



EST. 1871

CITY OF NEW BRITAIN

ZONING BOARD OF APPEALS
CHAIRMAN MATTHEW MALINOWSKI

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REGULAR MEETING AND PUBLIC HEARING
ROOM 201 – CITY HALL
NEW BRITAIN, CONNECTICUT
THURSDAY, MARCH 19, 2020
6:00 P.M.

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: JANUARY 16, 2020 – Regular Meeting
4. OLD BUSINESS
 - A. PUBLIC HEARING AND DISCUSSION:

#4867: Ali-Abdulharim Noman – 236 Main Street
5. NEW BUSINESS
 - A. PUBLIC HEARING AND DISCUSSION:

#4873: David Frank/DealPoint Merrill, LLC – 1055 West Main Street
#4874: DATCO, Inc. – 315 South Street
#4875: Aurelio Ramirez – 663-665 Stanley Street
#4876: Beata & Jerzy Krawczyk – 21 Queen Street
#4877: Hamza Lehnoud/Meriden Makeovers, LLC – 195 East Street
#4878: Brian Conaci – 994 West Main Street
#4879: Earl Dubree – 189 Newington Avenue
6. OTHER NEW BUSINESS
7. ADJOURNMENT

Next Meeting: Thursday, May 21, 2020 @ 6:00 p.m.

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051



MINUTES - Regular Meeting
January 16, 2020
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Members Present:

Jerrell Hargraves, Chairman
Matthew Malinowski
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Staff Present:

John Diakun, City Attorney
Steven P. Schiller, Planner II
Danielle Rosado, Secretary

1. CALL TO ORDER:

Chairman Jerrell Hargraves called the meeting to order at 6:03 p.m.

2. ROLL CALL:

A quorum of six (6) members was present upon roll call. The public in attendance was informed that, since five (5) affirmative votes are required in order for any application to be approved, all pending applicants would be given the opportunity to request a postponement to the next scheduled meeting, where it would be presumed that a full board would be present.

3. NOMINATION AND ELECTION OF CHAIR AND VICE-CHAIR

ACTION: Commissioner Catanzaro nominated Commissioner Matthew Malinowski for the position of Chairman, seconded by Commissioner Fischbein. There were no further nominations and Commissioner Matthew Malinowski was elected Chairman by unanimous vote.

At this point in time, Chairman Malinowski opened up the floor for nominations for Vice Chair.

ACTION: Commissioner Catanzaro nominated Commissioner Jerrell Hargraves for the position of Vice-Chairman, seconded by Commissioner Fischbein. There were no further nominations and Commissioner Jerrell Hargraves was elected Vice-Chairman by unanimous vote.

4. APPROVAL OF MINUTES: NOVEMBER 21, 2019, REGULAR MEETING

ACTION: A motion by Commissioner Fischbein and seconded by Commissioner Santos to approve the minutes of the November 21, 2019 Regular Meeting, passed by unanimous vote.

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

MINUTES - Regular Meeting
January 16, 2020
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5. OLD BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4856: Roslyn Y. Samuel-Crossdale – 670 Stanley Street

#4867: Ali-Abdulharim Noman – 236 Main Street

6. NEW BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4868: Sandra Nicolucci – 889 West Main Street

#4869: Darcie Roy for National Sign Corporation – 183 North Mountain Road

#4870: Mynor Rosales Andrade – 38 Fulton Street

#4871: Michael A. MacDonald, Architect for Jill Wallace-Denver – 243 Reservoir Road

#4872: David Olson for Beloved Companions, LLC – 1340 East Street

7. AMENDMENT TO THE RULES AND PROCEDURES

An amendment to the Rules and Procedures of the Zoning Board of Appeals

VI. FILING OF APPLICATIONS/APPEALS – E. Plot Plans:

A motion to approve the amendment was made by Commissioner Fischbein and seconded by Commissioner Nowak and approved by unanimous vote.

8. OTHER NEW BUSINESS

There was no other new business.

8. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Santos, seconded by Commissioner Hargraves, and unanimously approved, the time being 7:34 p.m.

Respectfully submitted,



Danielle Rosado, Secretary

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

No. 4856
January 16, 2020

Roslyn Y. Samuel-Crossdale is requesting a variance to Section 200-10, permitted uses, in order to allow a former funeral home location to be converted into a church use at 670 Stanley Street.
Zone: I-2

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Mr. Schiller noted he has not heard from the applicant, the notice sign was not posted as required, and the applicants were not present. He recommended the matter be dismissed without prejudice.

ACTION: A motion to dismiss Application #4856 without prejudice was made by Commissioner Nowak and seconded by Commissioner Catanzaro and passed by unanimous vote.

APPLICATION #4856 WAS DISMISSED WITHOUT PREJUDICE BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

No. 4867
January 16, 2020

Ali Abdulharim-Noman is requesting a special exception approval pursuant to Section 170-20-70, in order to allow a grocery beer permit at a small convenience store known as The Main Street Food Store at 236 Main Street. Zone: CBD

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Mr. Schiller advised that the notice sign was not posted with the correct meeting date and suggested the matter be tabled to the March 19, 2020 meeting.

ACTION: A motion to table Application #4867 was made by Commissioner Hargraves and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4867 WAS TABLED TO MARCH 19, 2020 BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

No. 4868
January 16, 2020

Sandra Nicolucci is requesting a variance to Section 70-10, permitted uses, in order to allow restoration of a historic building into an office use at 889 West Main Street. Zone: S-2

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report stating that the City Plan Commission strongly supports the renovation and adaptive re-use of historic properties, such as this, and recognizes that the marketability of this particular house for residential use is severely limited because the surrounding area is predominantly-business oriented and because of its proximity to a busy street. The Commission is of the opinion that the proposed office use would be an appropriate and compatible use for the area.

The Engineering Department had the following comments on this application:

1. A site plan conforming to the City of New Britain standards will be required when building permits are applied for. No review of the plan submitted with the variance application was done.
2. This parcel falls within an Aquifer Protection Area.

The Building Commission offered a positive recommendation to the granting of the variance.

Speaking in favor: Sandra Nicolucci, 11 Bayley Street, Westwood, MA 02090
Tammy Windish, 399 Francis Street, New Britain, CT 06053
John Guirard, 877 West Main Street, New Britain

ACTION: A motion to approve Application #4868 was made by Commissioner Catanzaro and seconded by Commissioner Santos. The motion passed by unanimous vote.

APPLICATION #4868 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

No. 4869
January 16, 2020

Darcie Roy for National Sign Corporation is requesting a variance to Section 180-30-30, relating to signage in a TP, Technology Park zoning district, in order to allow banner signs mounted on light poles and utility poles near the Hospital of Central Connecticut facility at 183 North Mountain Road. Zone: TP

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report stating the City Plan Commission is of the opinion that these banners are not inconsistent or detrimental to the appearance or character of the roadway and surrounding areas accessing the medical facility provided that they are no larger than the size shown on sample plans and are mounted high enough so as to avoid any potential interference with drivers' sight lines.

The Engineering Department had the following comments on this application:

1. Banners 1-11 and possibly 12 fall in the town of Plainville and would require a separate approval from Plainville.

The Building Commission offered a positive recommendation to the granting of a variance and offered the following comment:

1. There is concern of setting a precedent for this type of signage on private light poles in the City. It is suggested that a zoning ordinance be established to address this matter.

Speaking in favor: Robert Kuszpa, National Sign Corporation, 780 Four Rod Road, Berlin, CT

ACTION: A motion to approve Application #4869 was made by Commissioner Fishcbein and seconded by Commissioner Catanzaro. The motion passed by unanimous vote.

APPLICATION #4869 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman


Danielle Rosado, Secretary

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

No. 4870
January 16, 2020

Mynor Rosales is requesting a variance to Section 240-50-40, which prohibits parking in the required front yard, in order to legalize a double width driveway, half of which does not access a conforming parking location at 38 Fulton Street. Zone: T

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the staff report stating that the Commission has been more consistent in recommending against this type of variance in single-family situations in which there is already a reasonable and conforming parking arrangement and where the desire for added parking seems more a matter of convenience rather than true hardship. The Commission is of the opinion that excess front yard paving is detrimental to the character of the residential neighborhoods.

The Engineering Department had the following comment on this application:

1. A permit is required from the Public Works department for the widening of the drive which falls within the Fulton Street right of way.

The Building Commission concurred with City Plan's opposition to the granting of a variance.

Speaking in favor: Mynor Rosales, 38 Fulton Street, New Britain

ACTION: A motion to approve Application #4870 was made by Commissioner Catanzaro and seconded by Commissioner Santos. After a discussion, the motion failed by 3-3 vote.

APPLICATION #4870 WAS DENIED BY 3-3 VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle E. Rosado

Danielle Rosado, Secretary

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

No. 4871
January 16, 2020

Michael A. MacDonald, Architect for Jill Wallace-Denver, is requesting a variance to Section 60-40-10.02, required side yard, in order to allow the construction of a 16 by 20 foot family room addition at 243 Reservoir Road. Zone: S-1

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report that states the City Plan Commission is generally supportive of owners investing and making improvements to their properties, if it can be accomplished in a manner that does not adversely encroach on a neighbor's privacy or is inconsistent with the character of the neighborhood. In this case the addition would enhance the appearance and value of the home, it is well-buffered from the neighboring property with natural vegetation and is situated so as to not give an appearance of crowding too closely to the property line.

The Engineering Department had no comment on this application.

The Building Commission offered a positive recommendation to the granting of the variance.

Speaking in favor: Jill Wallace-Denver, 243 Reservoir Road, New Britain, CT
Michael MacDonald, 147 Shore Road, Clinton, CT 06413

ACTION: A motion to approve Application #4871 was made by Commissioner Fischbein and seconded by Commissioner Hargraves. The motion passed by unanimous vote.

APPLICATION #4871 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary

City of New Britain
ZONING BOARD OF APPEALS
City Hall – Room 201
New Britain, CT 06051

No. 4872
January 16, 2020

David Olson for Beloved Companions, LLC is requesting a variance to Section 218-10, permitted uses, in the TOD ES-1 Transit Oriented Design, East Street Primary zone, in order to allow a small pet crematory and funeral services and a variance to Section 220-10-480, prohibited uses, at 1340 East Street. Zone: TOD ES-1

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves
Roman Nowak

Paul Catanzaro
Marion Fischbein
Mario Santos, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report that stated the City Plan Commission is of the opinion that the proposed pet crematory operation will be compatible to existing uses on the property and will not have any adverse effect to the surrounding neighborhood and, further, that the proposed crematory service is a necessary and legitimate business that our zoning ordinances do not adequately address.

The Engineering Department had the following comment on this application:

1. Exterior improvements, if any, will require a Site Plan application.

The Building Commission offered a positive recommendation to the granting of variance and offered the following comment:

1. There is concern that noxious odors or smoke will affect the surrounding areas, and therefore, a procedure for the filtering of these potential nuisances should be addressed.

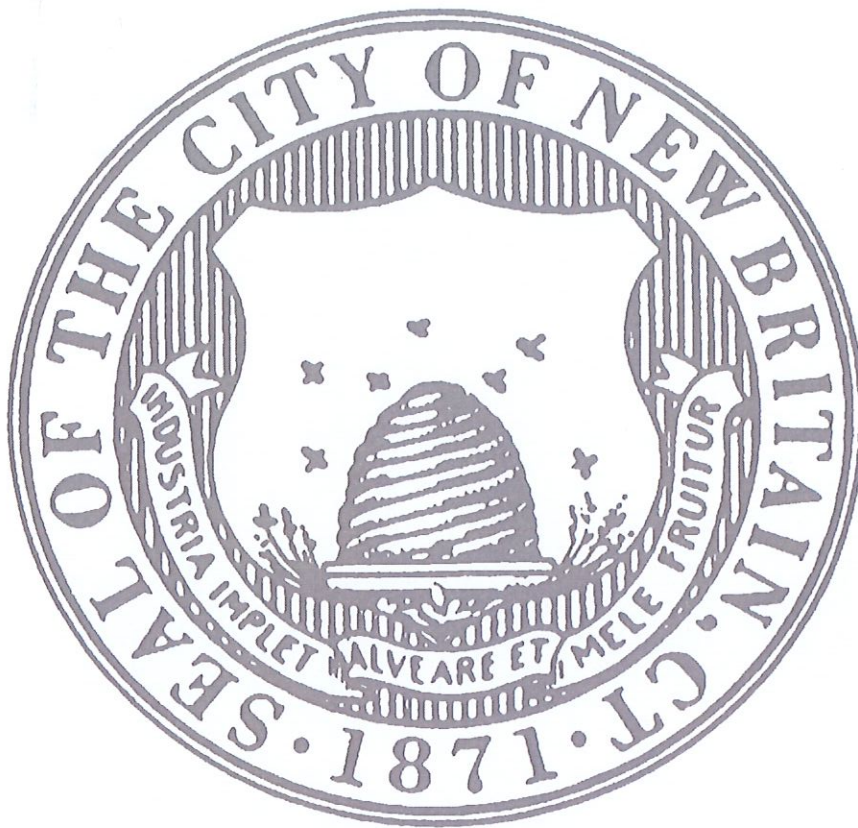
Speaking in favor: David Olson, Beloved Companions LLC, 89 Mallard Road, Avon, CT
Attorney Michael Carrier, Weber & Carrier, LLP, 24 Cedar Street, New Britain, CT

ACTION: A motion to approve Application #4872 was made by Commissioner Hargraves and seconded by Commissioner Santos. The motion passed by unanimous vote.

APPLICATION #4872 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman


Danielle Rosado, Secretary



ZONING BOARD OF APPEALS

City Plan Commission Report
ZBA Hearing Date: March 19, 2020

Old Business

Application #4867
236 Main Street

New Business

Application #4873
1055 West Main Street

Application #4874
315 South Street

Application #4875
663-665 Stanley Street

Application #4876
21 Queen Street

Application #4877
195 East Street

Application #4878
994 West Main Street

Application #4879
189 Newington Avenue

City of New Britain
Zoning Board of
Appeals
Meeting Room 201
6:00 p.m.

APPLICATION: #4873
APPLICANT: David Frank for DealPoint Merrill, LLC
ADDRESS: 1055 West Main Street
ZONE: B-2, Shopping Centers

BACKGROUND: The applicant is requesting a modification to an existing variance 150-10, for permitted uses and variances to Sections 150-40-70.01, required front yard and 150-40-70.02, required side yard toward a side street, in order to construct additional storage building unit buildings on the Cube Smart property on West Main Street. The property is zoned B-2, shopping centers, and the current storage facility was formerly a Shaw's supermarket, which was permitted to be converted to self-storage operations, under variance application #4707 in July 2015. The original variance was granted with specific conditions restricting the storage use to the existing building footprint and prohibiting any outdoor storage. A subsequent variance request, essentially identical to this current application was denied by the Zoning Board of Appeals, application #4829 in January 2019.

FINDINGS: The applicant's submitted plan depicts the 7.6 acre property with the former Shaw's supermarket building and the 312 space parking lot. The applicant would like to add 63 individual storage units on the site. These would be situated near the southeastern corner of the property, behind the Dunkin Donuts restaurant. The plans show a lower height, garage-style building design with a total of forty 10-by-20 foot units and another twenty-three 10-by-10 foot units, all with individual roll-up access doors.

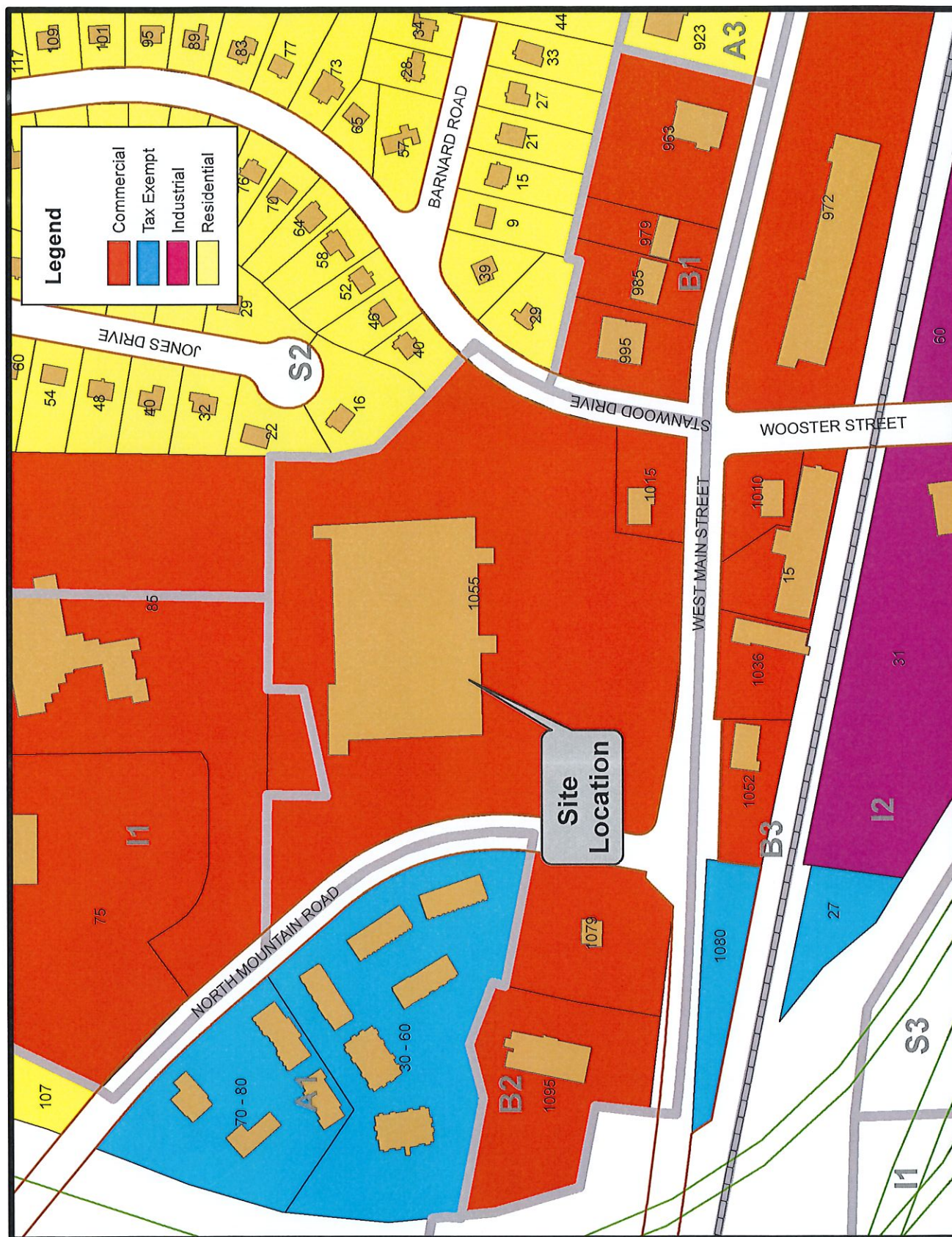
Where the property has a required 70-foot yard setback towards Stanwood Drive, a corner of one of the new proposed buildings would encroach approximately 34.5 feet into the required setback. The property has a 25-foot required side yard setback along the rear lot line of the Dunkin Donuts property. One of the proposed buildings would extend to within 10 feet of the lot line there. The two areas are proposed to be heavily landscaped with evergreen plantings to screen the new unit from the road. The rest of the site would remain unchanged, including the potential development pad situated on the southwestern corner of the property near North Mountain Road.

The applicant claims that the modification of the original variance to add these individually accessible units is warranted because the site is not currently being utilized efficiently that this type of storage is needed to effectively compete with a nearby storage facility that recently opened, nearby in Plainville. The applicant also indicates that the encroachment into the required yard setbacks is justified by the fact that the oversized parking area is encumbered by a storm culvert traversing the eastern quadrant and that there is a hardship with the site having three street frontages all requiring a 70- foot yard setback. The submitted plan also shows heavy landscaping proposed along the southern and eastern edges of the new storage units and the applicant has indicated that owners will be

prohibited from washing, repairing or working on vehicles on-site and that access restricted to normal work day hours.

CONCLUSION: At the time of the original approval, the City Plan Commission had serious concerns regarding conducting self-storage operations on the property, particularly that noise and traffic generation might impact nearby residential neighbors on Stanwood Drive. The Zoning Board of Appeals issued a conditional approval, subject to all storage operations being located within the former supermarket building. Addition of these individually accessible units would potentially alter the character of the operations on the property, both in increasing traffic and in creating the likelihood of more automobile storage on the site, rather than the more commercial business products and typical furniture and household goods presently stored within the building.

RECOMMENDATION: The City Plan Commission is of the opinion that the original 2015 variance allowing the initial change in use to self-storage sufficiently addressed the hardship of the existing supermarket building and site characteristics and market conditions not lending itself to any feasible, conforming B-2 business use. The addition of these new units would result in a substantive change to the appearance and character of the operations on the site, potentially to the detriment of neighborhood. The Commission is, therefore, opposed to the approval of these variances.



Date : February 26, 2020
 Drawn By : CTL
 Checked By : SPS/DR

**1055 West Main St
Application # 4873**

City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.



Application #4873
1055 West Main Street

1036 West Main Street	#3954	CERTIFICATE OF LOCATION APPROVAL To allow a used car dealership and limited auto repair. GRANTED: January 2002
1079 West Main Street	#3969	VARIANCE To allow an automobile dealership. DENIED: May 2002
1079 West Main Street	#3970	VARIANCE To allow subdivision of property. GRANTED: May 2002
1079 West Main Street	#3988	VARIANCE To waive requirement for 50' transitional yard for a property abutting a residential district. DENIED: August 2002
1079 West Main Street	#4007	SPECIAL EXCEPTION To allow a gasoline station and convenience store. GRANTED: November 2002
1079 West Main Street	#4008	VARIANCE To allow 3 building-mounted signs and a 72 square foot pole-mounted sign. GRANTED: November 2002
15 Wooster Street	#4095	VARIANCE To allow a church. GRANTED: June 2004
75 North Mountain Road	#4419	VARIANCE To allow the splitting of an industrial park. GRANTED: August 2008
1010 West Main Street	#4703	SPECIAL EXCEPTION To allow a used motor vehicle dealers & general repair license. GRANTED: October 2015

1055 West Main Street	#4707	VARIANCE To convert an existing supermarket to a climate-controlled, self-storage facility. GRANTED w/CONDITIONS: July 2015
1055 West Main Street	#4829	VARIANCE In order to construct additional storage units on the Cube Smart property. DENIED: January 2019

APPLICATION: #4874
APPLICANT: DATTCO, Inc.
ADDRESS: 315 South Street
ZONE: I-2, General Industry

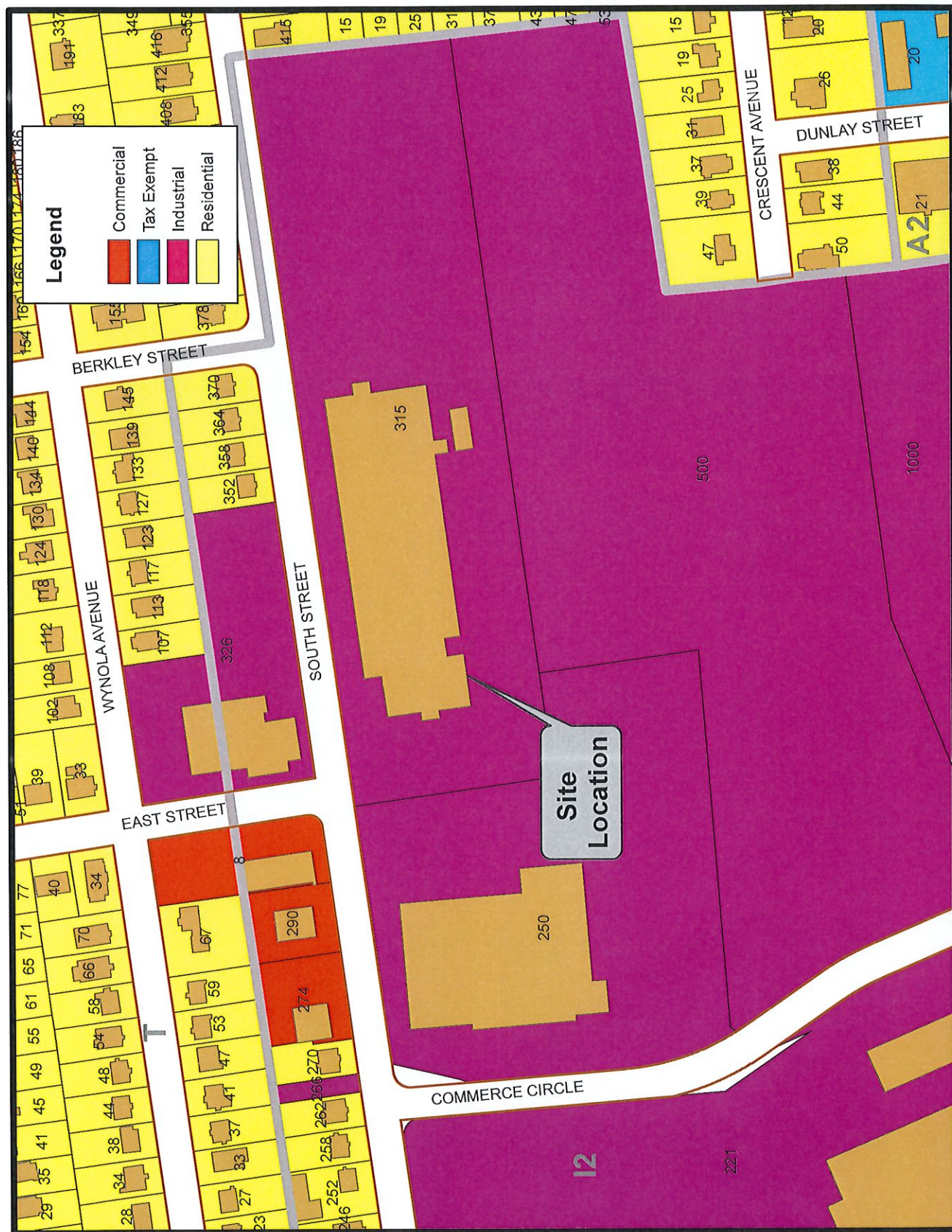
BACKGROUND: The applicant is requesting the granting of a special exception under Sections 200-20-100, 200-20-110, 200-20-120 and 200-20-130, in order to allow issuance of a DMV license for motor vehicle sales, repairs, leasing and vehicle washing at an existing DATTCO bus facility. The subject property is located on the south side of South Street, between Roosevelt Street and Commerce Circle. The property is zoned I-2, General Industry, which permits motor vehicle sales, leasing, repairs and vehicle washing, by special exception.

FINDINGS: The subject property currently totals nearly 20 acres and includes operations office and bus repair facilities in a 65,000 square foot building that was formerly occupied by Reflexite Manufacturing. There are standard sized employee parking spaces for 50 or more employees and visitors in the parking lot located to the southern side of the building. The remainder of the site is utilized for bus storage and drivers' training operations.

DATTCO has operated on the site for a number of years and has paved and made improvements to accommodate the parking of over 100 or more buses. As part of their operations, DATTCO will often sell its used vehicles to other operators. They would like now to be able to obtain a state Department of Motor Vehicles license to formalize and expand their sales operations and to lease and repair other operators' buses. They indicate that the addition of these DMV licenses would not alter the primary nature of their business operations.

CONCLUSION: The City Plan Commission is of the opinion that this particular location is appropriately zoned to allow a licensing for sales, repair and lease of buses and that it would have virtually no effect on the character of the property or on any adjoining neighbor. The site has a conforming 25 foot natural buffer strip with fencing and screening along all boundaries where it abuts the residential homes on Roosevelt Street and Crescent Avenue.

RECOMMENDATION: For the reasons stated above, the City Plan Commission has no objections to the granting of this special exception, provided that the property and business operations are kept in compliance with all applicable provisions of the zoning ordinances, particularly as they relate to the buffer zone and screening along the residential property lines and that no parts or wrecked vehicles be kept unscreened from the street or from any adjoining property. Presuming this special exception is approved by the Zoning Board of Appeals, a formal application with signed A-2 survey plans will be needed to be submitted for formal location approval by the Common Council, acting in its capacity as the city's Zoning Authority.



Date : February 26, 2020
 Drawn By : CTL
 Checked By : SPS/DR

315 South St
Application # 4874



City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.

Application #4874
315 South Street

417 South Street	#3261	VARIANCE To permitted uses in the "T" zone to allow the construction of a basement apartment in a new two family house. DENIED: March 1989
326 South Street	#3942	VARIANCE To allow an addition to an existing nonconforming building. GRANTED: September 2001

APPLICATION: #4875
APPLICANT: Aurelio Ramirez
ADDRESS: 663-665 Stanley Street
ZONE: T, Two-Family

BACKGROUND: The applicant is requesting a variance to Sections 90-40-20, lot area per dwelling unit and 240-20, required off-street parking, in order to allow the conversion of a former funeral home space into a second residential apartment unit. The subject property is located on the eastern side of Stanley Street a short distance south of Chestnut Street. The area is zoned T, Two-family.

FINDINGS: The property is extraordinarily small, approximately 45 feet in width and just under 80 feet in depth, totaling 3,600 square feet in area. There is a two-story brick building that occupies nearly the entire site, with the exception of a narrow driveway along the southern lot line. There is a two-bedroom apartment on the upper floor and the first floor is the former funeral home space. The funeral home has not been active for 20 years or more, although it appears that the space, about 2,500 square feet of floor area, may have been utilized for an office after the funeral services ceased. The only parking available on site is potentially two or three stacked spaces in the driveway and stacked parking is not allowed to be counted to meet the off-street parking requirement.

Because this is a T zone, a two-family house would normally be a permitted use, but Section 90-40-20 requires a minimum of 3,000 square feet of lot area per dwelling unit and the property is only 3,600 square feet in size. Section 240-20 requires two parking spaces per dwelling unit, or a total of four (4) for a two-unit residential building. As depicted, the site would technically have conforming parking for only one vehicle.

The applicant's hardship claim is that the space is not reasonably useable for a funeral home or office because of the lack of parking, but that it is workable as two-family house. He further points out that there are other two and three family homes nearby with similarly small lots and lacking in parking.

CONCLUSION: In this instance, the existing building and property conditions do appear pose a hardship in precluding any reasonable conforming use of the former funeral home space. Conversion to add a second dwelling unit to this building would appear unlikely to have any effect on the character of the property or neighborhood and would certainly seem preferable to retaining or re-instating any kind of office or funeral home use.

RECOMMENDATION: For the reasons stated above, the City Plan Commission has no objections to the granting of this variance, provided that all necessary Building Department permits are taken out for the conversion and the building inspected to ensure compliance with all applicable fire and building codes.



200 100 0 200 Feet



Date : February 26, 2020
Drawn By : CTL
Checked By : SPS/DR

663-665 Stanley St
Application # 4875

City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.



Application #4875
663-665 Stanley Street

655 Stanley Street	#3947	VARIANCE To allow expansion of a nonconforming use to allow business parking expansion. GRANTED: November 2001

APPLICATION: #4876
APPLICANT: Beata and Jerzy Krawczyk
ADDRESS: 21 Queen Street
ZONE: S-2, Single-Family

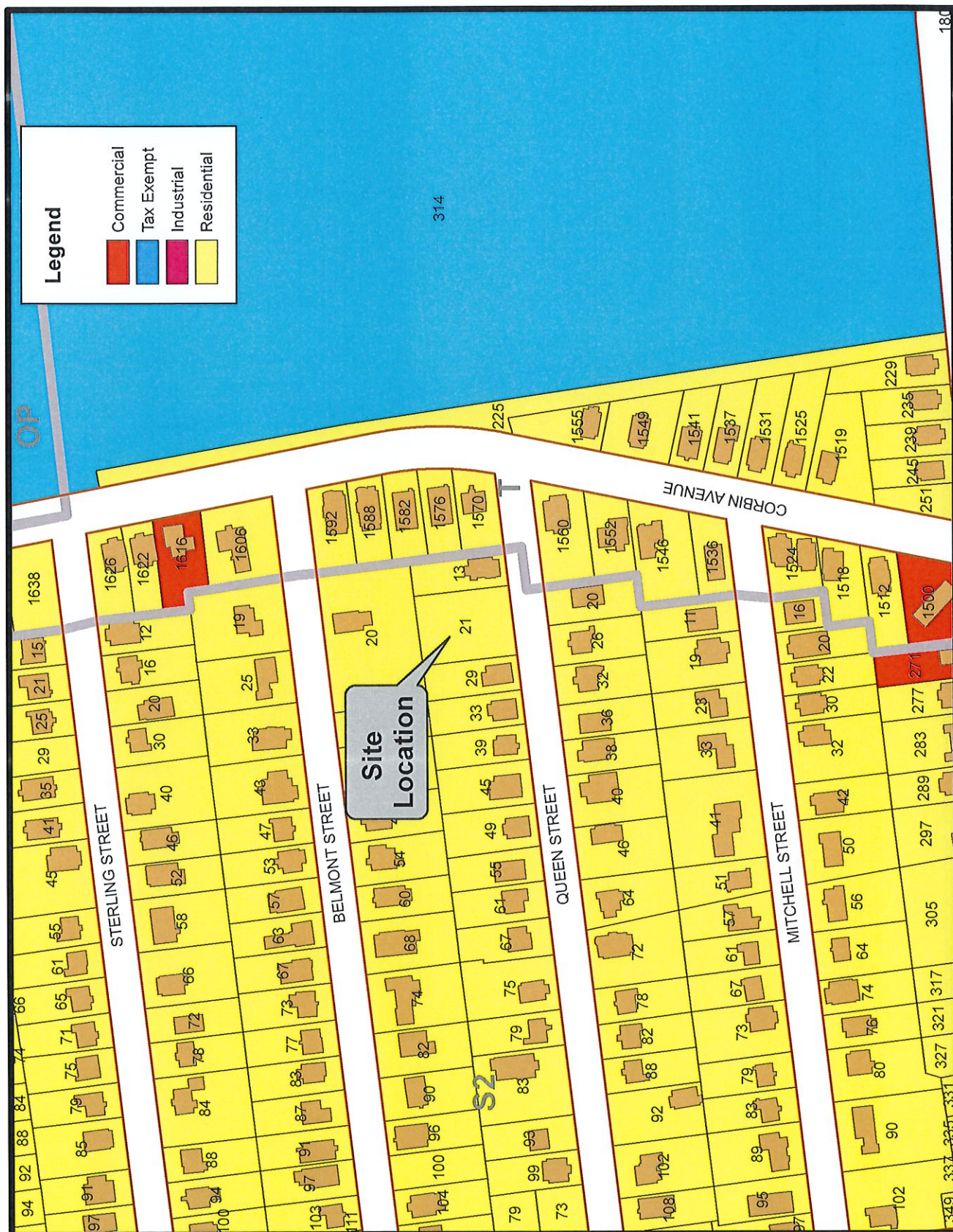
BACKGROUND: The applicants are requesting variances to Sections 70-40-10, minimum lot area and 70-40-50, minimum lot width, in order to split a 100 foot wide 13,500 square foot parcel into two 50 foot wide, 6,750 square foot building lots. The property is located on the northern side of Belmont Street near the corner of Corbin Avenue and is zoned S-2, Single-Family.

FINDINGS: The S-2 zoning district requires a minimum lot width of 75 feet and a minimum lot area of 8,000 square feet. Like most of the surrounding properties on the street, this lot is 50 feet in width, 135 feet in depth and approximately 6,750 square feet in area. This parcel was formerly laid out as two individual lots in a subdivision dating back to around 1916, but for years it was owned in conjunction with the adjoining property at 20 Queen Street and held as vacant land. The applicants claim that this land originally comprised two building lots and applying the S-2 zoning standards after the majority of the other properties on the street were developed as 50 foot wide 6,750 square foot lots is not reasonable and would give an inconsistent appearance to the street.

The two proposed 50-foot wide lots are relatively flat and appear reasonably well-suited to development of a modest-sized, single-family house consistent with the surrounding neighborhood. The applicants' plans show that both 50 foot wide lots would be reasonably developable meeting the S-2 zone's minimum required 35 foot front yard setback, the minimum 25 foot rear setback and the minimum 7 foot and 10 foot side yard setbacks. The resulting buildable foot print area would be 33 feet wide by 75 feet in depth, more than adequate for a modest sized house consistent with most of the other neighboring homes.

CONCLUSION: Many of the developed residential properties in the surrounding neighborhood are 50 feet in width and 6,750 square feet in area. The proposed development and use of these two proposed lots parcel within the confines of the S-2 yard setback requirements would appear to be consistent in character and compatible with the rest of the neighborhood.

RECOMMENDATION: The City Plan Commission notes that the re-establishment of lots from old subdivisions has generally been viewed favorably, provided they are single-family houses, consistent in character with the surrounding neighborhood, and meet all current yard setback requirements. In this case, a majority of the other properties on Queen Street are 50 feet in width and 6,750 square feet in area. The Commission, therefore, has no objections to the granting of these variances, provided that, as a condition of approval, it is agreed that the property will be utilized only for the construction of a single-family house.



Application #4876
21 Queen Street

33/34 Queen Street	#2934	VARIANCE To permitted uses in the S-2 zone to allow the construction of a two family house. GRANTED: July 1985
20 Belmont Street	#3865	VARIANCE To allow a 6' chain link fence at rear property line on a through lot. GRANTED: November 1999

APPLICATION: #4877
APPLICANT: Hamza Lehnoud for Meriden Makeovers, LLC
ADDRESS: 195 East Street
ZONE: B-1, Neighborhood Business

BACKGROUND: The applicant is requesting variances to Sections 140-40-70.01, required front yard and 140-70.02 required side yard, in order to allow the expansion and conversion of a former gasoline/repair garage into a convenience store. The subject property is located on the southeastern corner of East and Ellis Streets and is zoned B-1, Neighborhood Business.

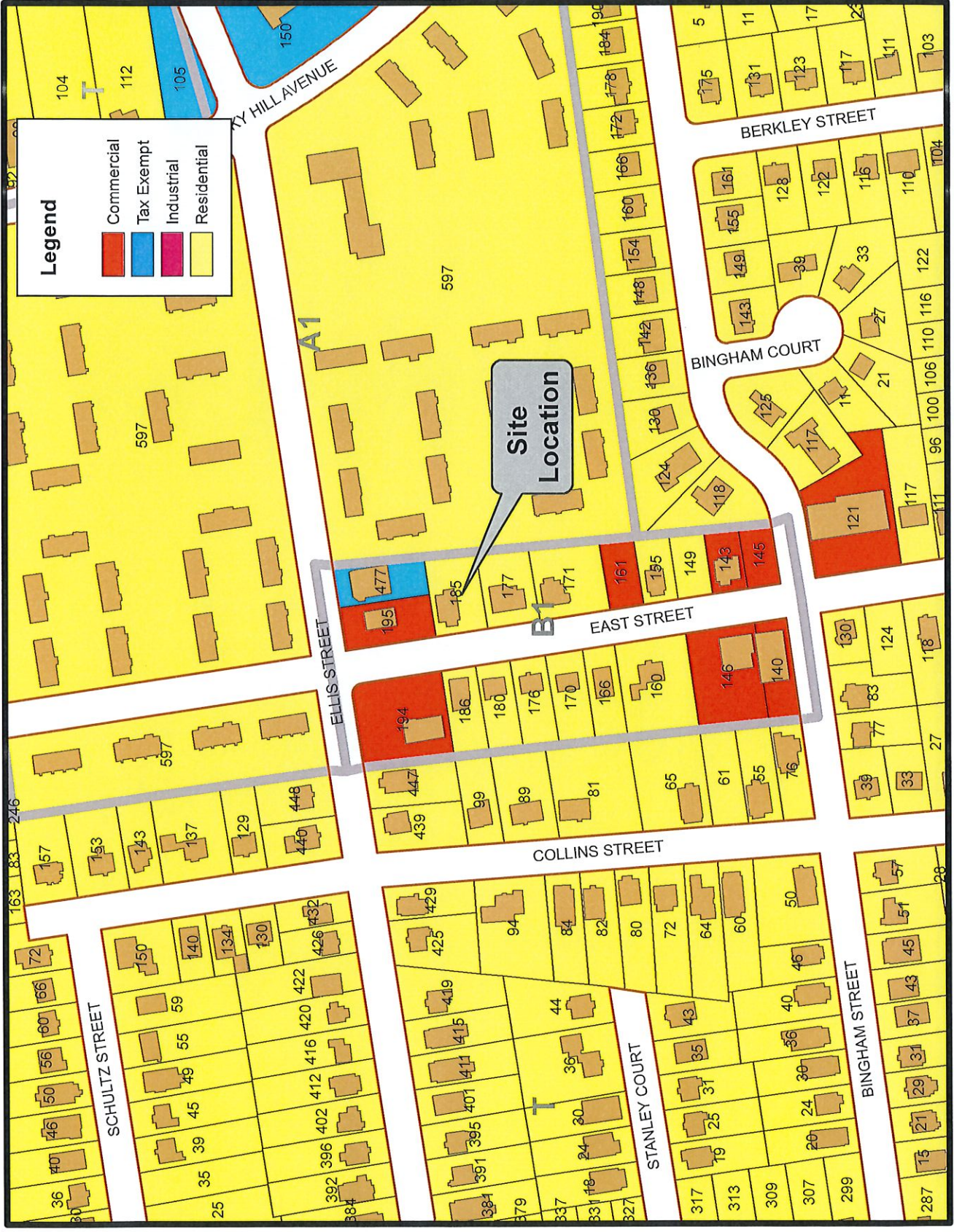
FINDINGS: The applicant's plans depict the existing 7,800 square foot lot, 130 feet in length along East Street and 60 feet in depth. The former gasoline station repair garage on the site was constructed at least 70 years ago and has been vacant for many years, now. The B-1 zone requires a 40 foot setback for the front yard towards Ellis Street and for the side yard towards East Street and a minimum 20 foot side yard to the east and a 20 foot rear yard to the south. The existing building is approximately 42 feet in length by 25 feet and has a nonconforming front yard setback of 34.8 feet towards Ellis Street, a nonconforming setback of only 24.7 feet towards East Street and a nonconforming setback of only 10 feet for eastern side yard.

The applicant would like to construct a 6 by 6 foot addition to add a restroom on the north side of the building, encroaching into the nonconforming front yard, and an 8 foot by 25 foot walk-in cooler addition at the southern end of the building which would add an 8 by 10 foot encroachment into the eastern side yard. The applicant indicates that these additions are necessary to meet the needs of a modern convenience store and that they cannot be placed in any conforming location.

CONCLUSION: That applicant's plans show that the site can provide the six (6) conforming off-street parking spaces that would be required for 2,000 square foot convenience store and that the proposed additions would not interfere with parking or on-site circulation, nor unduly encroach on any neighboring property owner. The building is old and derelict and making the improvements for it to become an active store would potentially benefit the character of the neighborhood. Presuming the variance were approved a more complete site plan should be required with improvements and changes to the existing driveway entrances and surrounding sidewalks and some landscaping added to the site.

RECOMMENDATION: The City Plan Commission supports the restoration of this building as a neighborhood convenience store and has no objections to the granting of the requested variances, provided that as a condition of approval there is a full-site plan review and

approval through the City engineering, building department and planning staff and that driveway sidewalk and landscaping improvements are made to the site.



City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.

195 East St
Application # 4877

Date : February 26, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4877
195 East Street

477 Ellis Street	#3486	VARIANCES To off-street parking requirements & standards in order to convert a vacant commercial building into a church. GRANTED: February 1992
195 East Street	#3663	VARIANCE To allow a motor vehicle repair garage in a B-1 (neighborhood business) zone. GRANTED: September 1995

APPLICATION: #4878
APPLICANT: Brian Conaci
ADDRESS: 994 West Main Street
ZONE: B-3, Secondary Business

BACKGROUND: The applicant is requesting a special exception approval pursuant to Section 160-20-90, in order to allow a restaurant beer and wine license in conjunction with the Brian's Fare Restaurant which recently opened in this new location. The restaurant space is in a commercial space of 2,000 square feet in a 21,000 square foot plaza, situated on the southeastern corner of West Main Street and Wooster Street. The property is zoned B-3, Secondary Business. An identical special exception application for a restaurant beer and wine permit was granted for Cracovia Restaurant, in this location, in January 2017, application #4754.

FINDINGS: Restaurants and cafés are permitted uses in the B-3 zoning district and alcohol permits are permissible as special exception uses subject to the specific conditions and safeguards under subsection 270-40-40.10, which relate to all alcohol sales and cover all forms of alcohol permits from grocery beer permits to package stores and full liquor permits for restaurants and cafés. These requirements prohibit alcohol permits in any residential zone; but in most cases, the most relevant requirement of subsection 270-40-40.10 is that alcohol locations are not permitted in a residential district, nor within 500 feet along the same street frontage of any residentially-zoned property, school or religious institution.

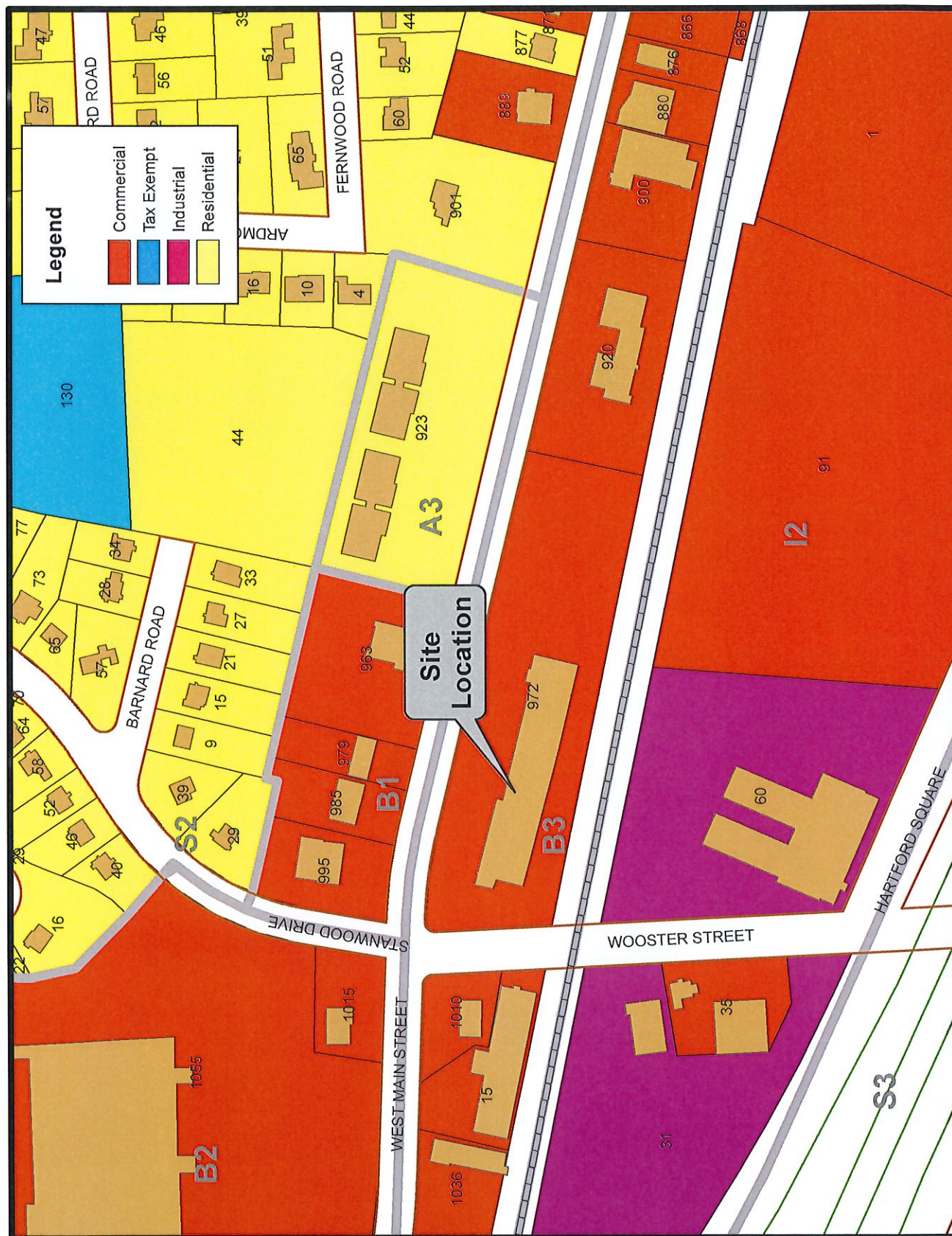
Subsection 270-40-40.10.10 is interpreted as allowing the ZBA the discretion to deny permits within 1,500 feet of any other permit location, if they believe there is a detrimental proliferation of alcohol permits in an area. The applicant's 1,500 foot radius map shows only two other existing alcohol permit locations nearby, one being a grocery beer permit at "Your Convenience Store" located almost directly next door in the same plaza and a package store permit at the West Side Wine and Liquor Store located directly across from the restaurant on the other side of West Main Street.

The restaurant is in a building which is occupied by several other businesses, including Your Convenience Store, Concentra Urgent Care Center, Metro PCS Store, a State Farm Insurance branch office, and a small pizza restaurant. The overall property is approximately 1.27 acres and has well in excess of one hundred parking spaces, more than adequate for all businesses in the plaza.

CONCLUSION: Restaurants are permitted uses in the B-3 zoning district and the serving of alcoholic beverages is a common and generally acceptable and a necessary accessory to a normal restaurant use. Citywide, alcohol permit problems seem to arise only in situations where the serving of alcohol becomes the primary focus of the business, overshadowing the restaurant operations. In this case, the business is a well-known restaurant that has

previously operated with an alcohol permit. The fact that the permit is for beer and wine only also lessens the likelihood of the alcohol becoming problematic at this location.

RECOMMENDATION: The City Plan Commission has no objections to the granting of this Special Exception for a restaurant beer and wine permit, with the provision that there is no bar seating and the service is limited to beer and wine served in conjunction with meals.



Date : February 26, 2020
 Drawn By : CTL
 Checked By : SPS/DR

**994 West Main Street
Application # 4878**



City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.

Application #4878
994 West Main Street

963 West Main Street	#3730	CERTIFICATE OF LOCATION APPROVAL For general repairers license at this location. GRANTED: February 1997
15 Wooster Street	#4095	VARIANCE To allow a church. GRANTED: June 2004
920 West Main Street	#4164	CERTIFICATE OF LOCATION APPROVAL To allow a motor vehicle dealer/repairer operation at an existing location. GRANTED: March 2005
972 West Main Street	#4373	VARIANCE To replace an existing 32 square foot business identification sign with a larger 48 square foot business identification sign. GRANTED: October 2007
994 West Main Street	#4754	SPECIAL EXCEPTION To allow a restaurant beer and wine permit in conjunction with the Cracovia Restaurant. GRANTED: January 2017

APPLICATION: #4879
APPLICANT: Earl Dubree
ADDRESS: 189 Newington Avenue
ZONE: T, Two-Family

BACKGROUND: The applicant is requesting a variance to Section 230-100-10, schedule of permitted fences, in order to install a 6-foot chain link fence around his property located on the southwest corner of Newington Avenue and Wildwood Street. The property is the site of a small industrial operation, Recor Rust Prevention, which is a nonconforming business use, situated in the T, two-family zoning district. The applicant would like to erect a 6-foot high chain link fence around the entire property, for security purposes. The T zone restricts fences in the front yard to no more than 4-feet in height.

FINDINGS: In order to provide improved security for his building and materials, the applicant has proposed a 6-foot chain link fence around the entire perimeter of the property. He indicates that the 4-foot height restriction in the front yard would not provide adequate security and claims that there is a hardship in his business being nonconforming in the T zoning district and having that height restriction. He has further pointed out that the I-2 zoned manufacturing property located directly across Newington Avenue has a 6-foot galvanized chain link fence, as does Chesley Park, which is located directly across Wildwood Street, to the east of his property. In order to mitigate the negative appearance of the proposed chain link fence, he plans to have the fence painted black.

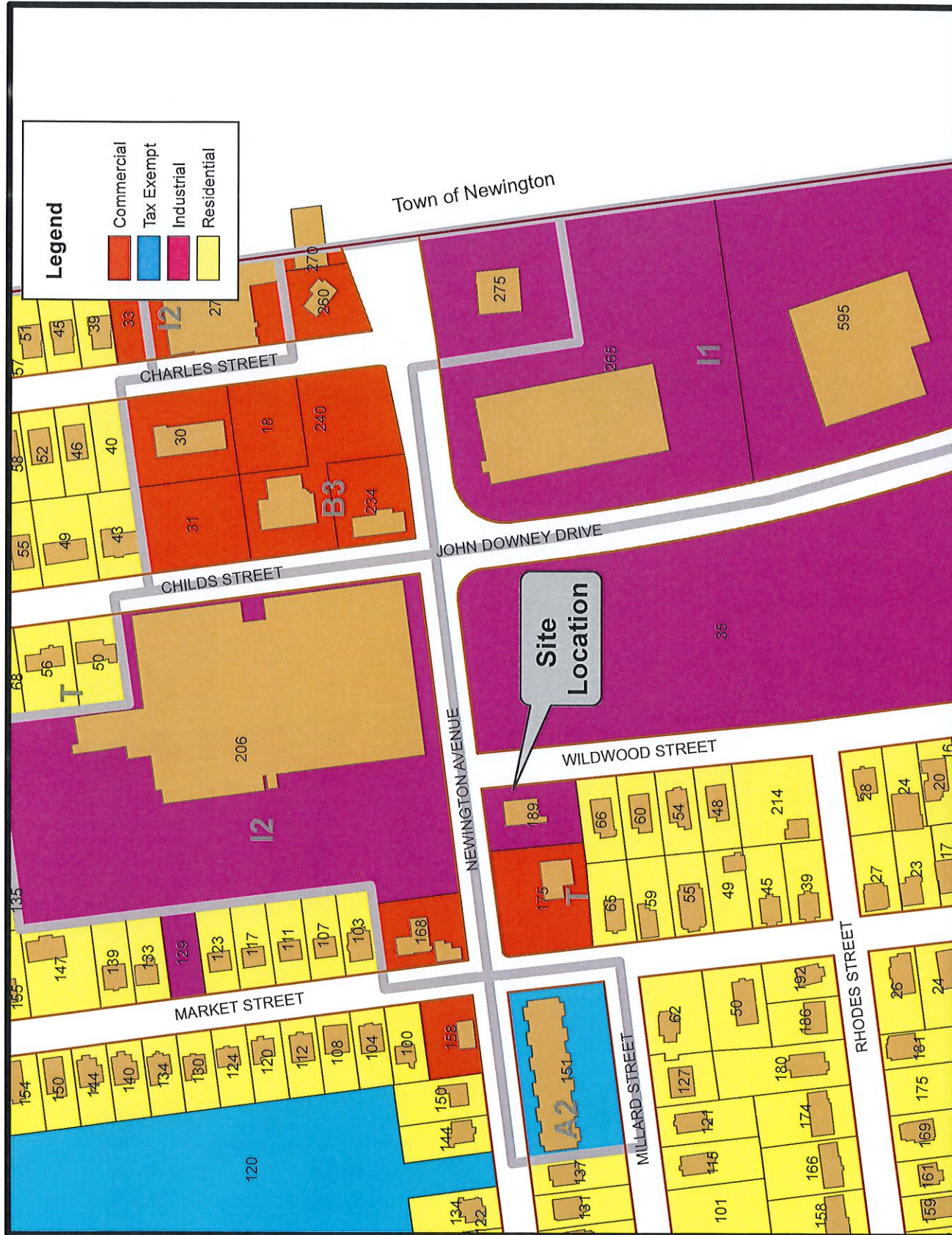
CONCLUSION: Despite its T zoning, the property has long been in some form of industrial use and is in a mixed-use area with the Marsam Metal Finishing Company to the north; an auto repair business, the Automotive Connection, directly abutting to the west; and the Chesley Park located to the east. T-zoned properties to the south along the Wildwood Street are primarily conforming two-family homes.

The Commission recognizes the need for this business to have a reasonable level of security and understands the concern that a 4-foot height is inadequate. Recognizing that there are other properties with existing fencing 6 foot in height along the street fronts in close proximity to this property, it would appear that this fence would not be out-of-character or have a substantially adverse effect on the appearance of the area, particularly if it is painted black, as proposed.

RECOMMENDATION: Taking into consideration the circumstances of this property, the City Plan Commission has no objections to the granting of this variance to allow a front yard fence 6-feet in height, with the stipulation that the fence be painted black, wherever it borders Newington Avenue or Wildwood Street.



200 Feet
0 100 200



Date : February 26, 2020
Drawn By : CTL
Checked By : SPS/DR

189 Newington Ave
Application # 4879

City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.



Application #4879
189 Newington Avenue

175 Newington Avenue	#4494	VARIANCE To allow a business identification sign to be added to an existing nonconforming business. GRANTED: January 2010
175 Newington Avenue	#4790	VARIANCE To add increased storage and repair space for an existing motor vehicle repair shop. GRANTED: January 2018