



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Zoning Board of Appeals

To: Zoning Board of Appeals  
From: Andrew Armstrong, ZEO  
Date: August 20, 2020  
Subject: **Petition #00-20-04:** JAT Builders LLC is requesting a Variance of four (4) feet for a side yard setback where ten (10) feet is required for single-family residential from Section 4.5 for the expansion of a second story addition over the existing home and footprint at 34 Centerwood Road.

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### **Description of Petition #00-20-04:**

The applicant “JAT Builders LLC” is requesting a Variance of four feet, where ten feet is required for a side yard setback. The applicant is proposing to construct a second story addition over the existing garage, leaving a six-foot side yard setback. The request would expand the structure upwards without expanding the existing footprint of the home.

Originally when I spoke with the applicant it appeared the breezeway connection may have been added illegally. Though, we have found since then that the garage and breezeway were indeed permitted legally in 1949 which left a 6-foot side yard setback. Under the current regulations the structure is considered “non-conforming” due to the side yard setback being less than the 10-foot required.

### **Staff Comments:**

The applicant has stated that the hardship is a recently constructed patio in the rear of the home that prevents building backwards and are unable to build forward towards the front yard because it would reduce their driveway parking space in the front that prevents the expansion either direction. The applicant is not requesting to expand outside of the existing footprint only upwards. There is an approximately 55-foot distance from the front property line to the garage where a 35-foot front yard setback is required. The abutting neighbor to the East has submitted a letter indicating support for the request.

The Town Zoning Regulations speak to non-conformities to say that they should be allowed to continue as permitted but their survival should not be encouraged. The Town Attorney will be writing a follow-up opinion to the Board regarding the non-conformity.

The question for the ZBA is if the hardship presented truly necessitates the second story addition within the side yard setback and prevents the reasonable use and enjoyment of the property.

cc: JAT Builders LLC

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