



**DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION**  
 REPORT: 23 Columbia Street, Hartford, CT 06106  
 For consideration: November 24, 2020

**STAFF REPORT**

**TO:** Planning & Zoning Commission  
**PREPARED BY:** Paul Ashworth, Senior Planner  
 paul.ashworth@hartford.gov

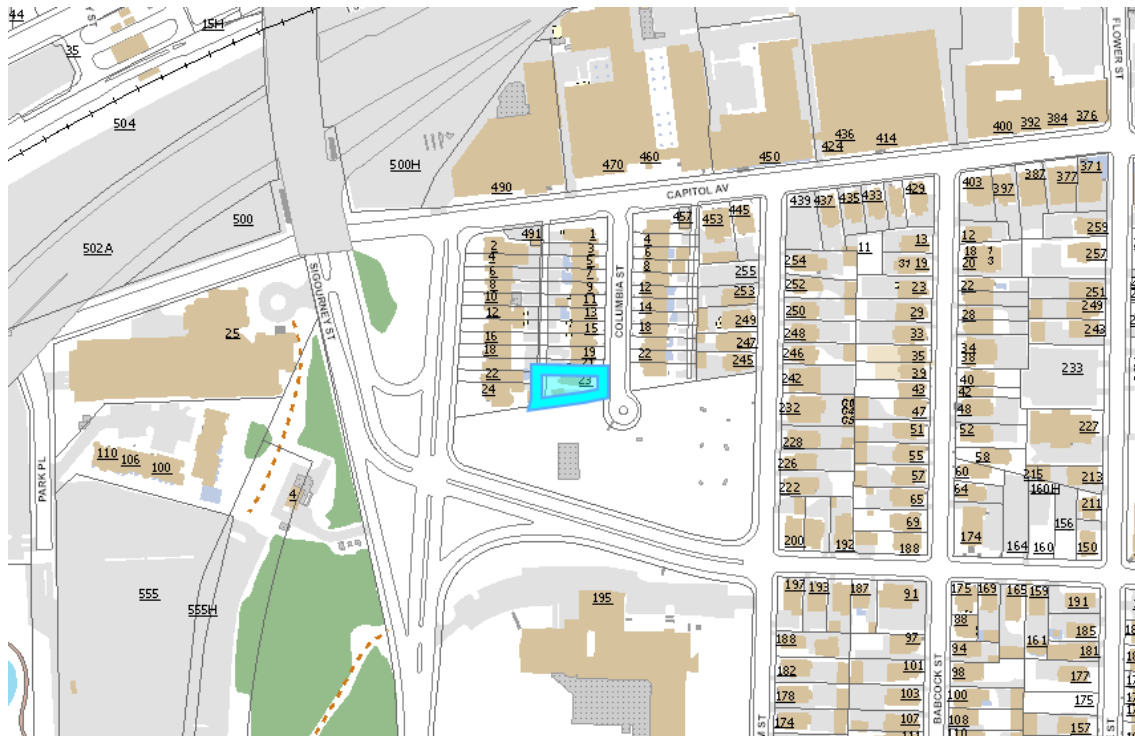
**PROJECT:** 23 Columbia St  
 PARCEL ID: 203-417-061  
 P&Z-COMM-2020-0286

**ZONE:** N-5-1      **Historic District:** Frog Hollow National Historic District;  
 George Keller Local Historic District

**TYPE:** Special Permit per Zoning Reg. 6.5.1.E(4)

**APPLICANT:** Gregory C. Secord

**OWNER:** Judith & Gregory Secord



Location Map  
 (City of Hartford Planning Viewer)

## **BACKGROUND INFORMATION**

The applicant is seeking to increase the permitted frequency and number of days with which they may rent a portion of their home on a short-term basis in order to increase their income.

## **LEGAL STANDARD**

The Commission reviews special permits in accordance with Zoning Regulations section 1.3.4. Special permits may be approved, approved with conditions, or denied. Considerations the Commission may weigh in special permit review include: harmony with the plan of conservation & development; compliance with the purposes of the district; effect on existing development; creation of safety hazards in vehicular and pedestrian circulation; effects on traffic; compatibility with adjacent properties; suitability of arrangement of buildings, open space, and provision of light and air; impact on essential services; impact on stormwater runoff; impact on city services and infrastructure; tree and landscape provision; and pedestrian amenities. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation, landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

## **STANDARD SPECIFIC TO THE USE**

Per Zoning Regulations section 3.5.1.E., a short-term rental may operate if the temporary rental of part or all of a property to any temporary renters for no more than 21 cumulative days during any 6 month period, with no property being used for such temporary rental more than 3 times during any 6 month period. Further, the same section indicates the following regulations apply to short-term rentals in the N-5-1 Neighborhood District:

- (1) Operators of a short-term rental offering a portion or all of their property for short-term rentals must file a zoning permit prior to offering their properties for short-term room rentals. As short-term room rentals are conducted on a temporary and periodic basis, no nonconforming use rights will be recognized for short-term room rentals existing at the time of the passage of these regulations. The zoning permit application must include either (a) in the case of lots in the N-#-1 districts, the name of the property owner residing on the premises, or, (b) in the case of lots outside of the N-#-1 districts, the name and contact information of the property manager who must live or work within 10 miles of the site and the express written consent of the property owner for such temporary rental.
- (2) At any one time, the number of persons occupying a room or rooms in a single dwelling unit authorized for short-term room rentals shall be limited to 4 adults (in total) and minor children related to at least one of the adults by blood, marriage, adoption, custodianship, or guardianship, subject to a minimum square footage of usable floor area of 70 square feet for one person and 50 square feet for each additional person, including children one year of age or older.
- (3) If a short-term room rental occurs in a N-#-1 district, or if it occurs in any other district on a lot containing only a one-unit dwelling (and no additional dwelling units or other nonresidential uses), then the property owner must reside on the premises during the duration of the short-term room rental.
- (4) Notwithstanding Figure 3.4-A Table of Accessory Uses, an operator of a short-term room rental may submit a Special Permit application for permission to conduct short-term room rentals in excess of the number of days and frequency required by this section.

- (5) Any zoning permit or special permit issued pursuant to this section shall expire within 3 years of approval and may be revoked if the zoning administrator receives information showing that such temporary rentals have imposed a nuisance on neighbors. A special permit issued pursuant to this section may be conditioned on a limitation on the number of days during which temporary rentals may occur.
- (6) The requirements in this section shall not apply to sublets or assignments of a possessory interest in the entire portion of a dwelling unit pursuant to a written lease agreement of one month or more in duration.
- (7) Long-term room rentals (as defined in 3.5.1.D.) are not permitted on the same lot as a short-term room rental.

## **FINDING OF FACTS**

### Zoning

- Property is designated N-5-1 Neighborhood District.
- Per Figure 3.4-A short-term rentals are permitted subject to specific conditions.
- The Code specifically contemplates increasing the frequency or total number of days permitted with submittal of Special Permit, see Sec.3.1.5.E.(4).
- Owners have stated they will continue to reside in the subject structure and occupy the premises during every rental period.

### Lot

- Lot Area: 7,280 Square Feet
- The subject property is an end lot, approximately twice the size of internal lots on Columbia Street, and abuts Pope Park North on the South.
- Access is off of Columbia Street, as opposed to an alley like the rest of the homes on Columbia.

### Parking

- The Applicant/Owner has confirmed that off-street parking will be provided for short-term renters.



Front Façade of 23 Columbia St  
Google, 2011



On Street Parking Facilities – Columbia St  
Google, 2011

**COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)**

The Applicant has received endorsement of their request from eleven (11) neighbors. Ten (10) of which reside on Columbia Street while the remaining endorser resides directly to the rear of the subject property at 22 Park Terrace. Please find the provided endorsement documentation as Attachment 1.

The City of Hartford Planning Division received on July 10, 2020 a complaint written on behalf of the neighbor of the Applicant. The complaint, written by the neighbor's attorney, alleges that 23 Columbia Street has been operating as an Air BNB for at least three (3) years and requested that the City order the property owner of 23 Columbia, the now current applicant, to cease and desist the use. This letter is not specific to the Applicant's application but it is relevant to the nature of the request and the history of the use. Please find the complaint letter as Attachment 2.

## **ANALYSIS**

The Applicant's request to increase the frequency and total number of days with which they may operate a short-term rental is specifically contemplated in the use-specific conditions outlined in City Code. The subject request is to exceed the Code allotted maximums and thus the use specific conditions are a baseline from which the Special Permit legal standards may be referenced. Staff has found specific existing conditions that elevate the subject request to merit additional review and consideration in the face of the Special Permit legal standards. These conditions include the size and location of the lot, the availability of off-street parking, the continued presence of the owners for the duration of short-term rental use and the apparent support of the neighborhood.

While those certain conditions do increase the appropriateness of the request there are still inconsistencies between the request and the intention of the Zoning Code. However, it is staff's position that with the inclusion of certain conditions of approval, the inconsistencies can be successfully mitigated. More specifically, the increased intensity of the use: exceeds the intent of the zoning district in that the intensity greater than the limitation outlined in the code; and, the increased intensity negatively impacts existing development in that the increase in automobile circulation and storage may pressure existing parking facilities which are limited to several on street spaces. It is in response to these implications that Staff recommends: the reduction of the maximum number of adults that may occupy the short-term rental from four (4) to two (2); and, that all parking for both the household and the proposed short-term rental be contained on the subject property and to the rear of the street facade of the principle structure, taking advantage of the larger lot size and location. These two conditions reduce the intensity of the use closer to that of a typical development in the N-5-1 Neighborhood district, and, eliminates the pressure on local parking facilities and preserves the appearance of a typical residential use.

The Applicant has provided estimates of the new, extended frequency and cumulative number of days of use that the short-term rental will operate, however, Staff recommends that the Commission include the recommended conditions of approval and omit the specific frequency and cumulative day limitation entirely. A specific frequency and cumulative use limitation presents enforcement challenges and it is the position of Staff that the recommended conditions of approval will lower the impact of the request such that further limitation will be unnecessary.

The Plan of Conservation & Development encourages residents to share the culture and architecture of the City. Encouraging tourism is one way of accomplishing this goal. The fact that the City Code already allows for short-term rentals in this setting and that it contemplates the extension of frequency and cumulative number of days through the use of a Special Permit suggests that the proposed compromise, with allocations that ensure compliance with the intention of the district and the integrity of existing facilities, was an intended outcome.

## **STAFF RECOMMENDATION**

Staff recommends approval of this application with the following conditions:

1. The number of persons occupying a room or rooms in the subject short-term rental shall be limited to 2 adults (in total) and minor children related to at least one of the adults as otherwise stated in Sec.3.5.1.E.(2).
2. All parking, including that of the Applicant and the future renters shall be contained on the subject property and to the rear of the principle structure.

**A draft resolution follows.**

**ATTACHMENTS**

1. Community Endorsement List
2. Neighbor Complaint

**REVIEWED AND EDITED BY,**

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Aimee Chambers, Director



**CITY OF HARTFORD  
PLANNING & ZONING COMMISSION  
DRAFT SPECIAL PERMIT APPROVAL RESOLUTION  
23 COLUMBIA STREET**

- Whereas,** The City of Hartford Planning & Zoning Commission has reviewed the request to increase the permitted frequency and number of days with which the applicant may operate a short-term rental; and
- Whereas,** the City of Hartford Planning & Zoning Commission reviewed associated documents, public comments, and relevant regulations; and
- Whereas,** the property is located in the N-5-1 Neighborhood District; and
- Whereas,** the subject property is an end unit with approximately twice the square footage of other units in the neighborhood and therefore has room to park additional cars onsite; and
- Whereas,** the City of Hartford Zoning Regulations specifically allow for Special Permit review to evaluate whether frequency and duration limitations on a short-term rental be expanded.

Now therefore Be It

- Resolved,** the City of Hartford Planning & Zoning Commission hereby [**approves/denies**] the proposed short-term rental special permit without frequency or duration limitations with the following conditions:

The total number of persons occupying the rooms shall be limited to two (2) adults and minor children related to at least one of the adults by blood, marriage, adoption, custodianship, or guardianship; and

All parking, including that of the applicant and future renters shall be contained on the subject property and to the rear of the street adjacent vertical plan of the principle structure.

- Resolved,** This 24th day of November 2020.