

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Adam Levitus, ZEO
DATE: June 14, 2021
RE: #2021-14 – Variance for a Side Yard for a New Pool Shed
APPLICANT: Marc Ulan (property owner)
ADDRESS: 117 Sunmeadow Dr – East Berlin
Map 17-1 Block 133 Lot 26M
ZONE: R-21

Proposal and Background

Marc Ulan (property owner) is requesting a variance for westerly side yard of 3 feet when 10 feet is required in the R-21 Zone per Berlin Zoning Regulations V.A.10 for a detached 10 foot x 20 foot accessory pool shed.

Staff Comments

According to assessor's records, the existing house was built in approximately 2001. The property is at the end Sunmeadow Dr and abuts a Planned Industrial zone (rear yard). The in-ground pool in the rear yard was permitted in late 2020 and is nearing the end of construction. The location of the pool was updated multiple times before and after permit issuance, with the final as-built location shown on the survey provided in the application. The location of the pool is compliant with zoning requirements (12.96' from the house, 19.00' from the side property line, and 22.22' from the rear property line per the 1/13/21 Survey).

The applicant wishes to place a shed within the required side yard for accessory structures, hence the need to apply for a variance. 10 feet is required for a side yard for accessory structures further than 12 feet from the home, and although the applicant is maintaining the required 12 foot separation from the home, the proposed shed would only be 3 feet from the side property line.

Staff did raise the question of the location of the shed to the applicant, as alternative locations would not require a variance (e.g., to the east of the pool). Staff understanding of the applicant's position (per conversations with the applicant) is that alternative, compliant locations would not permit use of the yard and/or would interfere with grading on the property.

Staff recommends discussion of:

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

Zoning Requirements: §V.A.10

Side Yard Required: 10 ft., minimum (for accessory structure)

Proposed Side Yard: 3 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

ZBA # 2021-14

Planning and Zoning Department

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

ZONING BOARD OF APPEALS APPLICATION

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

Property Owner(s): Marc and Lilian Ulan

Project Address*: 117 Sunmeadow Drive, East Berlin, CT 06023

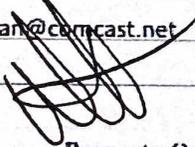
Map: 17-1 Block: 133 Lot: 26M Zone(s): R21 Lot Area: _____

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): _____

Not required
↓
AOL 6/14/21

Applicant Information

Name: Marc Ulan Firm Name: _____
 Street Address: 117 Sunmeadow Dr. City: East Berlin ST: _____ Zip: 06023
 Email: marculan@comcast.net Phone: 860-841-4171
 Signature:  Date: 6/7/21

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): V.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: We would like to build a pool shed to support the usage of a new inground pool. The shed will be 10x20', with a small washing/changing area and the rest as storage space. Due to the makeup of the lot, its changing elevations, and its surroundings, we have a limited set of location options for the shed.

VARIANCE APPLICATIONS: For relief of: Side Setback requirement.
 Requested requirement: 3'
 Reason/Description of Hardship (REQUIRED): Without a pool shed we will not have a location to store the many things needed to support a pool, such as pool cleaning equipment and supplies, pool cover, pool toys, and patio furniture.

MOTOR VEHICLE USE LOCATION¹:
 The first page of the State DMV application is required to be submitted with this application

	Number of Service Bays	Parking Required	Parking Provided
<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 # 2021-14

Received by: ADL CHK # 2484

Scheduled on ZBA Agenda of: 6/22/21

ZONING BOARD OF APPEALS DECISION:

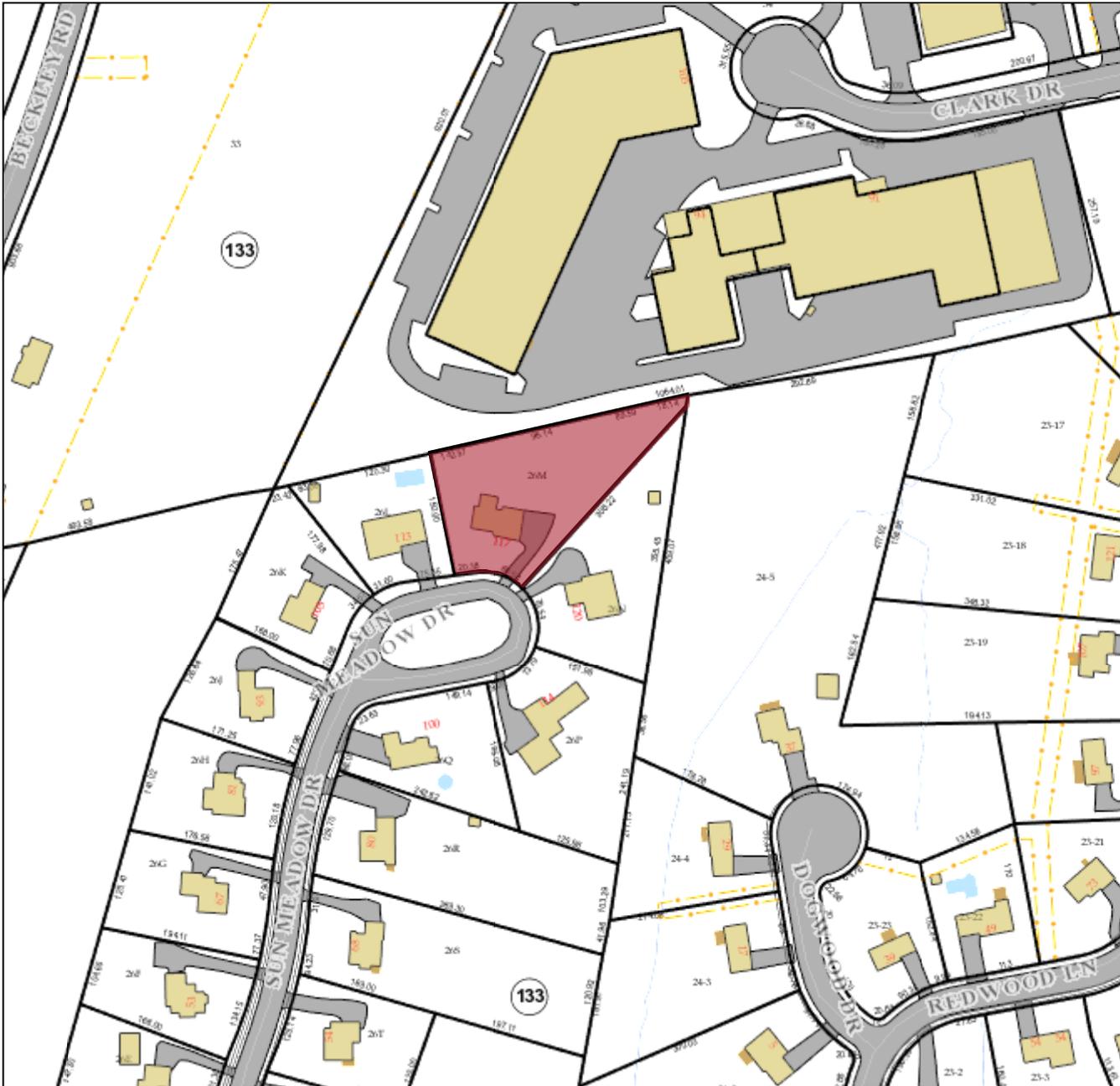
Plan Title & Date: _____

Town of Berlin

Geographic Information System (GIS)



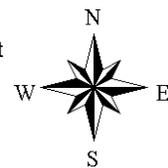
Date Printed: 6/8/2021



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 = 200 feet





Town of Berlin, CT

Property Listing Report

Map Block Lot

17-1-133-26M

Building # 1

PID

2062

Account

1021600

Property Information

Property Location	117 SUNMEADOW DR
Owner	ULAN MARK J & LILIAN C
Co-Owner	
Mailing Address	117 SUNMEADOW DR BERLIN CT 06037
Land Use	1010 Single Family
Land Class	R
Zoning Code	R-21
Census Tract	4001

District	7
Acreage	0.79
Utilities	All Public
Book / Page	0636/0500

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	Hardwood
Interior Floors 2	Carpet

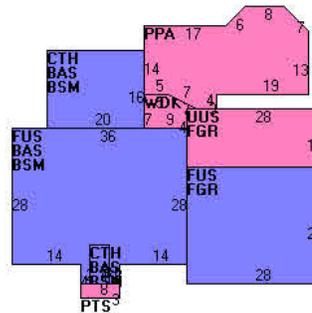
Heating Fuel	Gas/Oil
Heating Type	Forced Air-Duc
AC Type	Central
Bedrooms	3 Bedrooms
Full Bathrooms	2
Half Bathrooms	1
Extra Fixtures	0
Total Rooms	9
Bath Style	Average
Kitchen Style	Average
Fin BSMT Area	770
Fin BSMT Quality	Rec Room Fin
Fin BSMT Area 2	
Fin BSMT Qual 2	

BSMT Garages	0
Fireplaces	1
Whirlpool Tub	1
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

Photo



Sketch





Sign in



WORLD PAC

Momentum Solar

117 Sun Meadow Dr, Berlin, CT 06037

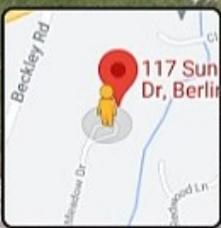


Google

23 Sun Meadow Dr
Berlin, Connecticut

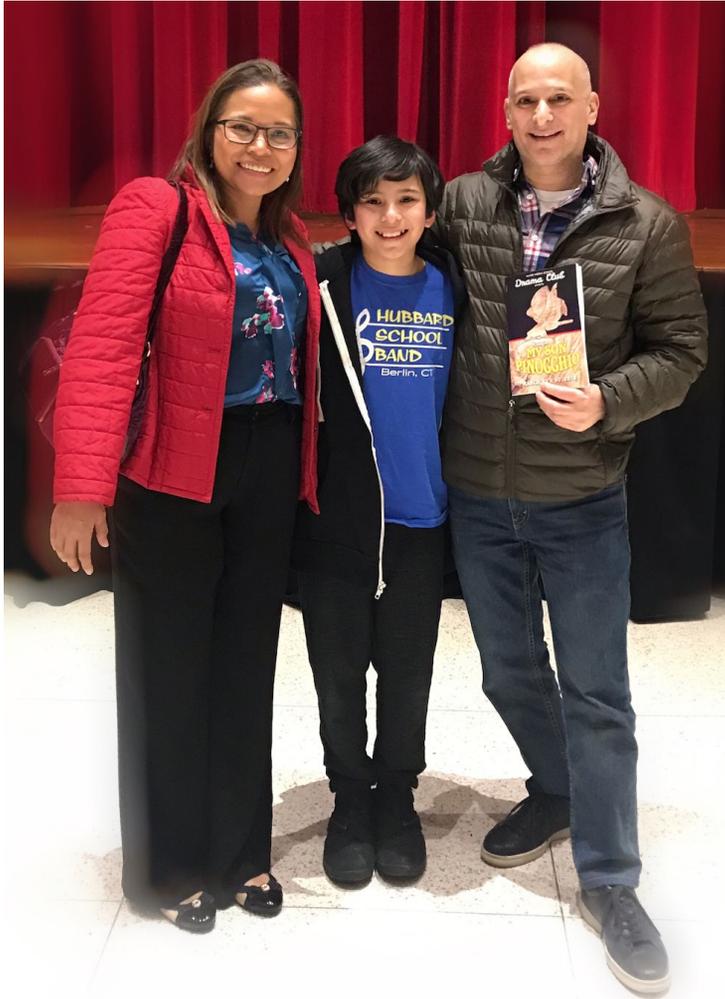
Google

Street View



Google

Our Purpose Today

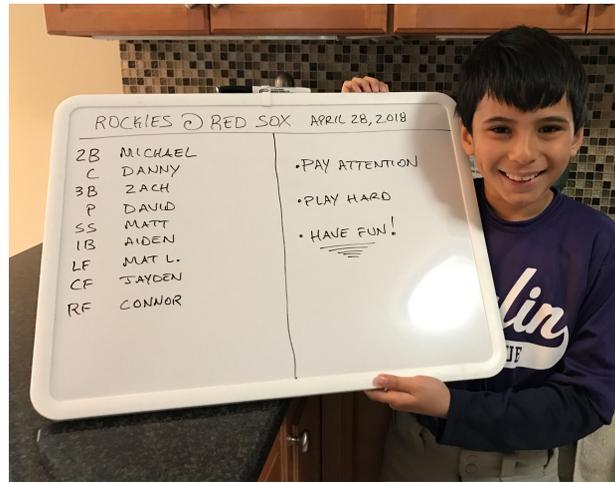


- We are Marc, Lilian, and Zach Ulan
- We have recently begun making a significant investment on our property, to build the backyard of our dreams
- We are here to seek a variance on the side setback rule so that we can place a pool shed on the pool patio
- We will share the potential locations for the shed, and our thinking on why we believe our selected location is the best choice
- We appreciate the opportunity to make our case, and hope that you consider it as if this was your home, your family, and your yard

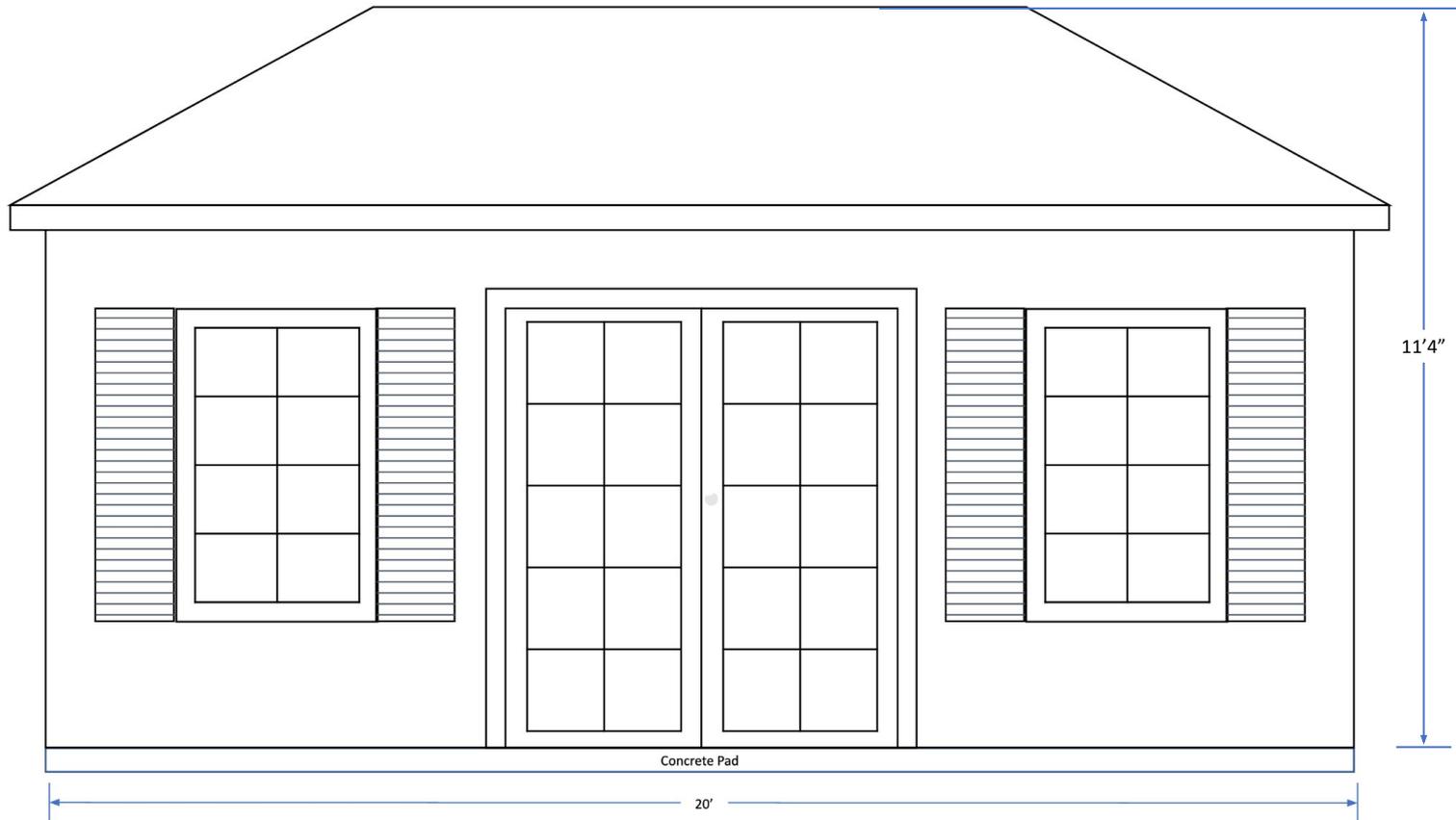
A Commitment to our Town



- We have a deep commitment to our town, demonstrated through the investment we are making and our involvement in town activities
- We have been frequent volunteers for Berlin school activities and Berlin sports
- Lilian was an early member of Raising Berlin, is serving her second year on the Board of the Library, and has contributed to award winning scarecrows!
- Marc has coached baseball, and built a Berlin Fair Demo Derby car with other town dads
- **Berlin is our home, and we are committed to helping it be a great place to live!**

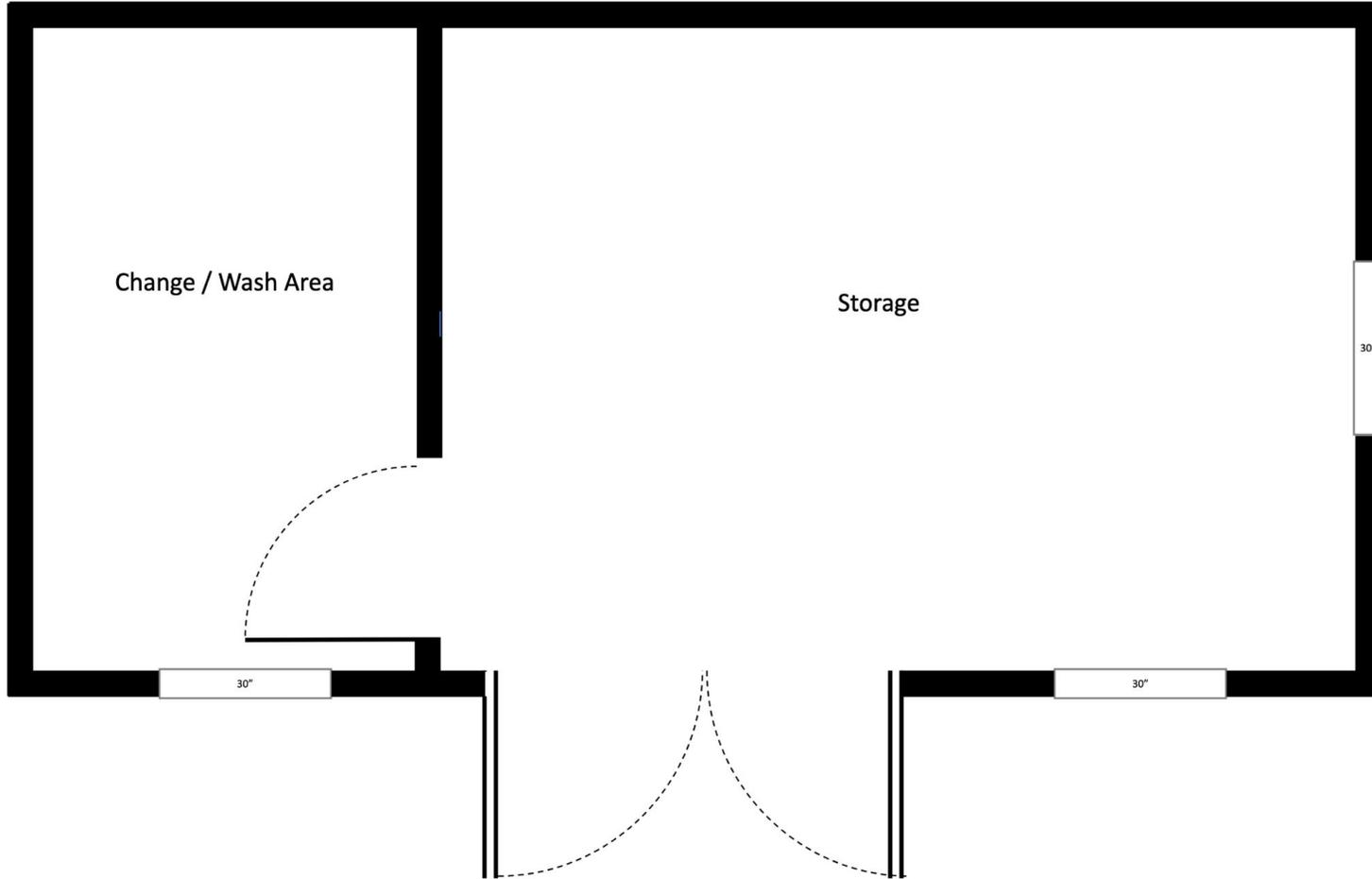


The Shed



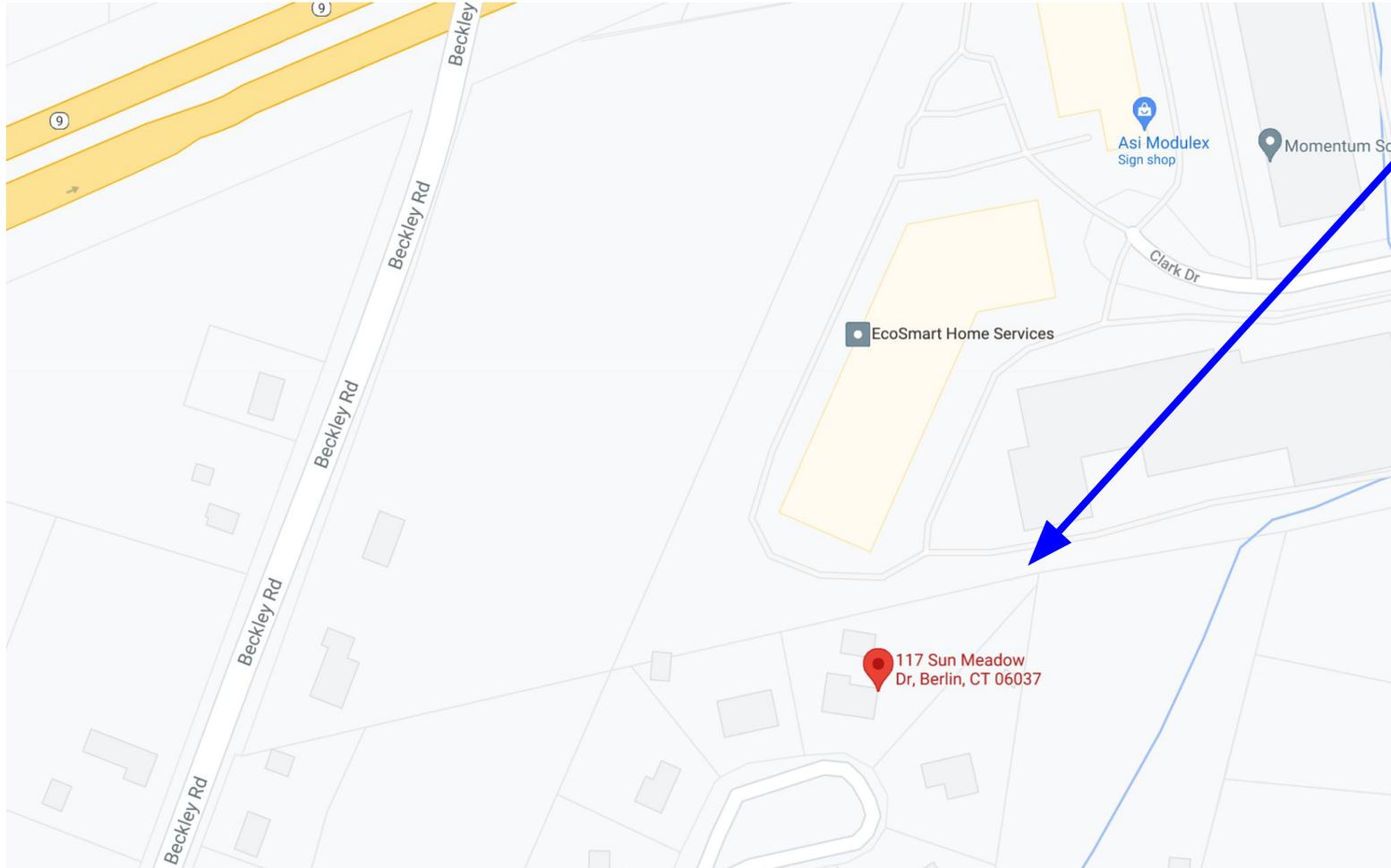
Our plan is for a simple shed with room for pool & yard storage, and a small changing / washing area

The Shed



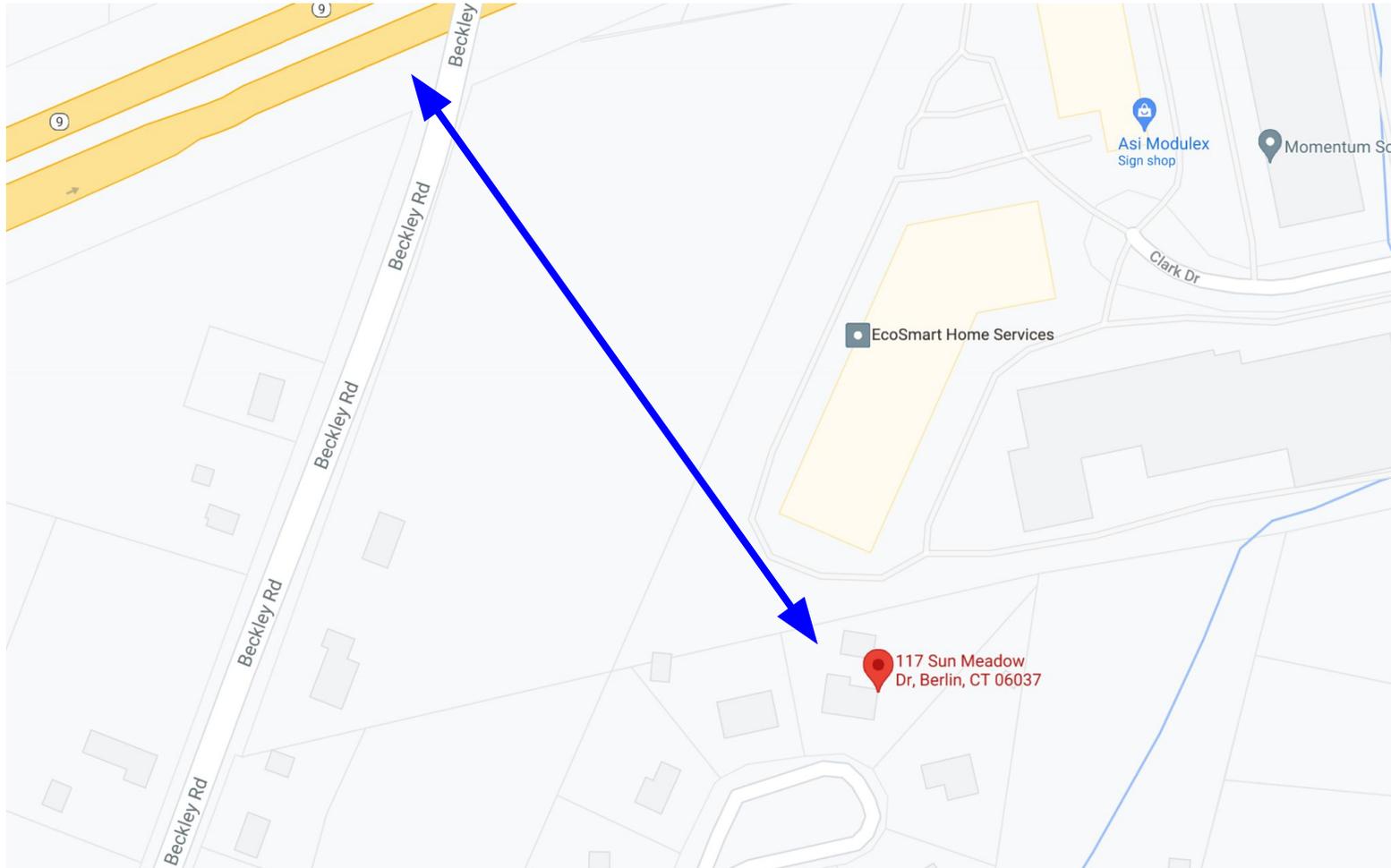
It is amazing how many things are needed to maintain a pool - chemicals, cleaning tools, pool cover, pool toys, patio furniture, etc, etc, etc!

Our Lot



This is our lot on
Google Earth

The Highway



Our backyard faces the highway

The tire and engine noise can get pretty bad, especially in early evening, a time that we like to be outside

Odd Shape

Not a lot of room here...where we want to use it

Wooded area. Lots of room here...but kind of unusable



**117 Sun Meadow
Dr, Berlin, CT 06037**

We have a very odd shaped lot

It is close to .75 acre, but much of it is difficult to use

Odd Shape



The sides of our yard are very small - not very good “play” area

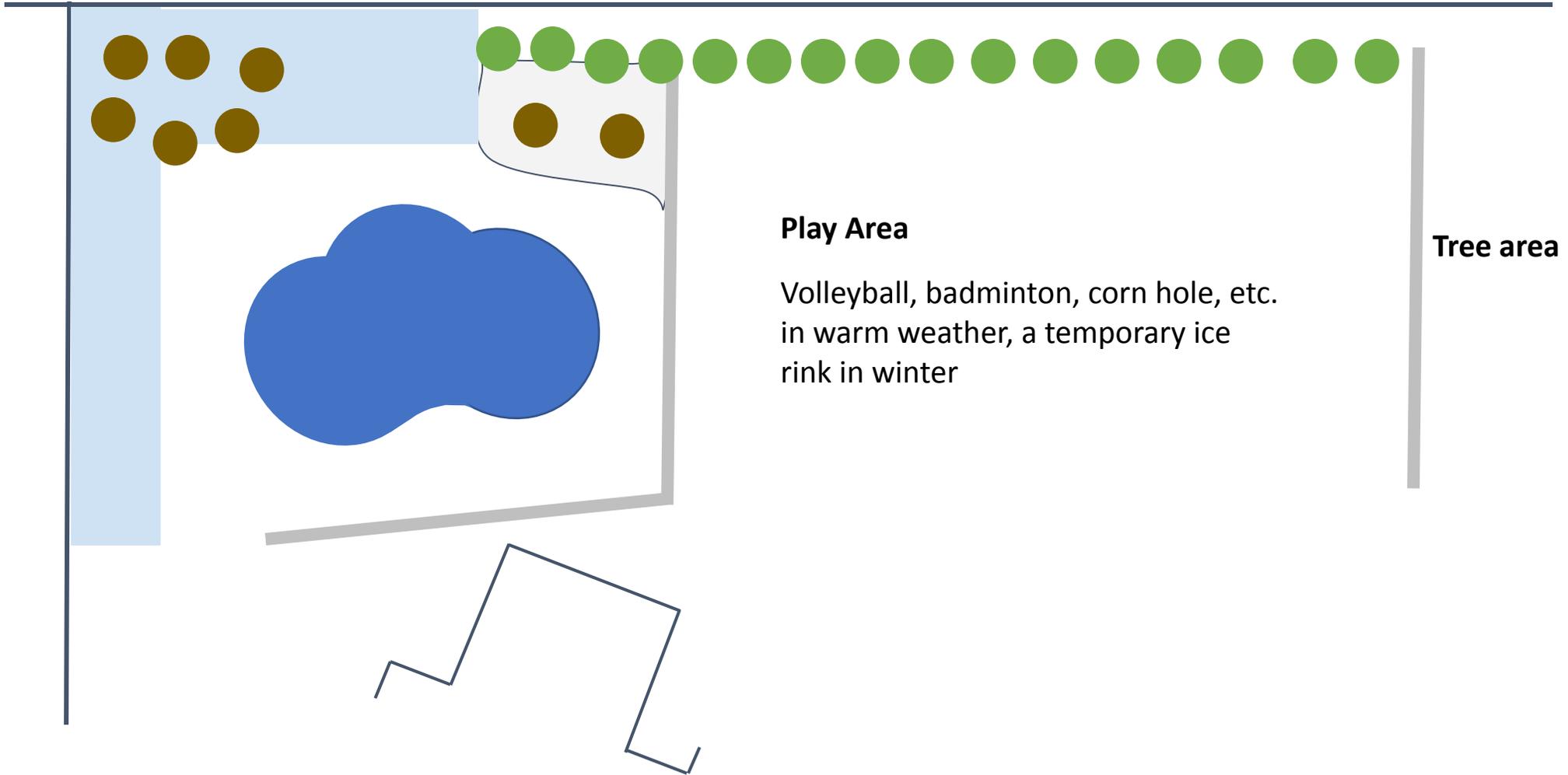
We designed our backyard using the space directly behind the house, and to the left - the only real usable space

Due to elevation changes, the pool, play, and wooded areas are separated by short (2-3') walls

Top Down

1" = 16.5'

The noisy highway!



Play Area

Volleyball, badminton, corn hole, etc.
in warm weather, a temporary ice
rink in winter

Tree area

View from the Ground



The view from the ground

Location 1



There is about 5' between the pool coping and where the wall will be, which is not enough room for the shed

The "play" area can be seen on the higher ground

If the play area was used for the shed, it would dramatically reduce our usability of the space, causing a significant negative impact to the investment we are making

Location 2



Location 2 has a similar problem to Location 1 in that it bumps up against where the wall will be

The pool mechanicals can be seen on the higher ground

If the shed were placed by the mechanicals, the rear of it would be almost in our front yard, and very visible from the street

It would not look good, or be very useful, given how far it would be from the pool

Location 3



Location 3 encroaches on the rear setback rule of 15'

This area is relatively exposed and the greatest opening for the highway noise

Our plan is to continue the Arborvitae line that can be seen to the right

The Arborvitae will provide better sound barrier than the shed, and will completely block the opening exposed in the back, where the warehouse can be seen

Location 4



We believe location 4 is the ideal location for the shed

It requires a variance to the 10' side setback rule, which we hope you will grant

The white fence belongs to our neighbors, Ross and Amy Clement, who have their own pool

*They are very supportive of the shed being located close to the fence, as it will help to restore a bit of the privacy screen we both had before trees were removed

* Refer to letter from Ross and Amy

Conclusion

We believe that location 4 is the best solution because:

- It allows us to keep the shed near the pool, which is very important
- It makes good use of the limited space we have on our lot
- It lets us continue the Arborvitae privacy barrier to block highway noise
- The neighbors prefer this location because it will reconstitute a bit of the privacy barrier between our yards that was there before a set of trees were removed

Thank you for the opportunity to make our case, and we look forward to your decision

Ross and Amy Clement
113 Sunmeadow Dr.
East Berlin, CT 06023

June 22, 2021

Town of Berlin
Zoning Board of Appeals
240 Kensington Rd.
Berlin, CT 06037

~~RE: 117 Sunmeadow Drive, East Berlin, CT 06023~~

To Whom it May Concern:

It has come to our attention that our neighbors at 117 Sunmeadow Dr. are requesting a variance of the side setback rule for the property line that we share. We are writing this letter to express our support for the requested variance.

Until recently, there was a group of trees along our shared property line that helped to provide a privacy screen for both of our backyards. As those trees were removed to support the installation of our neighbors pool, we have lost this shared screen. Our neighbor's proposal to install a 10x20' shed, measuring approximately 11' 4" at the top, near to our shared line will help to restore some of the privacy screen that we shared earlier.

To help both of our families enjoy the solitude of our yards, we genuinely hope that you grant their request for this exception.

Sincerely,

Ross and Amy Clement




From Lynn & David Plourde, 120 Sunmeadow Drive

Shed - INBOX

Message ?

Delete Archive Reply Reply All Forward Attachment Move Junk Rules Read/Unread Categorize Follow Up

Shed



lynnplrd@yahoo.com
To: marculan@comcast.net

Friday, June 11, 2021 at 11:27 AM

You replied to this message on 6/11/21, 6:43 PM.

Show Reply

Hi Mark and Lilian,
We have been your next door neighbors for 21 years and we couldn't ask for any better ones. We can't even see your back yard , so you can put your shed anywhere you want.
Stay safe, Dave & Lynn Plourde

Sent from my iPad

Sallyanne and Barry Scott
105 Sunmeadow Drive
East Berlin, CT 06023
June 15, 20201
batsps53@gmail.com

Berlin Zoning Board of Appeals
Berlin, CT

To Whom It May Concern:

We are writing on behalf of our neighbors, Marc and Lilian Ulan, who are in need of a zoning variance. We have been neighbors for about 20 years and are totally fine with the installation of their shed in whatever spot works for them on their property. They are good neighbors and we hope you grant them their variance.

Most sincerely,

Sallyanne and Barry Scott

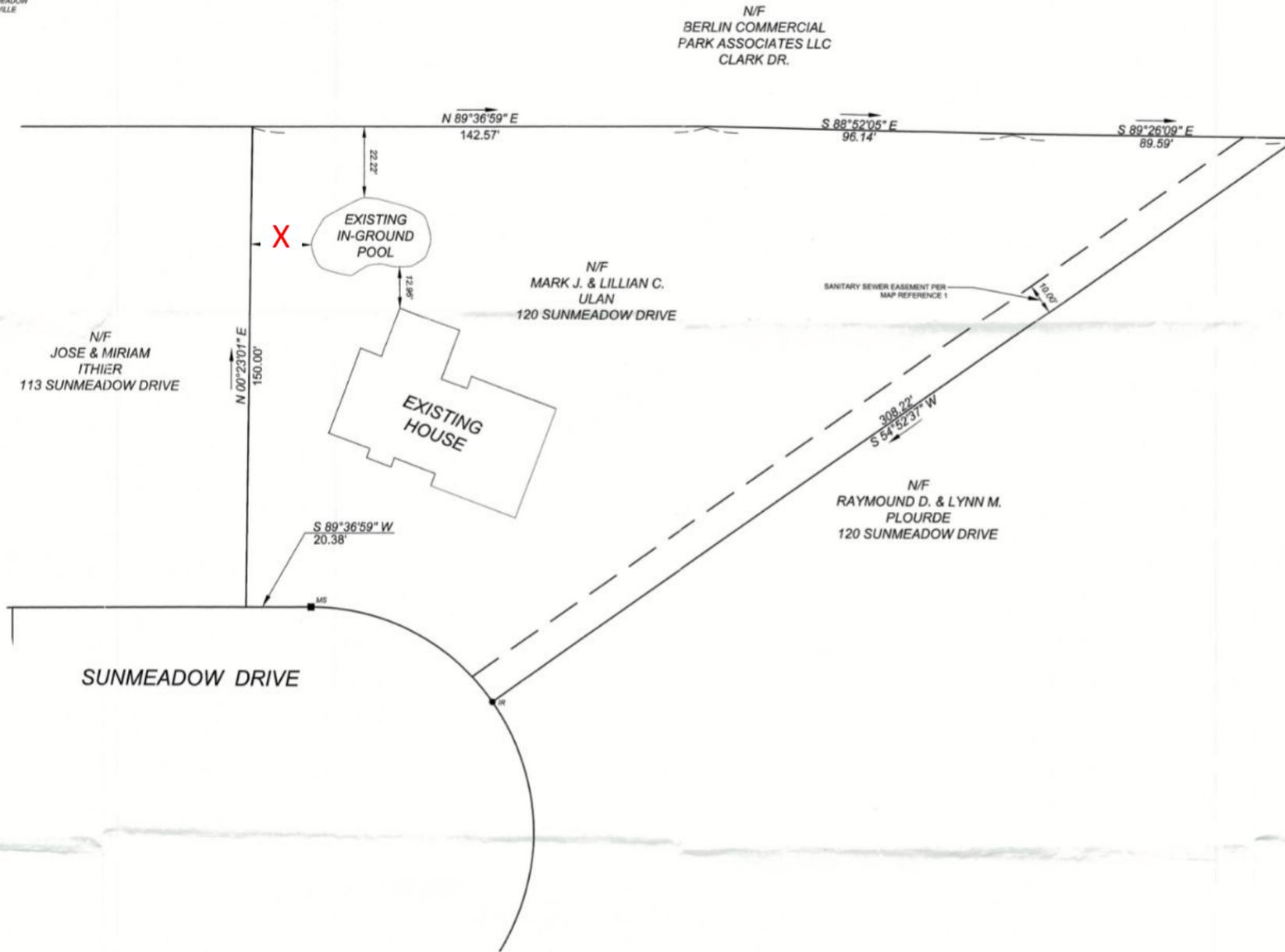
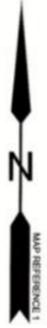
SURVEY NOTES:

1.) 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 OF ACCURACY, CONTENT AND CERTIFICATION FOR SURVEYS AND MAPS", AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS INC. ON AUGUST 29, 2018. IT IS A LIMITED PROPERTY ZONING LOCATION SURVEY MAP BASED ON A RESURVEY CONFORMING TO HORIZONTAL SURVEY ACCURACY CLASS A-2. THE INTENT OF THIS MAP IS TO DEPICT THE LOCATION OF EXISTING IN-GROUND POOL STRUCTURE SHOWN WITH RESPECT TO THE APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.

2.) PROPERTY IS LOCATED IN A R-21 ZONE.

MAP REFERENCES:

1.) SUBDIVISION PLAN - SECTION 3 SUNMEADOW HOMES ECOS CORPORATION DEVELOPER SUNMEADOW DRIVE BERLIN, CONNECTICUT SCALE 1"=40' MAY 1986 PREPARED BY EMPIRE ASSOCIATES PLAINVILLE CONNECTICUT

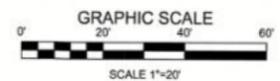


LEGEND

- MS EXISTING MERESTONE
- IR EXISTING IRON ROD

UTILITIES SHOWN ON THIS MAP WERE DERIVED FROM FIELD LOCATIONS AND EXISTING MAPPING CONTRACTOR TO VERIFY LOCATIONS AND DEPTH IN THE FIELD PRIOR THE START OF ANY CONSTRUCTION. "CALL BEFORE YOU DIG (1-800-922-4455)."

Town of Berlin Received FEB 02 2021 Planning & Zoning Department Berlin, Connecticut	PLAN PREPARED FOR			
	JULIANOS POOLS			
117 SUNMEADOW DRIVE		EAST BERLIN, CT.		
LIMITED PROPERTY/BOUNDARY ZONING LOCATION SURVEY				
SCALE: 1"=20'	DATE: 1/13/2021	FILE NO. 2020-129	SHEET: 1 OF 1	
BUSHNELL ASSOCIATES LLC. CIVIL ENGINEERING AND LAND SURVEYING 563 WOODBRIDGE STREET MANCHESTER, CT. 06042 860-643-7875				
REVISIONS:				



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

ANDREW F. BUSHNELL P.E. L.S. 24591

THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE LICENSED LAND SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE.

N 89°36'59" E

142.57'

1" = 10'

22.27'

23'

3'

Proposed
10x20
Shed

6'

EXISTING
IN-GROUND
POOL

12.96'

N/F
MARK J. & LILLIAN C.
ULAN

120 SUNMEADOW DRIVE

N 00°23'01" E

150.00'

EXISTING
HOUSE