES: LG	SHEET NO: 1 OF 1

22126

