

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, SEPTEMBER 24, 2020
6:00 p.m.

AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES: August 20, 2020 Regular Meeting
- 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

- 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)

- OTHER NEW BUSINESS
- ADJOURNMENT

Next Meeting: Thursday, November 19, 2020 @ 6:00 p.m.

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> **MINUTES - Regular Meeting** August 20, 2020 Page One

Members Present:

Jerrell Hargraves, Vice Chairman Paul Catanzaro Roman Nowak

Mario Santos, Alternate Nicole Bosco, Alternate

Staff Present:

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

CALL TO ORDER: 1.

Vice Chairman Jerrell Hargraves called the meeting to order at 6:02 p.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.

APPROVAL OF MINUTES: JULY 16, 2020, REGULAR MEETING 3.

ACTION: A motion to approve the minutes of the July 16, 2020 Regular Meeting was made by Commissioner Catanzaro and seconded by Commissioner Santos. The motion passed by unanimous vote.

4. **NEW BUSINESS**

A. PUBLIC HEARING AND DISCUSSION:

#4885: Mei Qin Lin - 230 Oak Street

#4886: Regina Wlodkowski for Remark Insurance Agency - 175 Burritt Street

#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

OTHER NEW BUSINESS 5.

There was no other new business.

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting August 20, 2020 Page Two

6. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Hargraves, seconded by Commissioner Santos, and unanimously approved, the time being 6:33 p.m.

Respectfully submitted,

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4885 August 20, 2020

Mei Qin Lin is requesting special exception approval pursuant to Section 145-20-80, to allow the establishment of a small grocery market in a B-1R, Neighborhood Business Revitalization zone at 230 Oak Street. Zone: B-1R

Members Present:

Jerrell Hargraves, Vice Chairman Paul Catanzaro Roman Nowak Mario Santos, Alternate Nicole Bosco, Alternate

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

The applicant indicates that the vacant building and on-site parking is well-suited to their proposed market. Identical applications for this property were previously approved by the Zoning Board of Appeals, Application #4805 in August 2018 and #4848 in July 2019, but in both instances, approvals lapsed when the applicant was not able to obtain building permits and begin work within the 180 day timeframe.

Mr. Schiller summarized the favorable staff report stating the City Plan Commission is of the opinion that the property is adequately suited for a grocery market and that the store would be a compatible use for the area. The Commission, therefore, has no objections to the approval of this special exception.

The Engineering Department had the following comment on this application:

 Confirmation of required/provided parking should be addressed. The additional parking spaces depicted on the "Updated Parking Lot" plan do not comply with minimum aisle width for two-way traffic. A Site Plan application will need to be submitted for review if any parking modifications are proposed.

The Building Department offered a positive recommendation to the granting of a special exception.

Speaking in favor: Mei Qin Lin & Wei Lin, 91 Englewood Avenue, West Hartford, CT

<u>ACTION</u>: A motion to approve Application #4885 was made by Commissioner Nowak and seconded by Commissioner Catanzaro. The motion passed by unanimous vote.

APPLICATION #4885 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4886 August 20, 2020

Regina Wlodkowski for Remark Insurance Agency, LLC is requesting variances to Sections 110-30-70 and 250, regarding permitted signs in residential zoning districts at 175 Burritt Street. Zone: A-2

Members Present:

Jerrell Hargraves, Vice Chairman Paul Catanzaro Roman Nowak Mario Santos, Alternate Nicole Bosco, Alternate

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

The subject property is the former Brothers Two Restaurant situated on the northeastern corner of Burritt Street and Myrtle Street. The property was previously granted variances for use and parking in October 2019, Application #4859, allowing conversion of the nonconforming restaurant into an insurance office.

Mr. Schiller summarized the favorable staff report stating the City Plan Commission has no objections to the granting of the requested variances, subject to the applicant being required to develop and submit more detailed, professional quality signage plans for review and approval by the City Planning staff, with the wall sign limited to the size shown and the window signage limited to not more than 15% of each window area, not more than 1 foot in height across the full width of each window, and all suitably coordinated as to color size and appearance.

The Engineering Department had the following comment on this application:

1. Any change of use will require conforming parking.

The Building Department offered a positive recommendation to the granting of these variances.

Speaking in favor: Regina Wlodkowski, 248 Washington Street, New Britain

<u>ACTION</u>: A motion to approve Application #4886 was made by Commissioner Catanzaro and seconded by Commissioner Santos. The motion passed by unanimous vote.

APPLICATION #4886 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4887 & 4888 August 20, 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 Mario Santos, Alternate Nicole Bosco, Alternate

Mr. Schiller noted he received an email from the applicant stating the notice sign was not posted as required and he requested the matter be postponed without prejudice.

<u>ACTION</u>: A motion to postpone Applications #4887 & #4888 without prejudice was made by Commissioner Catanzaro and seconded by Commissioner Bosco. The motion passed by unanimous vote.

APPLICATIONS #4887 & #4888 WERE POSTPONED WITHOUT PREJUDICE BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman



ZONING BOARD OF APPEALS

City Plan Commission Report ZBA Hearing Date: September 24, 2020

OLD BUSINESS

Applications #4887 & #4888

234, 240 Newington

Avenue/18 Charles

Street

NEW BUSINESS

Application #4889 57 Murray Street

Application #4890 446-450 South Main Street

Application #4891 670 Stanley Street

Application #4892 1375 East Street

Application #4893
1 ACMAT PLAZA (233
Main Street)

City of New Britain

Zoning Board of

Appeals

Meeting Room 201

6:00 p.m.

OLD BUSINESS

APPLICATION:

#4887 and #4888

APPLICANT:

Noble Energy Real Estate Holdings, LLC

ADDRESS:

234, 240 Newington Avenue; 18 Charles Street

ZONE:

B-3, Secondary Business

BACKGROUND: The applicant 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. Also associated with this special exception is variance Application #4887, a request for variances of Section 270-40-40.120.20, which restricts fueling stations within 200 feet of a public playground, Section 270-40-40.120.30, which restricts new fueling stations within a 1,000 foot radius of another fueling station, and Section 270-40-40.120.100, which requires there be at least 2 stacking spaces behind the each fueling station.

The subject site consists of three parcels located on the northern side of Newington Avenue between Charles and Childs Streets, which, combined, total just over 1.3 acres. 234 Newington Avenue is at the corner of Newington Avenue and Childs Street and is currently occupied by an existing 2,000 square foot Dunkin' Donuts restaurant with a drive-thru lane exiting onto Childs Street. 240 Newington Avenue is an irregular shaped piece occupied by a two-level structure. For many years the building was the Log Cabin restaurant, but in more recent years it has been used for a church and a catering business. 18 Charles Street is another small parcel, vacant except for parking the accessory to the uses at 240 Newington Avenue. The properties are zoned B-3, Secondary Business and the applicant is seeking to merge them all, demolish the existing structures and develop the site for a modern combination gasoline station, Dunkin' Donuts and convenience store.

FINDINGS: The applicant's plans depict the 1.32 acre combined site with a proposed 4,300 square foot gasoline station/convenience store situated on the northern half of the property with the 8 fuel pump islands and 6,600 square foot canopy situated towards the front of the lot, nearer to Newington Avenue. Approximately one quarter of the retail building floor area would be occupied by the Dunkin' Donuts restaurant and there would be drive-thru lane with a menu, order board and pick-up window running around the backside of the building. The drive-thru lane would have stacking space for at least 5 vehicles as well as a by-pass lane. The site plans show a total of 29 parking spaces, which meets the requirement of parking for the convenience store and restaurant floor area. There are a total of 16 fuel pumps arranged in groupings of 4 under the canopy structure. The canopy and pump locations are proposed to be set back approximately 40 feet and parallel to the front lot line along Newington Avenue.

There are several specific condition requirements for approval of the special exception for fueling stations under Section 270-40-40.120. They include that the site be at least 15,000 square feet in area and have at least 150 feet of frontage on a public street;

that it is at least 200 feet from any school, playground, library, hospital, etc.; that it is at least 1,000 feet from any existing gasoline station or repair garage; that the pumps are at least 15 feet from the street right-of-way; that curbs shall be constructed so as to channel traffic safely to the entrance and exit driveways and that the site be paved and have appropriate drainage.

The plans submitted appear to comply with all applicable requirements, except for the three variances requested - Section 270-40-40.120.20, restricting fueling stations within 200 feet of a public playground, Section 270-40-40.120.30, restricting new fueling stations within a 1,000 foot radius of another fueling station, and Section 270-40-40.120.100, which requires at least 2 stacking spaces behind each fueling station. Chesley Park is located on the opposite corner of the Newington Avenue – John Downey Drive intersection, approximately 90 feet property line to property line. The nearest activity portions of the park are basketball courts approximately 130 feet away from the proposed fueling station, the playground area is further south another 120 feet or so. The nearest existing fueling station is an Irving gasoline station, located on the northwest corner of Newington Avenue and Market street, approximately 660 feet to the west. The fuel island has a total of sixteen (16) dispensing locations with sufficient bypass aisles, but no real stacking space behind the pump location.

The applicant hardship claims regarding these safeguards are essentially that the site and location are well-suited to the use and that the properties are not reasonably or economically viable to be assembled and converted to any alternative type of business use; that the proposed development would be compatible to the area and a visual enhancement to the area. The applicant also points out that the proximity to the park and to the other fueling station are unavoidable, existing conditions and that the portion of the park nearest the site is not, in fact, a playground portion. In regard to space for vehicle stacking at the fueling pumps, it is noted that stacking might reasonably be desirable at a typical, smaller fueling station, where two or more stacked vehicles waiting in line often result in access driveways or egress ways being blocked. The applicant points out that this proposed layout is a more modern design, that has an ample number of accessible pumps, with spacing that allows vehicles to skirt around and by-pass vehicles that are fueling and, that with this arrangement and number of pumps, there is essentially no waiting and no back-up and that, finally, this is a superior layout in terms of traffic and convenience to the customer.

CONCLUSION: Presently the proposed site is mostly paved parking with the existing buildings and businesses underutilized and not optimally laid out or integrated. The plans, as proposed, with full professionally designed landscaping plans would improve the appearance of the properties and this part of the Newington Avenue corridor entering the city. The applicant has documented compliance with the applicable provisions required for the approval of this special exception, with the exception of the three requested variances. The variances waiving the three specific safeguards would not seem to have any significant adverse effect on the design or on the surrounding area.

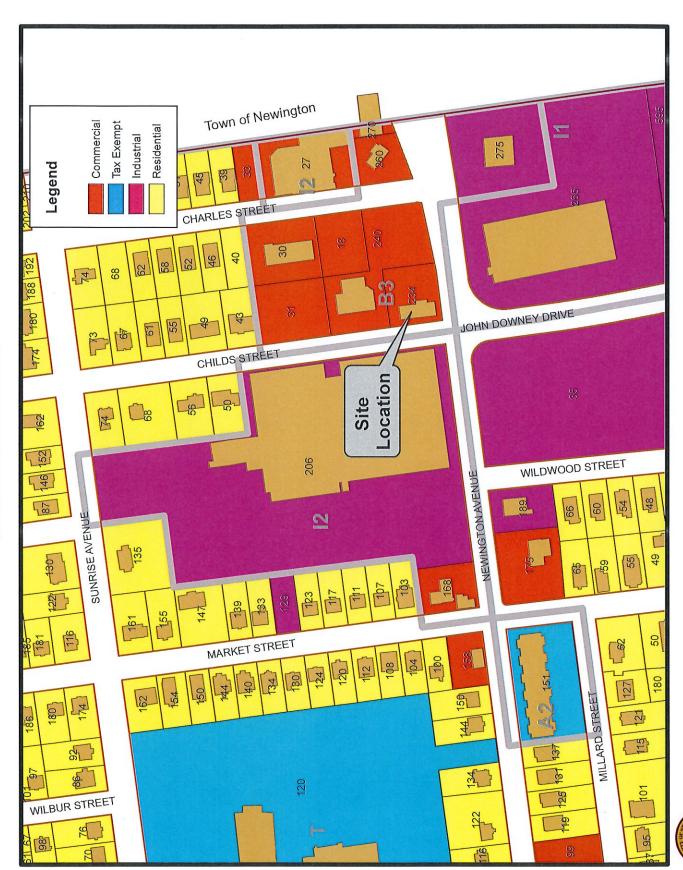
One element of the site design deserving more careful consideration is the proposal for the new access and exit driveways proposed on Newington Avenue at the center of the site. Engineering review suggests that this added driveway might pose traffic problems being located mid-block between two existing traffic lights on a fairly busy traffic arterial. Newington Avenue is also a state route potentially requiring approvals from the State Department of Transportation for the added curb cut.

RECOMMENDATION: The City Plan Commission has identified Newington Avenue as a "gateway" into the city and has emphasized the importance of a well-designed and aesthetically attractive development in this area. The Commission is of the opinion that this is an appropriate and economically feasible use for the site and that, with a high quality design and professional landscaping plan, would present an attractive entrance into the city and be a good convenience for area residents. For these reasons, the Commission recommends approval of the requested variances, Application #4887 and for special exception Application #4888. The City Plan Commission would suggest that approval should be made subject to either removal of the proposed Newington Avenue entrance or at the 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. It should be noted that presuming the variances and special exception approvals are granted, the location will still require approval of the Common Council acting in its capacity as local zoning authority, pursuant to Connecticut General Statutes Section 14-319.

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234 & 240 Newington Avenue/18 Charles Street

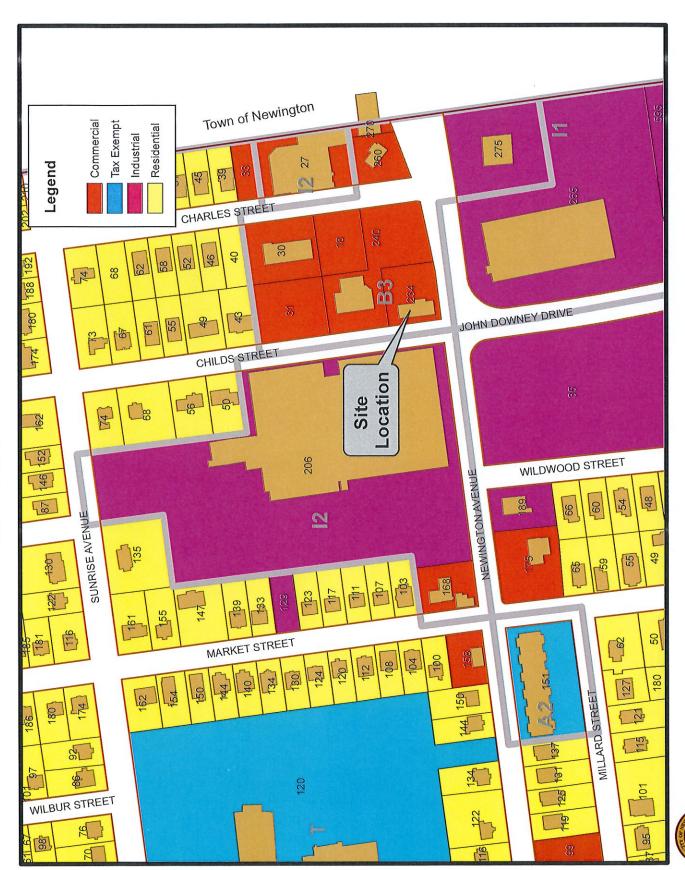
Date : Aug 10, 2020 Drawn By : CTL Checked By : SPS/DR

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

Application # 4887

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234 & 240 Newington Avenue/18 Charles Street Application # 4888



City of New Britain

Date : Aug 10, 2020 Drawn By : CTL Checked By : SPS/DR

Application #4887 & #4888 234, 240 Newington Avenue/18 Charles Street

27 Charles Street	#4157	CERT. OF LOCATION APPROVAL To allow the expansion of a motor vehicle dealer/repairer operation. GRANTED: January 2005
30 Charles Street	#4339	SPECIAL EXCEPTION To allow an alcohol permit for an existing social club. GRANTED: June 2007
275 Newington Avenue	#4784	SPECIAL EXCEPTION To allow a martial arts studio to open in a former bank branch office building. GRANTED: November 2017

NEW BUSINESS

APPLICATION:

#4889

APPLICANT:

Thomas Eric Buckley, Jr.

ADDRESS:

57 Murray Street

ZONE:

T, Two-Family

BACKGROUND: The applicant 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. The subject property is located on the northern side of Murray Street at the western end of the culde-sac street.

FINDINGS: The property is an 8,056 square foot lot, with a 63-foot frontage. The existing wood-frame house was built around 1900, prior to zoning. It is a relatively common style home that is 2-1/2 stories in height with third floor dormers added to the upper-floor attic space, at some point, to accommodate a third dwelling unit. This was a fairly common thing during various times in the city's history and often referred to as an attic conversion. The T zoning district currently allows only single and two-family houses, notwithstanding the fact that in many T-zoned neighborhoods there are many legally non-conforming three-family houses constructed prior to the adoption of our "modern" zoning ordinances in 1967. Although Building Department records show certificates of occupancy for only two dwelling units, City tax records show a total of six bedrooms and three full bathrooms, suggesting that this third floor unit has existed for a number of years.

The T zone requires a total of 3,000 square feet of lot area per dwelling unit and the offstreet parking requirement for residential uses is two (2) parking spaces per unit. The subject property is 8,056 square feet in area, somewhat short of the 9,000 square feet required for a three-unit building. The property currently has a graveled area that is approximately 50 feet in length and 15 to 20 feet in width used for parking near the eastern property line. It would appear adequate to potentially stack three cars in line along the property line, with a fourth space closer to the house. The applicant's submitted plan shows a proposed parking scheme that would add a parking space in the front yard and count two additional on-street spaces, but this is not a workable solution that the City Plan Commission would support.

The applicant's hardship claim is that the third floor fixtures and appliances appear to have been in place and the house has been used as a three-unit building for many years, and, at the time of purchase, it was presumed to be a legally grandfathered condition. He also notes that there are a number of similar three-family homes in nearby areas, many functioning with less than the standard required number of off-street parking spaces.

CONCLUSION: The City Plan Commission acknowledges 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, often several decades ago, to create a third residential unit. Past actions have varied over the years, but often it is determined that the current owner was unaware at the time of purchase and that legalizing the third floor unit would not negatively affect the character of the property or the neighborhood. This determination is usually predicated on finding that the apartment spaces comply with applicable fire and building code and that there is at least reasonable provision of offstreet parking, if not strict compliance with current standards. In this situation, the parking layout depicted proposes a front yard parking space which would be detrimental to the appearance of the property and violate zoning restrictions. A conforming design, with the required six parking spaces in the rear yard appears feasible and would bring the property into closer compliance with zoning.

RECOMMENDATION: For the reasons stated above, the City Plan Commission would recommend against approval of these variances 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.

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Application # 4889 57 Murray Street

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

City of New Britain

Department of Public Works Director - Mark E. Moriarty P.E.

Application #4889 57 Murray Street

7 Forest Street	#4678	VARIANCES To add a second story balcony and stairs over the rear deck of an existing single-family house. POSTPONED: September 2014

APPLICATION: #4890

APPLICANT: Jan Wojas, AIA for Wojas Arch LLC

ADDRESS: 446-450 South Main Street ZONE: B-1, Neighborhood Business

BACKGROUND: The applicant 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. The subject property is located on the eastern side of South Main Street across from the intersection of Brook Street and is zoned B-1, Neighborhood Business.

FINDINGS: The subject property is approximately 1.6 acres in area and is the site of two buildings, both constructed around 1989. The front building is approximately 3,000 square feet in area was originally built as a bank branch office and now used as a dental office. The main plaza building has just over 8,000 square feet in area on the main level and is occupied by a number of small businesses, such as a pizza restaurant, fried chicken restaurant, nail and hair salons and two or more barber shops. There is about a 20 foot difference in elevation from the front of the building to the rear and consequently, the basement level is exposed to the eastern rear of the property, it was originally constructed as storage space with several large overhead garage doors. This basement space has in recent years been leased out and used for two businesses, the sales of and installation of used tires and an auto glass tinting operation. These businesses were apparently started without proper permitting and, aside from the question of zoning, there were also a number of building and fire code problems with these businesses occupying the building.

The current owner is now seeking to bring the building into compliance. The use variance would be necessary because auto-related uses are not allowed in the B-1 zoning district. The applicant's hardship claim is that the variance is necessary to bring these pre-existing businesses into compliance and allow use of this unattractive and otherwise underutilized space.

CONCLUSION: The used tire sales and auto glass tinting operations fall under the category of general automotive related businesses that are not licensed by the state Department of Motor Vehicles. Several years ago the city reviewed and adopted new zoning regulations for all auto-related types of businesses. With this review there was an assessment as to where these businesses were compatible uses and a determination was made that they should be limited to larger sites over 10,000 square feet in area and only allowed by special exception in the I-2 and B-3 zoning districts. Therefore, motorvehicle uses like these are not permissible in a B-1 zoning district. Also it was anticipated that such businesses would generally be permitted as a single business use on a property, not as part of a multi-tenant commercial plaza. In this situation the property is shared with at least six other business spaces. The applicant's plans show the plaza has basically enough parking spaces for the floor area of the existing businesses with

sufficient space, if properly arranged, to accommodate the required parking for the tire sales and glass tinting businesses. The site plan shows a total of 72 conforming parking spaces, one more than calculated to meet the minimum number required. It should be noted that the plans do not depict any trash handling or recycling accommodations in the form of dumpsters or recycling locations for these two businesses and that the outdoor storage of tires here in the past has been cited as a health problem.

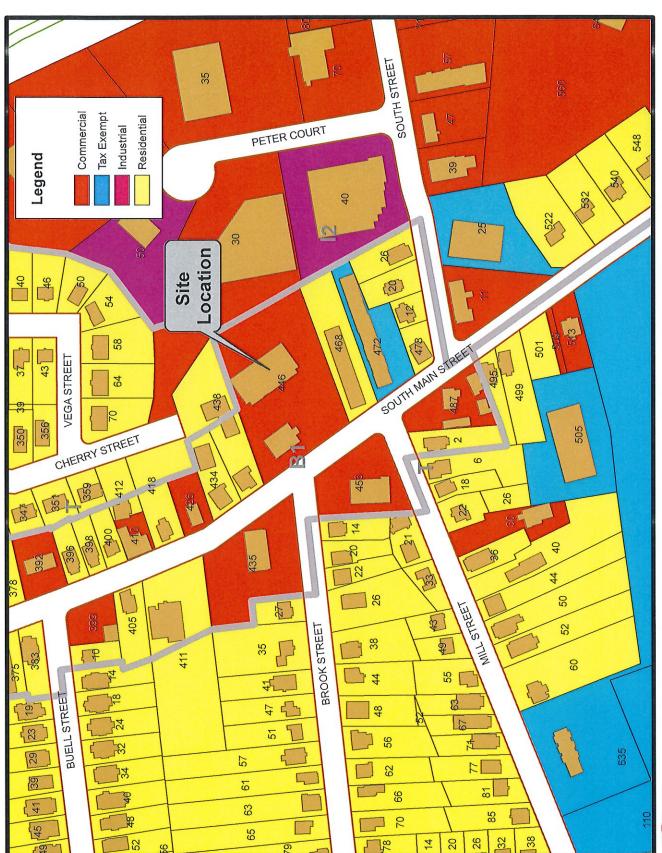
The City Plan Commission has usually urged caution in dealing with auto-related uses like these and is of the opinion that they are seldom a compatible fit with the restaurants, dental and medical offices and other retail and service activities typically found in this type of commercial plaza. The Commission 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 of 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.

RECOMMENDATION: For the reasons stated above, and out of concern that this might set a poor precedent for commercial plazas elsewhere, the City Plan Commission would recommend that this variance be denied.

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Application # 4890

446-450 South Main Street

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



City of New Britain

Department of Public Works Director - Mark E. Moriarty P.E.

Application #4890 446-450 South Main Street

434 South Main Street	#4014	VARIANCE
TOT JOOHT MAIN SHOOT	11 1011	To allow the operation of a small machine sho on a property zoned for neighborhood busine GRANTED: January 2003
30 Peter Court	#4022	VARIANCE To allow a parking lot expansion for an existing industrial facility. GRANTED: February 2003
446 South Main Street	#4173	VARIANCE To allow a second sign on a commercial property. GRANTED: May 2005
446 South Main Street	#4343	SPECIAL EXCEPTION To obtain a package store liquor permit. GRANTED: September 2007
40 South Street	#4483	VARIANCE To allow the establishment of a health and fitness club. GRANTED: September 2009
40 South Street	#4576	VARIANCE To allow the operation of a small church. DENIED: November 2011
40 South Street	#4611	SPECIAL EXCEPTION To allow the operation of a small church. GRANTED: November 2012
453 South Main Street	#4816	VARIANCES To replace and expand the gas pump canop at an existing gasoline station. GRANTED: November 2018

APPLICATION: #4891

APPLICANT: Roslyn Y. Samuel-Crossdale

ADDRESS: 670 Stanley Street
ZONE: 1-2, General Industry

BACKGROUND: The applicant 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. The subject property is located near the southwest corner of Stanley and Chestnut Streets. The subject property, also known as 271 Chestnut Street, is the site of the former Venskunus Funeral Home, which was permitted by variance #3802 in July 1998. The Board previously dismissed, without prejudice, an identical variance request for a church at this location on January 16, 2020, Application #4856.

FINDINGS: The applicant's plans depict the property accessed through two T, two-family zoned properties that border on Stanley Street. The property is approximately 0.8 acres in area, occupied by the 7,000 square foot funeral home building and paved parking for approximately 25 vehicles. The site is in a mixed use transitional area, bordered to the west by the Route 9 corridor, to the north by Chestnut Street, on the east by two T-zoned residential properties and to the south by I-2 zoned properties occupied by a small warehouse and parking and by the former Varpas Club. The applicant offers no real hardship claim, other than suggesting that site is suited to church use and that the church would be compatible and beneficial to the surrounding neighborhood.

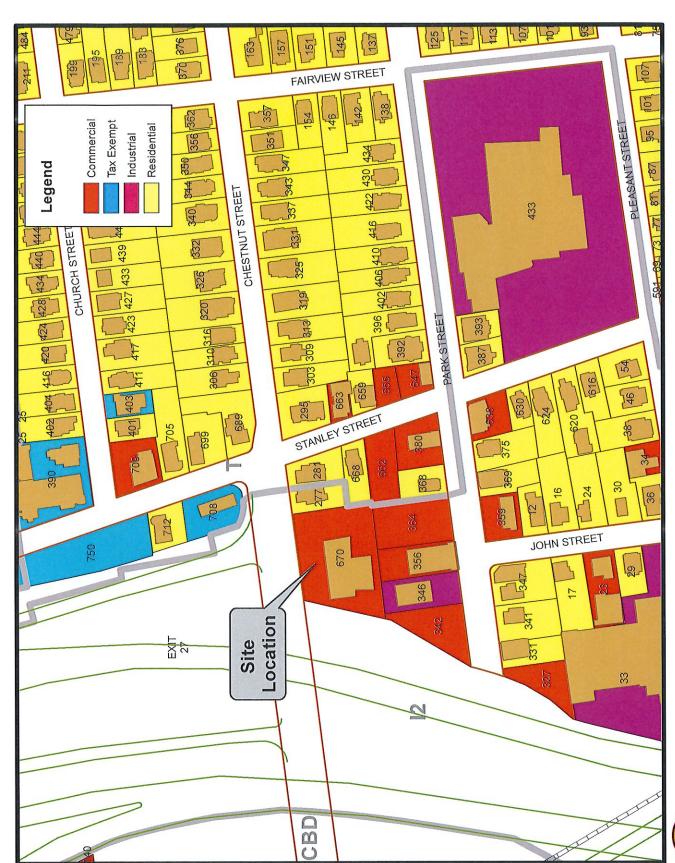
CONCLUSION: While this property is probably well-suited to church use, the City Plan Commission is of the opinion that it would not be the highest and best use for this property. The numerous studies and master plans the Commission has reviewed over the years have consistently noted a shortage of suitably zoned land and buildings in the city, in which to attract and expand businesses to help create jobs and bolster the tax base. Accordingly, the Commission has had a general policy of recommending against variances that would allow non-business use for any industrial or commercially-zoned space.

Additionally, in this case, the applicant has not shown any real valid hardship other than their desire to use the property for a use that it is not zoned for. This is not a legally valid hardship since the property itself presents no real limitation and is adequately suited to almost any conforming business use. Further, there is no hardship on the part of the applicant since the church does not own the property and could logically go and seek another space in any appropriately zoned location.

RECOMMENDATION: As a matter of principle, the City Plan Commission is strongly opposed to use variances to allow industrial or commercially-zoned properties to be used for a non-business uses, especially where there is no valid hardship demonstrated. The Commission, therefore, recommends that this variance be denied.

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City of New Britain

Department of Public Works Director - Mark E. Moriarty P.E.

Application # 4891 670 Stanley Street

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

Application #4891 670 Stanley Street				

APPLICATION:

#4892

APPLICANT:

Amisha Desai 1375 East Street

ADDRESS: ZONE:

TOD-ES 1, Transit-Oriented Development - East Street Primary

BACKGROUND: The applicant 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. The subject property is the former French Model Club located on the eastern side of East Street across from the intersection of Biltmore Street. The area is zoned TOD-ES 1, Transit-Oriented Development - East Street, Primary. The site was previously granted a variance, Application #4801 in May 2018, relating to parking, in order to allow conversion of the French Model social club into a restaurant and banquet hall.

FINDINGS: Section 250-30-20.50 restricts the maximum detached pole sign size to an area of 32 square feet per side. The applicant's submitted plans show the proposed pole mounted signage consisting of two separate signs, a rectangular 9 feet by 2.3 foot, internally lit sign, totaling 20.7 square feet in area, reading "The Grand Allure Banquet Hall" at the top of the pole, with a smaller 54 inch diameter round sign below, totaling 14.1 square feet in area and reading "The Hive, Bar & Restaurant". The two signs together total approximately 34.8 square feet, a relatively small exceedance over the 32 square feet permitted.

Section 250-30-20.10 requires that pole mounted signs be set back at least 20 feet from all property lines, including the front lot line at the street. The building is approximately 36 feet back from East Main Street front lot line, but there is an additional 10 foot easement that was taken by the state and, partially within the easement, a public sidewalk installed, leaving the property with approximately 24 feet between the building and sidewalk. The applicant would like to place the sign somewhere in the small front lawn area between the building and the sidewalk, up closer to the street where it would be more visible. It appears that there is adequate space to place the sign at least 20 away from the northern property line feet. Placed as planned with the sign set perpendicular to the road, the nearest part of the sign about 2 feet from the sidewalk the pole would be about set back 8.5 feet from the easement line and 18.5 feet from actual front lot line.

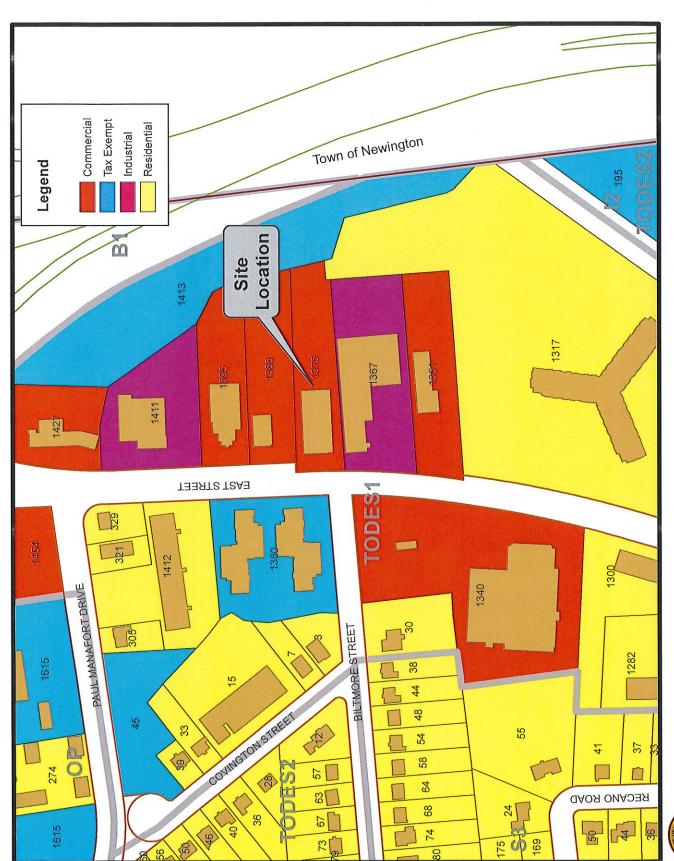
For the sign size variance, the applicant's hardship claims is that there are essentially two different businesses each needing to be identified and that both signs need to be large enough to be visible. Regarding the sign placement, the applicant indicates that street configuration and easement is unusual here and that sign visibility is important to direct traffic to the driveway and avoid creating confusion and potential traffic problems. She points out that the degree of deviation from the zoning requirements is relatively minor and not out of character for this part of East Street.

<u>CONCLUSION</u>: The proposed signage would not appear to be out of character or to negatively affect the surrounding area. The difference in sign area is less than a 9% increase over the permissible 32 square foot sign area and the front yard placement just behind the walk would be essentially an 18.5 foot setback of the pole rather than the required 20 foot setback from the front property line. The nature of this traffic and existing development on this portion of East Street suggests that business identification signage needs to be prominently visible.

RECOMMENDATION: The City Plan Commission recognizes the need for clear and visible identification signage 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 Commission, therefore has no objections to the granting of these requested variances.

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City of New Britain

Department of Public Works Director - Mark E. Moriarty P.E.

Application # 4892 1375 East Street

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

Application #4892 1375 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 securifience around the rear parking area. GRANTED: September 2002
1395 East Street	#4670	VARIANCE To allow placement of a free-standing business identification sign within 20 ft. of a property line GRANTED: July 2014
1385 East Street	#4758	VARIANCE To replace an existing advertising billboard with an electronic LED billboard face. GRANTED: March 2017
1340 East Street	#4872	VARIANCES In order to allow a small pet crematory and funeral services. GRANTED: January 2020

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 the 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 area, 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 allow over 90 square feet of signage. 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.

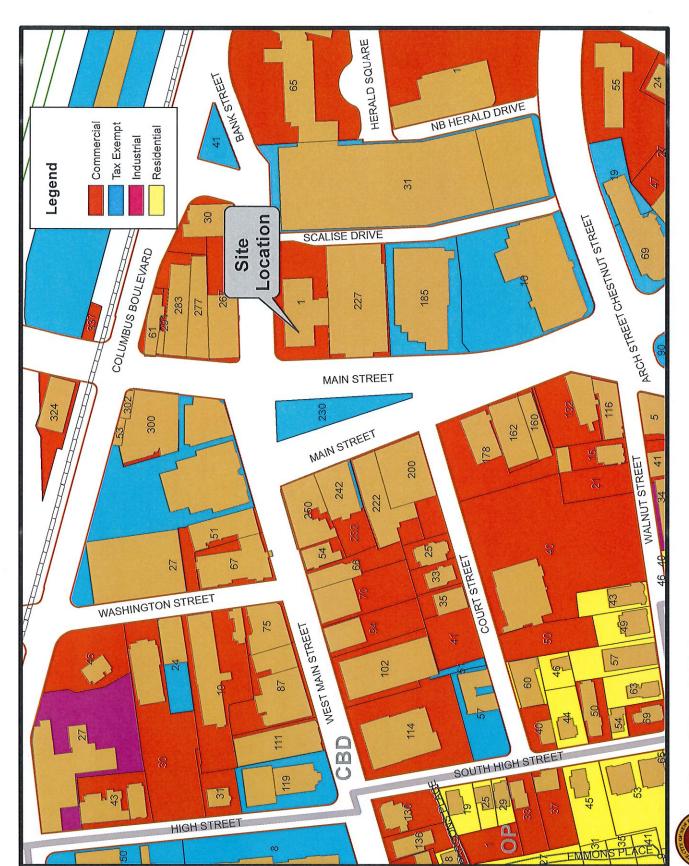
CONCLUSION: The proposed pharmacy signage would be in compliance with the size restrictions of Section 170-110-10.10.10 for the overall sign area. The only point of noncompliance is that the individual letters exceed the 18 inch height size restriction of Section 170-110-10-70.10 for buildings within 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.

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Application # 4893

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

233 Main Street

City of New Britain

Department of Public Works Director - Mark E. Moriarty P.E.

Application #4893 1 ACMAT Plaza (233 Main Street)

227 Main Street	#4254	VARIANCE To allow a youth entertainment center. GRANTED: June 2006