

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, MARCH 18, 2021
6:00 p.m.

AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES: JANUARY 21, 2021 Regular Meeting
- 4. NEW BUSINESS
 - A. PUBLIC HEARING AND DISCUSSION:

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

#4909: Eduardo Perez – 60 East Main Street

#4910: Wilfredo Pabon - 755 Osgood Avenue

#4911: Timothy Stewart - 246 Slater Road

#4912: Karol Suchocki - 111 Brown Street

#4913: Andrezej Golka – 457 Osgood Avenue

- OTHER NEW BUSINESS
- ADJOURNMENT

Next Meeting: Thursday, May 20, 2021 @ 6:00 p.m.

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting January 21, 2021 Page One

Members Present

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski Roman Nowak Nicole Bosco, Alternate 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.

ROLL CALL:

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

3. NOMINATION AND ELECTION OF CHAIR AND VICE-CHAIR

<u>ACTION</u>: Commissioner Fischbein nominated Commissioner Matthew Malinowski for the position of Chairman, seconded by Commissioner Santos. There were no further nominations and Commissioner Matthew Malinowski was elected Chairman by unanimous vote.

At this point in time, Chairman Malinowski opened up the floor for nominations for Vice-Chair.

<u>ACTION</u>: Chairman Malinowski nominated Commissioner Jerrell Hargraves for the position of Vice-Chairman, seconded by Commissioner Fischbein. There were no further nominations and Commissioner Jerrell Hargraves was elected Vice-Chairman by unanimous vote.

4. APPROVAL OF MINUTES: NOVEMBER 19, 2020, REGULAR MEETING

ACTION: A motion to approve the minutes of the November 19, 2020 Regular Meeting was made by Commissioner Fischbein and seconded by Commissioner Hargraves. The motion passed by unanimous vote.

5. 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

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

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#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

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 Nowak, seconded by Commissioner Fischbein, and unanimously approved, the time being 8:20 p.m.

Respectfully submitted,

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4900 January 21, 2021

Roseann E. Rector-Pelletier is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area at 215 Jubilee Street. Zone: T

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 given the circumstances, the Commission would have no objections to the granting of this required 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.

The Engineering Department had the following comment on this application:

1. If approved, the driveway will require a new concrete apron and sidewalk to City of New standards. A permit will be required from the Public Works Department prior to starting work. The final width of the driveway apron shall be determined by the Public Works Department.

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

Speaking in favor: Roseann E. Rector-Pelletier, 215 Jubilee Street, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4900 was made by Commissioner Nowak and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

APPLICATION #4900 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

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ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4901 January 21, 2021

Wilson Figueroa is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area at 33 Beacon Circle. Zone T

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 that 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.

The Engineering Department had the comment on this application:

If approved, a permit will be required from the Public Works Department prior to widening
the existing driveway and replacement of the concrete curb to accommodate the wider
driveway. The final width of the driveway apron shall be determined by the Public Works
Department.

The Building Department offered the following comment on this application:

"On the surface, we feel that these are inappropriate variances and people should have been aware of the circumstances; unless there is a real extenuating circumstance, we vote to deny this application".

Speaking in favor: Wilson Figueroa, 33 Beacon Circle, New Britain, CT

ACTION: A motion to approve Application #4901 was made by Commissioner Fischbein and seconded by Commissioner Santos. After a discussion the motion failed by a 6-1 vote [Commissioner Santos voted in favor].

APPLICATION #4901 WAS DENIED BY 6-1 VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4902 January 21, 2021

David Frank for DealPoint Merrill, LLC is requesting a modification to an existing variance to Section 150-10, for permitted used 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 at 1045 West Main Street. Zone: B-2

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 is of the opinion that the original 2-15 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 the neighborhood.

The Engineering Department had the following comments on this application:

- 1. Are there other areas on the site which can be used for the storage units that wouldn't require a variance?
- 2. A site plan conforming to City of New Britain standards will be required when building permits are applied for. No review of the plan submitted with the variance application was done.
- 3. This parcel falls within an Aquafer Protection Area.

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

Speaking in favor:

Sterling McGregor, 2597 Oak Valley Lane, Thousand Oaks, CA

Speaking against:

Linda Delfanso, 16 Jones Drive, New Britain, CT; Angelo Delfanso, 16 Jones Drive,

New Britain, CT; Donna Menard, 28 Barnard Road, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4902 was made by Commissioner Fischbein and seconded by Commissioner Santos. After some discussion and concerns this motion was denied by unanimous vote.

APPLICATION #4902 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. 4903 January 21, 2021

Ralph and Nilda Espinosa is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area at 29 Beacon Circle. Zone: T

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 that 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 Engineering Department had the following comment on this application:

If approved, a permit will be required from the Public Works Department prior to widening
the existing driveway and replacement of the concrete curb to accommodate the wider
driveway. The final width of the driveway apron shall be determined by the Public Works
Department.

The Building Department offered the following comment on this application:

"On the surface, we feel that these are inappropriate variances and people should have been aware of the circumstances; unless there is a real extenuating circumstance, we vote to deny this application".

Speaking in favor: Ralph Espinosa, 29 Beacon Circle, New Britain, CT

ACTION: A motion to approve Application #4903 was made by Commissioner Fischbein and seconded by Commissioner Nowak. After some discussion and concerns this motion was denied by unanimous vote.

APPLICATION #4903 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. 4904 January 21, 2021

Nicholas Reed is requesting a variance to Section 240-50-40, in order to allow parking in the required front yard area at 14 Belden Street. Zone: T

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 that 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 the 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.

The Engineering Department had the following comment on this application:

1. If approved, the driveway will require a new concrete apron and sidewalk to City of New Britain's standards. A permit will be required from the Public Works Department prior to starting work. The final width of the driveway apron shall be determined by the Public Works Department.

The Building Department offered the following comment on this application:

"On the surface, we feel that these are inappropriate variances and people should have been aware of the circumstances; unless there is a real extenuating circumstance, we vote to deny this application".

Speaking in favor:

Nicholas Reed, 100 Taylor Place, Southport, CT 06890

<u>ACTION</u>: A motion to approve Application #4904 was made by Commissioner Nowak and seconded by Commissioner Fischbein. The motion passed by unanimous vote.

APPLICATION #4904 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4905 January 21, 2021

Richard Ronzello is requesting variances to Sections 70-40-20, minimum lot area per dwelling unit and 70-40-50, minimum lot width at 140 Pinehurst Avenue. Zone: S-2

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 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 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. 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.

The Engineering Department has no comment on this application.

The Building Department offered a positive recommendation to the granting of these variances and offered the following comments:

1. The contractor/owner build a 2 car garage to avoid parking issues in the future.

2. There is to be no stacked parking.

Speaking in favor: Richard Ronzello, 18 Bayberry Circle, Berlin, CT

ACTION: A motion to approve Application #4905 was made by Commissioner Nowak and seconded by Commissioner Santos. The motion passed by unanimous vote.

APPLICATION #4905 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. 4906 January 21, 2021

Kenneth Swerdlick 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 at 563 West Main Street. Zone: B-1

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 that 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, the City Plan 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 this variance.

Speaking in favor:

Michael Chadukiewicz, 161 Shunpike Road, Cromwell, CT

Daniel Ayala, 14 Newfield Avenue, New Britain, CT

ACTION: A motion to approve Application #4906 was made by Commissioner Fischbein and seconded by Commissioner Nowak. The motion passed by unanimous vote.

APPLICATION #4906 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. 4907 January 21, 2021

Luis Torres 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 at 347 East Street. Zone: T

Members Present:

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman Marion Fischbein Mary Ann Sobolewski 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 that 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, however the auto-related use is legally grandfathered in some form on this property. Under those circumstances, the City Plan Commission would recommend approval of this variance, subject to the requirements that there be screening fences installed along the eastern and norther 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.

The Engineering Department had no comment on this application.

The Building Department offered the following comment:

1. "Even with the City Plan Commission's compelling argument...recommend against it".

Speaking in favor:

Luis Torres, 582 Allen Street, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4907 was made by Commissioner Santos and seconded by Commissioner Nowak. The motion passed by unanimous vote.

APPLICATION #4907 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman



ZONING BOARD OF APPEALS

City Plan Commission Report ZBA Hearing Date: March 18, 2021

NEW BUSINESS

Application #4908 1340 East Street

Application #4909 60 East Main Street

Application #4910 755 Osgood Avenue

Application #4911 246 Slater Road

Application #4912 111 Brown Street

Application #4913 457 Osgood Avenue

City of New Britain

Zoning Board of

Appeals

Meeting Room 201

6:00 p.m.

City Plan Commission Report Zoning Board of Appeals Hearing March 18, 2021 Page 1

APPLICATION: #4908

APPLICANT: For the Talented Sports, Co.

ADDRESS: 1340 East Street

ZONE: TOD ES-1, Transit Oriented Design, East Street, Primary

BACKGROUND: The applicant is requesting a special exception pursuant to Section 218-20-50, in order to allow a youth, sports training and fitness center to occupy a portion of the CT. Carpentry Group, LLC manufacturing facility located at the southeast corner of East and Biltmore Streets. The area is zoned TOD-ES 1, Transit Oriented Design - East Street, Primary, in which this type of commercial, or in this case, nonprofit, public recreation or sports related activity may be permissible by special exception, subject to meeting certain conditions of approval.

FINDINGS: The subject property was originally the site of a former auto dealership which was later occupied by CT. Carpentry Group, LLC, under the prior I-2, General Industry zoning. The large masonry building, originally constructed as an auto showroom, sales offices and repair garage totals approximately 33,000 square feet in area. The applicant who operates his sports training facility in a neighboring municipality is seeking to relocate here. He plans to lease and occupy a relatively small portion of the building approximately 3,000 square feet in area. He indicates that the space with the high overhead clearance and existing restroom facilities is well-suited to his operations.

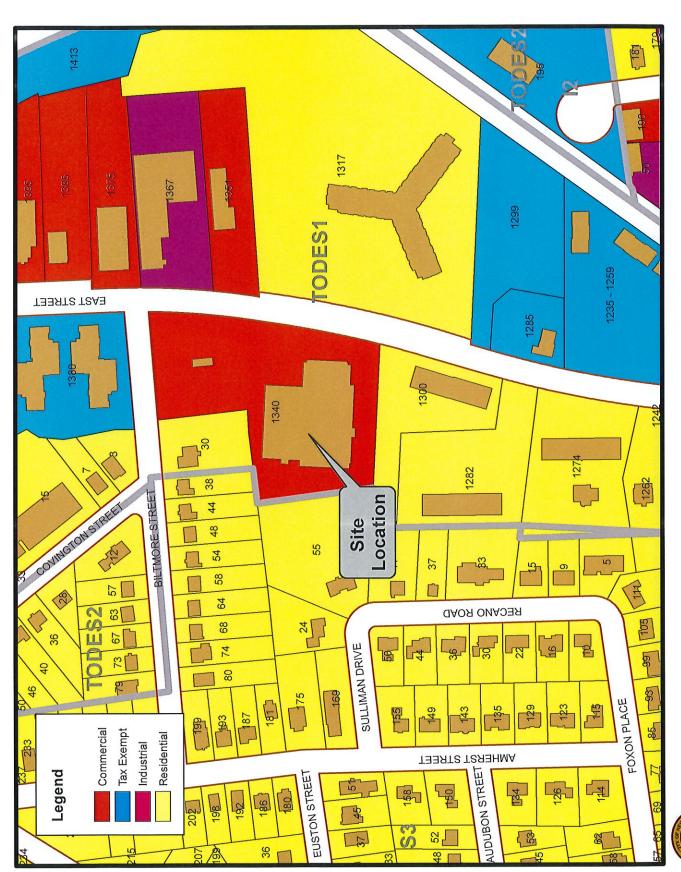
Section 218-20-50 allows this type of commercial recreation or sports related activities in the TOD ES-1 zoning district by special exception, provided that the ZBA finds the property to be conducive to the use and the operation to be generally consistent with the character of the neighborhood and the use meet the specific conditions and safeguards of Section 270-40-40.80. The specific conditions and safeguards relate primarily to commercial recreational operations like tennis clubs or fitness facilities with outdoor operations and restrict lighting and outdoor public address systems, all of which this operation would comply with.

<u>CONCLUSION:</u> The proposed youth facility would appear to be a reasonably compatible and innocuous addition to the property. The nonconforming cabinet operation is well-established and stable, the leasing of the small 3,000 square foot space for the proposed operation would not significantly alter traffic or noise levels, interfere with the established business or change the character of the property.

RECOMMENDATION: The City Plan Commission is of the opinion that the facility and location is reasonably well-suited to the use and that the operations are compatible to existing uses on the property and will not have any adverse effect to the surrounding neighborhood. The City Plan Commission therefore has no objections to the granting of this special exception.

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Application # 4908 1340 East Street

City of New Britain

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

Date: Feb 24, 2020 Drawn By: CTL Checked By: SPS/DR

Application #4908 1340 East Street

1317 East Street	#3992	VARIANCES To allow the installation of an 8-foot high security fence around the rear parking area. GRANTED: September 2002
1340 East Street	#4872	VARIANCES In order to allow a small pet crematory and funeral services. GRANTED: January 2020
1375 East Street	#4892	VARIANCES In order to permit signage within 20 feet of a property line. GRANTED: September 2020

APPLICATION: #4909

APPLICANT: Eduardo Perez
ADDRESS: 60 East Main Street

ZONE: CBD, Central Business District

BACKGROUND: The applicant is requesting a sign variance to Sections 170.110-10-10.10 and 170.110-10-70.10 regarding signage in the CBD, Central Business District, in order to allow installation of a business identification sign for a "Key Food" supermarket that is being opened in the former "Save-A-Lot" space at New Brite Plaza. The Plaza is situated at the northeastern corner of Main Street and East Main Street and is zoned CBD, Central Business District.

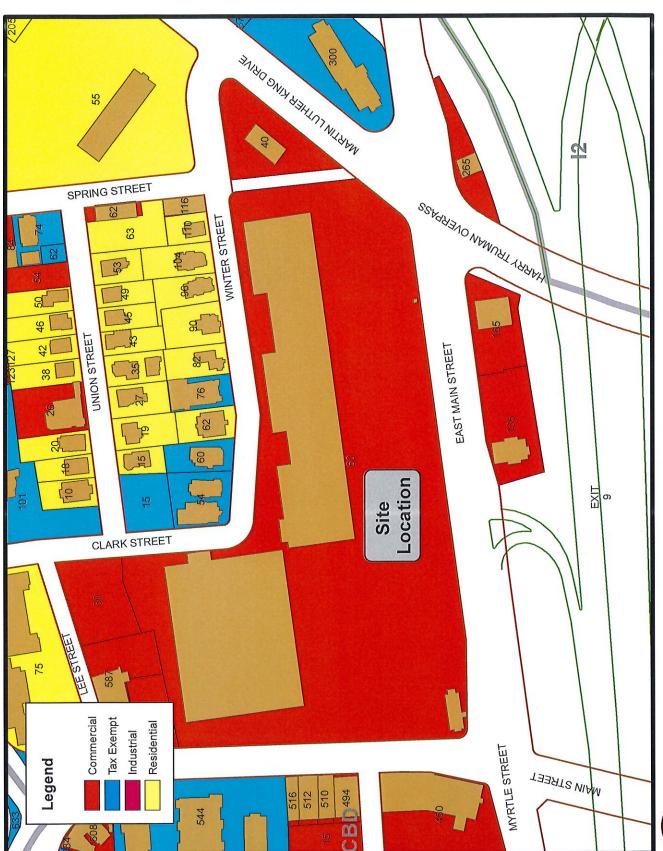
FINDINGS: In the CBD, Section 170.110-10-10.10 restricts building-mounted signage to 1.5 square feet in area for each linear foot of wall space. In this case the west facing wall of the storefront is 95 feet in length, which would allow signage totaling 142.5 square feet in area. The applicant's signage plan depicts the proposed sign to be comprised of letters mounted on the East Main Street side of the building reading "Key Food Supermarket", occupying a space approximately 65 feet in width and, at maximum, approximately 8.3 feet in height and technically, totaling 541 square feet in area, approximately 3.5 times larger than normally allowed in a CBD setting per Section 170.110-10-10.10. Section 170-110-10-70.10 restricts any letter on a sign set more than 50 feet of the street line from exceeding 24 inches in height or width. The building wall on which the sign would be mounted is set back more than 330 feet from the East Main Street frontage that it faces toward.

The applicant points out that this is the standard corporate sign for Key Food supermarkets and that the scale and proportions are similar the prior "Save-A-Lot" store sign and to the adjoin Planet Fitness and Fun City Trampoline businesses that occupy nearly identical spaces on either side. He further suggests that with the signage is appropriate given the characteristics of the property and building and, that with the setback being more 330 feet from East Main Street, a conforming sign with 24 inch lettering would not be reasonably visible.

CONCLUSION: The proposed signage would be similar to the "Save-A-Lot" signage that was removed and with the signage of the two neighboring businesses. The purpose of the 24 inch restriction is to prevent oversized signage and the objectionable appearance when such building signs are placed on smaller storefronts situated very close to the sidewalk, like a typical downtown Main Street setting. In this case the plaza design is substantially different with the front wall of the store being more than 330 feet from the street right-of-way and conforming signage would not be readily noticeable or readable from the street. It appears that the CBD sign restrictions are not well-suited to conditions in the commercial plaza in the downtown area.

RECOMMENDATION: The City Plan Commission is of the opinion the proposed signage as depicted is appropriately suited to the plaza setting and not out-of-scale for the building. The Commission, therefore, has no objections to the granting of this variance.

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Application # 4909

60 East Main Street

Date : Feb 24, 2020 Drawn By : CTL Checked By : SPS/DR

City of New Britain

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

Application #4909 60 East Main Street

110 Winter Street	#4403	VARIANCE To allow the minor expansion of a nonconforming restaurant use, i.e. the approximate one (1) foot encroachment of the kitchen fans from 116 Winter Street. GRANTED: June 2008
116 Winter Street	#4404	VARIANCE To allow an increase in the degree of nonconformity and the expansion of a nonconforming use to allow expansion of an existing restaurant. GRANTED: June 2008
60 East Main Street	#4544	VARIANCE To construct a single-story, Taco Bell restaurant. DENIED: January 2011
512 Main Street	#4689	VARIANCES To relocate an existing pawn shop to a slightly larger location. GRANTED: January 2015

City Plan Commission Report Zoning Board of Appeals Hearing March 18, 2021 Page 3

APPLICATION: #4910

APPLICANT: Wilfredo Pabon

ADDRESS: 755 Osgood Avenue

ZONE: TPC, Technology Park Commercial

BACKGROUND: The applicant is requesting a variance to Section 185-10, permitted uses in the TPC, Technology Park Commercial, in order to re-establish residential use in a house that was converted to office use. The subject property is located on the north side of Osgood Avenue, near its western terminus. This property along with the adjoining business property at 777 Osgood Avenue and the adjoining houses at 737, 743, 749 and 761 Osgood Avenue were formerly zoned S-2, Single-Family, until being re-zoned to TPC in April 2011.

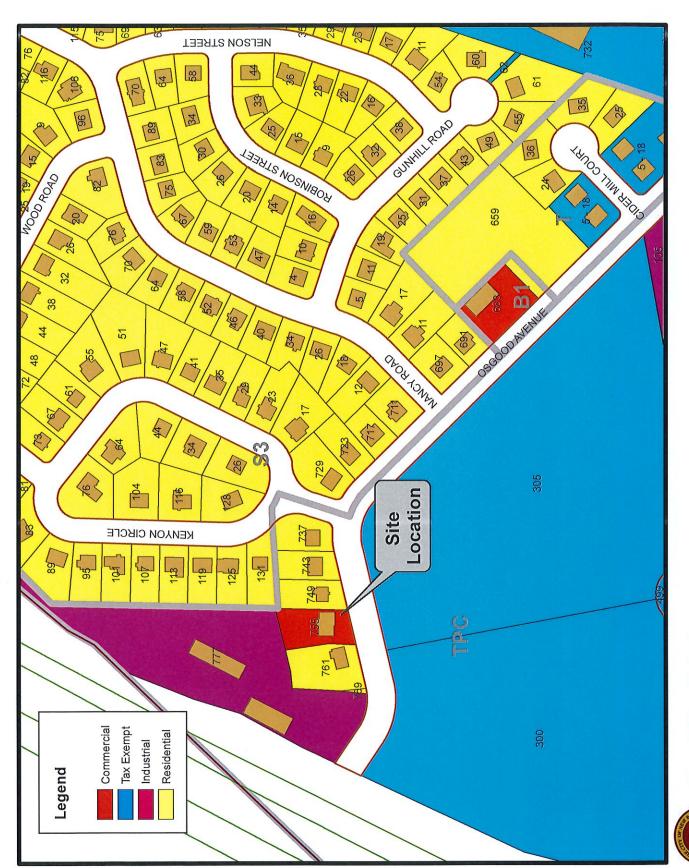
FINDINGS: The nearby property at 777 Osgood Avenue was allowed to be utilized for a business use, Ekris Cable by variance, in 1992. The business later purchased adjoining residences at 761 and 755 Osgood and converted 755 to office use by variance in 1996. In 2011 the entire northern side of Osgood Avenue from 737 through 777 was re-zoned to conform the existing TPC zoning on the Pinnacle Heights Technology Park property directly across the street. Recently the former Ekris properties have changed hands and the current owner no longer needs this property for office purposes and would like to re-convert it to residential use consistent with the adjoining single-family houses in the area. It is expected that all this former residential property, along with other three houses in the TPC zone here will be changed back to the original S-2 zoning relatively soon. In the interim the applicant would like to allow legal residential occupancy, as expediently as possible in for reasons of financing and insurance.

<u>CONCLUSION</u>: The structure on this property was constructed in 1952 as a single-family house and occupied for residential use for nearly 40 years. It has a single width driveway along the west side of the house providing parking. The property appears better suited to use a single-family home than as a business office. The applicant is the owner of the subject property, the business at 777 Osgood and the house at 761 Osgood and indicates that the prior business owner had potential plans of expanding operations to encompass the two residential properties, but that he has no desire to pursue that expansion in that way.

<u>RECOMMENDATION</u>: The City Plan Commission is of the opinion the property is better suited to residential use and should be re-zoned to S-2 residential. The Commission, therefore, has no objections to the granting of this variance.

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Application # 4910

755 Osgood Avenue

Date: Feb 24, 2020 Drawn By: CTL Checked By: SPS/DR

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

Application #4910 755 Osgood Avenue

125 Kenyon Circle	#3275	VARIANCE To side yard requirements of the S-3 zone in order to allow the construction of a carport. GRANTED: May 1989
755 Osgood Avenue	#3676	VARIANCE To allow single family home to be converted into offices. GRANTED: February 1996
777 Osgood Avenue	#4702	VARIANCES To allow the installation of a billboard on a business property. GRANTED: May 2015
777 Osgood Avenue	#4718	VARIANCE To allow a recently approved billboard location to be equipped with an electronic billboard face. GRANTED: November 2015

APPLICATION: #4911

APPLICANT: Timothy Stewart
ADDRESS: 246 Slater Road
ZONE: S-2, Single-Family

BACKGROUND: The applicant is requesting a variance to Section 70-10, permitted uses, and 70-40-20 lot area per dwelling unit. The subject property is a vacant lot on the western side of Slater Road across from the intersection of Clinton Street. Properties in the area are zoned S-2, Single-Family.

FINDINGS: The subject property is approximately 62 feet in width and 250 feet in depth, sandwiched between an existing single-family house at 240 Slater Road and a pre-existing two-family house at 254 Slater Road. The subject lot is legally nonconforming being only 62 feet wide, 13 feet short of the S-2 zone's 75 foot minimum width requirement. Section 260-20-40 allows a nonconforming lot that pre-dated current zoning can be developed provided that the construction meets all other yard setbacks and dimensional standards.

The applicant in this situation would like to utilize the lot for construction of a two-family house rather than 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.

Aside from the use variance to Section 70-10 to allow a two-family house rather than single house, a variance is also required for Section 70-40-20 lot area per dwelling unit standard. In the S-2 zone a minimum of 8,000 square feet lot area for each residential unit, meaning two-family house would require a minimum lot area of 16,000 square feet. The subject property is approximately 15,250 square feet in area, about 750 square feet less than needed to meet this standard. Again the applicant indicates that this would not be out of character for the neighborhood, as there are a number of other two and three-family houses nearby on lots that are similar or smaller in size.

CONCLUSION: The intent of the city's S-1, S-2 and S-3 single-family zoning districts is to create and maintain stable neighborhoods consisting of mostly owner-occupied homes. The City Plan Commission notes that allowing new two and three-family homes to be built in single-family districts undermines the intent of the zoning. The Commission would further point out that there were five single-family homes completed in the last two years on nearby 15,000 square foot lots, 272 through 300 Slater Road and that the applicant's intent to construct a two-family house on this piece appears to be more an economic consideration than a truly valid hardship. The Commission also notes that existing two and three-family houses in the area were mostly constructed prior to 1950. The Commission also has concerns that the added vehicles of a two-family house backing into the street at this location could potentially worsen the traffic situation here near the Clinton Street intersection.

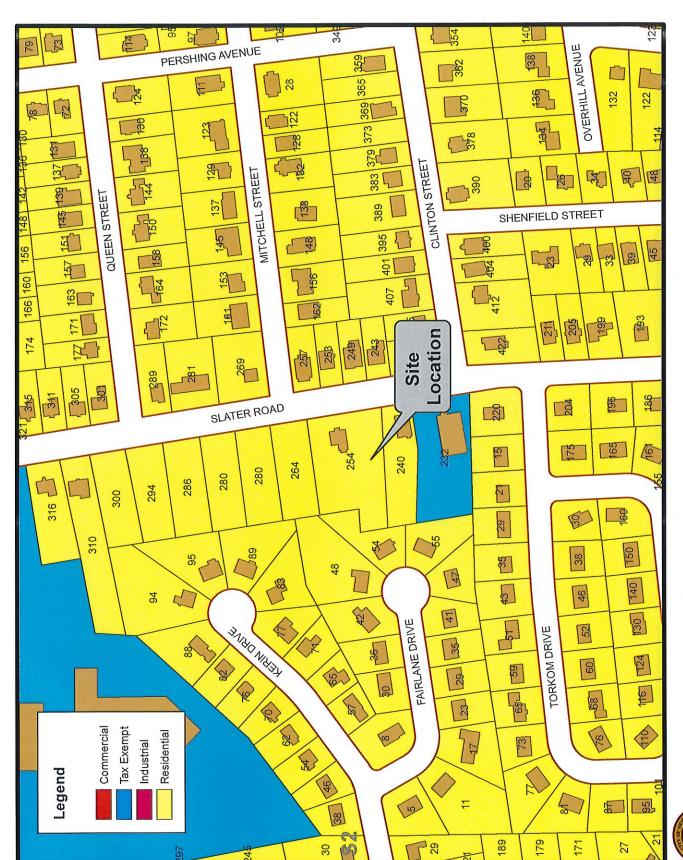
RECOMMENDATION: The City Plan Commission is of the opinion that the property can be reasonably used for construction of conforming single-family house and that applicant's

City Plan Commission Report Zoning Board of Appeals Hearing March 18, 2021 Page 5

hardship claim is not truly justified in this case. For these reason and for the reasons noted above, the Commission recommends against the approval of this variance.

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Application # 4911 246 Slater Road

City of New Britain

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

Drawn By : CTL Checked By : SPS/DR

Date: Feb 24, 2020

Application #4911 111 Brown Street

607 Burritt Street	#3147	VARIANCE To permit an additional unit. GRANTED: December 1987

APPLICATION: #4912

APPLICANT: Karol Suchocki ADDRESS: 111 Brown Street

ZONE: A-2, Multi-family Houses

BACKGROUND: The applicant is requesting a variance to Section 110-40-70.02, required side yard and Section 230-40-30, which prohibits roofed porches or side door entrances from encroaching into the required side yard. The property is located on the northern side of Brown Street, between Marshall Street and Burritt Street. The area is zoned A-2, Multi-family houses. The applicant would like to construct a two-family house with a two-vehicle garage underneath and main primary entrance doors to the units situated on the side of the house.

FINDINGS: The subject property is a pre-existing nonconforming lot, 50 feet wide, 115 feet in depth and 5,750 square feet in area. A standard conforming A-2 zone lot is required to be a minimum of 75 feet wide and 7,500 square feet in area. Development on an A-2 parcel is required to meet 25 foot front and rear yard setbacks. The side yard requirements are a base of 10 foot for any building that is two stories in height or lower. Buildings of 2 ½ stories in height or taller are required to have an extra 10 feet of side yard for each floor in excess of two stories. In this case the proposed two family house would essentially be three stories in height, consisting of the garage and basement at grade constituting the first floor then two residential levels above. Therefore the house would be required to have 20 foot setback on both sides, which would be impractical on a 50 foot wide lot. The applicant's plans show a proposed 12 foot setback for the house with show the main doorway to the residential units situated on the west side with a small roofed porch projecting three feet into the side yard.

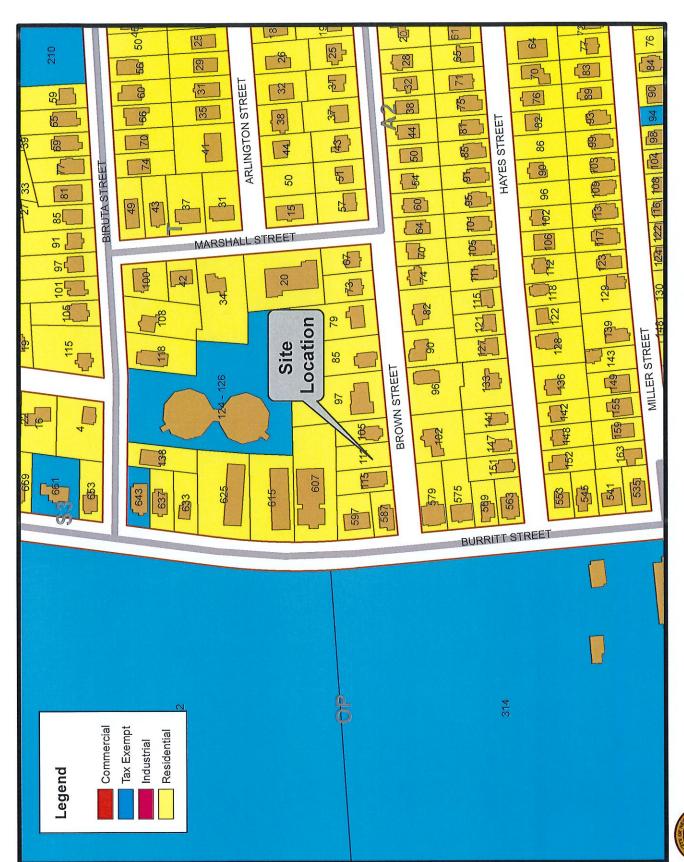
The applicant claims that the configuration and narrowness of the lot makes it impractical to develop without the variances and that there are older multi-story two and three-family homes nearby on 50 foot lots with side yards of 10 feet or less.

<u>CONCLUSION</u>: The requirement for buildings taller than two stories in height to have an additional 10 feet of side yard was an amendment added in the 1980's to address the negative impacts of multi-story buildings being developed on narrow 50 foot wide lots and overcrowding and visually encroaching on the neighboring properties. The City Plan Commission is of the opinion that lots that are 50 feet in width and less than 6,000 square feet in area are simply too small to be reasonably built on for anything other than a 1 ½ story single family home to be able to provide reasonable off-street parking and yard space. The Commission notes that this property could be reasonably utilized for the construction of conforming 1 ½ story, single-family house that would be good fit for the site and compatible to the surrounding neighborhood.

RECOMMENDATION: The City Plan Commission is of the opinion that the property is simply too small to accommodate the two-family house proposed and that it would result in an undesirable appearance of overcrowding and that there is no real valid hardship, only than the applicant's desire to maximize his economic return by building in this manner. The City Plan Commission recommends against approval of these variances.

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Application # 4912 111 Brown Street

City of New Britain

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

Date: Feb 24, 2020 Drawn By: CTL Checked By: SPS/DR

Application #4912 246 Slater Road

Residence of the second second		
240 Slater Road	#4281	VARIANCES To allow an existing property to be split into two nonconforming lots and to construct a single family house with a nonconforming 25-ft front yard setback. GRANTED: October 2006

City Plan Commission Report Zoning Board of Appeals Hearing March 18, 2021 Page 7

APPLICATION: #4913

APPLICANT: Andrezej Golka
ADDRESS: 457 Osgood Avenue

ZONE: B-1, Neighborhood Business

BACKGROUND: The applicant is requesting a variance to Section 140-10 permitted uses and 240-20 required off-street parking, in order to construct a mixed use building consisting of two 1,380 square foot business spaces on the first floor with two residential apartments above, on the upper floor. The subject property is a 21,780 square foot lot located on the north side of Osgood Avenue near the corner of Neanda Street, situated between Mota II Convenience Store and Ponce Supermarket. The area is zoned B-1, Neighborhood Business.

FINDINGS: The B-1 zoning district is primarily a neighborhood commercial zone of small stores and restaurants and does not allow residential use. The applicant in this case, would like to try a new type of development with two store spaces and two residential units above with the potential that the business owner or operator could live in the upstairs unit above the shop. The submitted plans show a detailed design with the two stores facing Osgood Avenue, nine (9) parking spaces in front of the store and then along the eastern side of the building an additional with five (5) additional parking spaces. The upstairs apartments would be accessed by separate stairways on each side of the building.

Based on the floor of the two stores the site would require 14 spaces to accommodate the commercial component of the development and then another four (4) spaces for the residential units (two spaces per d.u.), for a total of 18 space required. As described above the site plan shows a total of 14 spaces, four (4) spaces short of the 18 required.

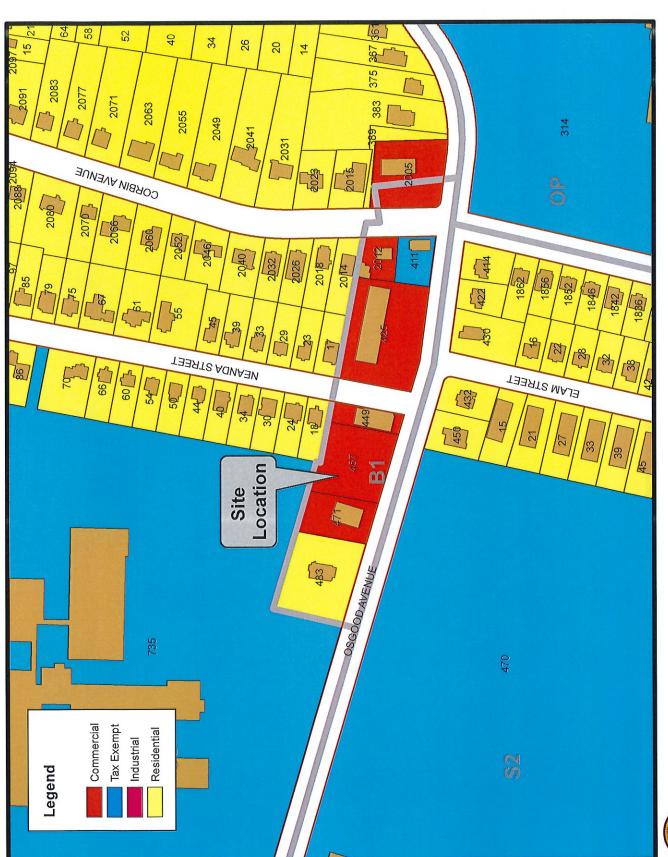
The applicant claims that this is a relatively new concept that the zoning ordinance does not address and that it would be desirable and an enhancement to the area. The applicant indicates that parking needs would be lesser for the residents on-site as well as customers within walking distance from neighboring residential areas.

<u>CONCLUSION</u>: The proposed development is an interesting concept that deserves consideration. The surrounding area does have a mix of small businesses nearby and it abuts a residential neighborhood. The prototype development being proposed would not seem out of character for the area. Aside from the shortfall in parking the site meets all yard setback and buffer zone requirements and plan is well-designed and landscaped.

RECOMMENDATION: Given the location and characteristics of the site and the nature of the proposal, the City Plan Commission would like to support the development shown, but would prefer a lesser shortfall in the number of parking spaces being provided. The Commission would therefore recommend approval of these variances conditioned upon at least 16 off-street parking spaces being provided.

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Application # 4913

City of New Britain

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

457 Osgood Avenue

Date: Feb 24, 2020 Drawn By: CTL Checked By: SPS/DR

Application #4913 457 Osgood Avenue			