



EST. 1871

CITY OF NEW BRITAIN

ZONING BOARD OF APPEALS
CHAIRMAN MATTHEW MALINOWSKI

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REGULAR MEETING AND PUBLIC HEARING
ROOM 201 – CITY HALL
NEW BRITAIN, CONNECTICUT
THURSDAY, JULY 22, 2021
6:00 P.M.

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: MAY 20, 2021 – Regular Meeting
4. APPROVAL OF MINUTES: JUNE 17, 2021 – Special Meeting
5. 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
 - #4920:** Christine Prendergast – 228 Corbin Avenue
 - #4921:** John Geragosian – 380 West Main Street
 - #4922:** DATTCO, Inc. – 315 South Street
 - #4923:** Judah Thomas for Thrive Revenant Church – 365 John Downey Drive
 - #4924:** Chassidy Hamilton/Crystal Henry – 16 Broad Street
 - #4925:** Marco Ocasio – 260 Hart Street
6. OTHER NEW BUSINESS
7. ADJOURNMENT

Next Meeting: Thursday, August 19, 2021 @ 6:00 p.m.



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

MINUTES - Regular Meeting
May 20, 2021
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Members Present

Matthew Malinowski, Chairman
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:

Chairman Matthew Malinowski called the meeting to order at 6:00p.m.

2. ROLL CALL:

A full board of seven (7) members was present upon roll call.

3. APPROVAL OF MINUTES: MARCH 18, 2021, REGULAR MEETING

ACTION: A motion to approve the minutes of the March 18, 2021 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:

#4908: For the Talented Sports Company – 1340 East Street

#4911: Timothy Stewart – 246 Slater Road



City of New Britain
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MINUTES - Regular Meeting
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5. NEW BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

- #4914: Atty. Lawrence S. Shipman for Wheeler Clinic, Inc. – 40 Hart Street
- #4915: Jeffrey W. Lawrence – 91 Huber Street
- #4916: Lisa Ostrout – 4 Beacon 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 Hargraves, seconded by Commissioner Sobolewski, and unanimously approved, the time being 6:58 p.m.

Respectfully submitted,



Danielle Rosado, Secretary



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

No. 4908
May 20, 2021

For the Talented Sports Company is requesting special exception pursuant to Section 218-20-50, in order to allow a youth, sports training and fitness center to occupy a portion of the CT Cabinetry Group, LLC manufacturing facility at 1340 East Street. Zone: TOD ES-1

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves, Vice-Chairman
Bryan Anderson
Marion Fischbein

Roman Nowak
Maryann Sobolewski
Mario Santos, Alternate

Mr. Schiller noted he has not heard from the applicant, the notice sign was not posted as required, and the applicants were not present. He recommended the matter be dismissed.

ACTION: A motion to dismiss Application #4908 was made by Commissioner Hargraves and seconded by Commissioner Nowak and passed by unanimous vote.

APPLICATION #4908 WAS DISMISSED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman


Danielle Rosado, Secretary

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

No. 4911
May 20, 2021

Timothy Stewart is requesting a variance to Section 70-10, permitted uses, and 70-40-20 lot area per dwelling unit at 246 Slater Road. Zone: S-2

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves, Vice-Chairman
Bryan Anderson
Marion Fischbein

Roman Nowak
Maryann Sobolewski
Mario Santos, Alternate

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

The applicant would like to utilize the lot for construction of a two-family house rather than a single-family home and points out that, notwithstanding the single-family zoning there are a number of other two-family houses in the area including one directly adjacent to the property. A proposed plot plan for the layout has not been provided, but indicates that lot is extremely deep and that all yard setbacks could be met.

Mr. Schiller stated that the City Plan Commission is of the opinion that the property can be reasonably used for construction of a conforming single-family house and that applicant's hardship claim is not truly justified in this case and therefore recommends against the approval of this variance.

The Engineering Department did not meet and had no comment on this application.

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

Speaking in favor:	Timothy Stewart, 60 Wightman Road, New Britain, CT; Joseph Tropea, 39 Pheasant Run, Avon, CT;
Speaking against:	Edwin Navarro, 36 Leo Street, New Britain, CT; George Roche, 240 Slater Road, New Britain, CT;

ACTION: A motion to approve Application #4911 was made by Commissioner Hargraves and seconded by Commissioner Nowak and passed by unanimous vote.

APPLICATION #4911 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary



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

No. 4914
May 20, 2021

Atty. Lawrence S. Shipman for Wheeler Clinic, Inc. is requesting a variance to Section 250-10, regarding signage, in order to allow a business identification sign on a non-conforming medical building at 40 Hart Street. Zone: T

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves, Vice-Chairman
Bryan Anderson
Marion Fischbein

Roman Nowak
Maryann Sobolewski
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 that the City Plan Commission is of the opinion that the proposed signage serves a legitimate identification need and that it would not be reasonable to prevent a "grandfathered" business use from having signage that is appropriate to both the building and the use. The Commission, therefore, recommends approval of this variance.

The Engineering Department had no comment on this application.

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

Speaking in favor: Larry Shipman, 463 South Main Street, West Hartford, CT;
Todd Raymond, Wheeler Clinic, Inc., 75 North Mountain Road,
New Britain, CT

ACTION: A motion to approve Application #4914 was made by Commissioner Hargraves and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4914 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary

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

No. 4915
May 20, 2021

Jeffrey W. Lawrence is requesting variances to Section 80-40-70.02, minimum required side yard, in order to construct a 15 by 22-foot long carport attached to an existing single-family house at 91 Huber Street. Zone: S-3

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves, Vice-Chairman
Bryan Anderson
Marion Fischbein

Roman Nowak
Maryann Sobolewski
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 that while sympathetic to the applicant's desire to add the carport, the City Plan Commission is of the opinion that the 15 foot width is substantially more than is needed for and that a reasonably useful carport of up to 11.5 feet in width can be added while still maintaining a conforming 7 foot minimum side yard. The City Plan Commission therefore recommends this variance be denied.

The Engineering Department has no comment on this application.

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

Speaking in favor: Edward Drobinski, 81 Huber Street, New Britain, CT;
Mary Jane Goth & Brianne Frey, 97 Huber Street, New Britain, CT;
Mary-Lynn Moncebaiz, 103 Huber Street, New Britain, CT

ACTION: A motion to approve Application #4915 was made by Commissioner Fischbein and seconded by Commissioner Santos and passed by unanimous vote.

APPLICATION #4915 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary

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

No. 4916
May 20, 2021

Lisa Ostrout is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback at 4 Beacon Street. Zone: S-3

Members Present:

Matthew Malinowski, Chairman
Jerrell Hargraves, Vice-Chairman
Bryan Anderson
Marion Fischbein

Roman Nowak
Maryann Sobolewski
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 has no objections to the granting of this variance, provided that all required standard safety measures such as appropriate fencing, self-latching gates, pool alarms, etc. are installed and to the satisfaction of the Department of Licenses, Permits and Inspections.

The Engineering Department has no comment on this application.

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

Speaking in favor: Lisa Ostrout, 4 Beacon Street, New Britain, CT
Jason Ostrout, 4 Beacon Street, New Britain, CT

ACTION: A motion to approve Application #4916 was made by Commissioner Nowak and seconded by Commissioner Sobolewski and passed by unanimous vote

APPLICATION #4916 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary



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

MINUTES - Special Meeting
June 17, 2021
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Members Present

Matthew Malinowski, Chairman
Bryan Anderson
Marion Fischbein

Roman Nowak
Mario Santos, Alternate

Staff Present:

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

1. CALL TO ORDER:

Chairman Matthew Malinowski called the meeting to order at 6:00p.m.

2. ROLL CALL:

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

3. NEW BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4917: Eduardo Perez – 60 East Main Street

4. OTHER NEW BUSINESS

There was no other new business.



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

MINUTES - Special Meeting
June 17, 2021
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5. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Nowak, seconded by Commissioner Santos, and unanimously approved, the time being 6:09 p.m.

Respectfully submitted,



Danielle Rosado, Secretary



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

No. 4917
June 17, 2021

Eduardo Perez is requesting special exception pursuant to Section 270-40-40, in order to obtain a grocery beer permit for the recently opened Key Foods Supermarket in the New Brite Plaza at 60 East Main Street. Zone: CBD

Members Present:

Matthew Malinowski, Chairman
Bryan Anderson
Marion Fischbein

Roman Nowak
Mario Santos, Alternate

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

Mr. Schiller summarized the favorable staff report stating that the City Plan Commission is of the opinion that this proposal meets all restrictions of Section 270-40-40.10 and that grocery beer sales are a normal and expected accessory to nearly all supermarkets and are generally an innocuous addition, provided that store and property are well-managed and operated in accordance with all applicable state liquor laws. The Commission has no objections to the granting of this special exception.

The Engineering Department did not meet and had no comment on this application.

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

Speaking in favor: Eduardo Perez, 60 East Main Street, New Britain, CT
Attorney Emanuel Mangifico, 185 West Main Street, New Britain, CT

ACTION: A motion to approve Application #4917 was made by Commissioner Nowak and seconded by Commissioner Santos and passed by unanimous vote.

APPLICATION #4917 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman



Danielle Rosado, Secretary



ZONING BOARD OF APPEALS

City Plan Commission Report
ZBA Hearing Date: July 22, 2021

NEW BUSINESS

Application #4918
100 Richard Street
(aka 57 Fern Street)

Application #4919
66 Forest Street

Application #4920
228 Corbin Avenue

Application #4921
380 West Main Street

Application #4922
315 South Street

Application #4923
365 John Downey
Drive

Application #4924
16 Broad Street

Application #4925
260 Hart Street

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

APPLICATION: #4918
APPLICANT: Tracy Becker for Sign Pro Inc.
ADDRESS: 100 Richard Street (aka 57 Fern Street)
ZONE: A-1, Garden Apartments

BACKGROUND: The applicant is requesting sign 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. 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. The facility is located on the north side of the Mount Pleasant Housing property and accessed from the south end of Fern Street. The building is identified individually as 57 Fern Street and is zoned A-1 Garden Apartments.

FINDINGS: The NB Center of Excellence is a relatively new facility built in 2014 on NB Housing Authority property with a mission of providing educational, vocational and wellness services to the City's underprivileged. As previously noted, announcement signage in residential zones such as the A1 district are not allowed to exceed 6 square feet in size, and are supposed to be lit only by an indirect source. The applicant's submitted plans show individual mounted letters, acrylic faced and internally lit, along with a "Center of Excellence" medallion symbol, all mounted on the main entrance wall occupying a total of 23 or more square feet. The applicant claims that the signage is necessary to adequately identify the facility and that it would be appropriate and compatible to the modern architecture of the building. They further point out that this is an isolated part of the property situated further away from any of the residential apartment buildings and that it faces the Fern Street entrance, toward the HRA facility parking lot.

CONCLUSION: Given the location and the character of the facility that the sign identifies, the size and lighting would not appear to be out of place or incompatible with the remainder of the property or neighborhood.

RECOMMENDATION: 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.



City of New Britain

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

100 Richard Street
Application # 4918

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

Application #4918
100 Richard Street (aka 57 Fern Street)

180 Clinton Street	#4320	SPECIAL EXCEPTION To renovate and expand nursery school operations. GRANTED: February 2007
144 Clinton Street	#4409	SPECIAL EXCEPTION To allow conversion of an existing single-family house to be used as office space accessory to HRA of New Britain. GRANTED: May 2008
43 Viets Street	#4475	VARIANCE To allow a minor expansion of a nonconforming industrial facility. GRANTED: July 2009
100 Richard Street	#4617	SPECIAL EXCEPTION To allow the construction of a community education and training facility. GRANTED: November 2012

APPLICATION: #4919
APPLICANT: Daniel Papapietro and Margaret E. Wilson
ADDRESS: 66 Forest Street
ZONE: S-2, Single-Family

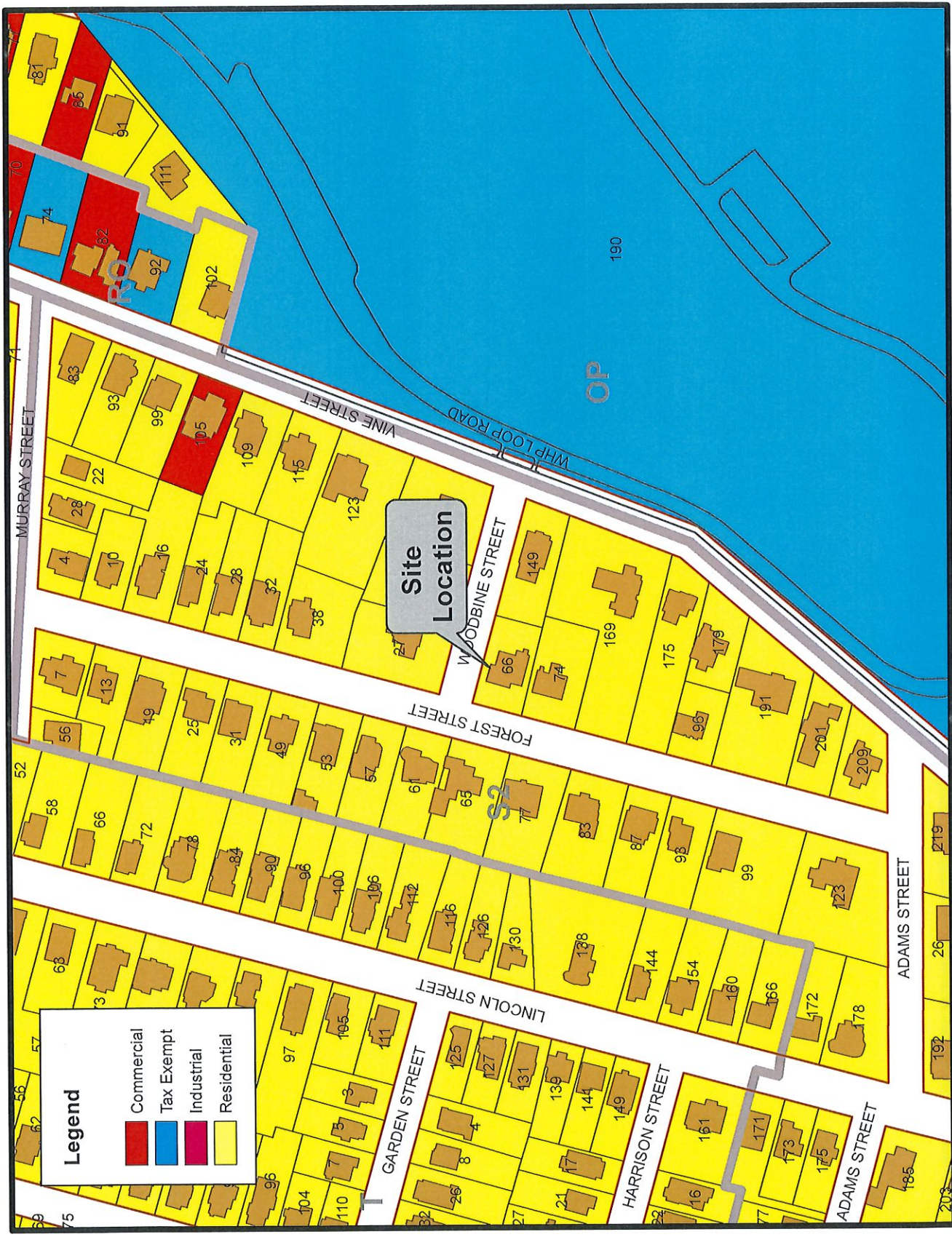
BACKGROUND: The applicant is requesting variances to Section 40-20-10 through 40-20-30 regarding the application of dimensional regulations for lot coverage and yard setbacks, especially as it relates to existing nonconforming structures. The applicants would like to reconstruct and enlarge a small porch to create a first floor bathroom space. The house is situated on the southeast corner of Forest and Woodbine Street and is zoned S-2, single-family. This is essentially a variance to Section 70-40-40, maximum permissible lot coverage, allowing a minor increase in the degree of the existing nonconformity.

FINDINGS: The property is 8,320 square feet in area, conforming to the S-2 zone's 8,000 square foot minimum standard. The house with its porches and garage structure currently occupy approximately 2,398 square feet or approximately 28.8% of the total lot area. In the S-2 zone, Section 70-40-40 allows a maximum coverage of 25%, so at present the home is legally nonconforming. As proposed the reconstruction and expansion of the eastern side porch toward the garage, would add only about 52 square feet of additional coverage, resulting in a lot coverage factor of 29.4%.

The applicant's hardship claims relate to the fact that the house was built in 1911, prior to adoption of zoning, with the current nonconforming lot coverage existing from the start. Secondly, the home was built without a first floor bathroom which is a feature that is common accessory in a modern home and contributes a great deal to the convenience and livability of home. The applicant was already granted approval and a Certificate of Suitability from the City's Historic Preservation Commission, with the Commission finding the proposed reconstruction and addition to be consistent and compatible to the structure and to the surrounding neighborhood.

CONCLUSION: 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.

RECOMMENDATION: For the reasons stated above, the City Plan Commission has no objections to the granting of this variance as requested.



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

66 Forest Street
Application # 4919

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

Application #4919
66 Forest Street

APPLICATION: #4920
APPLICANT: Christine Prendergast
ADDRESS: 228 Corbin Avenue
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 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 alongside the garage, encroaching with 6 feet of the rear lot line to the south.

The applicant claims that this location would be best, in that 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 and, in most cases, the Board notes a real physical hardship in the yard being so small that even a modest sized pool could not be accommodated with encroaching into a yard. In this case there is more than sufficient space to fit the pool without encroaching into the rear yard setback.

RECOMMENDATION: 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.



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

**228 Corbin Avenue
Application # 4920**

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

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: #4921
APPLICANT: John Geragosian
ADDRESS: 380 West Main Street
ZONE: B-1, Neighborhood Business

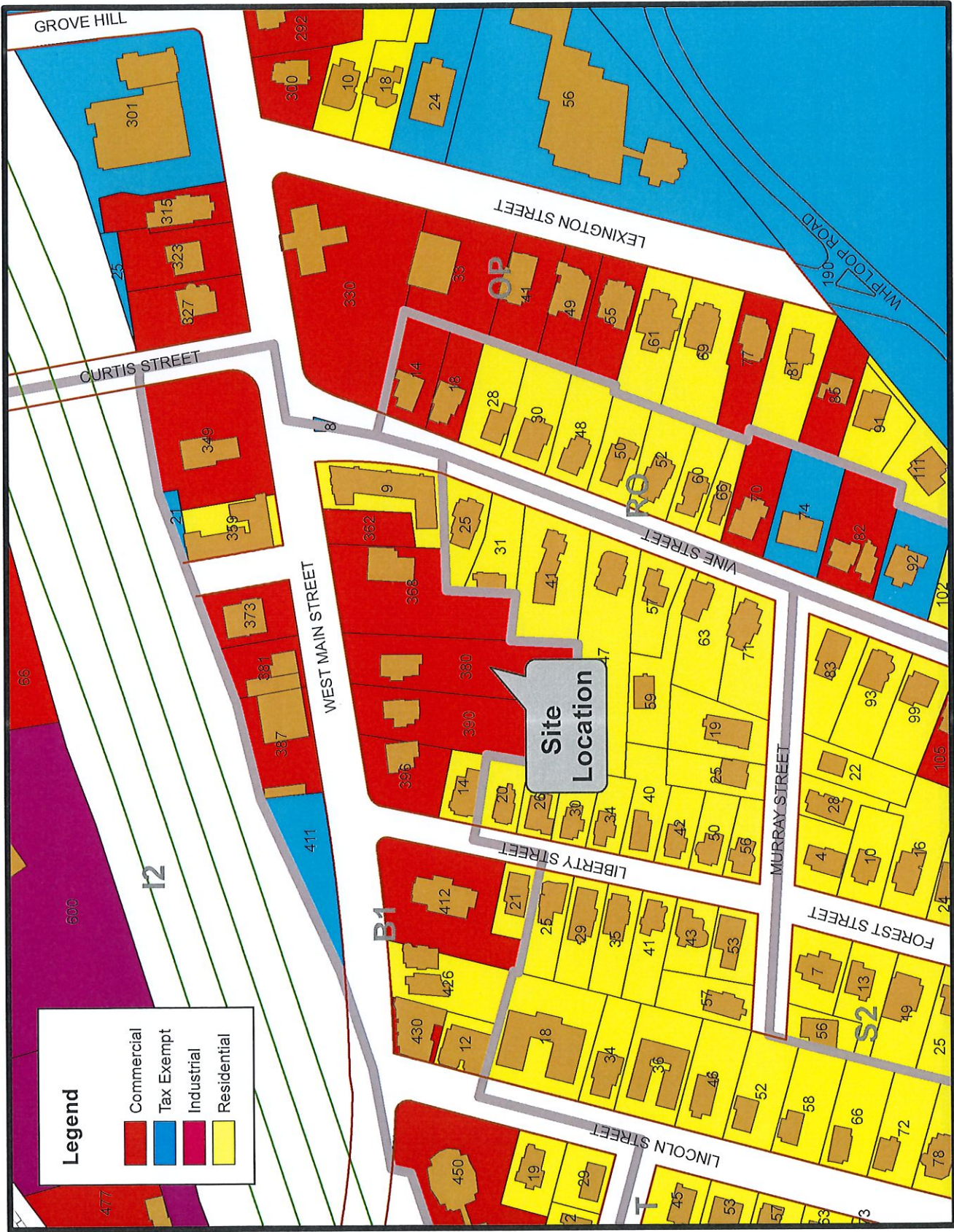
BACKGROUND: The applicant is requesting a variance to Section 140-10 permitted uses, in order to return an office space in a historic house to residential use. The subject property is located on the southern side of West Main Street between Vine and Liberty Streets and is zoned B-1, Neighborhood Business.

FINDINGS: The subject building was constructed in 1880 as a residence and is noted in the City's 1992 historic survey as a unique example of Queen Anne-Lakewood Design, potentially eligible for inclusion on the National Register. It was built prior to the City's establishment of zoning and utilized as a home for many years. Subsequently the first floor was converted to first floor office use, with a second floor apartment unit maintained. The office use was also established prior to current zoning and has been maintained for at least 60 years. With the adoption of the 1967 zoning, most properties on this portion of West Main Street were re-zoned to B-1, Neighborhood Business, with the area being seen as a developing business corridor in which the office was a conforming use. The B-1 zoning allows a variety of businesses from restaurants and retail to office but does not allow residential use.

The applicant would now like to re-establish residential use on both floors, noting that the area has changed substantially since the 1967 zoning, that the area's potential as a business strip is diminished and that, despite marketing, there has been essentially no interest in this property for continued office use. The applicant claims that the property has proven not marketable as an office and that allowing conversion to full residential use will allow preservation of the building and would be consistent with the use character of the surrounding neighborhood.

CONCLUSION: Considering the character of the property and the surrounding neighborhood and business area, it does appear that the preservation and conversion of this building into full residential use is reasonable and desirable and would be compatible use for the surrounding properties. The property is large enough, over .61 acres in area and has more than adequate rear yard parking for a two-family house.

RECOMMENDATION: 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, therefore, has no objections to the granting of this variance.



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

380 West Main Street
Application # 4921

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

Application #4921
380 West Main Street

381-385 West Main Street	#3649	VARIANCE To allow the erection of a large canopy sign on the front of an existing storefront. GRANTED: June 1995
47 Vine Street	#4666	VARIANCE In order to run an internet sales business from his house. GRANTED: March 2014

APPLICATION: #4922
APPLICANT: DATTCO, Inc.
ADDRESS: 315 South Street
ZONE: I-2, General Industry

BACKGROUND: The applicant 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 situated on South Street. The area is zoned I-2, General Industry.

FINDINGS: The subject property is the former Reflexite factory which has been utilized for DATTCO bus operations for a number of years now. In March 2020 it was granted special exception #4874 allowing issuance of a DMV permit allowing them to sell vehicles and perform repairs and maintenance on vehicles other than their own rolling stock. In order to accommodate that business they have established a second driveway at the eastern end of their building. They would now like to install an identification sign for this driveway directing most outside visitors to this entrance rather than the employee entrance at the western end of the building, across from the East Street intersection. Section 250-30.20.10 allows a maximum sign area of 32 square feet for detached ground signage. This sign is proposed to be approximately 4.5 feet high by 8 feet wide totaling 36 square feet in area and would be setback approximately 10 to 12 feet from the street line, rather than the required 20 feet normally required, per Section 250-30-20.50.

The applicant claims that the slightly oversized signage placed at a 10 foot setback is necessary to ensure good visibility and safely direct vehicles to this primary business entrance for repairs and sales.

CONCLUSION: The proposed signage is not overly large by City standards and seems reasonable in scale to the property and well-suited to provide direction to this primary entrance. The reduced setback for the sign is reasonably justified because there is some front yard parking and other visual obstruction a little further west from the driveway location. The 10 or 12 foot setback proposed appears to leave more than adequate line-of-site for vehicles exiting the driveway onto South Street, which affords a long and straight clearance in front of the building all the way back past the East Street intersection and further.

RECOMMENDATION: 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 the granting the variance to Section 250-30.20.10 related to the size of the signage.



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

**315 South Street
Application # 4922**

Date : July 2, 2021
Drawn By : CTL
Checked By : SPS/DR

Application #4922
315 South Street

326 South Street	#3942	VARIANCE To allow an addition to an existing nonconforming building. GRANTED: September 2001
315 South Street	#4874	SPECIAL EXCEPTION In order to allow issuance of a DMV license for motor vehicle sales, repairs, leasing and vehicle washing at an existing DATTCO bus facility. GRANTED: March 2020

APPLICATION: #4923
APPLICANT: Judah Thomas for Thrive Revenant Church
ADDRESS: 365 John Downey Drive
ZONE: I-1, Industrial Park

BACKGROUND: The applicant 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 this I-1, Industrial Park property. The subject property is approximately 1.94 acres in area and occupied by a 20,000 square foot manufacturing building, situated on the eastern side of John Downey Drive, near the intersection of Production Court. The proposed church space shares the building with a successful brewery, the Alvarium Beer Company.

FINDINGS: For many years, churches and other places of worship were not allowed in any industrial zoning district, on the principle that industrial zoned property should be reserved for businesses that create jobs and tax base. This changed with the adoption of a zoning amendment by Council in September of 2012, allowing portions of existing I-1 and I-2 zoned facilities to house places of worship, by special exception and subject to certain size limitations. As adopted, Section 190-20-10 reads:

"As an accessory, secondary use to any conforming I-1 office, business or manufacturing use, up to one-third of the total existing floor space, but not exceeding 5,000 square feet, may be utilized by a church or similar place of worship, subject to meeting all applicable building and fire safety code restrictions and provided adequate off-street parking is available for the place of worship during the hours in which they are normally active." In November 2014, despite the unfavorable recommendation of the City Plan Commission "Greater Harvest Ministries" was permitted to occupy a suite of approximately 4,975 square feet in this building. The current applicant is a different entity, Thrive Revenant Church.

At the time of the Greater Harvest Church approval, the building was partially vacant and somewhat underutilized. Subsequent to Greater Harvest's approval, a craft brewer, the Alvarium Beer Company was approved, allowing brewing and on-site sales under special exception #4732 granted in March 2016. They have since expanded and occupy more than half of the building area.

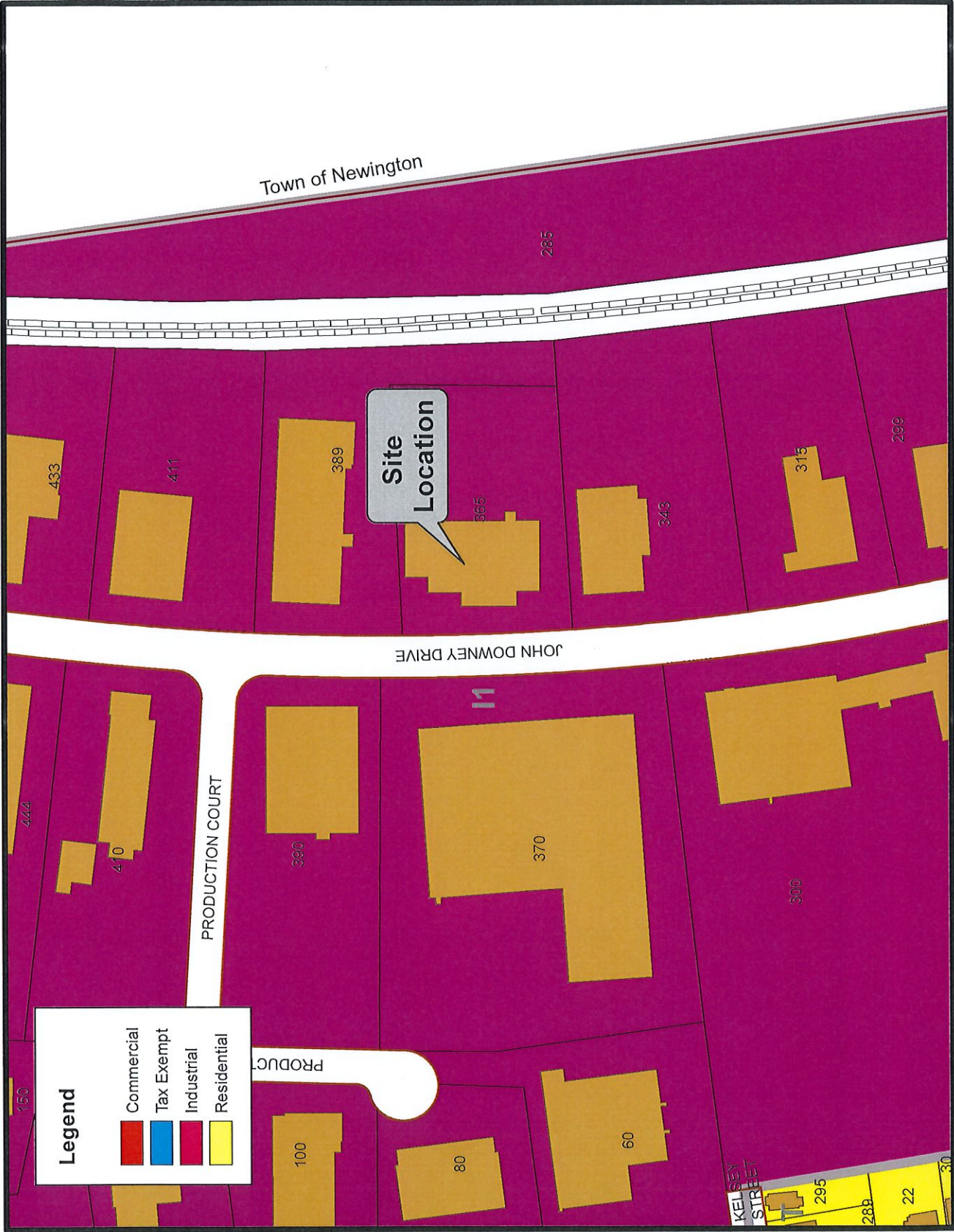
CONCLUSION: Despite a lack of clear floor plans, the applicant's special exception request appears to comply with all applicable provisions under Section 190-20-10 at least in a technical sense. The requested 4,975 square feet of floor area devoted to the place of worship would be less than one-third of the 20,000 square foot building, and the parking spaces available during the hours of worship and church activities would appear to be adequate for a small congregation. The applicant has not specified the size of the congregation, nor proposed hours that services and activities would be conducted.

RECOMMENDATION: The City Plan Commission has long been opposed to allowing industrial or commercially-zoned properties to be used for non-business uses. 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 Commission, therefore, recommends against approval of this special exception.



200 Feet
200 100 0



Date : July 2, 2021
Drawn By : CTL
Checked By : SPS/DR

365 John Downey Drive
Application # 4923

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



Application #4923
365 John Downey Drive

365C John Downey Drive	#4685	SPECIAL EXCEPTION To allow the operation of a small church in a portion of an industrial park property. GRANTED: November 2014
365B John Downey Drive	#4732	VARIANCE To allow the establishment of a craft brewery with a taproom for public sampling events. GRANTED: May 2016

APPLICATION: #4924
APPLICANT: Chassidy Hamilton and Crystal Henry
ADDRESS: 16 Broad Street
ZONE: CBD, Central Business District

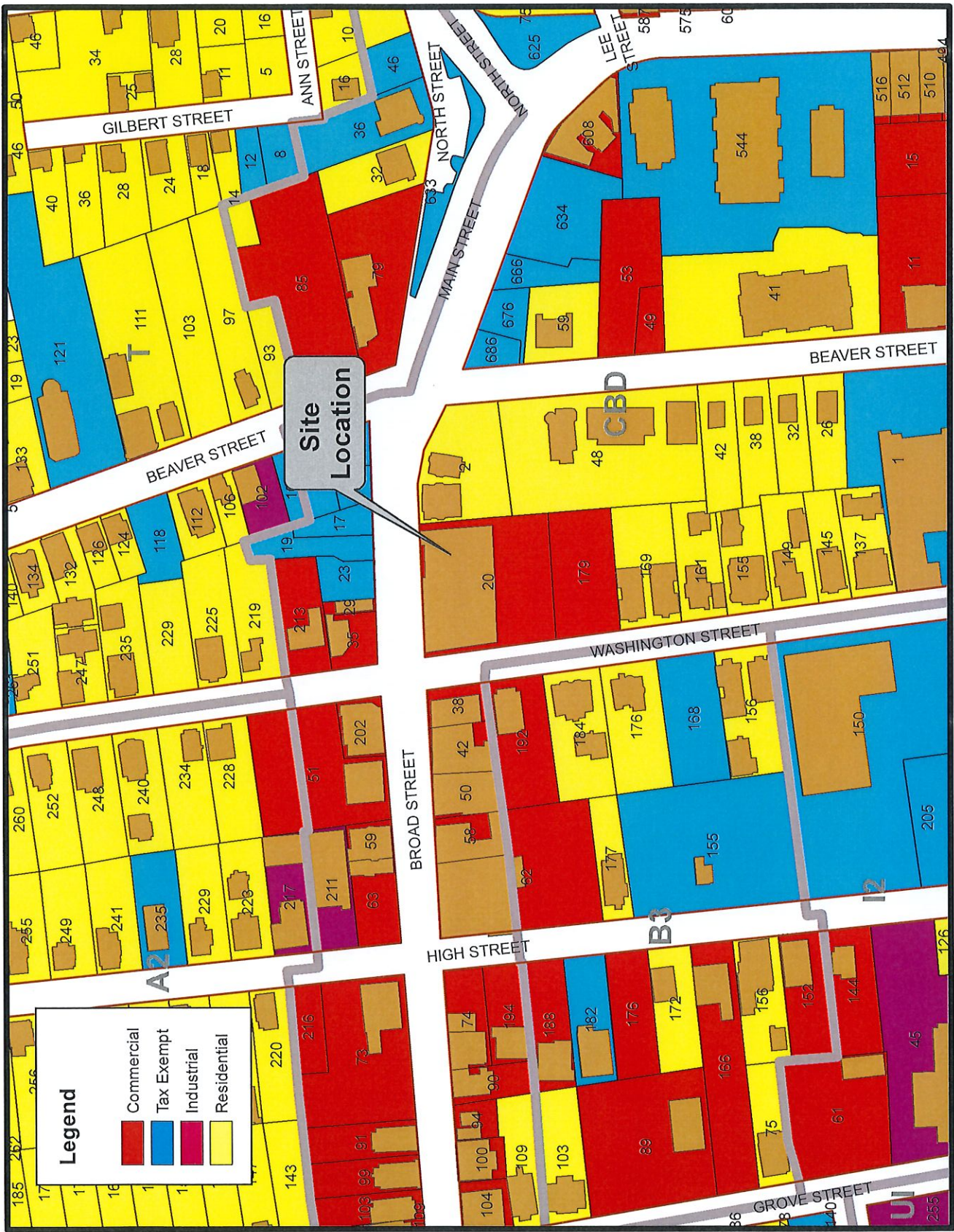
BACKGROUND: The applicants are requesting a variance to Section 170-10, permitted uses, in order to allow a hookah lounge to occupy an existing storefront at 16 Broad Street. Hookah lounges are not specifically addressed in the City's zoning ordinances and there are conflicting interpretations. Section 220-10-970 says "Any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use, or use by temporary permit are prohibited uses...", while the Chief Zoning Official is also given some degree of discretion in deeming a use permissible under a general use category, such as watch or shoe repair falling under a general personal service shop form of business establishment.

FINDINGS: The subject location in this case is the vacant easternmost first floor storefront space in the Polish Falcons' Nest 88 building. The building is located on the southeastern corner of Broad Street and Washington Street and the storefront is one of 10 ground level shop spaces in the building, with the Falcon's Club facilities occupying the second floor of the building. There appear to be at least two other vacant storefronts, but the building is otherwise occupied by several small businesses such as hair and nail salons, a driving school and a pizza restaurant. In addition to the on-street parking in front there is an off-street parking lot to the rear of the building, accessed from Washington Street, which has adequate parking for more than 60 vehicles.

The applicants are essentially pleading a hardship in the City's zoning ordinances not expressly addressing hookah lounges as an individual permitted use. They claim establishments of this sort are becoming more common and offer an added cultural attraction that would complement area restaurants and bars. They indicate that the lounge itself would not serve food or alcohol.

CONCLUSION: Despite community health concerns related to smoking, the impact of this type of business, as described, would arguably not be too different from a small restaurant or café in terms of traffic generation. Conceivably, as the applicants suggest, it could be a complementary use to the area's restaurants and other attractions. The City Plan Commission, however, is concerned about the nature of the use, how it would be operated without food or liquor sales, and how it may relate to cannabis legalization. The Commission is of the opinion that a use of this nature should probably not be addressed through the variance process and that it is preferable that the applicants consider a zoning amendment that would establish Hookah Lounges as a discrete business use, allowed by special exception limited to a small number of business zones and subject to appropriate safeguards and limitations.

RECOMMENDATION: The City Plan Commission has reservations about this type of use and feels that additional information and specific controls are necessary. Accordingly, the Commission is opposed to the granting of this variance.



Date : July 2, 2021
Drawn By : CTL
Checked By : SPS/DR

16 Broad Street
Application # 4924

Application #4924
16 Broad Street

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.

CONCLUSION: 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.



200 100 0 200 Feet



Date : July 2, 2021
Drawn By : CTL
Checked By : SPS/DR

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