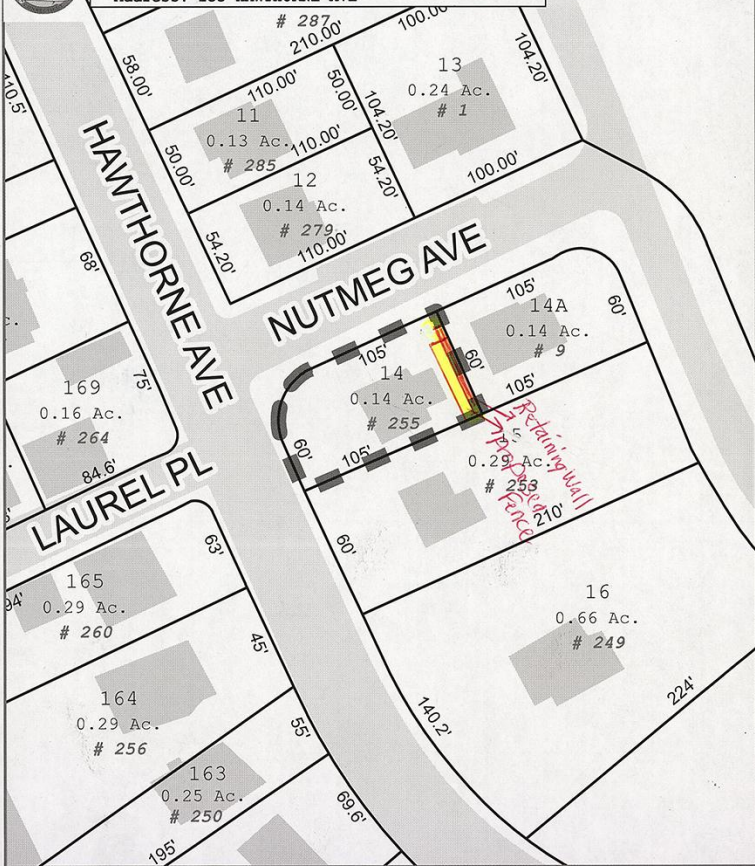


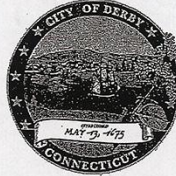


Town of Derby, Ct.-Assessment Parcel Map
 Parcel: 9-6-14
 Address: 255 HAWTHORNE AVE



Map Produced: August 2021
 0 25 50 75 100 Feet

Disclaimer:
 This map is for informational purposes only. All information is subject to verification by any user. The Town of Derby and its mapping contractors assume no legal responsibility for the information contained herein.



CITY OF DERBY
 BUILDING DEPARTMENT
 1 ELIZABETH STREET
 DERBY, CONNECTICUT 06418
 Telephone 203-736-1481
 Facsimile 203-736-1480

File No. SECTION #: Appendix B 32 E Ward No. _____
 Date of: _____ Hearing _____ Decision _____

APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE

I. Location of Property 255 Hawthorne Ave Zoning District R4
 Building Line _____
 North East _____
 Side between Hawthorne Avenue St/Ave and Nutmeg Avenue
 South West _____

II. Name of Owner Kimanne Core Address 255 Hawthorne Ave.
 Date of Purchase 2/24/2017
 Name of present proposed tenant _____
 or proposed purchaser _____
 Name and Signature _____
 Of Appellant Kimanne Core Address 255 Hawthorn Ave.

- III. THIS APPEAL relates to:
- | | | |
|--|--|---|
| <input type="checkbox"/> PRINCIPAL BUILDING(S) AND ITS OR THEIR: | <input type="checkbox"/> ACCESSORY BUILDING(S) | <input type="checkbox"/> LAND |
| <input type="checkbox"/> USE | <input type="checkbox"/> LOT AREA | <input type="checkbox"/> DISTANCE BETWEEN BUILDINGS |
| <input type="checkbox"/> NO. OF DWELLINGS | <input type="checkbox"/> AVERAGE LOT WIDTH | <input type="checkbox"/> AMOUNT OF PARKING OR LOADING |
| <input checked="" type="checkbox"/> FLOOR AREA | <input type="checkbox"/> BUILDING COVERAGE | <input type="checkbox"/> LOCATION OF PARKING/LOADING |
| <input checked="" type="checkbox"/> YARDS | <input type="checkbox"/> BUILDING HEIGHT | <input type="checkbox"/> SIGNS |
| <input type="checkbox"/> SIZE OF COURTS | <input type="checkbox"/> USABLE OPEN SPACE | <input checked="" type="checkbox"/> OTHER - Variance to permit into rear yard |

Fence Height

IV. Section(s) of zoning ordinance appeal from: **Appendix B 32 E**

V. Precise Variance(s) sought:

Seeking to put an 8' privacy fence on shared wall w/ neighbor.

VI. Lot Dimensions (width x depth): 0.14 acres Lot Area

List all existing Building(s) and Use(s) on this lot, giving symbol for legal basis of each. (PR - permitted as of right; PS - permitted by special exception; PV - previous variance; NCU - nonconforming use existing at effective date of ordinance or amendment, CAL - previous certificate of approval of location - motor vehicle uses):

(1)
(2)

VII. Describe in detail the difficulty and unreasonable hardship asserted to be in the way of carrying out the strict letter of the zoning ordinance:

(See Attached)

VIII. What circumstances concerning this property are peculiar to it and not applicable to the area as a whole? Explain:

(see attached)

IX. Would the requested variance be subject to appropriate conditions and safeguards?

Explain:

Yes. I will pull a building permit for this and get the fence inspected by the Building official and by Zoning.

X. Would the requested variance be in harmony with the general purpose and intent of the Ordinance? Explain:

VII. Describe in detail the difficulty and unreasonable hardship asserted to be in the way of carrying out the strict letter of the zoning ordinance?

There exists a 4' high cement retaining wall that separates our two properties, which means that not only am I looking practically eye-level into their backyard, but they are over top of mine and look directly into my backyard.

This is an unusual situation where my neighbor's property is directly above mine. Their property slopes downward, so I see everything in their yard, and so do they into mine, as their yard literally drops from the retaining wall, so I have no privacy. There is a wire kennel enclosure (they have two large dogs) at the edge of their property, which is right at my eye-level. It is also unsafe since anyone can easily fall off the wall into my yard, and they have a toddler as well.

VIII. What circumstances concerning this property are peculiar to it and not applicable to the area as a whole? Explain:

What makes the circumstances peculiar is that there exists a 4' high retaining wall separating our properties and I am practically looking eye-level into their yard. Their property slopes right into mine from above. An 8' fence will give me the necessary additional 4' from their ground-level. I have absolutely no privacy because of this peculiar situation.

XI. If the requested variance is a use variance, answer each of the following:

1. Do the zoning regulations allow no reasonable use of the property in question for reasons peculiar to the property and not applicable to the area as a whole? Explain
2. Is the use proposed the **minimum** variance necessary in order to allow a reasonable use of the property? Explain:
3. Will the use impair the essential character of the area or the objectives of the comprehensive plan of the City? Explain:

It's not going in front yard, only in backyard. It'll help both properties, it's not visible from street or by anyone else.

4. If any attempts have been made to sell the property for use in accordance with the purposes for which it is zoned supply the following information: *N/A*
 - a. Period(s) in which placed on market and agent(s) in each period:
 - b. Period(s) listed with Real Estate Board:
 - c. Period(s) advertised in newspaper (attach copy of one or more of such ads, if any):
 - d. Other sales efforts during each period:
 - e. Asking price during each period:

XII. Value Date:

- a. Date owner purchased the property: *2017*
- b. Purchase price: *\$184,600*
- c. Date and declared value of subsequent building permits:
- d. Current assessment: *\$155,750*
- e. Use(s) to which owner has put the property since purchase:
- f. Gross and net income of each of the last 3 years:

XIII. State of Connecticut
City of Derby

Date

Personally appeared _____

Authorized Agent for _____ Owner, who made
oath that the statements herein were true and correct before me.

Margaret Martins
Notary Public, State Of Connecticut
My Commission Expires December 31, 2020

Notary Public
Commissioner of the Superior Court

XIV. Hearing Fee to be paid upon filing of this application – see Fee List attached.

- Bulk Variances
 Use Variance
 Use and Bulk Variance

Required plans filed with Appeal as follows:

- a) 8 Copies of a scaled Plot Plan, with North arrow, showing the lot in question and the following (if any):
 1. Existing building,
 2. Proposed construction and use outdoor areas,
 3. Existing and proposed curb cut, driveways, and parking and loading facilities,
 4. Existing and proposed fences, walls, landscaping and signs,
 5. That part of any building on adjoining lots that are located within 20 feet of the lot in question and
 6. Such other information as may be required to define clearly the question involved.
- b) 7 Copies of scaled Floor Plans and Elevations:
For each floor and each side of proposed construction, including use of all floor areas.

BELOW THIS LINE FOR BOARD USE ONLY

XV. Communication with regard to this Appeal received from:

<input type="checkbox"/>	<input type="checkbox"/> Health Dept.	<input type="checkbox"/> Engineering
<input type="checkbox"/> Traffic Commission	<input type="checkbox"/> Police Dept.	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/> Fire Dept.	<input type="checkbox"/>

XVI. Previous Zoning Board of Appeals cases at this location (file number, year, proposed construction and/or Board Decisions and Court decisions where applicable.)

Kimanne Core
255 Hawthorne Avenue
Derby, CT 06418

SECTION #: Appendix B 32 E

Dear Neighbor,

I'm writing this letter informing you that I am seeking a variance from the city of Derby to have an 8' privacy fence installed in the rear of my property and in front of a 4' retaining wall that abuts my neighbor's yard at 9 Nutmeg Avenue. This fence will not be visible from anywhere else except from my neighbor's backyard. It begins about 20' from the street and goes to the back end of my property line, which also benefits my neighbor (at 9 Nutmeg Avenue). Here are my reasons for having it installed:

- **PRIVACY TO ENJOY MY YARD:** This is an unusual situation where my neighbor's property is directly above mine. There exists a 4' high cement retaining wall that separates our two properties, which means that not only am I looking practically eye-level into their backyard, but they are over top of mine and look directly into my backyard. Therefore, an 8' high privacy fence benefits us both (and means that it will only exceed 4' above the existing retaining wall).
- **SAFETY:** The neighbors have a little toddler. This fence will benefit them as well because it will prevent the baby from potentially falling off the edge of the retaining wall, and into my yard (a 4' drop). All it would take is a split second for that to happen.
- **UNSIGHTLINESS:** There is a wire kennel enclosure at edge of the retaining wall for their two large dogs. This means it is directly above my backyard as well. Also, without the fence, the dogs can (and have) jumped into my backyard.

This typical white privacy fence will not disturb anyone but it will help me and my neighbor at 9 Nutmeg Avenue tremendously. If you wish to attend, the hearing will take place October 17 @ 6:30pm.

Thank you so much for your support,

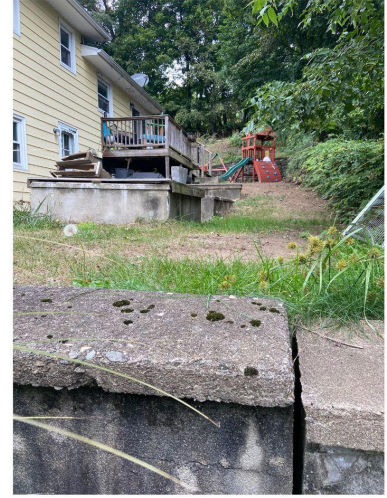


*Please see attached photos for the proposed fence.

Proposed Privacy Fence Views from Street and My Backyard



View of Neighbor's Yard Currently



Visualization of Proposed Fence



AD

Autumn Driscoll <autumnlind@gmail.com>

To: Lisa Narowski

Cc: You



Fri 9/27/2024 10:21 PM

Dear Lisa,

I am writing to express my support for the variance request submitted by my neighbor at 255 Hawthorne Avenue, Derby, to build a privacy fence in the rear of the property.

The unique topography of their lot, which sits at the bottom of a slope, results in their backyard being overlooked by the elevated properties behind them. I have frequently walked up Nutmeg Ave. and anyone coming around the curve has a bird's eye view into the backyard on the corner of Nutmeg and Hawthorne. A fence will provide much-needed privacy.

I can't see an adverse impact to the surrounding properties. I believe this addition would be a reasonable and beneficial improvement.

Thank you for considering this request.

Sincerely,

Autumn Driscoll