

### 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, AUGUST 19, 2021
6:00 p.m.

#### **AGENDA**

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES: JULY 22, 2021 Regular Meeting
- 4. OLD BUSINESS
  - A. PUBLIC HEARING AND DISCUSSION:

#4920: Christine Prendergast – 228 Corbin Avenue

#4925: Marco Ocasio - 260 Hart Street

- 5. NEW BUSINESS
  - B. PUBLIC HEARING AND DISCUSSION:

**#4926:** Scott Fanning for Dunkin' Donuts – 741 West Main Street

#4927: Klingberg Comprehensive Program – 370 Linwood Street

#4928: Brian Pendergast - 1 Hartford Square

#4929: Mark Friedland for JASKO Development – 267-277 Main Street

- 6. OTHER NEW BUSINESS
- ADJOURNMENT

Next Meeting: Thursday, September 23, 2021 @ 6:00 p.m.

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

MINUTES - Regular Meeting July 22, 2021 Page One

**Members Present** 

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski 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 6:00p.m.

#### 2. ROLL CALL:

A quorum of six (6) 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: MAY 20, 2021, REGULAR MEETING

<u>ACTION</u>: A motion to approve the minutes of the May 20, 2021 Regular Meeting was made by Commissioner Fischbein and seconded by Commissioner Santos. The motion passed by unanimous vote.

#### 4. APPROVAL OF MINUTES: JUNE 17, 2021, SPECIAL MEETING

**ACTION**: A motion to approve the minutes of the June 17, 2021 Special Meeting was made by Commissioner Anderson and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

#### NEW BUSINESS

#### A. PUBLIC HEARING AND DISCUSSION:

#4918: Tracy Becker for Sign Pro Inc. – 100 Richard Street (aka 57 Fern Street)

#4919: Daniel Papapietro/Margaret Wilson – 66 Forest Street

MINUTES - Regular Meeting July 22, 2021 Page Two

**#4920:** Christine Prendergast – 228 Corbin Avenue **#4921:** John Geragosian – 380 West Main Street

#4922: DATTCO, Inc. - 315 South Street

#4923: Judah Thomas for Thrive Church – 365 John Downey Drive

#4924: Chassidy Hamilton/Crystal Henry – 16 Broad Street

#4925: Marco Ocasio - 260 Hart 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 Anderson, seconded by Commissioner Santos, and unanimously approved, the time being 7:16 p.m.

Respectfully submitted,

Danielle Rosado, Secretary

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

No. 4918 July 22, 2021

Tracy Becker for Sign Pro Inc. is requesting variances to Section 250-20.10.20 which limits announcement signage in residential zones to not more than 6 square feet in total sign area and to Section 250-20.10.40 which allows such signage to have indirect lighting only at 100 Richard Street (aka 57 Fern Street). Zone: A-1

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

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

The applicant is proposing a sign that would consist of letters mounted on the front wall of the entrance of the building and serving to identify the NB Center of Excellence facility.

Mr. Schiller summarized the City Plan Commission report stating that the City Plan Commission is of the opinion that the proposed signage serves a legitimate identification need and that it would be attractive and suited to the character of the building. The Commission therefore has no objections to the granting of these requested variances.

The Engineering Department had no comment on this application.

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

Speaking in favor:

Tracy Becker, Sign Pro Inc., 60 Westfield Drive, Plantsville, CT;

John Hamilton, NB Housing Authority

**ACTION:** A motion to approve Application #4918 was made by Commissioner Nowak and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4918 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

No. 4919 July 22, 2021

Daniel Papapietro & Margaret Wilson are requesting variances to Section 40-20-10 through 40-20-30 regarding the application of dimensional regulations for lot coverage and yard setbacks, especially as it relates to existing nonconforming structures, in order to reconstruct and enlarge a small porch to create a first floor bathroom space at 66 Forest Street. Zone: S-2

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski 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 that the City Plan Commission is generally supportive of homeowners investing and making these types of improvements to their properties, particularly where such effort is taken to ensure architectural consistency and ensure the most minimal deviation from the zoning standards. In this case the minor increase in lot coverage is so minor as to be almost indiscernible from existing conditions and would not negatively affect the appearance of the property, encroach into any required yard setback or adversely affect any neighboring property line.

The Engineering Department had no comment on this application.

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

Speaking in favor: Lucian J. Pawlak, 149 Vine Street, New Britain, CT;

Nicole & Robert McGuire, 17 Woodbine Street, New Britain, CT; David Whaples & Andres Verzosa, 74 Forest Street, New Britain, CT;

Marianne Hebenstreit, 53 Forest Street, New Britain, CT;

John Geragosian, 191 Vine Street, New Britain

<u>ACTION</u>: A motion to approve Application #4919 was made by Commissioner Nowak and seconded by Commissioner Santos and passed by unanimous vote.

APPLICATION #4919 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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No. 4920 July 22, 2021

Christine Prendergast is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback at 228 Corbin Avenue. Zone: S-2

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

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

The applicant would like to install a 12 by 24 foot diameter above-ground pool alongside the garage, encroaching with 6 feet of the rear lot line to the south.

Mr. Schiller summarized the City Plan Commission report stating that the City Plan Commission is opposed to the granting of this variance, noting that the site poses no real inherent hardship and that the pool can be reasonably accommodated, fenced and screened with landscaping in the vicinity of the garage without needing to encroach so closely to the rear lot line. The applicant advised the plans presented to the Commission were incorrectly sketched and that the pool would encroach 13 feet from the rear lot line not 6 feet as shown. Attorney Diakun recommended the matter be tabled to the next meeting so that a corrected site plan be presented to the Commission.

<u>ACTION</u>: A motion to table Application #4920 was made by Commissioner Fischbein and seconded by Commissioner Sobolewski and passed by unanimous vote.

APPLICATION #4920 WAS TABLED TO AUGUST 19, 2021 MEETING BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

No. 4921 July 22, 2021

John Geragosian is requesting a variance to Section 140-10 permitted uses, in order to return an office space in a historic house to residential use at 380 West Main Street. Zone: B-1

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski 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 the City Plan Commission notes that the location and character of the building and current market conditions limit potential for any conforming B-1 zone business use and that residential conversion and preservation of this structure would be desirable and compatible with the character of the surrounding neighborhood. The Commission has no objections to the granting of this variance.

The Engineering Department has no comment on this application.

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

Speaking in favor:

John Geragosian, 191 Vine Street, New Britain, CT;

Peter Knaus, 365 Realty LLC, 150 Production Court, New Britain, CT;

<u>ACTION</u>: A motion to approve Application #4921 was made by Commissioner Fischbein and seconded by Commissioner Santos and passed by unanimous vote.

APPLICATION #4921 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

No. 4922 July 22, 2021

DATTCO, Inc. is requesting sign variances to Section 250-30.20.10, maximum size for a detached ground sign and 250-30.20.50, minimum required setback, in order to allow a "monument style" entrance sign at the DATTCO, Inc. bus sales and repair facility at 315 South Street. Zone: I-2

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski 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 is of the opinion that the requested variance related to the 20 foot setback is reasonable and meets the need of providing optimal identification of this main entrance. The Commission however sees no hardship justifying exceeding the maximum sign area restriction of Section 250-30.20.10. The Commission, therefore, recommends approval of the variance to Section 250-30-20.50 regarding the setback, contingent upon the Engineering approval and verification of safe sightlines, but recommends against granting the variance to Section 250-30.20.10 related to the size of the signage.

The Engineering Department had the following comments on this application:

- 1. The application does not identify how close to the street line the sign will be placed. This information should be provided on the application.
- 2. The sign shall be located so sight lines to and from the adjacent driveway are not obstructed.

The Building Departme	nt offered a posi	tive recommendati	on to the ar	antina of sian	variances.
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Speaking in favor: Donald DeVivo, DATTCO, Inc., 583 South Street, New Britain, CT

**ACTION:** A motion to approve Application #4922 was made by Commissioner Nowak and seconded by Commissioner Santos and passed by unanimous vote.

APPLICATION #4922 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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No. 4923 July 22, 2021

Judah Thomas for Thrive Church is requesting a special exception, pursuant to Section 190-20-10, in order to allow the operation of a small church in a portion of an I-1, Industrial Park property at 365 John Downey Drive. Zone: I-1

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski 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 City Plan Commission report stating the City Plan Commission has long been opposed to allowing industrial or commercially zoned properties to be used for non-business use. Notwithstanding the fact that the zoning ordinances were amended to allow places of worship to be permitted by special exception in industrially zoned locations, the Commission remains opposed, as a matter of principle, and believes that this is not a compatible use for an industrial zoning district and that it would limit the future potential of the property being utilized for a more appropriate and desirable business purpose.

The Engineering Department had the following comment on this application.

 Parking for all uses on the site and any leased spaces should be evaluated for compliance with Zoning.

The Building Department concurred with City Plan's opposition to the granting of a special exception.

Speaking in favor:

Judah Thomas, 365 John Downey Drive, New Britain, CT

Hector Saldana, 365 John Downey Drive, New Britain, CT

Brian Bugnacki & Michael Larson, Co-Founders for Alvarium Beer Co., 365

John Downey Drive, New Britain, CT

Peter Knaus, 365 Realty LLC, 150 Production Court, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4923 was made by Commissioner Fischbein and seconded by Commissioner Anderson. After some discussion and concerns the motion was denied by a 2-1 vote (Commissioner Anderson voting in favor and Commissioners Nowak and Santos voting against).

APPLICATION #4923 WAS DENIED BY 2-1 VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

No. 4924 July 22, 2021

Chassidy Hamilton & Crystal Henry are requesting a variance to Section 170-10, permitted uses, in order to allow a hookah lounge to occupy an existing storefront at 16 Broad Street. Zone: CBD

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski 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 has reservations about this type of use and feels that additional information and specific controls are necessary thus opposing to the granting of this variance.

The Engineering Department has no comment on this application.

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

Speaking in favor: Chassidy Hamilton & Crystal Henry, 38 Greenwood Street, New Britain, CT

**ACTION:** A motion to approve Application #4924 was made by Commissioner Nowak and seconded by Commissioner Santos and passed by unanimous vote

APPLICATION #4924 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

No. 4925 July 22, 2021

Marco Ocasio is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback at 260 Hart Street. Zone: S-2

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

Mr. Schiller noted the notice sign was not posted as required. Attorney John Diakun suggested the matter be tabled to the August 19, 2021 meeting.

**ACTION:** A motion to table Application #4925 was made by Commissioner Fischbein and seconded by Commissioner Santos and passed by unanimous vote.

APPLICATION #4925 WAS TABLED TO AUGUST 19, 2021 MEETING BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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### ZONING BOARD OF APPEALS

City Plan Commission Report ZBA Hearing Date: August 19, 2021

#### **OLD BUSINESS**

Application #4920 228 Corbin Avenue

Application #4925 260 Hart Street

#### **NEW BUSINESS**

Application #4926 741 West Main Street

Application #4927 370 Linwood Street

Application #4928
One Hartford Square

Application #4929 267-277 Main Street

City of New Britain

Zoning Board of

Appeals

Meeting Room 201

6:00 p.m.

#### **OLD BUSINESS**

APPLICATION:

#4920 (revised report, per newly submitted plans)

APPLICANT:

Christine Prendergast 228 Corbin Avenue S-2, Single-Family

ADDRESS: ZONE:

**BACKGROUND**: The applicant is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback. The subject property is located on the south side of Corbin Avenue, between Dover Road and Lakeview Avenue and is zoned S-2, Single-Family. The applicant would like to install a 12 by 24 foot diameter above-ground pool in the rear yard of the property, situated near the garage and encroaching into the minimum required 25-foot setback.

**FINDINGS**: The subject property is fairly large, over 22,000 square feet in area with the single-family house situated toward the front and western side of the lot and the two car detached garage located to the rear of the house. The eastern half of the property is expansive and nicely landscaped. The applicant would like to situate a 12 by 24 foot pool parallel to the garage. The revised plans show the rear of the garage to be 12 feet from the rear property line. The pool would be approximately 6 feet from the garage and 13 feet from the lot line. The plans previously submitted with this application were inaccurate and showed the pool encroaching with 6 feet of the rear property line.

The applicant claims that this location would be best, in that the pool would be largely shielded from view by the house and garage and would preserve the aesthetic quality of the property and the landscaping.

**CONCLUSION:** The purpose of the residential rear yard requirements is to ensure a reasonable setback of structures and activities from neighboring yards and adequate open green space to preserve privacy and residential character. This type of variance to allow pools located within the rear yard setback is usually found to be innocuous and approval is often granted, provided the pool is at least some reasonable distance from the neighbor's property line, typically 10 feet or more.

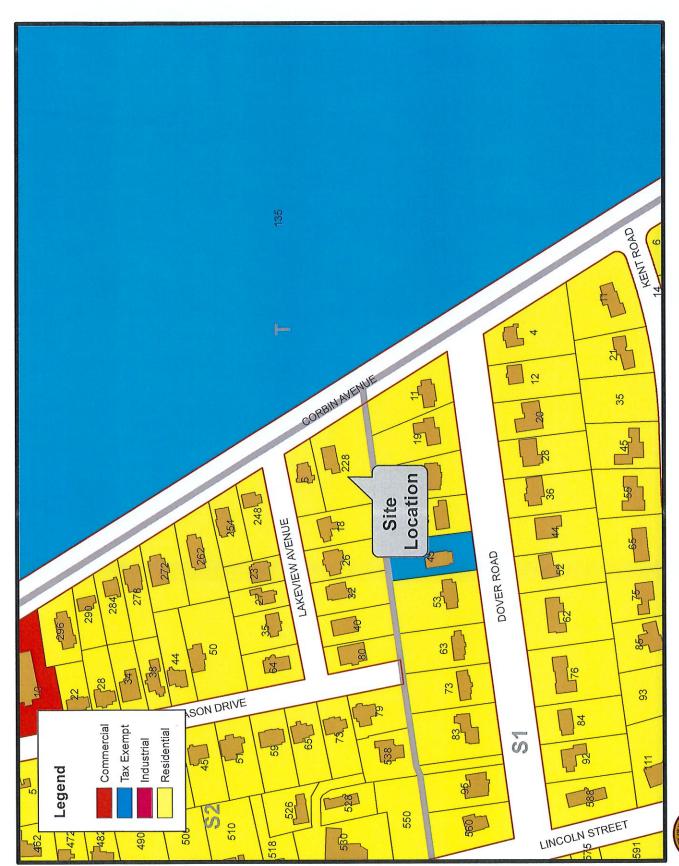
**RECOMMENDATION:** The City Plan staff, having reviewed the revised plans, is of the opinion that a 13 foot setback would typically have favorable recommendation from the Commission and that it appears adequate to provide protection and buffering to the neighboring property. Presuming all applicable pool safety measures, such as fencing, self-locking gates, etc., planning staff has no objections to the granting of this variance.

200 Feet

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228 Corbin Avenue Application # 4920

Date: July 1, 2021 Drawn By: CTL Checked By: SPS/DR

City of New Britain

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

### Application #4920 228 Corbin Avenue

45 Dover Road	#4184	VARIANCE To required side yard to convert a garage into an accessory home office for a group home. DENIED: June 2005

APPLICATION: #4925

APPLICANT: Marco Ocasio
ADDRESS: 260 Hart Street
ZONE: S-2, Single-Family

**BACKGROUND:** The applicant is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback. The subject property is located on the southern side of Hart Street between Vance Street and Lincoln Streets and is zoned S-2, Single-Family. The applicant would like to install a 12 by 24 foot above-ground pool in the rear yard of the property. While the yard is large, the topography is such that flattest portions of the yard are towards the rear most part of the property.

FINDINGS: The applicant's plans show the property is approximately 51 feet in width at the rear property line and has a rear yard distance of nearly 70 feet from the back of the house to the rear property line. The property does slope fairly steeply from an elevation of approximately 184 feet above sea level at the rear of the house, to approximately 176 feet above sea level at the rear property line. The applicant claims that topography creates a hardship necessitating the encroachment into the rear and side yards. The requested location at the southeast corner of the property would require encroachment of about 10 feet into the minimum required 25-foot setback and 3 feet into the 7-foot side yard on the eastern side. The applicant indicates that the rear and side lot lines are fenced and that all appropriate safety measures will be installed.

<u>CONCLUSION</u>: The City Plan Commission has often viewed rear yard pool variances favorably and approval is usually granted, provided the pool is at least some reasonable distance from the neighbor's property line, and provided the necessary screening and fencing is provided. In this case, however, the Commission is concerned about the extreme close proximity to neighboring property lines, and given the steep topography, fear a failure would impact a neighbor's property, including an adjacent garage. The Commission notes that the rear yard is large enough that the pool could be accommodated in a conforming location, though some substantial re-grading might be necessary or perhaps a smaller pool considered.

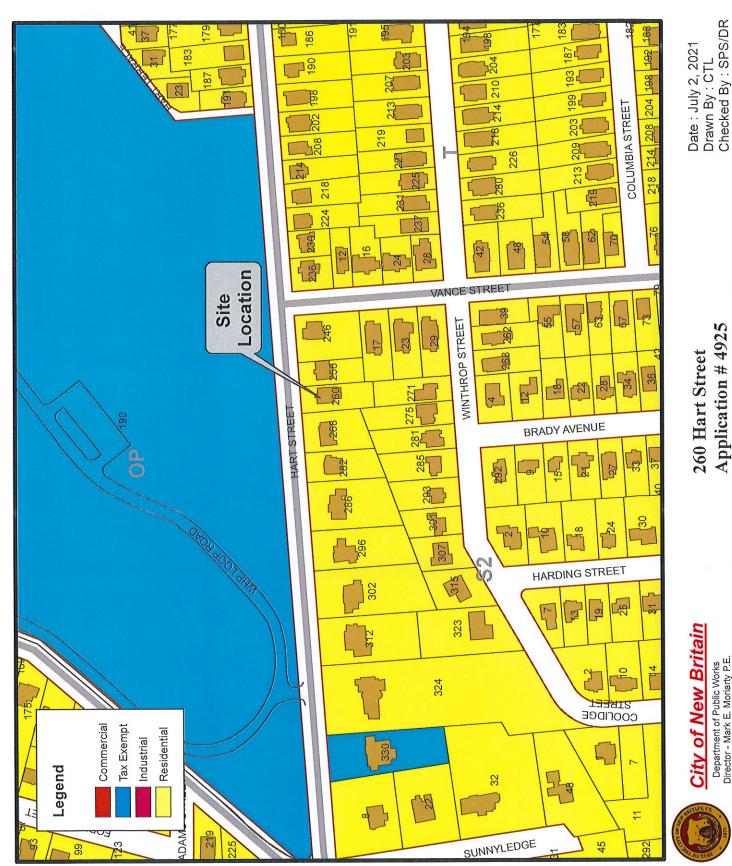
**RECOMMENDATION:** The City Plan Commission is of the opinion that this pool encroaches much too closely to neighboring property lines and would have the potential for negative effect to the neighbors. The Commission therefore recommends against approval of this variance.

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260 Hart Street

Application # 4925

City of New Britain

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

### Application #4925 260 Hart Street

246 Hart Street	#4255	VARIANCE To allow a fence within a required front yard. GRANTED: May 2006

City Plan Commission Report Zoning Board of Appeals Hearing August 19, 2021 Page 1

#### **NEW BUSINESS**

APPLICATION: #4926

APPLICANT: Scott Fanning for Dunkin' Donuts

ADDRESS: 741 West Main Street

**ZONE:** B-1, Neighborhood Business

**BACKGROUND**: The applicant is requesting a variance to Section 230-110.10.10, required transitional yard setback, in order to allow Dunkin' Donuts to add a second menu board and drive-thru bypass lane at their store near the intersection of West Main Street and Corbin Avenue. The property is zoned B-1, Neighborhood Business.

**FINDINGS:** The subject property is approximately an acre in area and occupied by the 2,000 square foot Dunkin Donut's restaurant and a separate, free-standing, 24 hour ATM with drive-thru. The Dunkin' Donuts was originally constructed in 1999 with a single drive-thru lane and a conforming 25 foot transitional yard setback at the northwest corner of the property, where it abuts the S-2 zoned residential property at 23 Russwin Road.

These site modifications are proposed in order to more efficiently and safely accommodate the increased levels of drive-thru business and the congestion that sometimes occurs from vehicles entering and exiting the drive-thru lanes. Essentially, the applicant would like to add a second menu board lane where customers can order and then drive up to merge into the existing pick-up lane just before the service window. The proposed arrangement would also include an "escape lane" just before the merge, to allow impatient customers to bypass the pick-up and proceed to exit the site. The added menu board lane would encroach 14 feet into the required 25 foot transitional buffer at the northwest corner to approximately 11 feet at the nearest point. The applicant indicates that the existing screening fence and arborvitae plantings will remain in place to screen the adjoining residential property. The applicant's hardship claim is that the site is constrained by its size and shape and by the existing placement of the building on the lot. Also, since its construction in 1999, business has trended more heavily to the drive-thru, with fewer people dining inside the restaurant and also fewer customers walking in to place their to-go orders.

In order to accommodate the added Iane and to facilitate traffic flow exiting the site, these planned modifications would also involve substantial widening to the West Main Street driveway to nearly 50 feet in width, creating two entrance lanes and two exit lanes onto West Main Street. Though not technically part of this variance, this would be a non-standard driveway arrangement that would require special approval of the Department of Public Works and/or the Connecticut Department of Transportation.

<u>CONCLUSION</u>: With the existing fencing and thick evergreen screening maintained in place, the proposed encroachment of the second drive-thru lane to within 11 feet from the adjoining residential property line would seem to be adequate buffer for the neighboring residential property. The house itself is further buffered by the detached rear yard garage and is more than 80 feet from the nearest part of the proposed bypass lane.

City Plan Commission Report Zoning Board of Appeals Hearing August 19, 2021 Page 2

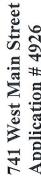
**RECOMMENDATION:** The City Plan Commission recognizes the need to improve traffic flow and alleviate on-site traffic congestion that on occasion interferes with traffic flow near the site driveways, and the Commission is of the opinion that, with the fencing and vegetative screening retained, the proposed reduction in the transitional yard buffer would not result in significant detriment to the bordering residentially zoned property. Therefore, the Commission has no objections to the granting of the requested variance, provided that approval is contingent on the applicant obtaining all required approvals for the proposed drive-way modifications.

200 Feet

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Date : Aug 10, 2021 Drawn By : CTL Checked By : SPS/DR

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

City Plan Commission Report Zoning Board of Appeals Hearing August 19, 2021 Page 3

APPLICATION: #4927

APPLICANT: Klingberg Comprehensive Programs

ADDRESS: 370 Linwood Street

ZONE: T, Two-Family

**BACKGROUND**: The applicant is requesting variances to Sections 90-10, permitted uses and 90-20, special exception uses, in order to allow the addition of a large tent structure for outdoor activities to be added to the Klingberg Family Centers property at the southern end of Linwood Street. The property is zoned T, Two-Family.

**FINDINGS**: Klingberg Family Centers grew from its origins as an orphanage originally established in 1890 to its current form as an institution providing a wide variety of counseling, education, aid and therapeutic services to troubled and traumatized youth. Over the years it has evolved into a use that is not easily categorized and is not specifically listed as either a permitted or special exception use in the T zoning district. Since the facility and operations are not specifically permitted uses in the T zone, the operations and facilities are considered to be grandfathered as nonconforming uses. In accordance with Section 260-30 a nonconforming use is not permitted to expand, except as approved through the variance process.

Klingberg's request for a 36 by 44 foot tent structure has been interpreted to constitute an expansion of the nonconforming use. Klingberg indicates that the tent is needed to facilitate outdoor programs during the summer months for children already participating in programs on the Klingberg campus and that it does not add or significantly change programs or activities taking place there. The tent would be situated in a grassed area near a rear parking lot, approximately 100 feet behind the main building and more than 350 feet from the nearest neighboring property line.

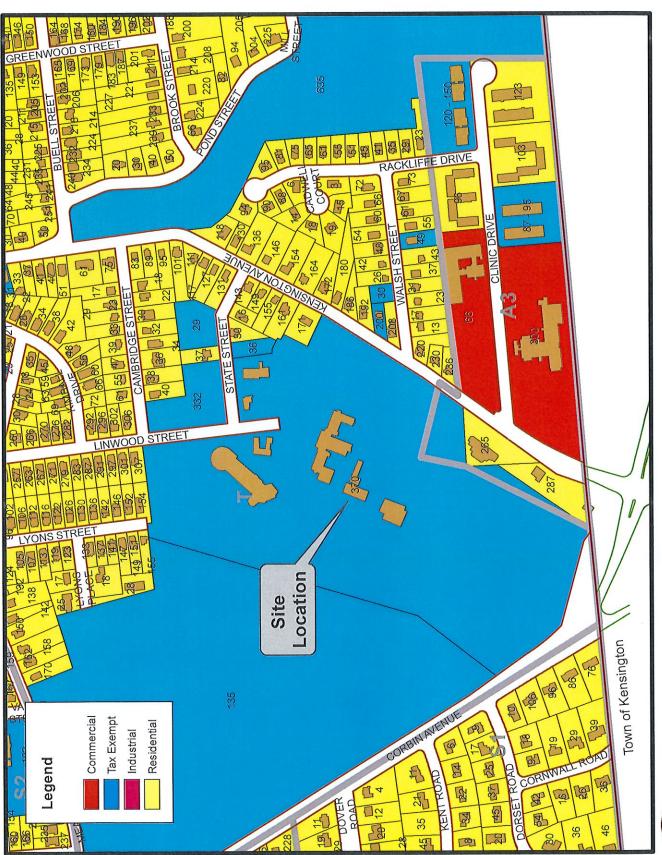
**CONCLUSION:** The addition of the tent for outdoor activities during warmer months seems to be a reasonable and desirable accessory to Klingberg's current operations. Its location and the separation away from neighboring properties, as well as the dense vegetation screening at the eastern slope of the property, suggests that the tent structure would have essentially no noticeable effect to the surrounding area.

**RECOMMENDATION:** The City Plan Commission is supportive of Klingberg's mission and service to the community and is of the opinion that the tent is a reasonable accessory for their operations. The Commission, therefore, has no objections to the granting of this variance.

400 Feet

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370 Linwood Street

Date : Aug 10, 2021 Drawn By : CTL Checked By : SPS/DR

Application # 4927

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

### Application #4927 370 Linwood Street

370 Linwood Street	#3866	VARIANCE To allow a stand-alone parking lot. GRANTED: November 1999
66 Clinic Drive	#4117	VARIANCE To allow a 3' x 4' business identification sign in a residential zoning district. GRANTED: July 2004
301 Linwood Street	#4430	VARIANCE To allow a 4-foot fence to be installed along the front lot line and alongside an existing driveway. GRANTED W/CONDITIONS: July 2004

City Plan Commission Report Zoning Board of Appeals Hearing August 19, 2021 Page 4

APPLICATION: #4928

APPLICANT: Brian Pendergast
ADDRESS: One Hartford Square
ZONE: I-2, General Industry

**BACKGROUND**: The applicant is requesting a special exception pursuant to Section 200-20-20, in order to allow an indoor sports and fitness training club to occupy a portion of an existing industrial building. The subject property is the One Hartford Square complex, located on the northern side of Hartford Square between the Corbin Avenue-Route 72 overpass and Wooster Street. The property is 31 acres in area and is the site of a multitenant business complex which was formerly the Tuttle and Bailey manufacturing facility. It is zoned I-2, General Industry.

FINDINGS: The total floor area of the overall facility is approximately 540,000 square feet. The applicant would be occupying a tenant space approximately 8,500 square feet of floor area in the northwest portion of the building. In the past various types of sports and fitness training operations have been permitted in the I-2 zone in general, including some specifically in this facility. These types of uses have typically been allowed through the variance process, based on the applicant's hardship claim of the space being vacant for some prolonged period of time, constituting a relatively small percentage of the overall floor area, and not especially attractive to conforming business uses, but well-suited to the specific training facility's purposes. In this case, the applicant has structured the enterprise as a membership club activity and clubs are listed as permissible special exception uses in the I-2 zone. The only special exception requirements for clubs in I-2 zone under Section 270-40-40.50.10 are that there is no outdoor flood lighting or public address system. The applicant has indicated that all activities will be indoors with no public address system or lighting other than existing parking lot lighting. The floor plan for the space shows primarily open floor area for training activities and drills.

The applicant indicates that there is sufficient shared parking located near this portion of the building and available for use by the tenants of this space and club members attending training sessions. It is also noted that the hours of operation would typically be evening hours after many of the other business activities have closed for the day and also that class sizes typically operate with 12 members or so, on average.

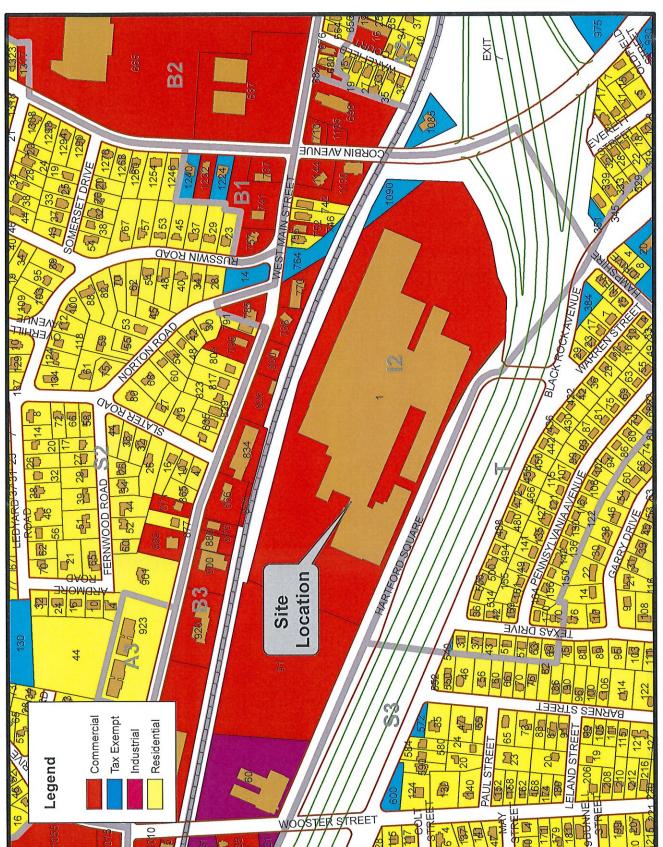
<u>CONCLUSION</u>: While the City Plan Commission has expressed reservations about non-industrial activities taking place within the industrial zoning districts, it is noted that this is a relatively small space in the overall complex, that club use is specifically permitted allowed by special exception in the I-2 zone and that this operation would meet the nominal requirements of 270-40-40-50.10 in having no outdoor flood lighting or public address system.

**RECOMMENDATION**: Given the character of the property and this tenant space, and since this fitness training club meets the Section 270-40-40.50.10 special exception requirements for a club, the City Plan Commission has no objections to the granting of this requested special exception, subject to the space being inspected and verified to be in compliance with all applicable building and fire code requirements for occupancy.

400 Feet

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One Hartford Square Application # 4928

Date : Aug 10, 2021 Drawn By : CTL Checked By : SPS/DR

City of New Britain

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



### Application #4928 1 Hartford Square

1 Hartford Square	#4675	VARIANCE To allow an indoor commercial recreation business to occupy a portion of an existing industrial building. GRANTED: July 2014
1 Hartford Square	#4676	VARIANCE To allow a dance studio to occupy a portion of an existing industrial building. GRANTED: July 2014
1 Hartford Square	#4688	VARIANCE To replace an existing advertising billboard wind an electronic LED billboard. GRANTED: November 2014
866 West Main Street	#4729	SPECIAL EXCEPTION  To allow reinstitution of a used motor vehicle dealer and general repair license.  GRANTED W/CONDITIONS: May 2016
770 West Main Street	#4779	VARIANCE To allow reinstitution of a general repairer's license. GRANTED: September 2017

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APPLICATION: #4929

APPLICANT: Mark Friedland for JASKO Development

ADDRESS: 267-277 Main Street

ZONE: CBD, Central Business District

**BACKGROUND**: The applicant is requesting a variance to Section 170-10-220 which prohibits first floor residential space in the CBD zone fronting towards several specific primary street frontages in the downtown. The subject location for this variance is on the northeast corner of Bank and Main streets, where the applicant is overseeing plans for a six-story, mixed-use building on the site of the former Burritt Bank building. The construction and layout of the building is such that, notwithstanding the restrictions of 170-10-220, the plan includes two first floor apartment spaces on the far eastern end of the building, facing towards Bank Street.

FINDINGS: The applicant's plan shows the proposed building would be six-stories in height and have 5,883 square feet of retail and commercial space on the first floor, with 98 apartments on the upper floors, 7 ground floor units facing the interior courtyard and two apartment units on the first floor, facing toward Bank Street. The restaurant and commercial space would be accessed primarily from the Main Street side and from a courtyard area that would be created opening towards Main Street. Residential access would come mostly through the main residence entrance and lobby situated on the Bank Street side. With the first floor business space situated at the front of the building toward Main Street, the location and layout of the elevators, maintenance room and tenants' amenity space, which includes, a laundry room, gym, meeting room, etc., there ends up being a space at the far eastern end of the building facing Bank Street that lays out well for the two residential units and that the applicant suggests would be otherwise wasted or underutilized space.

**CONCLUSION:** The zoning provisions allowing residential use in the downtown area were carefully crafted and amended with the purpose of creating a stable resident population in and around the downtown that would help support downtown restaurants and other businesses. The intent was to provide attractive and desirable workforce housing on the upper floors of the downtown's older, existing multi-story buildings, while preserving first floor commercial space for the types of business uses that support a vibrant downtown. To that end, the intent was to maximize the first floor business activity and keep the residential units on the upper floors, particularly on the primary core business corridors.

While Section 170-10-220 restrictions specifically include Bank Street in the prohibition on street level residential use, the applicant's proposal would not appear to be in conflict with the intent of the section. The vast majority of the first floor would be the desired types of commercial and restaurant use, which would be focused toward the more critical Main Street corridor. The proposed first floor residential spaces would be far enough removed from the busier Main Street side so as to not be negatively impacted by the commercial activity.

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**RECOMMENDATION:** The City Plan Commission is supportive of this overall project and is of the opinion that permitting these two ground floor residential units facing Bank Street would not be out of character, nor deter from the benefits of the project. Accordingly, the Commission has no objections to the granting of this variance.

200 Feet

9

200



Application # 4929

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267 - 277 Main Street

Date: Aug 10, 2021 Drawn By: CTL Checked By: SPS/DR

### Application #4929 267-277 Main Street

300 Main Street	#4625	VARIANCES To convert vacant second-floor office space to create fourteen (14) additional residential apartment units in an existing mixed-use building. GRANTED W/CONDITIONS: January 2013
300 Main Street	#4773	VARIANCES To convert vacant first floor storage space at the rear of an existing mixed use building into five (5) additional residential apartment units. GRANTED: November 2017