



Town of Berlin

Planning and Zoning Department

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

ZBA # 2021-17

Town of Berlin
Received

JUN 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): DiNardi Revocable Living Trust

Project Address*: 359 Four Rod Road, Berlin, CT

Map: 15-1 Block: 91 Lot: 88-1 Zone(s): R-21 Lot Area: 4.55

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: Melissa S. Harris

Street Address: 433 S. Main St., Suite 112

Email: mharris@stangerlaw.com

Signature: _____

Firm Name: Stanger Stanfield Law, LLC

City: West Hartford ST: CT Zip: 06110

Phone: 860-591-0650

Date: 6/28/21

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

Name: Teresa & Yashira Dinardi, Co-Trustees Principal: _____

Street Address: 359 Four Rod Road

Email: tdinardi25@gmail.com

*Letter of Authorization Required

City: Berlin ST: CT Zip: 06037

Phone: 860-263-0394

ZBA action is requested pursuant to Berlin Zoning Regulations Section(s): IV(B)(7), V(A)(10), IV(A)(17)(h)

*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: Insall gate near end of driveway. See attached.

VARIANCE APPLICATIONS: For relief of: setback/fence height requirement.
Requested requirement: Allow for gate to be installed within setback for rear lot and allow for fence height greater than three (3) feet.
Reason/Description of Hardship (REQUIRED): See attached.

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:

☐ 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: JO Check # 2027

Scheduled on ZBA Agenda of: _____

ZBA # 2021-17

ZONING BOARD OF APPEALS DECISION:

Plan Title & Date: _____

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Berlin, Connecticut

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Berlin, Connecticut

APPLICATION FOR VARIANCE

OWNER: DiNardi Revocable Living Trust
Teresa DiNardi & Yashira DiNardi, Co-Trustees

LOCATION: 359 Four Rod Road, Berlin, CT (15-1-91-88-1)

REQUEST: Variance of Berlin Zoning Regulations Section IV(B)(7), Section V(A)(10) and Section IV(A)(17)(h) in order to allow for installation of six (6) foot gate at end of driveway/access to rear lot parcel at a location of approximately thirty-two (32) to thirty-five (35) feet from the property line.

PROPERTY LOCATION:

The property at 359 Four Rod Road, Berlin, CT (hereinafter, the "Property") is located in the Residential (R-21) Zone and consists of approximately 4.55 acres. The Property abuts the Residential (R-11) Zone.

The Property is a unique rear lot with a right of access located on Four Rod Road. Said right of access is 62.22 feet wide and 124.07 feet long. The right of access borders the entire side property line of 345 Four Rod Road (15-1-91-89) to the south and the entire side property line of 361 Four Rod Road (15-1-91-88) to the north. The right of access consists of a paved driveway with a divider/island running through the center, separating ingress and egress, which is 31.22 feet wide. See attached aerial photograph of the Property.

REGULATIONS PERTAINING TO WALLS AND FENCES:

According to the Town of Berlin Zoning Regulations Section IV(B)(7), *Exceptions to Yard Requirements, Walls and Fences*, "The yard requirements of these regulations shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that in any residential district no wall or fence shall exceed six feet in height, measured above the natural grade except that no fence erected in the front yard between the street line and the applicable setback line shall exceed three feet in height in any residential district."

According to Town of Berlin Zoning Regulations Section V(A)(10), *Residential Zones, Single-Family Residential (R-86, R-43, R-21, R-15), Area and Bulk Requirements*, the minimum front yard requirement for the R-21 zone is 40 feet. However, where the Property consists of a rear lot, Town of Berlin Zoning Regulations Section IV(A)(17)(h), *Rear Lots*, applies, which states, "For purposes of determining compliance with this subsection, the lot line from which the rights of access leads shall be considered as the front line of any proposed rear lot."

DESCRIPTION OF GATE:

The owner of the Property, DiNardi Revocable Living Trust (hereinafter, "Owner"), seeks a variance in order to allow them to install a 6-foot-tall gate toward the end of their right of access and spanning the length of the driveway, i.e. the width of 31.22 feet. The proposed gate will include a 12-foot portion which will span the entrance to the driveway, a 12-foot portion which will span the exit to the driveway and an 8-foot section located in the middle which will contain

the controls. The proposed gate will be of an attractive wrought iron style which will provide clear visibility to the street. A printout of the style and sketch are attached.

The proposed location of the gate is 32-35 feet from the property line off of Four Rod Road. The abutting property to the north, 345 Four Rod Road (15-1-91-89), is located in the Residential (R-11) Zone where the required front yard is 25 feet. The front porch of the house located at 345 Four Rod Road (15-1-91-89) is situated approximately 27 feet from the property line. The house located on the property to the south of the access/driveway, 361 Four Rod Road (15-1-91-88), is located in the Residential (R-21) Zone where the required front yard is 40 feet. However, the house situated on the property at 361 Four Rod Road (15-1-91-88) is situated approximately 6 feet from the property line. The proposed gate location of the gate, at 32-35 feet from the property line, is thereby situated beyond the abutting properties' front yards. See attached aerial plan. The location of the gate is 17 feet from the property line to the north and 14 feet from the property line to the south.

REASON & SUPPORT FOR VARIANCE:

A variance of Berlin Zoning Regulations Section IV(B)(7), Section V(A)(10) and Section V(A)(10) is required in order to allow for a 6-foot gate instead of a 3-foot gate between the street line and applicable setback line of the Property. Due to the unique/unusual shape and size of the Property, being that it is a rear lot, the regulations do not contemplate and/or allow a 6-foot gate in the area of the driveway/access to the Property (and then for another 40 feet thereafter).

The need and the purpose of the gate is to prevent the flow of vehicles utilizing the driveway/access either as a turnaround and/or to prevent the flow of vehicles from turning down the driveway/access under the mistaken belief that the driveway/access is Winding Meadow Road, which is approximately one hundred (100) feet down the road. The influx of vehicles coming up and down the driveway/access has created a situation that is dangerous and thereby detrimental to the health, safety and welfare of the owners and invitees of the Property as well as the owners and invitees of the properties located at 345 Four Rod Road (15-1-91-89) and 361 Four Rod Road (15-1-91-88). The proposed gate will decrease the flow of vehicles coming up and down the driveway/access to ensure that the use of the driveway/access has as little impact on the properties located at 345 Four Rod Road (15-1-91-89) and 361 Four Rod Road (15-1-91-88) as possible. It will increase the privacy to the Property as well as to 345 Four Rod Road (15-1-91-89) and 361 Four Rod Road (15-1-91-88). Furthermore, the proposed gate, in decreasing the flow of vehicles coming and down the driveway/access will cut down on the wear and tear to the driveway/access and required maintenance of the same.

ABUTTER/NEIGHBOR SUPPORT OF VARIANCE:

The owners of 345 Four Rod Road (15-1-91-89) and 361 Four Rod Road (15-1-91-88) have been contacted regarding the proposed gate and the instant application for variance and owners of both properties have provided a letter in support of the same. See attached.

**Town of Berlin
Received**

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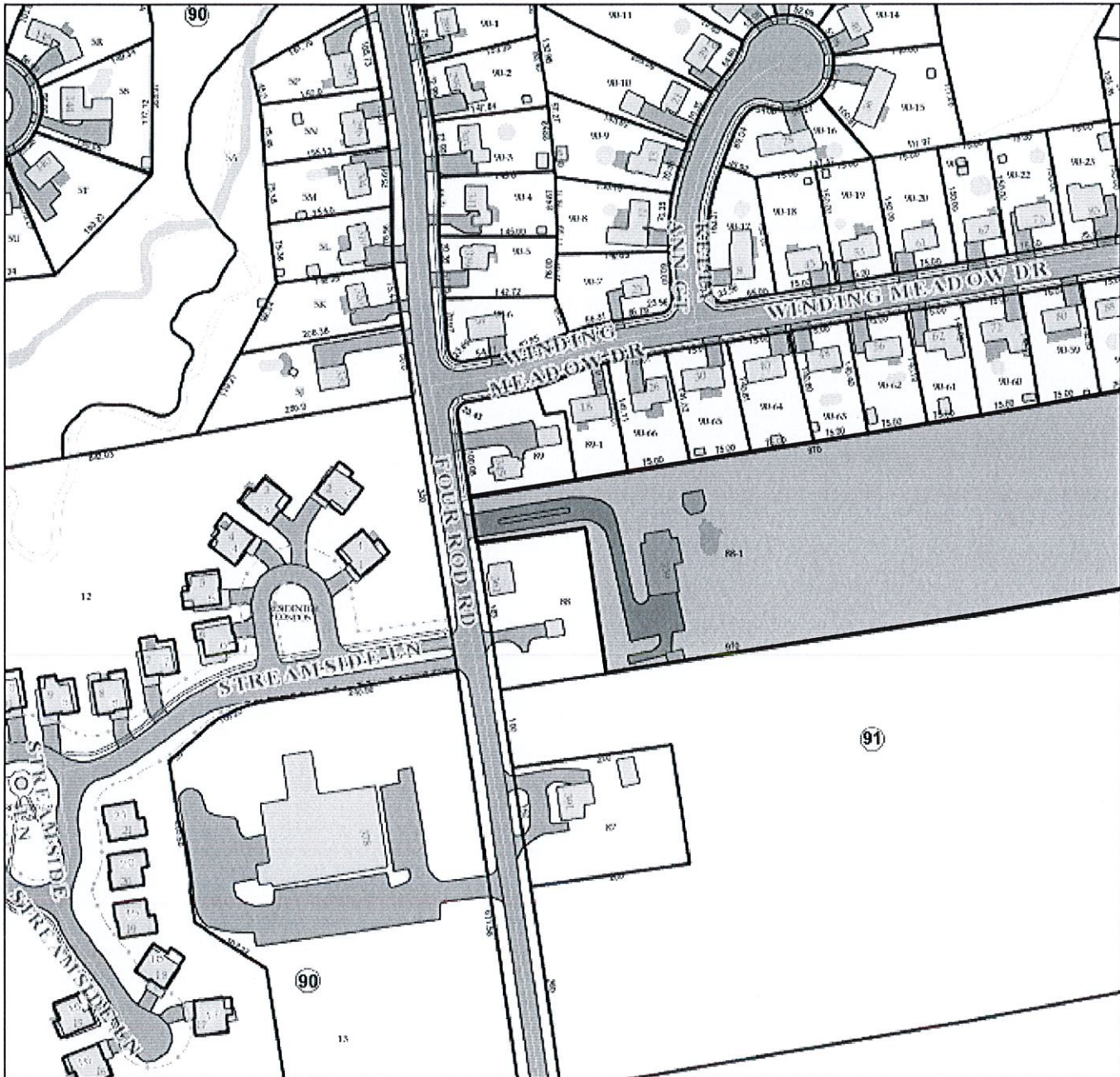
Planning & Zoning Department
Berlin, Connecticut

Town of Berlin

Geographic Information System (GIS)



Date Printed: 7/23/2021



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

0 200
Feet





Town of Berlin, CT

Property Listing Report

Map Block Lot

15-1-91-88-1

Building #

1

PID

1008

Account

1010790

Planning & Zoning Department

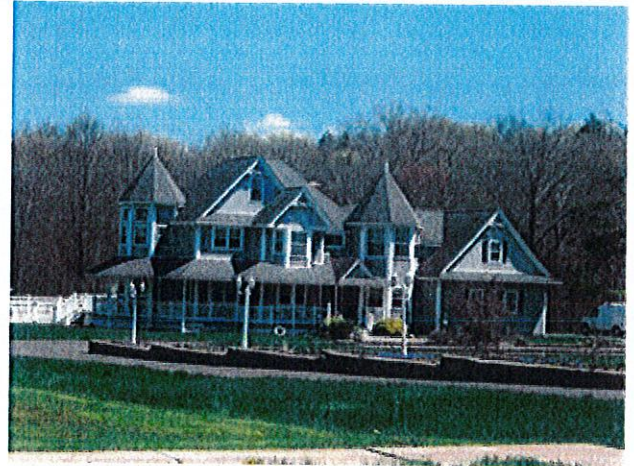
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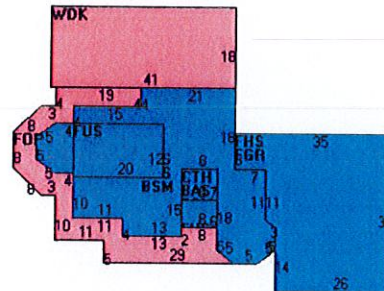
Property Information

Property Location	359 FOUR ROD RD
Owner	DINARDI TERESA & YASHIRA (CO TRUSTEES)
Co-Owner	
Mailing Address	359 FOUR ROD ROAD BERLIN CT 06037
Land Use	1010 Single Family
Land Class	R
Zoning Code	R-21
Census Tract	4001

Photo



Sketch



Primary Construction Details

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

Heating Fuel	Oil/Gas
Heating Type	Forced Air-Duc
AC Type	Central
Bedrooms	3 Bedrooms
Full Bathrooms	2
Half Bathrooms	1
Extra Fixtures	3
Total Rooms	9
Bath Style	Average
Kitchen Style	Average
Fin BSMT Area	780
Fin BSMT Quality	Living Area
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

Report Created On

6/4/2021



Town of Berlin, CT

Property Listing Report

Map Block Lot

15-1-91-88-1

Building # 1

PID

1008

Account

1010790

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

Item	Appraised	Assessed
Buildings	364900	255400
Extras	0	0
Improvements		
Outbuildings	47600	33300
Land	140700	98500
Total	553200	387200

Sub Areas

Subarea Type	Gross Area (sq ft)	Living Area (sq ft)
Upper Story, Finished	1505	1505
Deck, Wood	738	0
First Floor	1321	1321
Porch, Open, Finished	487	0
Half Story	1006	654
Basement	1321	0
Garage, Attached	1006	0
Cathedral Ceiling	56	0
Total Area	7440	3480

Outbuilding and Extra Features

Type	Description
Shed Wd Res	80 S.F.
IG Pool - Vinyl/Plastic	1107 S.F.
Patio - Avg	1080 S.F.
Pool House W/Plumb	360 S.F.
Shed Wd Res	240 S.F.

Sales History

Owner of Record	Book/ Page	Sale Date	Sale Price
DINARDI TERESA & YASHIRA (CO TRUSTESS)	783/627	2021-02-11	0
TERESA DINARDI REVOCABLE TRUST	766/303	2020-01-23	0
DINARDI TERESA M	0740/0313	2017-09-19	525000
ROBITAILLE KENNETH C & ROBERTA G	0432/0537	2000-04-06	78500
MANAGEMENT ADVISORY SERVICES	0410/0715	1998-09-02	0
MANAGEMENT ADVISORY SERVICES	0410/0000	1998-09-02	0
BRUSICK FLORENCE C	0108/0000	1953-08-26	0

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Berlin Town Hall
ATTN: ZONING BOARD OF APPEALS
240 Kensington Road
Berlin, CT 06037

Re: Variance Application – 359 Four Rod Road, Berlin, CT 06037 (15-1-91-88-1)

Dear Members of the Board of Zoning Appeals:

We are the owners of 345 Four Rod Road, Berlin, CT. Our property abuts the property located at 359 Four Rod Road, Berlin, CT. Teresa DiNardi discussed her plans to install a gate near the end of her property's driveway, which runs along our property line, with us. Please accept this letter in support of her application for a variance for relief of the setback and fence height requirements. We will benefit from the decrease of cars moving up and down the driveway.

Sincerely,


Jamie Calvo & Taylor Dudics

6/23/21

Date

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Berlin, Connecticut

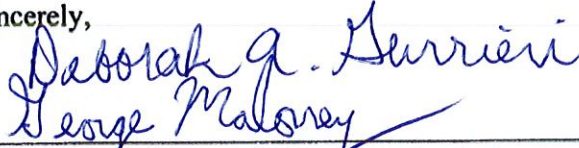
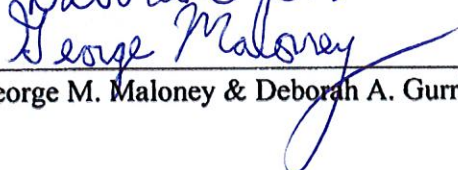
Berlin Town Hall
ATTN: ZONING BOARD OF APPEALS
240 Kensington Road
Berlin, CT 06037

Re: Variance Application – 359 Four Rod Road, Berlin, CT 06037 (15-1-91-88-1)

Dear Members of the Board of Zoning Appeals:

We are the owners of 361 Four Rod Road, Berlin, CT. Our property abuts the property located at 359 Four Rod Road, Berlin, CT. Teresa DiNardi discussed her plans to install a gate near the end of her property's driveway, which runs along our property line, with us. Please accept this letter in support of her application for a variance for relief of the setback and fence height requirements. We will benefit from the decrease of cars moving up and down the driveway.

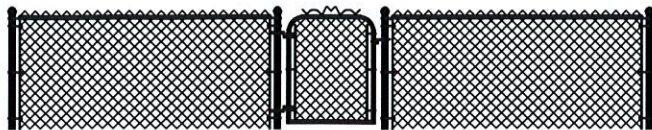
Sincerely,

George M. Maloney & Deborah A. Gurrieri

Date

6-24-21



GERMANO FENCE CO.
1749 BERLIN TURNPIKE UNIT D
BERLIN, CT 06037
860-828-5951
www.germanofence.com
info@germanofence.com

JOB SKETCH

BILL TO:

TERESA DINARDI
FOUR ROD RD
BERLIN, CT 06037

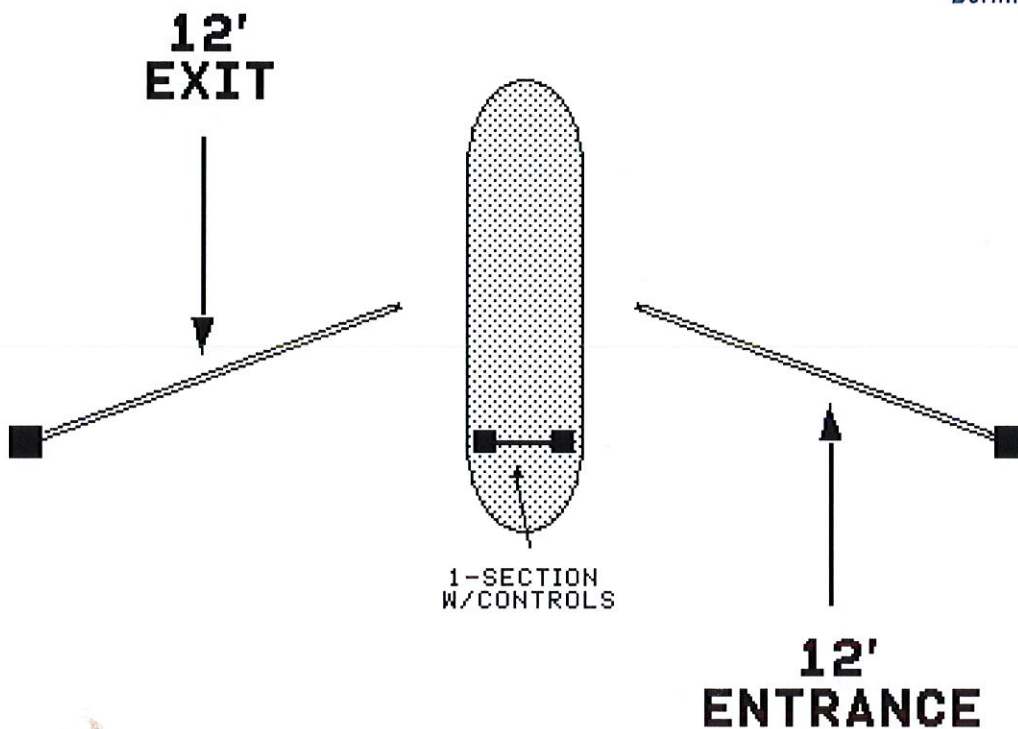
SHIP TO:

GATES W/OPERATORS
tdinardi25@gmail.com

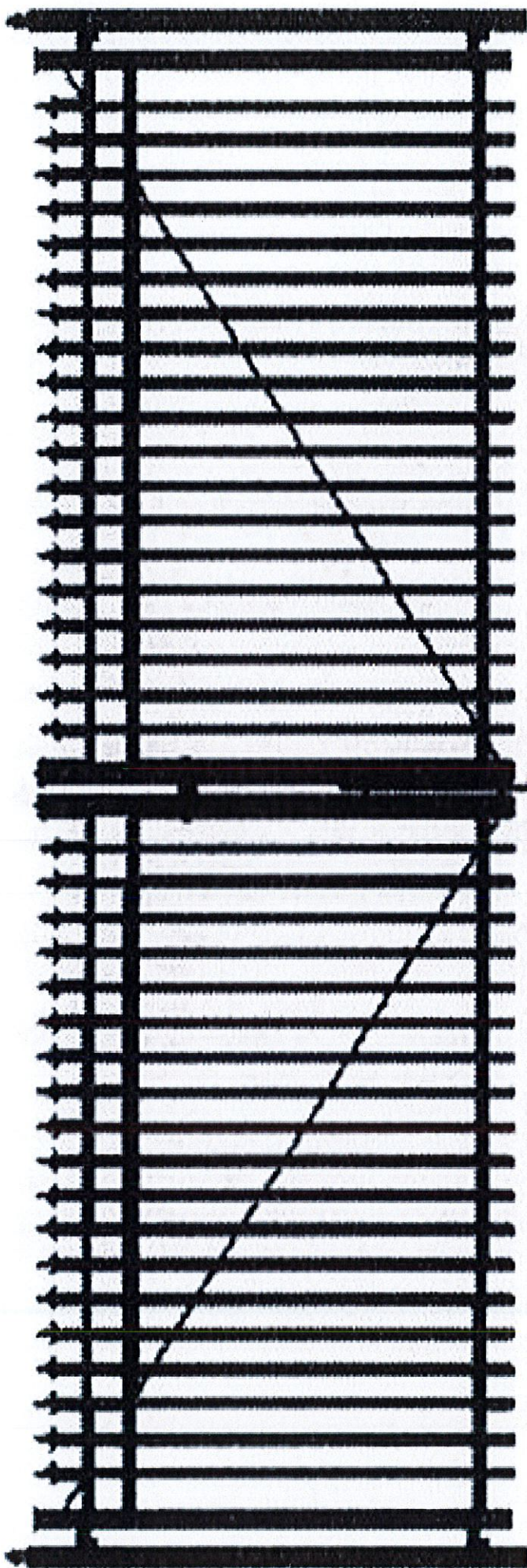
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05/03/2021



O-1

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