

2/22/21

Date of Receipt
Fee and Date Paid

300,60

#21-05

File Number
Date Decision Published

TOWN OF NORTH HAVEN -- ZONING BOARD OF APPEALS

(Application fees shall be based upon the number of categories indicated)

Submit one (1) application form and 10 copies of plot plans and other supporting documentation

44 Marlborough Road, 050 086

R-20

None Known

(ADDRESS OF BUILDING AND BLOCK MAP, BLOCK & LOT NUMBER)

ZONE

PREVIOUS VARIANCE(S)/DATE

CATEGORIES: (THIS APPLICATION IS FOR)

I. X An application for a variance of the zoning regulations

Cite the regulation

Statement of requested variance

- #1) 2.1.1.9 - Requesting a variance of 5.1' to front yard minimum to allow 44.9' setback from front property line where 50' is required
- #2) 2.1.1.9 - Requesting a variance of 2.9' to aggregate side yard min to allow 27.1' aggregate side yard where 30' is required
- #3) 2.1.1.9 - Requesting a variance of 2.9' to side yard min to allow 10.5' side yard where 13.4' is required

Cite the regulation

Statement of requested variance

- #4) 13.2.5.3 - Requesting a variance of 3' to allow accessory building within 3' of property line (side/rear) where 6' is required

Statement of the hardship that results in the request for a variance (attach additional page if needed)

See Attached

II. _____ An application for a special exception or special permit which, according to the zoning regulations, must be granted by the Zoning Board of Appeals

Cite the Special Permit requested

Are any variances needed in conjunction with this Special Permit?

(Yes or No) If yes, a separate application must be submitted for the variance(s)

Give a brief narrative of the Special Permit requested

III. _____ An appeal of an order, requirement or decision made by the agent of the Planning and Zoning Commission or any other official charged with enforcement of the zoning regulations. Give a brief narrative of the appeal being presented.

I (we) hereby attest that all information provided is true and accurate.

Print Applicant's Name, Address & Phone No.

Christopher & Betsy Kellem

44 Marlborough Road, North Haven CT 06473

860.463.5229

RECEIVED

FEB 22 2021

TOWN of NORTH HAVEN
LAND USE AND DEVELOPMENT

Print Owner's Name, Address & Phone No.

Christopher & Betsy Kellem

44 Marlborough Road, North Haven CT 06473

860.463.5229

Applicant's signature

Owner's Signature

1: Requesting a variance of 5.1' to front yard minimum to allow 44.9' setback from front property line where 50' is required

- We would like to install a portico-style roof over our front stoop (see below).
- The hardship for this variance is that the main structure pre-dates code and therefore the existing front stoop is non-conforming to the front yard 50' minimum. Building a small roof over the stoop is by definition also non-conforming.
- The reason this build is necessary now is because after purchasing the home we upgraded the gutters and installed gutter guards. This now causes roof melt to flow from the roof, over the guards and down onto the front stoop, producing a recurring ice layer across the stoop, creating an ongoing hazard for entry and exit.
- The proposed portico is in keeping with the design of the house and increases curb appeal.



4: Requesting a variance of 3' to side/rear yard minimums to allow 3' setback from property lines where 6' is required for accessory buildings

- We would like to install a small accessory building (utility shed) in the southeast corner.
- Please see Exhibit A, approximately scaled drawing of the below constraints.
- The reason we can't choose an alternative location for the shed is:
 - **Safety of existing structure (playset) –**
 - We can't put the shed in the alternate (northeast) rear corner – there is a playset there that cannot be moved.
 - When we moved in we hired a company to assess the property and install a playset for our child. The company (Cedarworks) specifically said the only safe location for the playset was in its current corner, and would only install it there. The rest of the lot is on too much of a grade, and the playset is at increased risk of tipping in any other location. See section A of Exhibit A scaled drawing.
 - **Conservation of remaining mature trees –**
 - After the hurricane and tornado, we lost all the trees in our backyard except 4 cedar trees on the property line. We want to do everything we can to keep these trees, and keep the shed as far away from these as the lot allows in order to not cover/damage the root structures with the construction of a leveling pad and shed (see section B of Exhibit A scaled drawing).
- This makes the planned location in the southeast corner truly the only viable site selection. Additionally, due to landscaping choices of our southeast and south neighbors (two rows of arbor vitae, and all 3 abutting owners have fenced in their sides of the property at this corner) our requested corner is the least obtrusive location on the property for all sight-lines (see lot photographs, Exhibit B).
- The hardship that requires the variance to then recess the shed 3' in that corner is due to:
 - **Lot Size/Red Ledge Substrate -**
 - The non-conforming size of the lot - at 14,235 ft² is almost 30% smaller than the modern R-20 zoned property, which leaves less room to work with generally relative to the zoning regulations and neighborhood.
 - We are contracted to install a pool in May/June. Installer confirmed red ledge will limit how deeply the pool can be dug, which will make for a substantial graded earth berm across the rear of the lot, limiting the width of the remaining lot that than can be effectively leveled for any accessory structure (see section C).
 - The represented dimensions in Exhibit A reflect the pool installers guidance that the pool be located 10' from the planned edge of a deck we plan to build, and that the necessary earth berm on the downhill (east/southeast) edge of the pool will likely extend 16-18 feet (walkway included), given the grade of the property.
 - See section D – even choosing a substantially smaller shed (represented in red) – a 6' setback will drive the final location deeper into the berm. The centerline of the structure will also shift, causing the need for even deeper excavation of the berm to allow for door clearance (this problem doesn't exist at a 3' setback).
 - This would require substantial modification of the berm that may compromise its structural integrity.

Exhibit B: Lot Photograph – requested shed site (right side corner as photographed)



Proposed shed location to approximate scale. Least obtrusive siting choice due to abutters' landscaping and privacy fencing.