

BERLIN ZONING BOARD OF APPEALS

Special Meeting Agenda

October 19, 2021 7:00 p.m.

The Berlin Zoning Board of Appeals will hold a Public Hearing at their Special Meeting on Tuesday, October 19, 2021 by Remote Zoom Conference. Interested parties may join and participate remotely by video or telephone as provided below. This meeting is being conducted by means of electronic equipment. Any member of the public who does not have the electronic equipment necessary to attend such meeting remotely and wishes to do so, should submit a written request to the Planning and Zoning Department at the Berlin Town Hall at 240 Kensington Road or by email to cszymanski@berlinct.gov with said written request to be received no less than twenty-four (24) hours prior to the meeting, and the Town will provide the requester with a physical location and the electronic equipment necessary to attend such meeting in real time. Interested parties may submit written comment that will be posted with other meeting materials if received a minimum of 24 hours prior to the meeting,

Join Zoom video conference:*

<https://town-berlin-ct-us.zoom.us/j/8140556035?pwd=YU0xb1J2Yyt4RDVLUkRlYmFpFTFRuQT09>

Meeting ID: 814 055 6035 Passcode: PZ100

Or join by phone:* 1 929 205 6099

Meeting ID: 814 055 6035 Passcode: 488321

*Data and toll charges may apply. Participants are responsible for charges incurred by their carrier. The Town does not reimburse participants for any toll or data charges.

A video recording of the meeting is scheduled to be posted to YouTube after the meeting.

Berlin Zoning Board of Appeals Special Meeting Agenda

I. Call to Order

II. Public Hearing

ZBA #2021-20 979 Farmington Avenue Map 9-2 Block 76 Lot 65

Peter D L Kern, Kern Realty LLC. is requesting a variance of 4 feet for a freestanding sign 6 feet from the street line when 10 feet is required in the CCD-2 Zone per Berlin Zoning Regulations §IX.A.3.c.

III. Old Business

ZBA #2021-20 979 Farmington Avenue Map 9-2 Block 76 Lot 65

Peter D L Kern, Kern Realty LLC. is requesting a variance of 4 feet for a freestanding sign 6 feet from the street line when 10 feet is required in the CCD-2 Zone per Berlin Zoning Regulations §IX.A.3.c.

IV. Adjournment

MEMORANDUM OF STAFF COMMENTS

TO: Zoning Board of Appeals
FROM: Maureen K. Giusti, AICP, Acting Town Planner
DATE: September 23, 2021
RE: #2021-20 – Variance for a Freestanding Sign
APPLICANT: Peter D L Kern, Kern Realty LLC
ADDRESS: 979 Farmington Avenue
Map 9-2 Block 76 Lot 65
ZONE: CCD-2



Proposal and Background

Peter D L Kern, Kern Realty LLC. is requesting a variance of 4 feet for a freestanding sign 6 feet from the street line when 10 feet is required in the CCD-2 Zone per Berlin Zoning Regulations §IX.A.3.c.

Staff Comments

The existing commercial building sits just west of Heritage Plaza between Porters Pass and (new) Steele Boulevard on the north side of Farmington Avenue. There is an existing freestanding sign which is positioned parallel with the street and close to the front of the building. This application seeks to allow the sign to be located perpendicular to the street and building and closer to the street line than allowed.

The lot size is nonconforming at approximately 0.42 acres when a minimum of 2 acres would be required for new lots in the CCD-2 zone. There is not sufficient setback to the existing building to allow for a sign positioned perpendicular to the travel way and meet the provisions of BZR §IX.A.6.e. for signs in the CCD-2 zone, and the setback requirements for freestanding signs in BZR §IX.A.3.c.iii.

Zoning Requirements: §IX.A.6.e.iv

Minimum required distance from street line to freestanding sign: 10 ft

Proposed setback for the freestanding sign: 6 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 # 2021-20

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): Kern Realty, LLC

Project Address*: 979 Farmington Avenue, Berlin, CT

Map: 9 Block: 2 Lot: 76-65 Zone(s): CCD2 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: Peter D. L. Kern Firm Name: _____
Street Address: 124 Blue Hills Dr City: Berlin ST: CT Zip: 06037
Email: Kernpete@gmail.com Phone: 860-966-3290
Signature: [Signature] Date: 9/2/21

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: _____

SEE EXHIBIT A ATTACHED

VARIANCE APPLICATIONS: For relief of: _____ requirement.

Requested requirement: _____

Reason/Description of Hardship (REQUIRED): _____

SEE EXHIBIT A ATTACHED

MOTOR VEHICLE USE LOCATION¹:

The first page of the State DMV application is required to be submitted with this application

☐ New Car Dealer	<u>Number of Service Bays</u>	<u>Parking Required</u>	<u>Parking Provided</u>
☐ Used Car Dealer	_____	_____	_____
☐ General Repairer	_____	_____	_____
☐ Limited Repairer	_____	_____	_____
☐ 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 \$ _____ (Refer to current Fee Schedule)

ZBA # _____ - _____ - _____

Received by: _____

Scheduled on ZBA Agenda of: _____

ZONING BOARD OF APPEALS DECISION:

Plan Title & Date: _____

EXHIBIT A

Brief description of the proposal:

Install a freestanding sign on the property not less than six and 75/100 (6.75) feet from the property line perpendicular to the existing building.

Variance Application

Variance Application: For relief of: IX A 3 C iii

Requested requirement: Not greater than three and 33/100 (3.33) feet variance

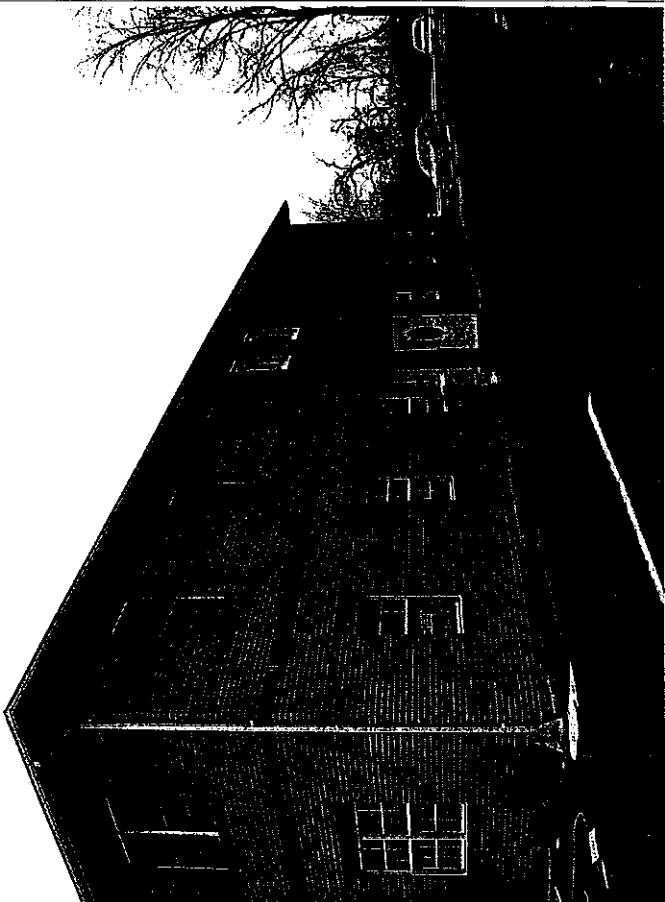
Reason/Description of Hardship (REQUIRED):

Section VI J 1 of the zoning regulations (Use and Bulk Table) has a minimum front yard requirement of five (5) feet, however, IX A 3 C iii prohibits a freestanding sign within ten (10) feet of the building line, a contradiction that creates a hardship in the development of the Property. This anomaly of the regulations establishes restriction for construction a building but then denies reasonable placement of a sign.

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Style:	27	Comm/Res					
Model	96	Ind/Comm					
Grade	06	C+					
Stories:	2						
Occupancy	4.00						
Exterior Wall 1	20	Brick/Masonry					
Exterior Wall 2							
Roof Structure	03	Gable/Hip					
Roof Cover	03	Asph/F Gls/Cmp					
Interior Wall 1	05	Drywall/Plaste					
Interior Wall 2							
Interior Floor 1	14	Carpet					
Interior Floor 2							
Heating Fuel	03	Gas/Oil					
Heating Type	04	Forced Air-Duc					
AC Type	03	Central					
Bldg Use	3220	Store/Shop					
Total Rooms	00						
Total Bedrms	0						
Total Baths	0						
Heat/AC	01						
Frame Type	03						
Baths/Plumbing	02						
Ceiling/Wall	06						
Rooms/Prtns	02						
Wall Height	9.00						
% Conn Wall	0.00						
1st Floor Use:	3400						

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)									
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond.	Cd	% Good	Grade Adj
PAV1	Paving - Asphal	L	5,000	3.00	2002	G		75	0.00
									11,300

BUILDING SUB-AREA SUMMARY SECTION					
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost
BAS	First Floor	2,490	2,490	2,490	125.61
FUS	Upper Story, Finished	2,560	2,560	2,560	125.61
OFF	Porch	0	70	18	32.30
					312,763
					321,556
					2,261



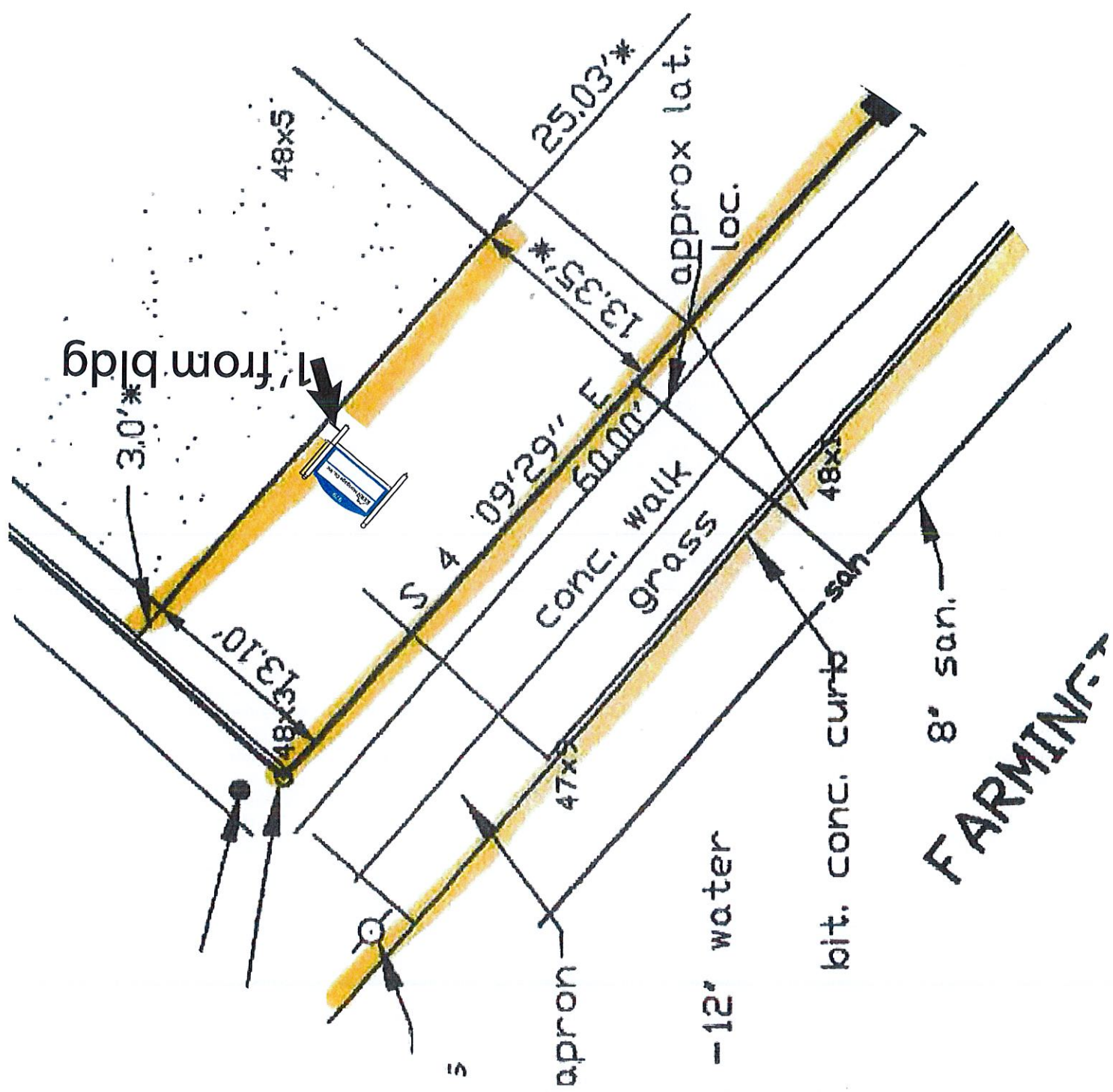
DATA

RODERICK D. HE

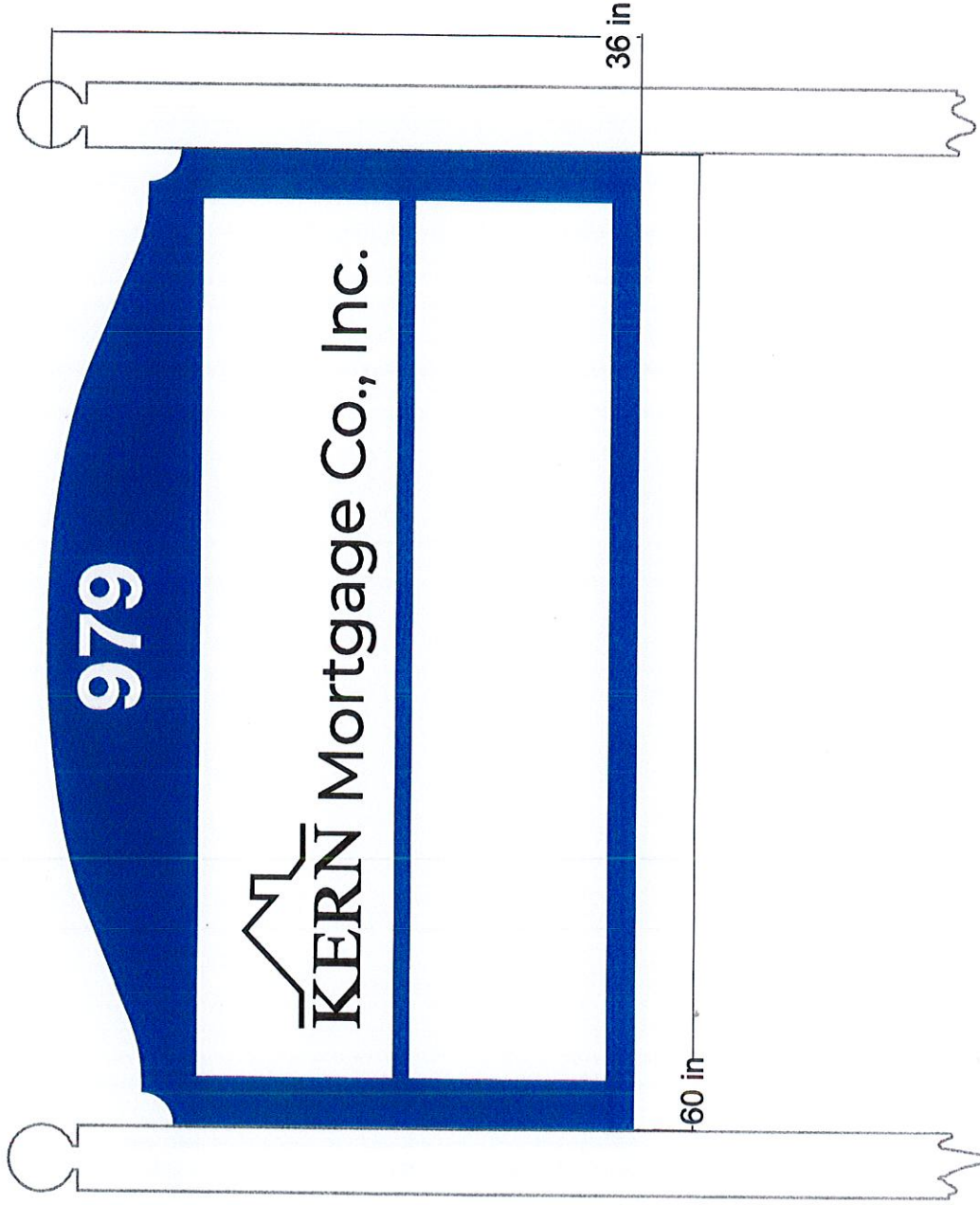
8° S.W.

FARMINGTON AVENUE





FARMING



Material:

Aluminum panel (36" x 60")
double sided, non-illuminated
mounted to aluminum posts
(4") with finials

Installation:

One foot from building
perpendicular to the street

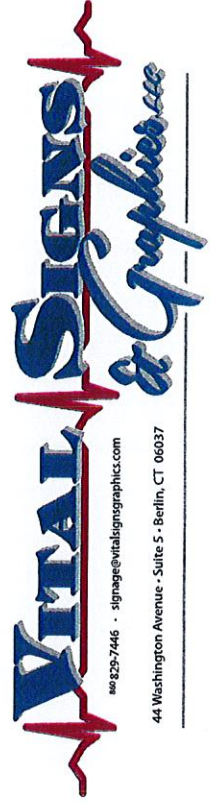
Please review the attached artwork proof(s) carefully for spelling, numerical, layout and finishing errors. It is your responsibility to double check for errors. We are not responsible for errors noticed or changes required after your proof is approved. Once approved your product will print and finish as stated in the proof(s). Please reply with any changes that need to be made. If no changes are necessary you MUST reply back saying "OK TO PRODUCE" if by e-mail or sign & return this hardcopy to continue your order. Otherwise your job will be delayed and we will not guarantee on time delivery. If you have any questions regarding your artwork, or are unable to view your proof, please contact us.

Customer Approval: ☐ **APPROVED** ☐ **APPROVED AS NOTED** ☐ **REVISE & RESUBMIT**

Print

Sign

Date



860-829-7446 • signage@vitalsignsgraphics.com

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