

# 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, MAY 20, 2021
6:00 p.m.

### **AGENDA**

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES: MARCH 18, 2021 Regular Meeting
- 4. OLD BUSINESS
  - A. PUBLIC HEARING AND DISCUSSION:

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

#4911: Timothy Stewart – 246 Slater Road

- 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

- OTHER NEW BUSINESS
- ADJOURNMENT

Next Meeting: Thursday, July 22, 2021 @ 6:00 p.m.

### ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting March 18, 2021 Page One

#### **Members Present**

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman 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 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: JANUARY 21, 2021, REGULAR MEETING

**ACTION**: A motion to approve the minutes of the January 21, 2021 Regular Meeting was made by Commissioner Fischbein and seconded by Commissioner Hargraves. The motion passed by unanimous vote.

#### 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

### ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting March 18, 2021 Page Two

#### 5. OTHER NEW BUSINESS

There was no other new business.

#### 6. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Fischbein, seconded by Commissioner Santos, and unanimously approved, the time being 7:13 p.m.

Respectfully submitted,

Danielle Rosado, Secretary

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### ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4908 March 18, 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 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 suggested the matter be tabled to the May 20, 2021 meeting.

**ACTION:** A motion to table Application #4908 was made by Commissioner Hargraves and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4908 WAS TABLED TO MAY 20, 2021 MEETING BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

### ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4909 March 18, 2021

Eduardo Perez is requesting a sign variance to Section 170.110-10.10 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 at 60 East Main Street. Zone CBD

#### **Members Present:**

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman 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 that 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 Engineering Department did not meet and had no comment on this application.

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

Speaking in favor:

Eduardo Perez, 60 East Main Street, New Britain, CT

**ACTION:** A motion to approve Application #4909 was made by Commissioner Santos and seconded by Commissioner Sobolewski. The motion passed by unanimous vote.

APPLICATION #4909 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. 4910 March 18, 2021

Wilfredo Pabon is requesting a variance to Section 185-10, permitted uses in the TPC, Technology Park Commercial zone, in order to re-establish residential use in a house that was converted to office use at 755 Osgood Avenue. Zone: TPC

#### **Members Present:**

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman 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 subject 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.

Mr. Schiller summarized the favorable City Plan Commission report stating 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 Engineering Department did not meet and had no comment on this application.

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

Speaking in favor: Wilfredo Pabon, 755 Osgood Avenue, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4910 was made by Commissioner Fischbein and seconded by Commissioner Hargraves. The motion passed by unanimous vote.

APPLICATION #4910 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. 4911 March 18, 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 Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

Mr. Schiller advised that he received an email from the applicant requesting the matter be tabled to the May 20, 2021 meeting.

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

APPLICATION #4911 WAS TABLED TO MAY 20, 2021 MEETING BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

### ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4912 March 18, 2021

Karol Suchocki 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 at 111 Brown Street. Zone: A-2

#### **Members Present:**

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman 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 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 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:

Karol Suchocki, 111 Brown Street, New Britain, CT;

Andrezei Golka, 76 Johnson Road, Marlborough, CT

Speaking against:

Carl Walczewski, 97 Brown, Street, New Britain, CT; Barbara Sidlik, 105 Brown

Street, New Britain, CT; Wieslaw Kaslca, 102 Brown Street, New Britain, CT

<u>ACTION</u>: A motion to approve Application #4912 was made by Commissioner Nowak and seconded by Commissioner Fischbein. After some discussion and concerns this motion was denied by unanimous vote.

APPLICATION #4912 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. 4913 March 18, 2021

Andrezej Golka 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 at 457 Osgood Avenue. Zone: B-1

#### **Members Present:**

Matthew Malinowski, Chairman Jerrell Hargraves, Vice-Chairman 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 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.

The Engineering Department has no comment on this application.

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

Speaking in favor: Andrezej Golka, 76 Johnson Road, Marlborough, CT

<u>ACTION</u>: A motion to approve Application #4913 conditioned upon the City Plan Commission's recommendation of at least 16 off-street parking spaces was made by Commissioner Nowak and

APPLICATION #4913 WAS GRANTED BY UNANIMOUS VOTE.

seconded by Commissioner Santos. The motion passed by unanimous vote.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman



# ZONING BOARD OF APPEALS

City Plan Commission Report ZBA Hearing Date: May 20, 2021

### **OLD BUSINESS**

Application #4908 1340 East Street

Application #4911 246 Slater Road

### **NEW BUSINESS**

Application #4914 40 Hart Street

Application #4915
91 Huber Street

Application #4916
4 Beacon Street

City of New Britain

Zoning Board of

Appeals

Meeting Room 201

6:00 p.m.

#### **OLD BUSINESS**

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. Cabinetry 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. Cabinetry 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.

**CONCLUSION:** 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.

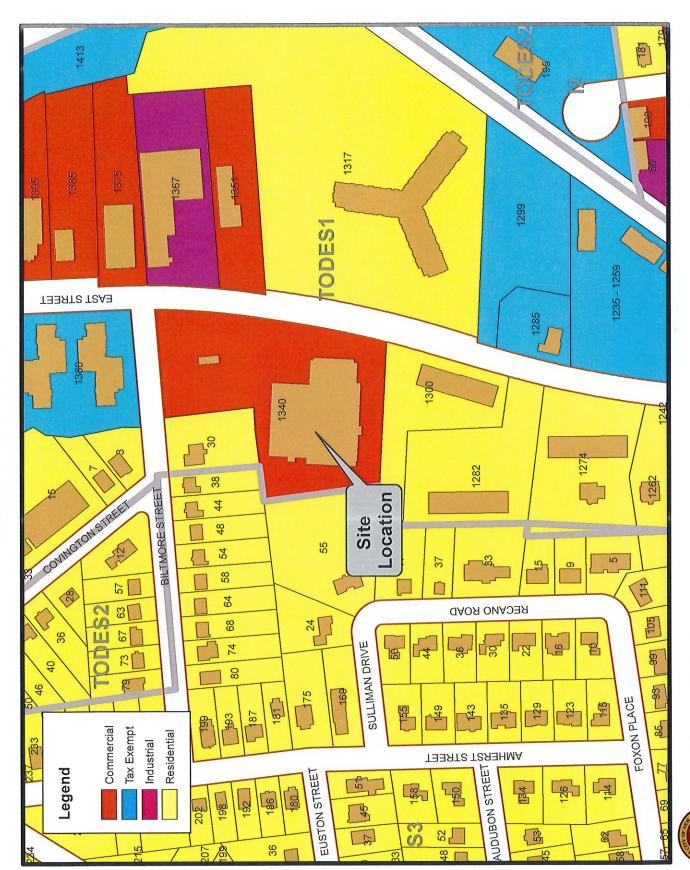
**RECOMMENDATION:** The City Plan Commission is of the opinion that the facility and location is reasonably well-suited to the use and that the operations are compatible to existing uses on the property and will not have any adverse effect to the surrounding neighborhood. The City Plan Commission therefore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

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Application # 4908 1340 East Street

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 #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:

#4911

APPLICANT: ADDRESS:

Timothy Stewart 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 May 20, 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

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 #4911 111 Brown Street

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

#### **NEW BUSINESS**

APPLICATION:

#4914

APPLICANT:

Atty. Lawrence S. Shipman for Wheeler Clinic, Inc.

ADDRESS:

40 Hart Street

ZONE:

T, Two-Family

**BACKGROUND**: The applicant is requesting a variance to Section 250-10, regarding signage, in order to allow a business identification sign on a nonconforming medical building that is located in a T, Two-Family zoning district. The subject property is a portion of the former 40 Hart Street medical offices complex, located on the southern side of Hart Street, across from the camp Street intersection and the New Britain campus of The Hospital of Central Connecticut.

**FINDINGS**: The 40 Hart Street property has a long history with the medical office complex expanding and merging in additional parcels as it grew over the past several decades. The initial building, fronting on Hart Street was built around 1967 and other expansions taking place on the Hart Street half of the property, which is zoned A-3 high Rise-Apartments and allowed medical offices at the time. As the complex grew, adjoining properties were merged into the site, initially adding A-3 zoned properties along Hart Street. Then in 1988, under variance #3189, the facility was allowed to expand and merge in three T-zoned properties at 35, 37 and 43 Winthrop Street. That allowed construction of the addition now labeled as "Building A", that is three stories in height, 25,000 square feet in total floor area and sits entirely within the T zoning district. Over the years the complex gradually grew obsolete for modern practices and became underutilized until its recent purchase.

As part of a recent substantial reconstruction and improvement project, two of the oldest building wings that were situated on the A-3 part of the property were demolished and the property was split, leaving behind "Building A" in the T zone portion of the property as the only building at the 40 Hart Street address. "Building A" was substantially renovated and reconstructed to accommodate the needs of the current owner, now Wheeler Family Health and Wellness Center. They would like to post a standard business identification sign on the wall of the building facing Hart Street. The proposed sign would be 8-feet high by 16feet in width. While the medical/health related facility use was permitted under variance #3189 and is a grandfathered use in the T zone, business signage is not permissible in the T zone and that part of the building never had identification signage of this type on it. Consequently the variance of section 250-10 is necessary to permit the requested sign.

The applicant indicates that the readily visible signage is necessary to identify the facility for client families and that the proposed sign is attractive and appropriate in size and character to the building.

**CONCLUSION:** Given the fact that the City granted the variance allowing the health care use to encroach into the Tzone residential neighborhood, it would seem unreasonable to prevent the health care facility from having reasonable identification signage. The proposed sign is well-designed and appropriate in scale and character to the building. A comparable business in a B-1, B-2, OP or I-1 zoning district would be allowed signage

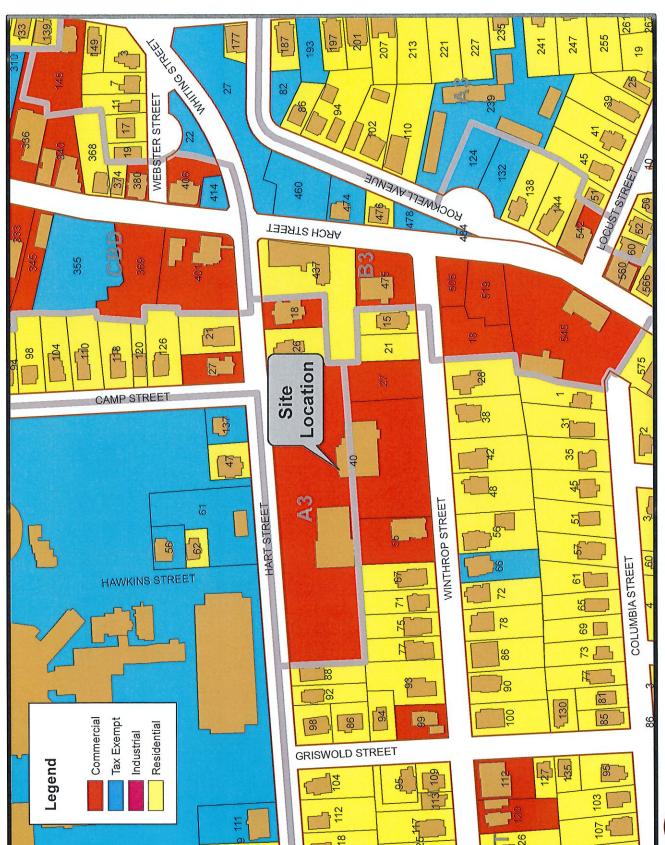
City Plan Commission Report Zoning Board of Appeals Hearing May 20, 2021 Page 2

nearly twice the area of the signage being proposed. It is also noted that building is set back more than 130 feet from the Hart Street frontage and a smaller sign might not be readily visible for passers-by.

**RECOMMENDATION:** 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 the both the building and the use. The Commission, therefore, recommends approval of this variance.

200 Feet

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Date : April 26, 2021 Drawn By : CTL Checked By : SPS/DR

Application # 4914 40 Hart Street

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

# Application #4914 40 Hart Street

21 Winthrop Street	#3779	VARIANCE
		To allow a 6' high chain link fence in the front yard.  GRANTED: March 1998
18 Hart Street	#3899	
ro nan sileer	#3079	VARIANCE To off-street parking requirements and signage GRANTED: October 2000
27 Hart Street	#4547	SPECIAL EXCEPTION
		To convert an existing two-family house into a small office.
		GRANTED: January 2011
55 Winthrop Street	#4800	VARIANCE
		To allow a marijuana dispensary in a T, Two-Family zoning district.  DENIED: May 2018
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City Plan Commission Report Zoning Board of Appeals Hearing May 20, 2021 Page 3

APPLICATION:

#4915

APPLICANT:

Jeffrey W. Lawrence 91 Huber Street

ADDRESS: ZONE:

S-3, Single-Family

**BACKGROUND:** The applicant 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. The subject property is located on the north side of Huber Street between O'Donnell Road and Nye Road. The property is zoned S-3, Single-Family.

**FINDINGS:** Section 80-40-70.02 requires a minimum side yard of not less than 7 feet in the S-3 zone. The applicant's submitted site plan depicts the existing house and lot presently conforming to all applicable S-3 zone requirements. The house has a 15 foot side yard on the east side and an 18.5 foot side yard on the western side. The property currently has parking is in the driveway which is approximately 12.5 feet in width in the western side yard. The applicant would like to construct a 15 by 22-foot long attached carport along the western side of the house. As proposed the carport would extend into the required 7 foot side yard leaving a setback of only 3.5 feet.

The applicant explains that the carport is needed to protect the household vehicles and that a FEMA flood hazard zone at the rear of the property prevents construction of a conforming detached garage in the rear yard.

**CONCLUSION:** The City Plan Commission has in the past been generally supportive of homeowners making reasonable improvements of this type, it should be noted that the current off-street parking arrangement is conforming and that the applicant's desire to have a garage is, in itself, not a true legal hardship. Also, the 15-foot width being requested is substantially wider than is needed to provide for a standard 9 foot wide parking space.

**RECOMMENDATION:** 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 that this variance be denied.

200 Feet

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Application # 4915 91 Huber Street

City of New Britain

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

Date : April 26, 2021 Drawn By : CTL Checked By : SPS/DR

# Application #4915 91 Huber Street

100 Cianci Road	#2813	SPECIAL EXCEPTION  To allow the operation of a nursery school.  GRANTED: June 1983

City Plan Commission Report Zoning Board of Appeals Hearing May 20, 2021 Page 4

APPLICATION:

#4916

APPLICANT:

Lisa Ostrout

ADDRESS:

4 Beacon Street

ZONE:

S-3, 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 northwestern corner of Beacon and Allen Streets and is zoned S-3 Single-Family. The applicant would like to install a 21- foot diameter aboveground pool in the rear yard of the property, but has insufficient space to do so without encroaching into the minimum required 25-foot setback.

<u>FINDINGS</u>: The applicant's plans show the house with a driveway entering from the Beacon Street frontage. The rear yard is approximately 34 feet from the nearest part of the house to the rear property line. The applicant would like to place the pool in this rear yard, leaving approximately 6 feet from the house and 7 feet from the rea lot line, and approximately 10 feet from the northern lot line.

The claims that the relatively small rear yard space is a hardship in that it effectively prevents her from placing a pool in any conforming location.

**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 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, the pool is setback feet from the lot lines and will be enclosed with a 6-foot stockade privacy fence on the northern and western property lines and a four foot stockade fence along the side lot line bordering Allen Street.

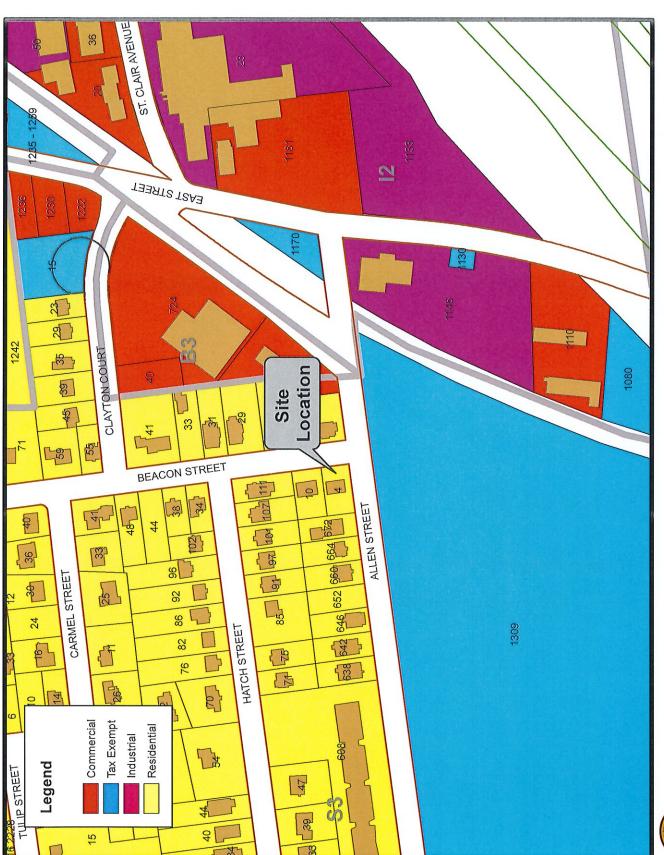
**RECOMMENDATION:** The City Plan Commission has no objections to the granting of this variance, provided that all required standard safety measures such as appropriate fencing, self-latching gates, pool alarms etc. are installed and to the satisfaction of the Department of Licenses, Permits, and Inspections.

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Application # 4916

4 Beacon Street

Date : April 26, 2021 Drawn By : CTL Checked By : SPS/DR



# Application #4916 4 Beacon Street

101 Hatch Street	#3923	VARIANCE To allow a handicapped access ramp to extend into a 25 ft required front yard. GRANTED: May 2001
664 Allen Street	#4837	VARIANCE To allow parking in the required front yard area. GRANTED: May 2019