

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, JANUARY 21, 2021
6:00 p.m.

AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL
- NOMINATION AND ELECTION OF CHAIR AND VICE-CHAIR
- 4. APPROVAL OF MINUTES: NOVEMBER 19, 2020 Regular Meeting
- NEW BUSINESS
 - A. PUBLIC HEARING AND DISCUSSION:

#4900: Roseann E. Rector-Pelletier - 215 Jubilee Street

#4901: Wilson Figueroa - 33 Beacon Circle

#4902: David Frank for DealPoint Merrill, LLC – 1055 West Main Street

#4903: Ralph & Nilda Espinosa – 29 Beacon Circle

#4904: Nicholas Reed – 14 Belden Street

#4905: Richard Ronzello – 140 Pinehurst Avenue

#4906: Kenneth Swerdlick - 563 West Main Street

#4907: Luis Torres – 347 East Street

- OTHER NEW BUSINESS
- ADJOURNMENT

Next Meeting: Thursday, March 18, 2021 @ 6:00 p.m.

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting November 19, 2020 Page One

Members Present

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

Staff Present:

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

CALL TO ORDER:

Chairman Matthew Malinowski 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: SEPTEMBER 24 2020, REGULAR MEETING

ACTION: A motion to approve the minutes of the September 24, 2020 Regular Meeting was made by Commissioner Fischbein and seconded by Commissioner Hargraves. The motion passed by unanimous vote.

4. OLD BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

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

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

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

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#4898: Denyz Alvarez - 60 Saint Clair Avenue **#4899:** Michael Frisbie - 965 Farmington Avenue

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 Hargraves, seconded by Commissioner Fischbein, and unanimously approved, the time being 7:24 p.m.

Respectfully submitted,

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4893 November 19, 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:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

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

Mr. Schiller summarized the favorable City Plan Commission report stating that 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 Engineering Department had no comment on this application.

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

Speaking in favor:

Timothy T. Stewart, 60 Wightman Road, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4893 was made by Commissioner Nowak and seconded by Commissioner Santos. The motion passed by unanimous vote.

APPLICATION #4893 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. 4894 November 19, 2020

Eliah Eitvydas 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 at 137 Collins Street. Zone: T

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

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

Mr. Schiller summarized the City Plan Commission stating that 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.

The Engineering Department had no comment on this application.

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

Speaking in favor:

Eliah Eitvydas, 137 Collins Street, New Britain, CT

ACTION: A motion to approve Application #4894 was made by Commissioner Bosco and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

APPLICATION #4894 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. 4895 November 19, 2020

Brandy Irisarry 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" at 1360 East Street. TOD-ES 1, Transit Oriented Design - East Street, Primary

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

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

Mr. Schiller summarized the unfavorable City Plan Commission report stating 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.

The Engineering Department had no comment on this application.

The Building Department did not concur with the City Plan's opposition to the granting of a special exception.

Speaking in favor: Brandy Irisarry, 1360 East Street, New Britain, CT

ACTION: A motion to approve Application #4895 was made by Commissioner Nowak and seconded by Commissioner Santos. After some discussion and concerns this motion was denied by unanimous vote.

APPLICATION #4895 WAS DENIED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4896 November 19, 2020

Dave Olson for Beloved Companions, LLC 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 at 155 John Downey Drive. Zone: I-1

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

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

Mr. Schiller summarized the City Plan Commission report stating 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 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.

The Engineering Department had no comment on this application.

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

Speaking in favor:

Dave Olson for Beloved Companions, LLC

89 Mallard Drive, Avon, CT 06001

<u>ACTION</u>: A motion to approve Application #4896 was made by Commissioner Fischbein and seconded by Commissioner Hargraves. The motion passed by unanimous vote.

APPLICATION #4896 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. 4897 November 19, 2020

John T. Hawkins, IV 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 roof at 19 Kilbourne Avenue. Zone: S-2

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

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

Mr. Schiller summarized the favorable City Plan Commission report stating 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, unenclosed space with walls or windows, the Commission has no objections to the granting of this variance.

The Engineering Department had no comment on this application.

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

Speaking in favor:

John T. Hawkins, IV, 19 Kilbourne Avenue, New Britain, CT

Craig Schmitt, 1719 Stanley Street, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4897 was made by Commissioner Hargraves and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

APPLICATION #4897 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. 4898 November 19, 2020

Denyz Alvarez is requesting special exception approval pursuant to Section 200-20-130, to allow motor vehicle repairs at 60 St. Claire Avenue. Zone: I-2

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

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

Mr. Schiller summarized the City Plan Commission report stating 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. 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.

The Engineering Department had the following comment on this application:

1. A Site Plan conforming to City of New Britain requirements will be required when applying for a New Britain License for Dealing in or Repairing Motor Vehicles.

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

<u>ACTION</u>: A motion to approve Application #4898 was made by Commissioner Nowak and seconded by Commissioner Hargraves. The motion passed by unanimous vote.

APPLICATION #4898 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. 4899 November 19, 2020

Michael Frisbie is requesting a special exception pursuant to Section 160-20-125, in order to allow an automatic carwash at 965 Farmington Avenue. Zone: B-3

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Roman Nowak Nicole Bosco, Alternate Mario Santos, Alternate

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

Mr. Schiller summarized the City Plan Commission report stating 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.

The Engineering Department had the following comment on this application:

 The development of this site has created drainage issues on adjacent properties which the applicant has been made aware of but has yet to correct. The Engineering Department has been recommending that these drainage issues be corrected prior to approval of any application submitted for review.

The Building Department concurred with City Plan's opposition and offered the following comments:

- 1. The proposed carwash is inconsistent with the value of the property.
- 2. A site plan for the proposed work is required.
- 3. The Commission concurs with the Engineering Department's assessment that existing drainage issues need to be resolved.

Speaking in favor:

Michael Frisbie, 131 Buckingham Street, Suite 301, Hartford, CT

Speaking against:

Jeff Getz, 34 Susan Road, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4899 was made by Commissioner Nowak and seconded by Commissioner Hargraves. After some discussion the motion was denied by unanimous vote.

APPLICATION #4899 WAS DENIED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS

Matthew Malinowski, Chairman



ZONING BOARD OF APPEALS

City Plan Commission Report ZBA Hearing Date: January 21, 2021

NEW BUSINESS

Application #4900 215 Jubilee Street

Application #4901 33 Beacon Circle

Application #4902 1055 West Main Street

Application #4903 29 Beacon Circle

Application #4904
14 Belden Street

Application #4905
140 Pinehurst Avenue

Application #4906 563 West Main Street

Application #4907 347 East Street

City of New Britain

Zoning Board of

Appeals

Meeting Room 201

6:00 p.m.

APPLICATION:

#4900

APPLICANT:

Roseann E. Rector-Pelletier

ADDRESS:

215 Jubilee Street

ZONE:

T, Two-Family

BACKGROUND: The applicant is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area. The subject property is the site of an existing single-family house situated on the south side of Jubilee Street near the corner of Wildwood Street. The area is zoned T, Two-Family.

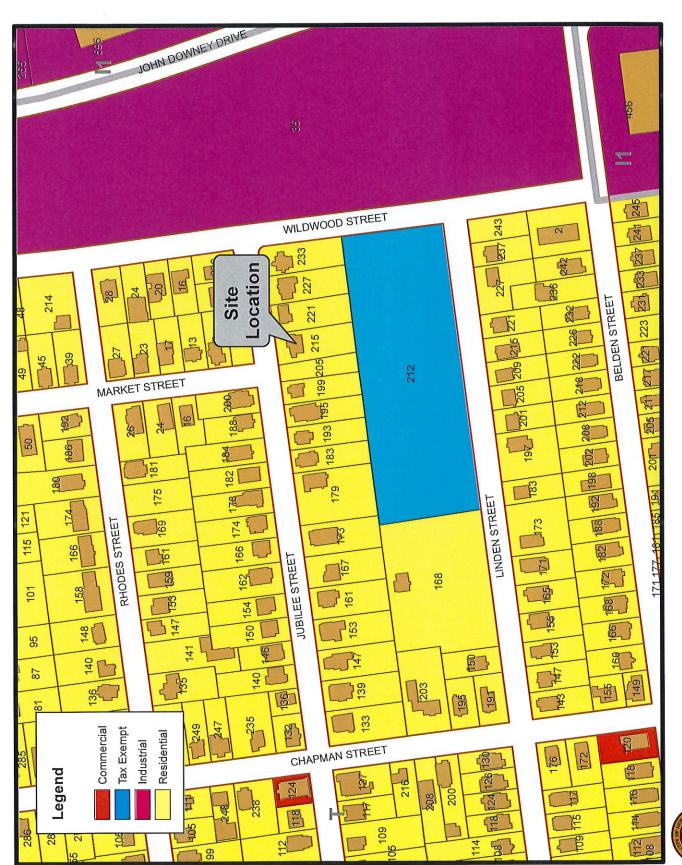
FINDINGS: Section 240-50-40 prohibits residential parking within the required front yard space except within a driveway that accesses a conforming parking space, behind the front yard setback line. The applicant's submitted plan shows the conforming lot and single-family house, which was constructed around 1948 and set back a conforming 25 feet front the front lot line. The current driveway arrangement is a 12 foot wide paved driveway along the eastern property line, contiguous to the driveway on the adjoining property at 221 Jubilee Street. There is additionally a gravel pad adjoining the driveway that is approximately 18 feet wide in the front yard area and is routinely used for parking a second vehicle.

The applicant is seeking this variance to pave a portion of the gravel area and legalize the parking layout. She indicates that a close and accessible space is necessary to accommodate her disability and that the arrangement has existed essentially as is without problem or complaint for a number of years now. She further suggests that due to topography, underground utility easements to the west side of the house and other site limitations, it would not be reasonably feasible to relocate the driveways to create a conforming parking location elsewhere on the property.

CONCLUSION: The currently paved driveway ends at the front of the house and is, therefore, nonconforming. It was likely legally established prior to our current front yard parking restrictions. Given the limitation of the site and the desire to accommodate the applicant's need for an accessible space some form of added front yard parking would not seem unreasonable. Her proposal is to have a 12 foot wide portion of the graveled space paved leaving a 5 foot grass strip between the new paving and the existing entrance walk. The new 12 foot wide paved area added to the existing 12 wide driveway results in a total width of 24 feet. This would seem to be sufficient to reasonably meet her parking needs and not excessive or detrimental to the residential character of the property.

RECOMMENDATION: Given the circumstances as described above, the Commission would have no objections to the granting of the requested variance, specifically limiting the expanded parking area to no more than an additional 12 feet in paved width and the retention of at least a 5 foot grass strip between the new paving and the existing front walkway. Additionally, the paving contractor shall obtain required permits from Public Works and all affected curb, sidewalk and driveway apron areas shall be constructed to City standards.

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Application # 4900 215 Jubilee Street

Drawn By : CTL Checked By : SPS/DR Date: Dec 21, 2020

City of New Britain

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

Application #4900 215 Jubilee Street

7 Market Street	#3962	VARIANCES In order to allow a lot to be split. GRANTED: May 2002

APPLICATION:

#4901

APPLICANT: ADDRESS:

Wilson Figueroa 33 Beacon Circle

ZONE:

S-3, Single-Family

BACKGROUND: The applicant is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area. The subject property is located on the southwest corner of the Beacon Circle cul-de-sac. It is the site of a single-family house, built around 1994.

<u>FINDINGS</u>: The applicant's submitted plan shows the conforming lot and single-family house, which is a raised ranch style with lower level single-car garage. The home was originally constructed having a conforming 10-foot wide driveway accessing the garage. It appears that the owner has recently had the driveway repaved and widened to approximately 20 feet in width in order to accommodate four (4) vehicle spaces, plus the garage space. Since Section 240-50-40 prohibits residential parking within the required front yard space except within a driveway accessing a conforming parking space, this recent widening resulted in a violation.

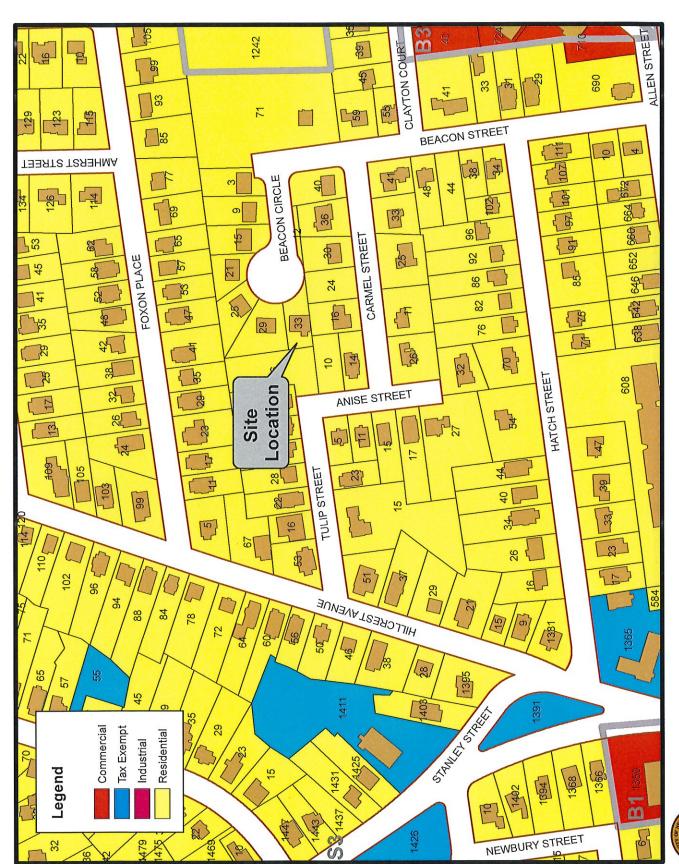
The applicant claims that there is a hardship in that original driveway was inadequate to park more than two vehicles and that, in his household, there are three licensed drivers and five vehicles. He further suggests that the driveway is not objectionable or out of character for the neighborhood.

CONCLUSION: Section 240-50-40 specifies that front yard parking is permissible only in an access driveway not exceeding 20 feet in width. An "access" driveway is defined as one that accesses a conforming parking location, either in a garage or in a rear yard or side yard area behind the front yard setback. The City Plan Commission has, on occasion, had favorable recommendations for limited front yard parking arrangements, mostly in situations of older two-family or three-family houses where meeting providing any off-street parking would be otherwise impossible. In this case, the garage space and original 10-foot wide access driveway was sufficient to meet the zoning ordinance requirement for two off-street spaces and was the existing status at the time the applicant purchased the house.

RECOMMENDATION: While the City Plan Commission recognizes that many larger households have multiple drivers and own several vehicles the Commission does not consider this in itself a valid hardship unique to the property. The Commission is also opposed in principle to granting variances which legalize an improper action, after the fact. For these reasons, the Commission recommends that this variance request be denied.

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Application # 4901 33 Beacon Circle

Drawn By : CTL Checked By : SPS/DR

Date: Dec 21, 2020

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

Application #4901 33 Beacon Circle

29 Beacon Circle	#3706	VARIANCE To locate pool in required rear yard. GRANTED: August 1996

APPLICATION: #4902

APPLICANT: David Frank for DealPoint Merrill, LLC

ADDRESS: 1055 West Main Street ZONE: B-2, Shopping Centers

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

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

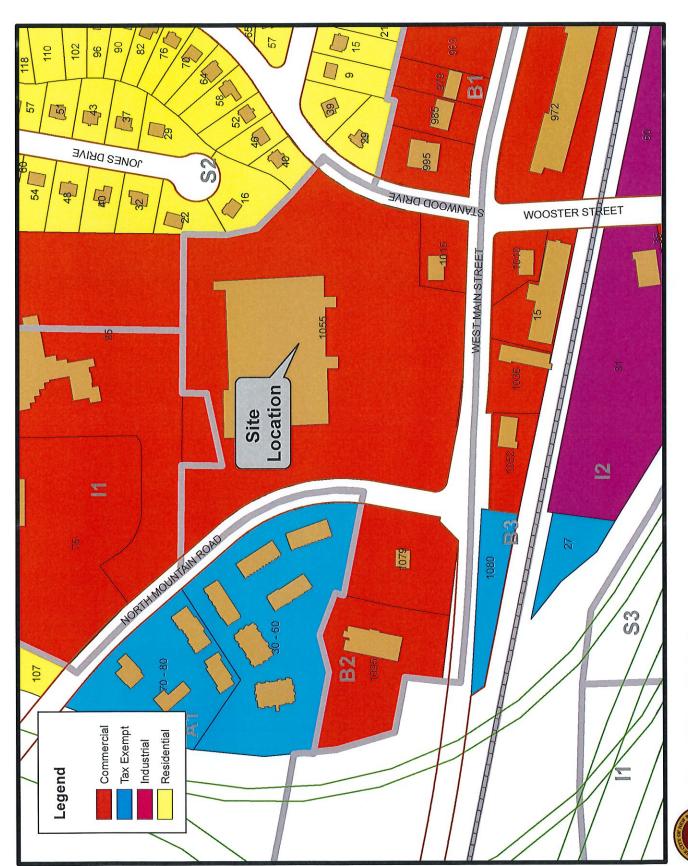
Where the property has a required 70-foot yard setback towards Stanwood Drive, a corner of one of the new proposed buildings would encroach approximately 34.5 feet into the required setback. The property has a 25-foot required side yard setback along the rear lot line of the Dunkin Donuts property. One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

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

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

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

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1045 West Main Street Application # 4902

City of New Britain

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

Date: Dec 21, 2020 Drawn By: CTL Checked By: SPS/DR

Application #4902 1055 West Main Street

1079 West Main Street	#4008	VARIANCE To allow 3 building-mounted signs and a 72 square foot pole-mounted sign. GRANTED: November 2002
15 Wooster Street	#4095	VARIANCE To allow a church. GRANTED: June 2004
75 North Mountain Road	#4419	VARIANCES To allow the splitting of an industrial park. GRANTED: August 2008
1010 West Main Street	#4703	SPECIAL EXCEPTION To allow a used motor vehicle dealers & general repair license. GRANTED: October 2015
1055 West Main Street	#4707	VARIANCE To convert an existing supermarket to a climate-controlled, self-storage facility. GRANTED w/ CONDITIONS: July 2015
1055 West Main Street	#4873	VARIANCES In order to construct additional storage unit buildings on the Cube Smart. DISMISSED w/o PREJUICE: May 2020

APPLICATION:

#4903

APPLICANT:

Ralph and Nilda Espinosa

ADDRESS:

29 Beacon Circle

ZONE:

S-3, Single-Family

BACKGROUND: The applicant is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area. The subject property is located on the northwest corner of the Beacon Circle cul-de-sac. It is the site of a single-family house, built around 1994.

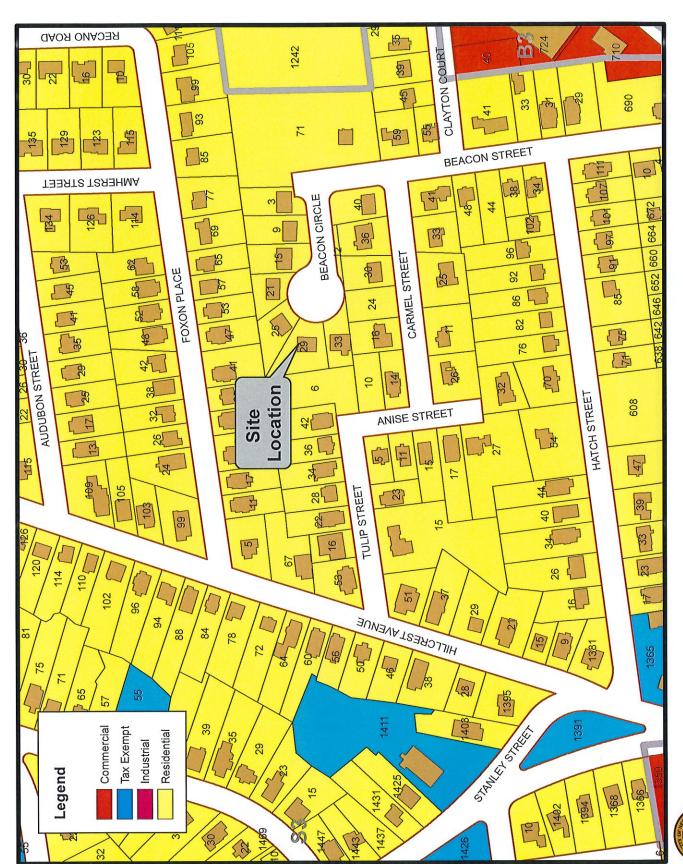
FINDINGS: Similar to previous variance request #4901 at 33 Beacon Circle, the single-family raised ranch house on this property was constructed with a conforming a 10-foot wide driveway accessing the basement garage at the northern end of the house. Here, the driveway was subsequently widened and repaved to approximately 24 feet in width in order to accommodate four (4) vehicle spaces, plus a garage space and, again, the applicant's hardship claim relates to the number of vehicles owned by the family and the need to be able to park them off-street during snow storms. The property does have topographic limitations and a narrow side yard to the northern side of the house would prevent the driveway being expanded in any conforming manner.

<u>CONCLUSION</u>: This type of variance has become especially common in recent years. The City Plan Commission is aware that households often have more than the standard two vehicles accommodated by our parking standards. While the Commission prefers that all driveway and parking expansions be made in a conforming manner, it recognizes that for some topography and existing site layouts often present difficulties. In situations where the Zoning Board of Appeals sees a valid hardship the City Plan Commission prefers that the driveway widening be limited to the minimal width needed to accommodate side by side parking, typically no wider than 20 feet.

RECOMMENDATION: As with the prior variance at 33 Beacon Circle, the City Plan Commission, does not see a valid legal hardship here and, again, would prefer to avoid granting variances which legalize an improper act, after the fact. The Commission therefore, recommends against approval of this variance.

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Application # 4903 29 Beacon Circle

Checked By: SPS/DR Date: Dec 21, 2020 Drawn By: CTL

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

Application #4903 29 Beacon Circle

29 Beacon Circle	#3706	VARIANCE To locate pool in required rear yard. GRANTED: August 1996
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APPLICATION:

#4904

APPLICANT: ADDRESS:

Nicholas Reed 14 Belden Street

ZONE:

T, Two-Family

BACKGROUND: The applicant is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area. The subject property is the site of an existing two-family house situated on the south side of Belden Street, near the corner of East Street. The area is zoned T, Two-Family.

FINDINGS: The subject property is the site of a two-family house that was built in 1915. The property is unique in being extraordinarily small, about 36 feet wide and 63 feet in depth totaling about 2,500 square feet in area, less than half the standard T-zone lot size. For most of its existence the house had no parking other than a single 10 foot wide space approximately 18 feet in length at the southwest corner of the lot.

The applicant purchased the property in 2020 and made significant improvements to the structure. He also hired a paving contractor to create two parking spaces on the site. Because the house occupies nearly the entire land area there is at most a 6 foot side yards on both sides of the house. The applicant relied on the contractor's assurance that the appropriate permits would be taken and the paving done in accordance with applicable zoning. However, it appears that permits were not taken and two parking spaces at the front of the house were paved in violation of 240-50-40.

The applicant indicates that his hardship arises from his reliance on the professional pavers he hired, but more so from the fact the house has had no conforming parking and no conforming location in which it could be constructed. He proposes to have the required driveway apron constructed to city standards, the old driveway removed and replaced with grass lawn. He suggests that these improvements will enhance the appearance of the property and the character of the neighborhood. He further points out that there are numerous other homes in the neighborhood with similar or worse front yard parking arrangements.

<u>CONCLUSION</u>: The City Plan Commission recognizes that some properties in older neighborhoods were originally constructed with no parking and with a site layout that precludes parking from being added in any conforming location. In these cases, the Commission is generally amenable to a limited front yard parking arrangement, no more than 20 feet width, with the appropriate curb cut and driveway aprons and sidewalk repairs and the remainder of the front yard established grass lawn or appropriate landscaping.

RECOMMENDATION: As previously stated, the Commission does not like to be put in the position of giving consideration to approval variance after the fact. However, given the circumstances in this situation, the City Plan Commission has no objections to the granting of this variance, provided that the paved parking is verified as being no more than 20 feet in width, that Public Works Department verifies that the curb cut widening and entrance at the street line is consistent with city engineering standards and that grass lawn be

established in the former driveway location and the rest of the front yard area and the grass strip at the front sidewalk.

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14 Belden Street

City of New Britain

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

Application # 4904

Date : Dec 21, 2020 Drawn By : CTL Checked By : SPS/DR

Application #4904 14 Belden Street

513 East Street	#3958	VARIANCES To allow the addition of a 4th dwelling unit in a three-family structure. DENIED: March 2002

APPLICATION:

#4905

APPLICANT: ADDRESS:

Richard Ronzello 140 Pinehurst Avenue

ZONE:

S-2, Single-Family

BACKGROUND: The applicant is requesting variances to Sections 70-40-20, minimum lot area per dwelling unit and 70-40-50, minimum lot width. The purpose of the variances is to split a separate 64.4 foot wide building lot from an existing 150 foot wide property, leaving the existing two-family house on the remaining 87.6 foot wide, 13,480 square foot lot. The subject property is located on the southern side of Pinehurst Avenue, between Slater Road and Pershing Avenue. The area is zoned S-2, Single-Family.

FINDINGS: The S-2 zoning district requires a minimum lot width of 75 feet, a minimum lot area of 8,000 square feet, as well as a minimum of 8,000 square feet of lot area per dwelling unit. The applicant's submitted plan show the existing lot that is 150 feet wide and 154 feet in depth. There is an existing nonconforming two-family house situated towards the western side of the property that was constructed in 1961, under the previous Residence "C" zoning. The property owner has resided here since 1961 and has maintained the home with a vacant lot towards the eastern half of the property. The vacant parcel approximately 64 to 65 feet in width, which was a legal size for development prior to the 1967 adoption of new zoning citywide. The rezoning changed this area to S-2 zoning making the existing two-family house nonconforming and requiring new development lots to be a minimum of 75 feet in width. In addition, because Section 70-40-20 requirement for 8,000 square feet of lot area for each dwelling unit, the existing two-family house would be made slightly more nonconforming in not having the required 16,000 square feet of lot area (8,000 square feet per dwelling unit). As shown the two-family house be reduced to a lot area of 13,480 square feet, a shortfall of approximately 15% of the lot area.

The owner, now in his 90's, is no longer able to maintain the vacant parcel and it has become overgrown. On behalf of the owner, the applicant is looking to effectuate this split, legally restoring an additional building lot which would have been permissible at the time the owner purchased the property, and allowing the new 64 foot lot to be developed. He points out that there are numerous other house on the street, including nonconforming two-family houses that are on even smaller 50 foot side lots.

CONCLUSION: Many of the surrounding residential properties in the neighborhood are only 50 feet in width and several are occupied by two-family houses built prior to 1967. The proposed development and use of this parcel within the confines of the S-2 yard setback requirements would appear to be consistent in character and compatible with the rest of the neighborhood. Despite not meeting the required 16,000 square foot area requirement, the existing two-family house would be left with a generous and useable lot area and yard space.

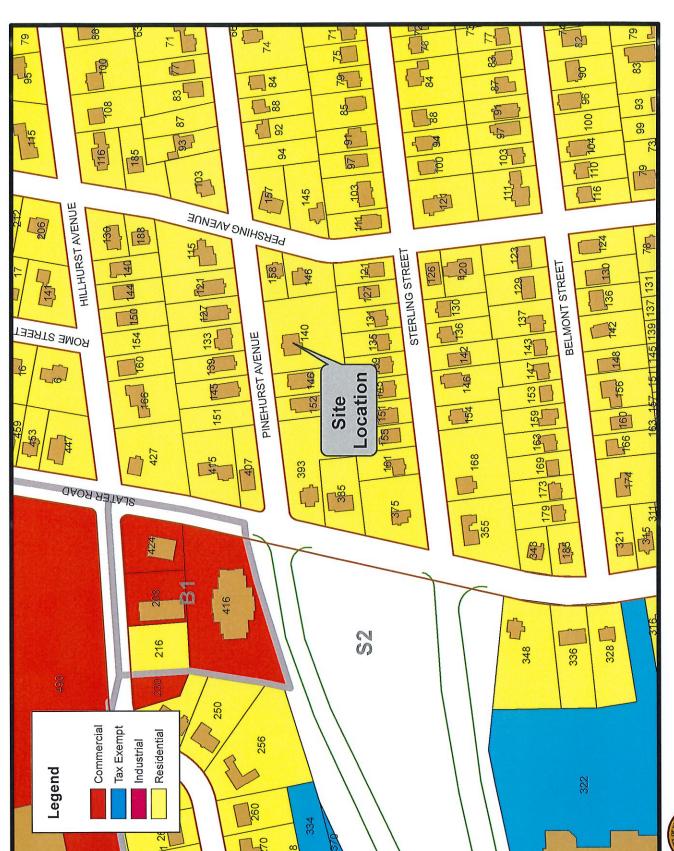
RECOMMENDATION: The City Plan Commission notes that the neighborhood does include a mix of nonconforming lots and houses and that it was the City's 1967 change in zoning that would prevent development of this property in the manner that was allowed for most of the surrounding properties. This type of variance has generally been viewed favorably.

Provided the new construction is limited to a single-family house, consistent in character with the surrounding neighborhood, and meeting all yard setback requirements and other applicable restrictions, the City Plan Commission has no objections to the granting of these variances.

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140 Pinehurst Avenue Application # 4905

City of New Britain

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

Date: Dec 21, 2020 Drawn By: CTL Checked By: SPS/DR

Application #4905 140 Pinehurst Avenue

127 Sterling Street	#4106	VARIANCE To allow a property to be split into 2 nonconforming lots. GRANTED: June 2004
121 Sterling Street	#4107	VARIANCE To allow a property to be split into 2 nonconforming lots. GRANTED: June 2004
151 Pinehurst Avenue	#4782	VARIANCES To re-establish and allow development on a nonconforming 50-foot wide lot. GRANTED: November 2017

APPLICATION:

#4906

APPLICANT: ADDRESS:

Kenneth Swerdlick
563 West Main Street

ZONE:

B-1, Neighborhood Business

BACKGROUND: The applicant is requesting a variance to Section 230-110-10.10, required transitional yard, in order to allow placement of a walk-in freezer at the rear of Sahadi's Hotties, a small primarily take-out restaurant located on the northwest corner of West Main Street and Homestead Avenue. The property is zoned B-1, Neighborhood Business.

FINDINGS: The property is approximately 153 feet wide by 100 foot in depth totaling just under 15,000 square feet in area. The small, 720 square foot restaurant building was built around 1997, complying with all applicable B-1 zone setback requirements, including the requirement for a 25 foot transitional yard or buffer zone to the rear of the property, where it abuts an A-2 residential zoning district.

The applicant recently installed a separate walk-in cooler at the rear of the building, within the required 25 foot transitional yard. The cooler is approximately 7.5 feet from the building and 7.5 feet from the rear lot line, which abuts a residential property. There is a 6 foot stockade fence running along the entire rear lot line. The applicant indicates that the cooler is necessary to operate the restaurant cost effectively and that the B-1 zone requirements for 40 foot setbacks from the West Main Street and Homestead Avenue street frontages, along with the required 25-foot rear transitional buffer yard substantially limits the conforming locations on the property where the cooler could be placed. The applicant's plans show several shrubs to be planted in the rear yard to screen the view of the cooler from Homestead Avenue.

<u>CONCLUSION:</u> Located at the rear of the restaurant building, with the existing fence and proposed plantings, the cooler would not be readily visible, nor would it seem likely to adversely affect to the adjoining residential property.

RECOMMENDATION: The City Plan Commission is generally supportive of business owners' investments that improve the economic potential and viability of a commercial property. The restaurant cooler is a reasonable and innocuous accommodation for the business. Provided there is no further construction or installation of accessory structures in the transitional yard and the fence is maintained and there is added screening planted, as shown, the City Plan Commission has no objections to the granting of this variance.

563 West Main Street Application # 4906

City of New Britain

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

Date: Dec 21, 2020 Drawn By: CTL Checked By: SPS/DR

Application #4906 563 West Main Street

586 West Main Street	#4146	SPECIAL EXCEPTION To allow a liquor permit for an existing restaurant. GRANTED: November 2004
586 West Main Street	#4186	VARIANCE To required front yard to allow the addition of deck onto the front of an existing restaurant. GRANTED: June 2005
586 West Main Street	#4577	SPECIAL EXCEPTION To allow a full liquor permit in conjunction with an existing restaurant. GRANTED: November 2011
586 West Main Street	#4662	SPECIAL EXCEPTION To allow a full liquor permit in conjunction with an existing restaurant. GRANTED: January 2014

APPLICATION: #4907
APPLICANT: Luis Torres
ADDRESS: 347 East Street
ZONE: T, Two-Family

BACKGROUND: The applicant is requesting a variance to Section 70-10, permitted uses, in order to allow a former auto repair garage to be utilized for the sale and installation of used tires. The subject property is situated on the northeastern corner of East Street and Kelsey Street and is zoned T, Two-family. The site was originally a gasoline service station going back prior to the 1960's. The area was rezoned to T, Two-family in 1967 and, with the adoption of the revised citywide zoning, the repair business use was "grandfathered" as a legal nonconforming use. Utilizing this legal nonconforming status, the repair business was reapproved for DMV licensing in 2017, but the repair business has since relocated.

FINDINGS: Auto tire sales and installation is not subject to DMV licensing, but, following the City's 2017 moratorium and review of all motor vehicle related business types, this type of business was categorized under zoning as "motor vehicle services- unlicensed" and specifically limited to being permitted only by special exception and only in B-3 and I-2 zoning districts. Further, the restrictions were that the site have sufficient conforming customer parking and that all work be done within the building, that there be no outdoor storage of parts or materials and that all recycling be appropriately screened.

The subject property is relatively small, approximately 8,700 square feet in area, and the former garage building is a single-story, 1,800 square foot masonry garage building, built around 1958 with three repair bays. The garage has a minimal side yard of just over 5 feet to the eastern property line and just under 25 feet to north. In a normal situation where this was being permitted by special exception in a B-3 or I-2 zoning district, there would also be a required 25 foot buffer setback where the business abutted a residential property. At the time of the most recent DMV licensing the business owner was required to create 14 conforming off-street parking spaces, including a handicapped space, and to close-off the Kelsey Street access driveway.

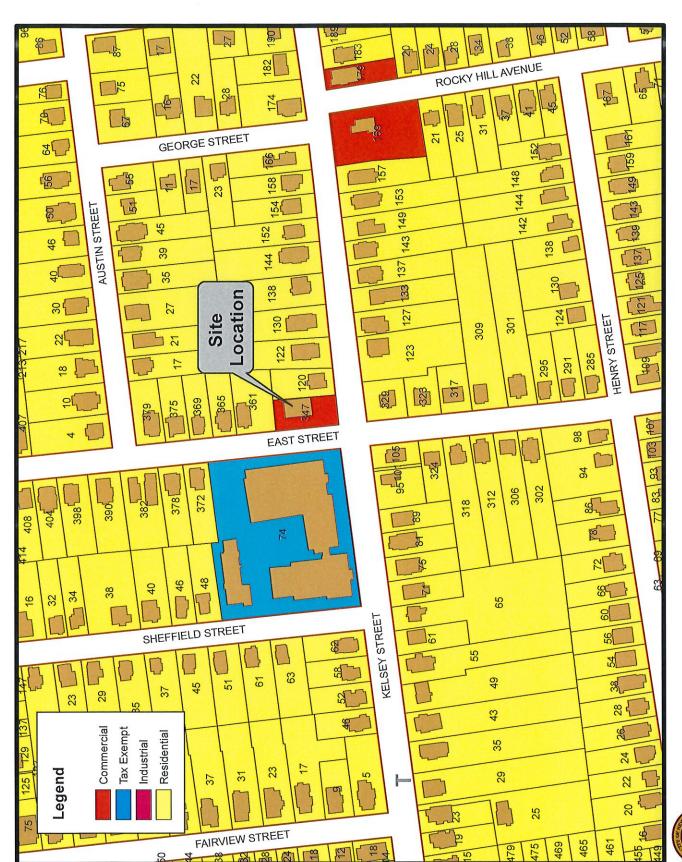
CONCLUSION: While the City Plan Commission may view tire sales and installation as less objectionable than a full auto repair operation, the Commission has always urged caution in dealing with auto-related uses like these and is of the opinion that they are seldom a compatible fit in or near a residential neighborhood settings. The Commission's principal concerns relate to objectionable noise levels from pneumatic tools and the property becoming unsightly due the large numbers of tires being stored and recycled outside and often due to businesses grossly exceeding normal signage restrictions.

RECOMMENDATION: In general, the City Plan Commission would prefer that there be no auto-related business of any type at this location, as these businesses are usually incompatible and detrimental to the character of the surrounding residential neighborhood. If the applicant or owner were to make compelling argument to the Zoning Board of Appeals that the auto-related use is legally grandfathered in some form on the property, the Commission would, reluctantly, accept that the limited tire sales and installation business might be less obtrusive than a return to a full auto repair operation.

Under those circumstances, the Commission would recommend approval of this variance, subject to the requirements that there that there be screening fences installed along the eastern and northern property lines, that there be no outside storage or recycling of tires, that all work be conducted inside the building with the garage bay doors closed and that there be no business identification signage or flags or banners other than a single building mounted sign complying with the B-1 zoning district sign standards.

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Application # 4907 347 East Street

City of New Britain

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

Drawn By : CTL Checked By : SPS/DR

Date: Dec 21, 2020

Application #4907 347 East Street

74 Kelsey Street	#4200	VARIANCE
, ritelisely eller	,, 1200	To lot area per d.u. and permitted uses to allow a former parochial school to be converted intermultifamily residential units. GRANTED: November 2005
123-125 Kelsey Street	#4386	VARIANCE In order to split a small building lot off larger parcel. DENIED: January 2008
347 East Street	#4755	APPEAL OF THE DECISION OF ZONING ENFORCEMENT OFFICIAL In regards to abandonment of a nonconforminauto repair business. WITHDRAWN: September 2017
74 Kelsey Street	#4767	VARIANCE To allow the conversion of the St. Thomas Aquinas School into residential apartment units GRANTED: May 2017
74 Kelsey Street	#4798	VARIANCE To allow the conversion of the St. Thomas Aquinas School into residential apartment units GRANTED: March 2018