CITY OF NEW BRITAIN

EST. 1871

ZONING BOARD OF APPEALS
CHAIRMAN MATTHEW MALINOWSKI

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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES: September 24, 2020 – Regular Meeting

4. OLD BUSINESS

   A. PUBLIC HEARING AND DISCUSSION:

      #4893: Timothy T. Stewart for Beacon Pharmacy – 1 ACMAT Plaza (233 Main Street)

5. NEW BUSINESS

   A. PUBLIC HEARING AND DISCUSSION

      #4894: Eliah Eitvydas - 137 Collins Street
      #4895: Brandy Irisarry - 1360 East Street
      #4896: David Olson for Beloved Companions, LLC - 155 John Downey Drive
      #4897: John T. Hawkins, IV - 19 Kilbourne Avenue
      #4898: Denyz Alvarez - 60 Saint Clair Avenue
      #4899: Michael Frisbie - 965 Farmington Avenue

6. OTHER NEW BUSINESS

7. ADJOURNMENT

Next Meeting: Thursday, January 21, 2021 @ 6:00 p.m.

27 WEST MAIN STREET • ROOM 208 - NEW BRITAIN, CT 06051 • PHONE (860) 826-3430
FAX (860) 612-5033

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

Members Present:
Jerrell Hargraves, Vice Chairman
Paul Catanzaro
Roman Nowak
Marion Fischbein
Mario Santos, Alternate

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

1. CALL TO ORDER:

Vice Chairman Jerrell Hargraves called the meeting to order at 6:01p.m.

2. ROLL CALL:

A quorum of five (5) members was present upon roll call. The participants in attendance were 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. APPROVAL OF MINUTES: AUGUST 20 2020, REGULAR MEETING

ACTION: A motion to approve the minutes of the August 20, 2020 Regular Meeting was made by Commissioner Catanzaro and seconded by Commissioner Santos. The motion passed by 4-0 vote with Commission Fischbein abstaining.

4. OLD BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4887: Noble Energy Real Estate Holdings, LLC – 234, 240 Newington Avenue; 18 Charles Street
#4888: Noble Energy Real Estate Holdings, LLC – 234, 240 Newington Avenue; 18 Charles Street

5. NEW BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4889: Thomas Eric Buckley, Jr. – 57 Murray Street
#4890: Jan Wojas, AIA for Wojas Arch LLC – 446-450 South Main Street
#4891: Roslyn Y. Samuel-Crossdale – 670 Stanley Street

#4892: Amisha Desai – 1375 East Street
#4893: Timothy T. Stewart for Beacon Pharmacy – 1 ACMAT Plaza (233 Main Street)

6. OTHER NEW BUSINESS

There was no other new business.

7. 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 Catanzaro, and unanimously approved, the time being 7:17 p.m.

Respectfully submitted,

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4887 & 4888
September 24, 2020

Noble Energy Real Estate Holdings, LLC is requesting, under Application #4888, a special exception pursuant to Section 160-20-120, in order to allow development of a retail gasoline station, donut shop and convenience store and Application #4887, a request for variances to Section 270-40.40.120.20, Section 270-40-40.120.30, and Section 270-40-40.120.100 at 234, 240 Newington Avenue/18 Charles Street. Zone: B-3

Members Present:

Jerrell Hargraves, Vice Chairman
Paul Catanzaro
Roman Nowak
Marion Fischbein
Mario Santos, Alternate

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

Mr. Schiller read the favorable City Plan Commission report recommending approval subject to either removal of the proposed Newington Avenue entrance, or at least requiring more in depth and detailed engineering review findings from the City Engineering staff and State Department of Transportation, that it can be done safely without negative impact to traffic flow.

The Engineering Department had the following comment on this application:

1. A site Plan application will need to be submitted for review if this request is approved.

The Building Department offered a positive recommendation to the granting of a special exception and concurs with the City Plan Commission's suggestion.

Speaking in favor: Michael Frisbie, 131 Buckingham Street, Hartford CT

ACTION: A motion to approve Application #4887 was made by Commissioner Catanzaro and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

ACTION: A motion to approve Application #4888 was made by Commissioner Catanzaro and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

APPLICATIONS #4887 & #4888 WERE GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4889
September 24, 2020

Thomas Eric Buckley, Jr. is requesting variances to Section 90-10, permitted uses; 90-40-30, minimum lot area per dwelling unit; and 240-20 required off-street parking in order to legalize a three-family house in a T, Two-Family zoning district at 57 Murray Street. Zone: T

Members Present:

Jerrell Hargraves, Vice Chairman
Paul Catanzaro
Roman Nowak
Marion Fischbein
Mario Santos, Alternate

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

Mr. Schiller summarized the City Plan Commission report acknowledging that there are numerous situations like this in the city, where a property is legally recognized in the building department or assessors' records as a two-family house and where an attic space has been converted. The City Plan Commission did not object to the third floor unit, but was concerned about the proposed parking and recommended against approval unless the applicant comes back with a revised and conforming parking layout for approval and provided the building is inspected to ensure that it conforms to all applicable building, housing and fire code standards.

The Engineering Department had the following comments on this application:

1. The existing driveway is gravel; any proposed expansion will require the entire driveway to be paved.
2. Spaces 4 and 5 shown on the submitted plan are located in the front yard and do not comply with Section 240-50-40 of the Zoning Ordinances.
3. All parking is required to be off-street. On-street parking cannot be claimed for exclusive use.
4. There appears to be adequate room for complying parking in the rear. The Engineering Department therefore recommends against a variance to reduce parking or to park in the front yard setback.

The Building Department did not meet and therefore provided no comment on this application.

Speaking in favor: Thomas Eric Buckley, Jr., 214 Kelsey Street, New Britain

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City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4889
September 24, 2020
(continued)

ACTION: A motion to approve Application #4889 was made by Commissioner Catanzaro and seconded by Commissioner Santos. After a discussion, a motion to amend the original motion to add stipulations recommended by the Engineering Department and City Plan Commission was made by Commissioner Catanzaro and seconded by Commissioner Nowak. The motion as amended passed by unanimous vote.

APPLICATION #4889 WAS CONDITIONALLY GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4890
September 24, 2020

Jan Wojas, AIA for Wojas Arch LLC is requesting a variance to Section 140-10 permitted uses, in order to legalize a tire sales and installation business and an auto glass tinting business at the rear of an existing commercial plaza at 446-450 South Main Street. Zone: B-1

Members Present:
Jerrell Hargraves, Vice Chairman
Paul Catanzaro
Roman Nowak
Marion Fischbein
Mario Santos, Alternate

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

Mr. Schiller summarized the unfavorable City Plan Commission report stating the City Plan Commission consistently urges caution in dealing with auto-related uses like these and is of the opinion that they are seldom a compatible fit with the restaurants, dental and medical offices and other retail and service activities typically found in this type of commercial plaza. The Commission is especially wary of auto-related activities like this occupying rear spaces that are not visible from the street, as they often result in various abuses related to outdoor storage or parts and poor trash and recycling practices. The Commission is also concerned that, in this case the auto-related businesses contribute to a sense of overcrowding for the site and that the plan does not accommodate vehicle transport trucks sometimes used for these businesses.

The Engineering Department had the following comment on this application:

1. The Engineering Department has no comment on the proposed use however a Site Plan Application will be required for the proposed parking and site modifications. There are discrepancies between the submitted plans for accessible parking, curbing, wheel stops, etc.

The Building Department did not meet and therefore provided no comment on this application.

Speaking in favor: Jan Wojas, AIA for Wojas Arch LLC, 5 Race Track Hollow, Middlefield, CT
Ahmad Alabbadi, 99 Whipple Hill Road, Walpole, NH

ACTION: A motion to approve Application #4890 was made by Commissioner Nowak and seconded by Commissioner Catanzaro. After some discussion and concerns this might set a poor precedent for commercial plazas elsewhere the motion was denied by unanimous vote.

APPLICATION #4890 WAS DENIED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4891
September 24, 2020

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

Members Present:
Jerrell Hargraves, Vice Chairman
Paul Catanzaro
Roman Nowak
Marion Fischbein
Mario Santos, Alternate

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

Mr. Schiller summarized the City Plan Commission report stating while this property is probably well-suited to church use, the City Plan Commission is of the opinion that it would not be the highest and best use for this property and emphasizing the Commission's long-standing policy of recommending against variances that would allow non-business use for any industrial or commercially-zoned space, especially where there is no valid hardship demonstrated.

The Engineering Department had the following comment on this application:

1. The Engineering Department has no comment on the proposed use; however any proposed site changes or changes in parking requirements will require a Site Plan application for review.

The Building Department did not meet and therefore provided no comment on this application.

Speaking in favor: Roslyn Samuel-Crossdale for Helping Others to Succeed, Inc., 361 High Street, New Britain, CT
Anita Freeman, 146 Colton Street, Hartford, CT

ACTION: A motion to approve Application #4891 was made by Commissioner Fischbein and seconded by Commissioner Catanzaro. After some discussion the motion was denied by 4-1 vote Commissioners Fischbein, Santos, Catanzaro and Hargraves voted against and Commissioner Nowak voted in favor.

APPLICATION #4891 WAS DENIED BY 4-1 VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4892
September 24, 2020

Amisha Desai is requesting variance to Section 250-30-20.50, maximum permitted area for a pole mounted business sign and to Section 250-30-20.10 which prohibits pole signage within 20 feet of a property line at 1375 East Street. Zone: TOD-ES, 1

Members Present:

Jerrell Hargraves, Vice Chairman
Paul Catanzaro
Roman Nowak
Marion Fischbein
Mario Santos, Alternate

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

Mr. Schiller summarized the favorable City Plan Commission report stating the City Plan Commission recognizes the need for clear and visible identification signs on this part of East Street and is of the opinion that the requested variances result in relatively minor deviations from the regulations and would not negatively affect the character of the area.

The Engineering Department had the following comments on this application:

1. The proposed sign is 9 feet wide; the application should specify the proposed distance from the edge of sign to the existing street line and sidewalk.
2. The base of the bottom sign shall be located 5' minimum above ground level to not obstruct sight line from vehicles exiting the property.

The Building Department did not meet and therefore provided no comment on this application.

Speaking in favor: Amisha Desai, 48 Ponderosa Lane, Newington, CT 06111

ACTION: A motion to approve Application #4892 was made by Commissioner Nowak and seconded by Commissioner Catanzaro. The motion passed by unanimous vote.

APPLICATION #4892 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4893
September 24, 2020

Timothy T. Stewart for Beacon Pharmacy is requesting a variance to Section 170-110-10-70.10 regarding signage in the CBD, Central Business District, in order to allow installation of a business identification sign for Beacon Pharmacy at 1 ACMAT Plaza (233 Main Street). Zone: CBD

Members Present:
Jerrell Hargraves, Vice Chairman
Paul Catanzaro
Roman Nowak
Marion Fischbein
Mario Santos, Alternate

Attorney John Diakun advised there were issues with the notice sign and under Section IX: Postponement of Hearing: Rule 9c of the Rules and Procedures of the Zoning Board of Appeals requested the matter be continued to the November 19, 2020 meeting.

ACTION: A motion to continue Application #4893 was made by Commissioner Catanzaro and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

APPLICATION #4893 WAS CONTINUED TO NOVEMBER 19, 2020 BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

ZONING BOARD OF APPEALS

City Plan Commission Report

ZBA Hearing Date: November 19, 2020

OLD BUSINESS

Application #4893
1 ACMAT PLAZA (233 Main Street)

NEW BUSINESS

Application #4894
137 Collins Street

Application #4895
1360 East Street

Application #4896
155 John Downey Drive

Application #4897
19 Kilbourne Avenue

Application #4898
60 Saint Clair Avenue

Application #4899
965 Farmington Avenue

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

OLD BUSINESS:

APPLICATION:	**#4893**
APPLICANT:	**Timothy Stewart for Beacon Pharmacy**
ADDRESS:	**233 Main Street**
ZONE:	**CBD, Central Business District**

BACKGROUND: The applicant is requesting a variance to Section 170.110-10-70.10 regarding signage in the CBD, Central Business District, in order to allow installation of a business identification sign for a Beacon Pharmacy that is being opened on first floor level of the CMHA building on the southeast corner of Main Street and Bank Street.

FINDINGS: The applicant's signage plan depicts the proposed sign to be mounted on the Main Street side of the building reading "Beacon Prescriptions", 15 feet in width and 4.5 feet in height, totaling 52.5 square feet in area. In the CBD, building-mounted signage is permitted to be 1.5 square feet in area for each linear foot of wall space. In this case the west facing wall of the building is 62 feet in length, which would therefore allow signage totaling 90 square feet in area. Section 170-110-10-70.10 prohibits any letter on a sign within 50 feet of the street line from exceeding 18 inches in height or width. The building wall on which the sign would be mounted is set back approximately 28 feet from Main Street. The majority of the letters spelling out "Beacon" are approximately 20 inches in height, the two end letters, the "B" and the "N" are approximately 36 inches in height.

The applicant indicates that this is the standard corporate sign for similar Beacon Pharmacy locations and that the scale and proportions are appropriate for a downtown location especially for a building set back more than 25 feet from the street. He further suggests that anything smaller would not have good visibility from the street.

CONCLUSION: The proposed pharmacy signage would be in compliance with the size restrictions of Section 170.110-10.10.10 for the overall sign area. The only point of noncompliance is that is in the individual letters exceed the 18 inch height size restriction of Section 170.110-10-70.10 for buildings within 50 feet of the street line. The purpose of that 18 inch restriction is to prevent oversize lettering and the objectionable appearance when such buildings signs are placed on smaller storefronts situated very close to the sidewalk. In this case the front wall of the CMHA building is 60 feet in width and the sign is more than 25 feet from the street right-of-way. The sign proposed is consistent with the Beacon Pharmacy corporate standard and would not appear to be oversized or out of character in this location.

RECOMMENDATION: The City Plan Commission is of the opinion the lettering size for this signage is appropriately suited to the location and not out-of-scale on the building. The Commission, therefore has no objections to the granting of this variance.

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

233 Main Street
Application # 4893

Date : Sept 4, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4893 1 ACMAT Plaza (233 Main Street)		
227 Main Street	#4254	**VARIANCE** To allow a youth entertainment center. GRANTED: June 2006

NEW BUSINESS:

APPLICATION:	**#4894**
APPLICANT:	**Eliah Eitvydas**
ADDRESS:	**137 Collins Street**
ZONE:	**T, Two-Family**

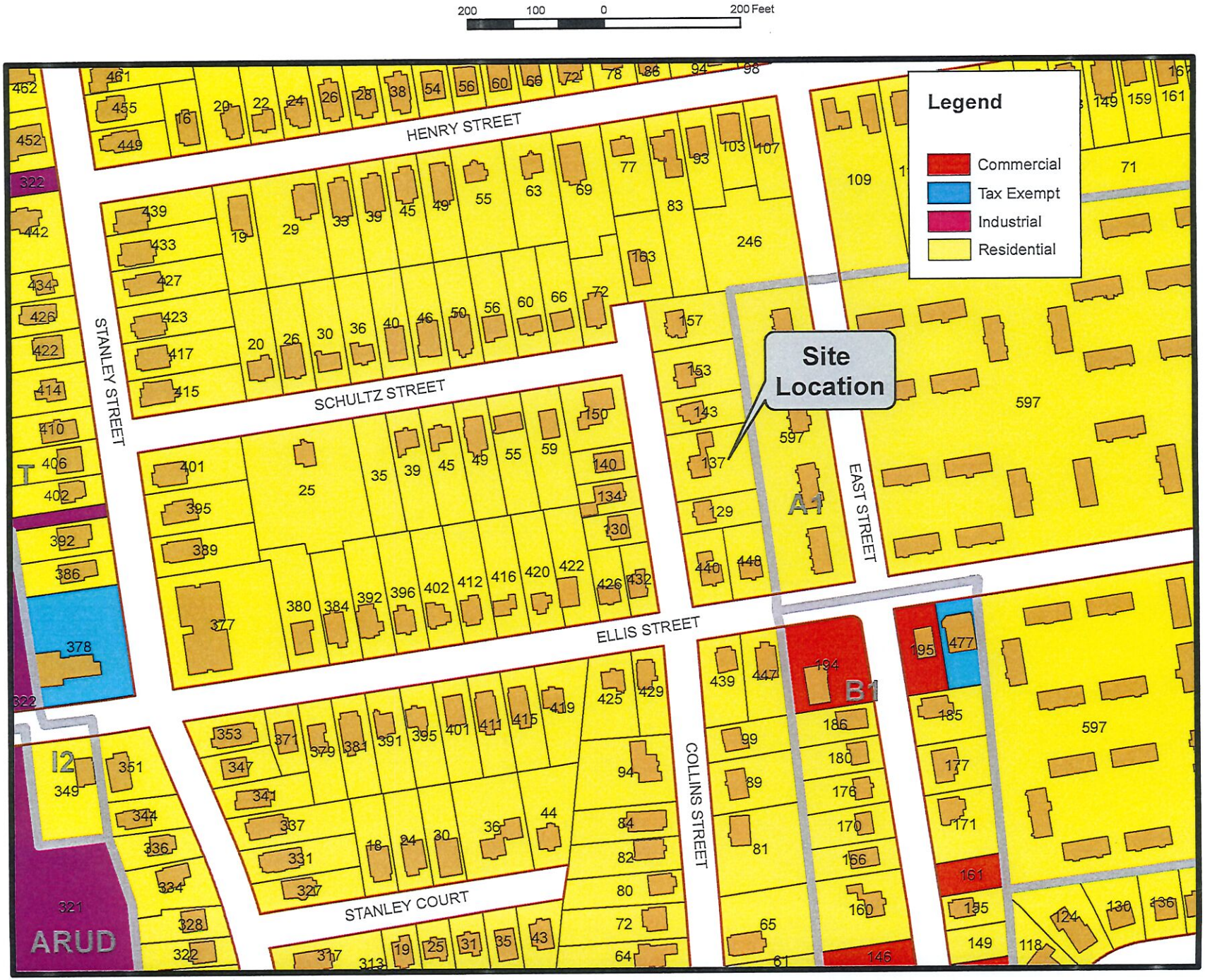
BACKGROUND: The applicant is requesting a variance to Section 230-110.10, schedule of permitted fences and walls, in order to allow an 8-foot privacy fence at the rear of his property. The subject property is located on the eastern side of Collins Street, a short distance north of the Ellis Street. The area is zoned T, Two-Family.

FINDINGS: Section 230-110.10 allows a maximum fence height of 6 feet along the rear lot line of a residential property. In this case, the applicant indicates that a 6-foot high fence would be inadequate to give his yard reasonable screening and privacy from the parking lot and apartment buildings in the Evergreen Apartments (formerly Sunvale Manor) that abuts to the east of his property.

He is requesting permission to install an 8 foot high fence along his rear property line. He claims there is an inherent hardship related to the topography, in that his rear portion of his yard slopes approximately 4 feet to the apartments' rear yard parking lot and he would like to better screen his view of the parking lot and apartments. He also suggests that there are problems of noise and litter from the adjoining property that the higher fence would help alleviate.

CONCLUSION: The rear yard of this property does drop from an elevation of approximately 106 feet above sea level at the back of the house, to less than 102 feet at the rear property line and a 6 foot fence would appear to be less than complete screening for most of the yard. The proposed fence would at least 50 feet from the nearest apartment building and would significantly impact tenants there.

RECOMMENDATION: The City Plan Commission recognizes the desire to have reasonable privacy within one's backyard and, therefore, has no objections to the granting of the requested variance.



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

137 Collins Street
Application # 4894

Date : Oct 29, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4894 137 Collins Street		
134 Collins Street	#2477	**VARIANCES** To side and rear yard requirements to allow the construction of a garage. GRANTED: February 1978

APPLICATION:	**#4895**
APPLICANT:	**Brandy Irisarry**
ADDRESS:	**1360 East Street**
ZONE:	**TOD-ES 1, Transit Oriented Design - East Street, Primary**

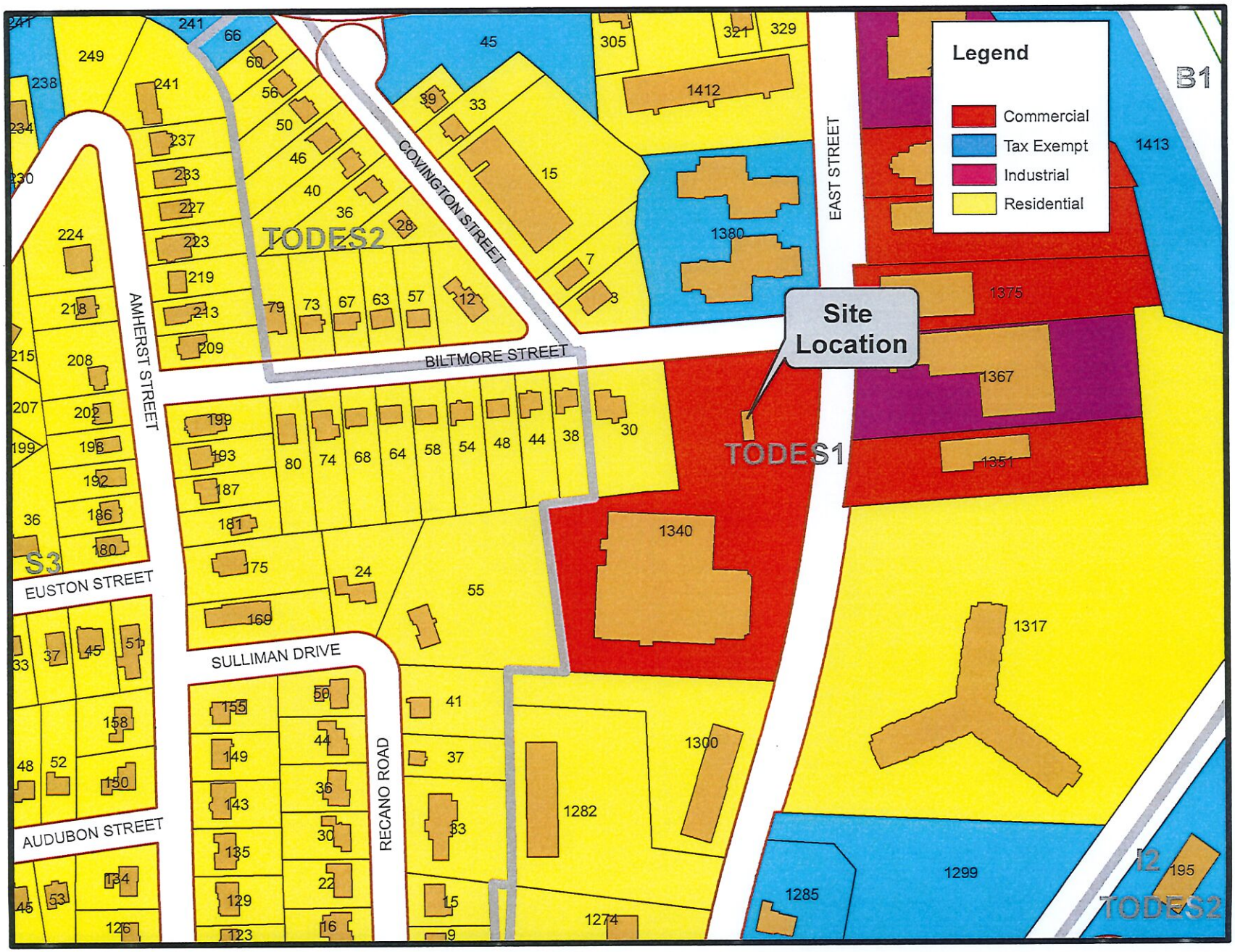
BACKGROUND: The applicant is requesting a special exception pursuant to Section 218-20-30, in order to allow a grocery beer permit at a small convenience store known as the "1360 Mini Market" located at the southeast corner of East and Biltmore Streets. The area is zoned TOD-ES 1, Transit Oriented Design - East Street, Primary, in which alcohol sales may be permissible by special exception subject to meeting certain conditions of approval.

FINDINGS: Section 218-20-30 allows alcohol permits in the TOD-ES 1 zoning district by special exception, provided that the specific conditions and safeguards of Section 270-40-40.10 are met. Most common issues relate to the subsection 270-40-40.10.50 restrictions requiring permit locations to be at least 500 feet away from any residential districts, school or religious institution. While there are no schools or places of worship in the immediate vicinity, there is an S-3, Single-Family zoning district located within 240 feet on Biltmore Street and a portion of the subject property, in fact, abut residentially zoned properties.

Additionally, subsection 270-40-40.10.10 requires that an alcohol permit location must be at least 1,500 feet from the entrance of any other liquor permit location, "...except under a special exception granted by the Zoning Board of Appeals". This subsection is interpreted as allowing the Zoning Board of Appeals the discretion to evaluate conditions and to deny permits in locations where a new permit might be detrimental to already established businesses or where an oversaturation of permit locations might create an undesirable character for an area. Relative to this, there are several existing permits in the vicinity, including nearby restaurant liquor permits at Elmer's Place, "The Hive" and a package store permit at Central Wine and Spirits located across the street approximately 300 feet away.

CONCLUSION: As explained above, the property does not meet the restrictions of subsection 270-40-40.10.50 regarding the 500 foot distancing from residentially zoned property properties. Also, giving consideration under subsection 270-40-40.10.10 to the number of other permit locations nearby, particularly the nearby package store, it would seem that added beer sales is not a needed convenience in this general area. The neighborhoods surrounding CCSU have long experienced problems related to access and availability of alcohol and the City has tried to be cautious in restricting the number of permit locations near the university.

RECOMMENDATION: The City Plan Commission notes that the location does not meet the 500 foot distancing requirement of subsection 270-40-40.10.50 and is of the opinion that added alcohol sales would potentially be detrimental to the area. Therefore, the Commission is opposed to the granting of this special exception.



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

1360 East Street
Application # 4895

Date : Oct 29, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4895 1360 East Street		
1317 East Street	#3517	**VARIANCE** To allow the placement of an identification sign on a property zoned A-3. GRANTED: September 1992
1317 East Street	#3992	**VARIANCE** To allow the installation of an 8-foot high security fence around the rear parking area. GRANTED: September 2002
1385 East Street	#4758	**VARIANCE** To replace an existing advertising billboard with an electronic LED billboard face. GRANTED: March 2017
1375 East Street	#4801	**VARIANCE** To allow a portion of the parking for restaurant/night club. GRANTED: May 2018
1340 East Street	#4872	**VARIANCES** In order to allow a small pet crematory and funeral services. GRANTED: January 2020
1375 East Street	#4892	**VARIANCE** In order to permit signage within 20 feet of a property line. GRANTED: September 2020

APPLICATION: #4896
APPLICANT: David Olson for Beloved Companions, LLC
ADDRESS: 155 John Downey Drive
ZONE: I-1, Industrial Park

BACKGROUND: The applicant is requesting variances to Section 190-10, permitted uses, in the I-1, Industrial Park zone and to Section 220-10-480 prohibited uses, in order to allow a small pet crematory and funeral services. The subject property is located the eastern side of John Downey Drive between South Street and Precision Court.

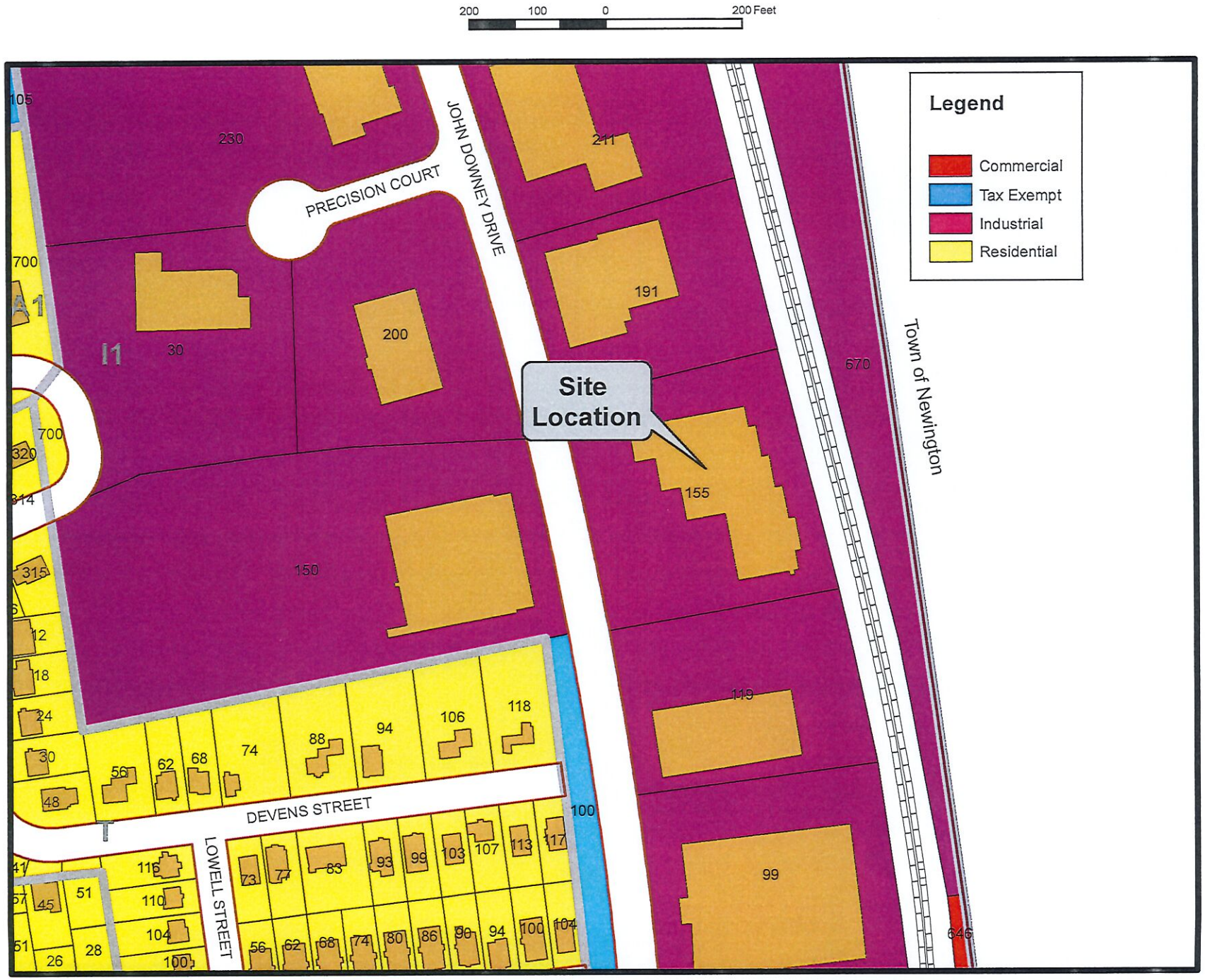
FINDINGS: The subject property is the site is approximately 3 acres in area and occupied by a 33,500 square foot former manufacturing building now subdivided into five (5) tenant spaces. The four larger spaces are occupied by a couple of small light manufacturing operations, a fitness and martial arts facility and a small portion of the Lincoln Institute vocational school. The applicant operates a pet funeral service and is seeking to lease a relatively small vacant business space near the southern end of the building. The proposed small pet crematorium is a type of use that is not specifically permitted in any zoning district in the city. Among the specified uses prohibited in under Section 220-10, Section 220-10-480 specifically prohibits any "Incinerator for the reduction of dead animals."

The pet funeral and crematory service business is a growing business type that has developed considerably over the past decade, as more people seek the service for their deceased pets. The applicant indicates that the space is well suited to his business and that the operation will comply with all applicable State DEEP and DPH restrictions regarding emissions and handling of deceased animals and that it will not generate significant traffic, interfere with the other businesses, nor alter the outward character of the property.

The applicant's hardship claim, is two-fold; first, that the proposed location is a relatively small business space that has been vacant and is not readily marketable for conforming I-1 business use; and, secondly, that the City's zoning is somewhat out-of-date in not addressing pet cremation as valid and needed service.

CONCLUSION: The proposed pet crematory would appear to be a reasonably compatible and innocuous addition to the property. The nonconforming cabinet operation is well-established and stable, the leasing of the small 4,500 square foot space for the proposed crematory operation would not interfere with the established business or change the character of the property.

RECOMMENDATION: 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 City Plan Commission therefore has no objections to the granting of this variance, subject to the applicant complying with all applicable State DEEP and Department of Health requirements.



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

155 John Downey Dr
Application # 4896

Date : Oct 29, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4896 155 John Downey Drive		
119 John Downey Drive	#2808	**VARIANCE** To allow the construction of an accessory structure. GRANTED: August 1998
200 John Downey Drive	#4070	**VARIANCE** To allow a second free-standing business identification sign on a property. WITHDRAWN: February 2004
155 John Downey Drive	#4592	**VARIANCE** To allow the operation of a small church. DENIED: May 2012

APPLICATION: #4897
APPLICANT: John T. Hawkins, IV
ADDRESS: 19 Kilbourne Avenue
ZONE: S-2, Single-Family

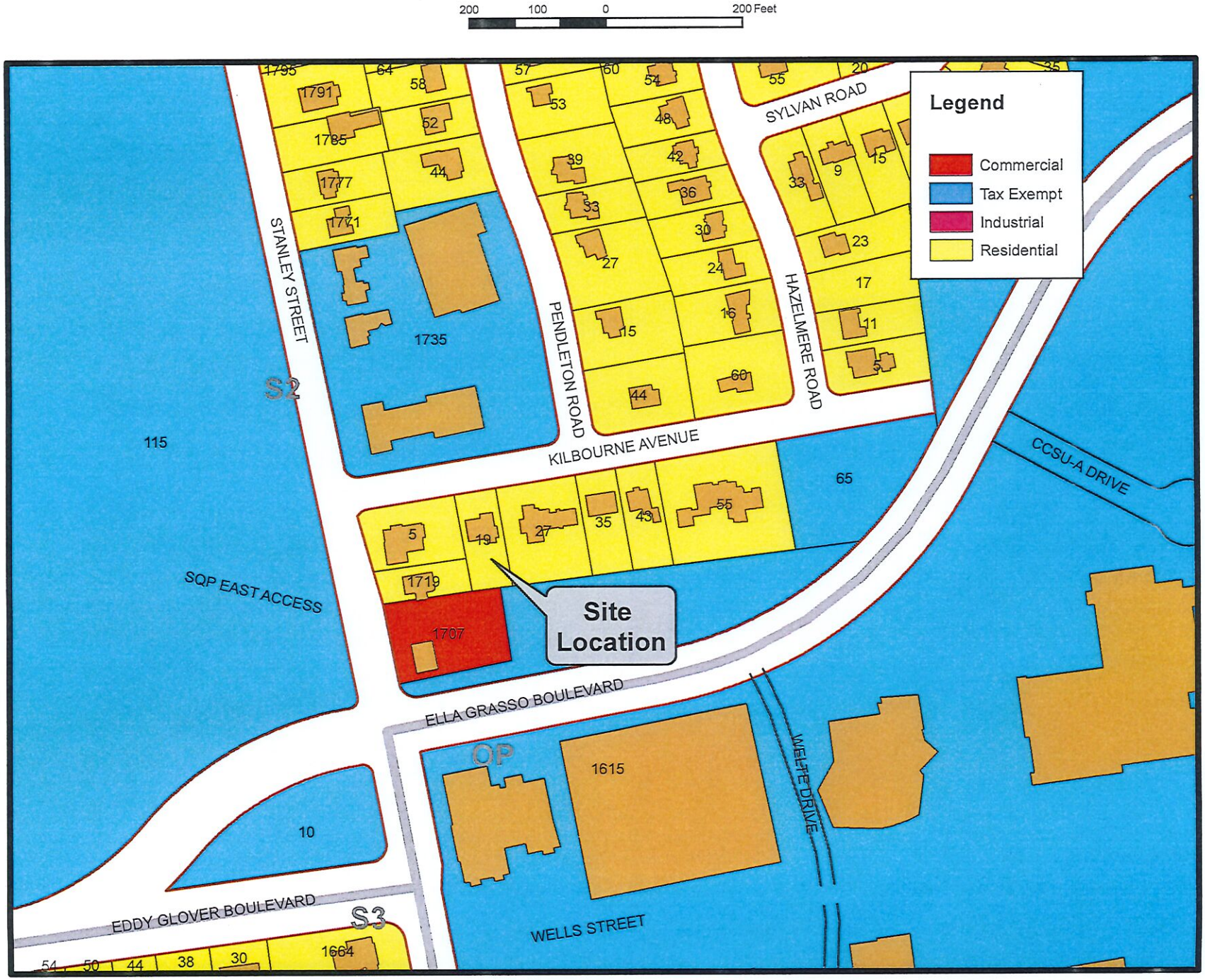
BACKGROUND: The applicant is requesting a variance to Sections 70-40-70.01, required front yard and 230-40-10, which requires front yard areas to be clear of all structures including overhanging porch roofs. The subject property is an existing single-family house, situated on the southern side of Kilbourne Avenue, a short distance east of Stanley Street. The area is zoned S-2, Single-Family.

FINDINGS: The S-2 zone requires a 35 foot minimum front yard setback. The applicant's submitted plans show the existing home that was originally constructed around 1949 with the attached garage conforming to the required 35 foot setback and the remainder of the house set back an additional 6.5 feet. The applicant recently hired a contractor to construct a 20 foot wide, by 12 foot covered porch to the front of the house. The result of this work is that the 12 foot porch extends approximately 5.5 feet into the required 35 foot front yard setback.

The applicant indicates that this was the contractor's responsibility in obtaining the building permit and that there was apparently some misrepresentation in his submission or misunderstanding on the part of the building officials when the permit was issued. He claims that the porch is enhancement to the property and not a detriment to the neighborhood and that it would be a hardship for him to have to have it removed at this point.

CONCLUSION: The 5.5 foot front yard encroachment is not especially noticeable on this property and the porch does appear to be an improvement to the appearance of the house, which previously had a fairly plain looking front. Notwithstanding the actions of the applicant's contractor, it appears that city officials are at least in part to blame in issuing a permit for the porch addition.

RECOMMENDATION: The City Plan Commission is of the opinion that the 5.5 foot encroachment is not a detriment to the appearance of the property or to the character of the neighborhood. Given the circumstances surrounding the permitting of the porch and provided this is kept as an open space unenclosed space with walls or windows, the Commission has no objections to the granting of this variance.



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

19 Kilbourne Ave
Application # 4897

Date : Oct 29, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4897 19 Kilbourne Avenue		
1719 Stanley Street	#2936	**VARIANCES** To lot width and lot area to allow the construction of a house. GRANTED: July 1985
1707 Stanley Street	#3270	**VARIANCE** To front yard setback requirements in the S-2 zone to allow the installation of a canopy over self-service gas pumps. GRANTED: April 1989

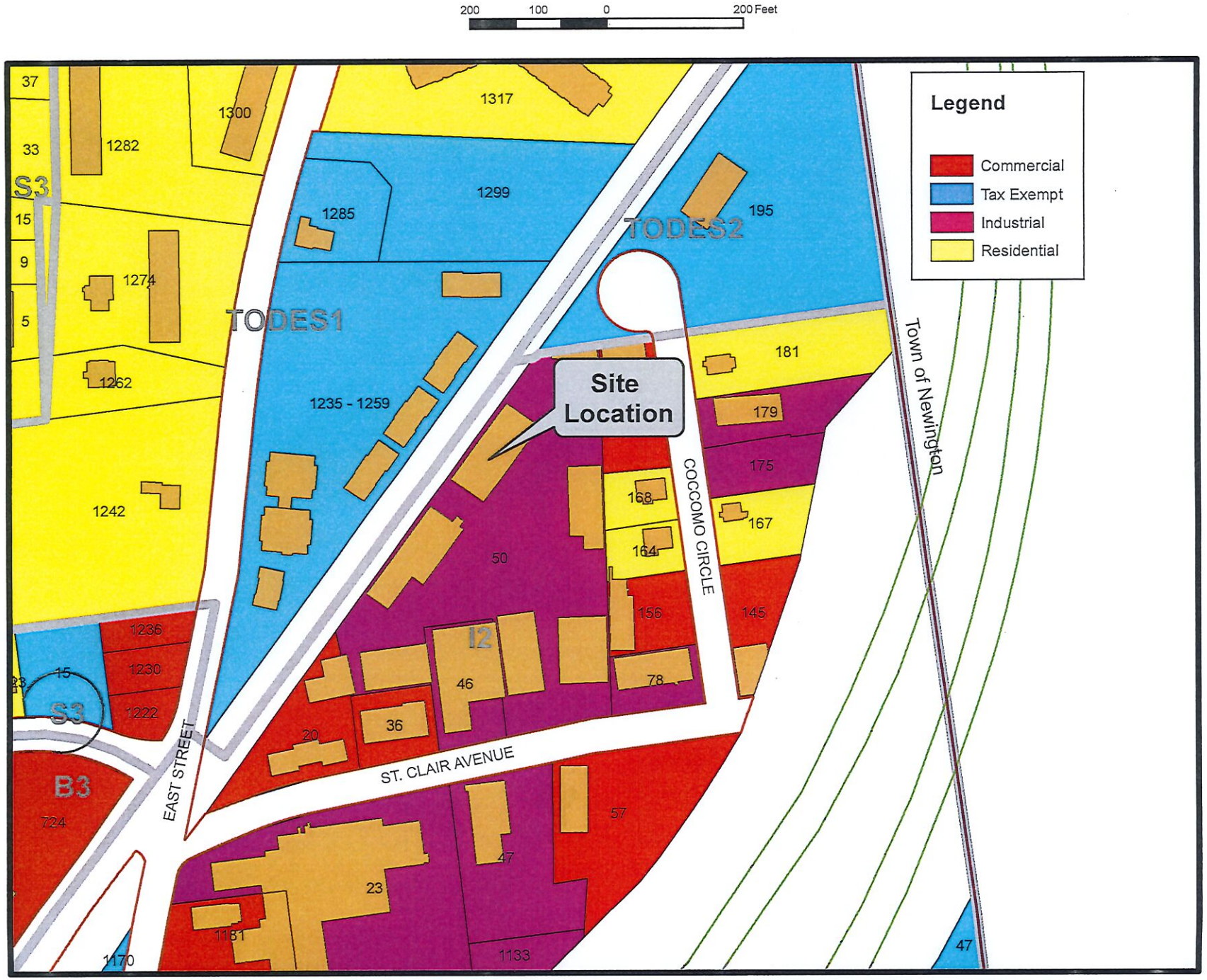
APPLICATION:	**#4898**
APPLICANT:	**Denyz Alvarez**
ADDRESS:	**60 Saint Clair Avenue**
ZONE:	**I-2, General Industry**

BACKGROUND: The applicant is requesting special exception approval pursuant to Section 200-20-130, to allow motor vehicle repairs. The subject location is a small leased space in a complex of small industrial buildings located on the north side of St. Clair Avenue, between East Street and Coccomo Circle. The area is zoned I-2, General Industry, in which motor vehicle dealers and general repairers may be permitted by special exception.

FINDINGS: The subject property is approximately 3.1 acres in area and occupied by seven buildings with combined floor areas totaling approximately 45,000 square feet, housing several small machine shops, at least two other auto repair and/or sales locations and a recycler of household appliances. The site is also a mix of accessory parking and outdoor storage. The applicant's submitted plans show that the proposed business location would occupy a 2,500 square foot portion of a small building at the rear, northwestern corner of the lot. The plan shows a single bay garage with 4 parking spaces at the front of the building and fenced area measuring roughly 45 by 80 feet in area where 8 or more vehicles may be parked or stored.

CONCLUSION: The Section 270-40-40.35 special exception requirements for allowing repair garages are that the site be at least 15,000 square feet in area, not abutting a residential zone, nor have any outside work or unscreened storage of parts or wrecked vehicles. These standards were drafted presuming a more typical arrangement of a stand-alone business on a single property and the lease area would fall far below the 15,000 square foot area normally required. Notwithstanding this, the overall site does nominally meet the specified requirements and the applicant indicates his confidence in being able to advertise and do business with word-of-mouth and internet advertising, despite the remote location at the rear of a cluttered site containing multiple businesses. The City Plan Commission has in the past voiced concerns about the suitability for the property for auto-related uses, more often for cases in which auto sales were a major component of the business. In this situation, auto repairs would not seem likely to adversely affect the character of the property or interfere with other operations.

RECOMMENDATION: While the City Plan Commission is of the opinion that this site is less than an ideal setting for any business, it recognizes that the auto repair is a permissible use in the I-2 zone, that suitable sites are presently difficult to find in the City and that the property is presently licensed for these uses in the past. The Commission therefore has no objections to the granting of this special exception, provided that the business is limited to repairs within the lease space as shown and there is no outside work done and no unscreened storage of parts or damaged vehicles.



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

60 St Clair Ave
Application # 4898

Date : Oct 29, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4898
60 Saint Clair Avenue

36 Saint Clair Avenue	#3049	**CERTIFICATION OF LOCATION APPROVAL** To allow a general repairer's license and used car dealership at this location. GRANTED: January 1987
57 Saint Clair Avenue	#3613	**SPECIAL EXCEPTION** To allow the erection of an outdoor advertising billboard. DENIED: August 1994
47 Saint Clair Avenue	#4477	**VARIANCE** To allow a place of worship to occupy a portion of an existing industrial building. GRANTED: July 2009
1375 East Street	#4892	**VARIANCE** In order to permit signage within 20 feet of a property line. GRANTED: September 2020

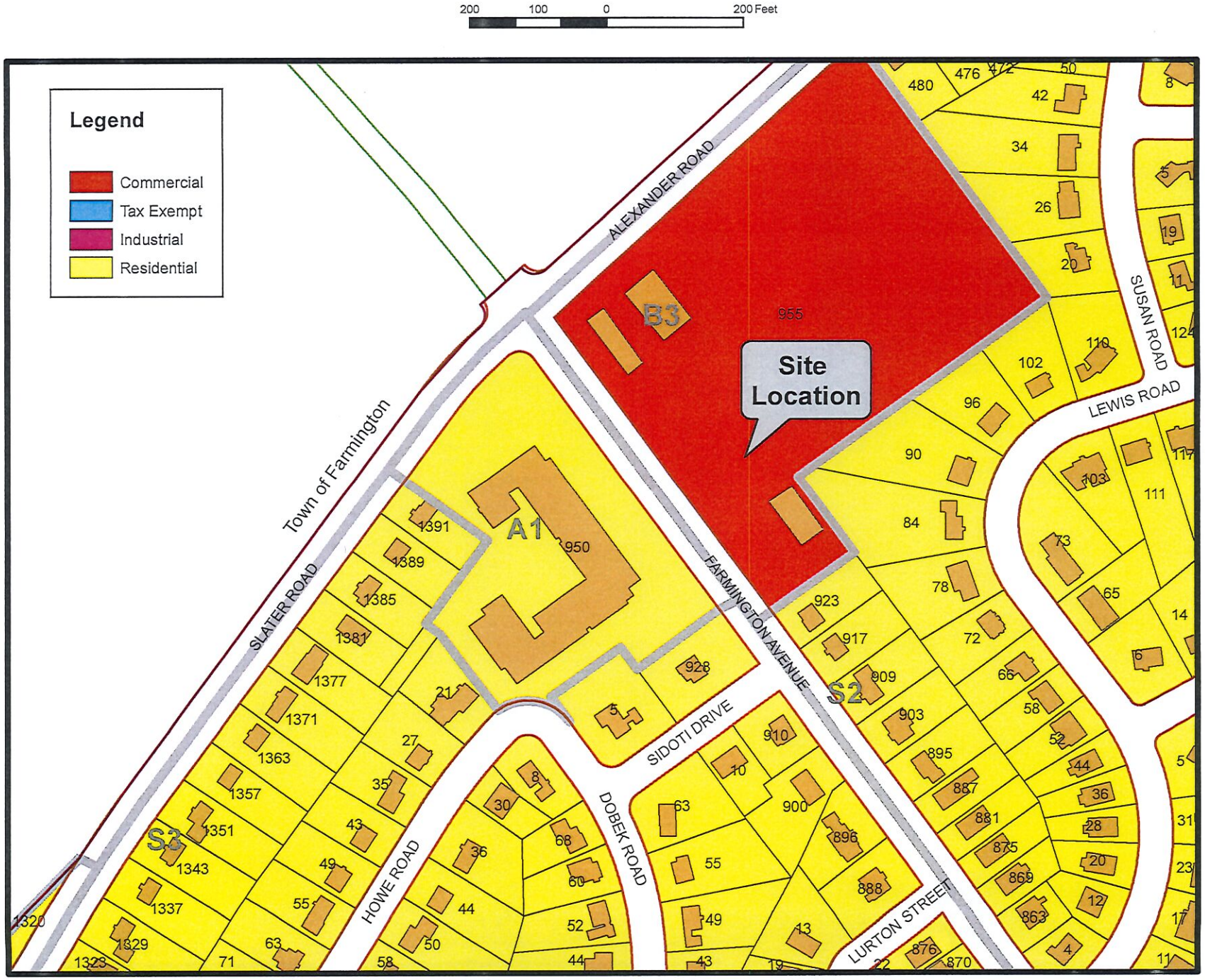
APPLICATION: #4899
APPLICANT: Michael Frisbie
ADDRESS: 965 Farmington Avenue
ZONE: B-3, Secondary Business

BACKGROUND: The applicant is requesting a special exception pursuant to Section 160-20-125, in order to allow an automatic carwash. The subject site is a .95 acre portion of the property near the northeast corner of Farmington Avenue and Alexander Road, between the Noble fuel station and Frisbie's Dairy Bar. The property is zoned B-3, Secondary Business, in which car washes may be permitted subject to the special conditions and safeguards of Sections 270-40-30 and 270-40-40-125.

FINDINGS: The applicant's plans depict the proposed site, which is planned eventually to be subdivided from the larger property. It is approximately 175 feet in width, 41,000 square feet in area and would use the two driveways shared with the two existing businesses. The subject carwash building would be a little over 2,300 square feet in area, situated to the northern side of the parcel. There would be two queuing lanes, approximately 250 feet in length accessing the automated carwash building, with two automated payment kiosks. There are ten (10) exterior vacuum spaces shown along with 5 standard parking spaces and 6 EV charging spaces. There would be a landscaped front yard area of approximately 20 feet in depth from the sidewalk.

CONCLUSION: The special requirements for approval of the special exception for carwashes under Section 270-40-40.125 are that the site be at least 10,000 square feet in area and have at least 150 feet of frontage on a public street; that and at sufficient queuing space for at least three vehicles accessing the carwash. The applicant's plans document compliance with all applicable specific conditions and safeguards related to the approval of a gasoline station by special exception. The general conditions under Section 270-40-30 required to be met are more qualitative and discretionary relative to the Board's determination that the use is appropriate to the site and consistent and conducive to the development and use around it. The City Plan Commission is of the opinion that a carwash is not the highest and best use for this important, high-visibility "gateway location" and would be a detriment to the appearance and character this portion of the Farmington Avenue corridor. The Commission believes such uses should be relegated to less prominent industrial and commercial locations.

RECOMMENDATION: From the initial zone change in 2013, the City Plan Commission has expressed concern over the use and appearance of this high visibility, "gateway" location, the Commission reviewed and supported the original concept plan with the gasoline station, notwithstanding some serious concerns with the appearance and character of the auto-related usage at this prominent corner. The Commission is of the opinion that an automated carwash is not an appropriate or desirable use for this location and the proposal is not consistent with the goals and policies of the City's Plan of Conservation and Development. For these reasons, the Commission recommends that this special exception be denied.



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

965 Farmington Ave
Application # 4899

Date : Oct 29, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4899
965 Farmington Avenue

950 Farmington Avenue	#4217	**VARIANCE** To expand a nonconforming apartment building and to realign parking spaces. GRANTED: November 2005
955-975 Farmington Avenue	#4667	**SPECIAL EXCEPTION** To allow development of a retail gasoline station and convenience store. GRANTED: March 2014
955-975 Farmington Avenue	#4668	**SPECIAL EXCEPTION** To allow the construction of an assisted-living facility. GRANTED: March 2014