

TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

Zoning Board of Appeals

Memorandum

To: Zoning Board of Appeals
From: Erik Hinckley, Asst. Town Planner/Land Use Enforcement Officer
Date: July 14, 2022
Re: **Petition # 00-22-02:** 70 Broadview Street: Variance request from Section 4.5 (Table A) to allow the construction of a second-floor addition to be 5.5 feet from the property line where 10 feet is required. Zone R-12. Map/Block/Lot: 21/061/000. Applicant: Michael N. Macke.

Description of Petition #00-22-02:

The applicant, Michael N. Macke, is seeking a variance on this property from Section 4.5 (Table A) of the regulations to reduce the required 10-foot side yard setback to 5.5 feet. The purpose of this request is to build a second-floor addition.

The existing primary structure was constructed in 1960 and lies within the R-12 zone. The enclosed plot plan shows the existing building 5.5 feet from the southerly property line. The owner proposes to construct a second-floor addition that would hold the existing building line with a vertical expansion. Our regulations are silent as to vertical expansions of non-conformities. As proposed the second-floor addition would be constructed within the 10' side yard setback.

The applicant has stated that the hardship in this case is as follows: "The setback requirements were different in Town when the property was originally developed. This application is simply to allow a second-story addition" (refer to the applicant's supplement for other comments)

Staff Comments:

It is highly probable that the side yard setbacks differed when the house was originally constructed. Lots of record (lots that were subdivided at an earlier date but not constructed) would have to meet today's setback requirements to build a new home. The owner could certainly construct the second story and still meet the 10' side yard setback. However, that option may not be aesthetically pleasing to the eye. As previously stated the regulations are silent on the issue of vertical expansions of non-conformities. While some towns do have regulations in regards to this issue Newington currently does not.

Cc: Michael N. Macke