

DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION

REPORT: 410 Homestead Variance for consideration May 4, 2021

STAFF REPORT

To: Zoning Board of Appeals

PREPARED BY: Paul Ashworth, Senior Planner

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PROJECT: Blue Hills Civic Association

410 Homestead Avenue PARCEL ID: 152-190-018 P&Z-COMM-2021-0339

ZONE: MS-2, Main Street District

TYPE: Variances to: expand a nonconforming structure per Zoning

Regulations 1.5.4.E; and, to move a characteristic of a nonconforming

use to another location on the property per Zoning Regulations

Section 1.5.3.E.

APPLICANT: Vicki Gallon Clark, Executive Director, Blue Hills Civic Association, Inc.

OWNER: Blue Hills Civic Association, Inc.



Overhead View - Hartford GIS - 2021

BACKGROUND INFORMATION

Applicant is requesting a variance to allow the expansion of a nonconforming single-story Storefront type building at 410 Homestead Avenue by approximately 1,100 SF. The existing structure does not meet some of the siting requirements of the Zoning Regulations including the requirement that the structure occupy the corner or that the building have a façade at the building line on both Homestead Ave and Baltimore Street. The proposed changes do not resolve all nonconformities.

The building was originally constructed in 1949 and operated as a bank. In 1960, the City approved the addition of a drive-through facility to the north side of the building. In 2016, the Zoning Regulations were updated rendering the existence of a drive-through facility and the location of the building nonconforming.

Today, the Applicant is also requesting to move an ATM associated with the nonconforming drive-through use to another location on the property. The ATM is permitted in the MS-2 district under the Neighborhood Service use, however because the ATM is accessible via drive-through it is considered part of the nonconforming use and therefore requires a variance from Sec.1.5.3.E. Section 1.5.3.E states that no characteristic of a nonconforming use may be moved to any location on the property that it was not already occupying.

The Applicant has stated in their Project Narrative that the structure is used today as an Office for the Blue Hills Civic Association. The office use is allowed in the MS-2 district by right however a change of use from retail bank to office was never reviewed by Zoning or Licenses & Inspections. At this time the Applicant has also applied for site plan review which will include zoning review for the change of use.

A variance for parking beyond the building line and in certain locations was approved in 1966. The proposed parking layout, showing parking beyond the Baltimore Street building line and in the corner side yard, matches the general layout of the plan approved with the 1966 variance and may continue under these conditions.

No signs are proposed as part of this site plan. All future signage will be reviewed separately and any nonconformance will be addressed at that time.

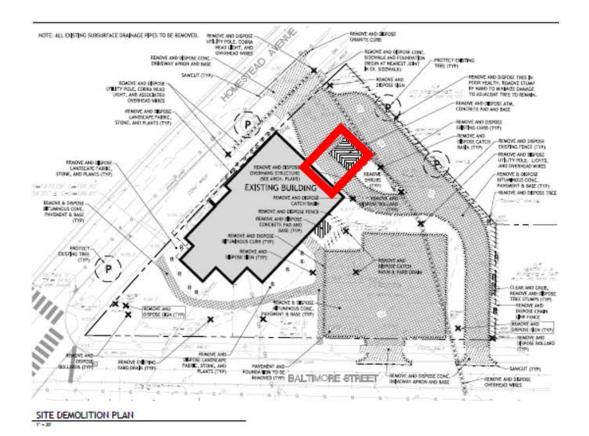




Figure 1. Existing VS Proposed Plan – Freeman Companies 2021

STATEMENT OF HARDSHIP

The Applicant provided the following statement:

Blue Hills Civic Association 410 Homestead Avenue

We are seeking relief from **Section 1.5.4 E**, Extension or Alteration of Nonconforming Structure.

The existing non-conforming building was constructed in 1949 as a bank and the last major expansion was in 1960. The building was formerly occupied by Webster Bank and has been donated to the applicant for use as office and training space. The building structure is load bearing masonry exterior walls with a flat wood joist roof system. The building is single story and the height of the predominant portion of the building is 14.3 feet. The minimum building height in the MS-2 District for a Storefront Building Type is 2 stories and 21 feet, the existing building is 14.3 feet. We are seeking relief to expand the single story structure by approximately 1,100 SF.

The Blue Hills Civic Association (the applicant) empowers the people living and working in the Blue Hills and surrounding communities to create stable and attractive neighborhoods through organizing, advocacy, and multi-generational programs. They require a centrally located, easily accessible facility to perform their mission. The current building area is approximately 5,700 SF and does not meet the applicant's need for a large meeting room. The proposed 1,100 SF addition provides the applicant with the flexibility to expand their office space as well as provide necessary meeting and training space. The original foundation was not designed for the load of an additional story, therefor it is impractical to add another floor to the existing building.

It is the design intent to make the addition a harmonious extension of the original building language using existing design cues. A two-story addition would be out of place on the building and the additional area would not serve the applicant's mission. Additionally, a code compliant stair required to access the second floor would add approximately 200 SF to both floors. In total, a two story addition would add 1,500 SF that the applicant does not require, a 236% increase from their program requirements.

KEY APPLICATION TIMELINES

- Application Submission Date: February 9, 2021
- Date Application Accepted as Complete: February 9, 2021
- Application Date of Receipt: March 2, 2021 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing is scheduled to open on Tuesday, May 4, 2021; Open Hearing Deadline: May 6, 2021.
- Close Hearing Deadline (if opens May 4, 2021): (35 days after opening) Tuesday, June 8, 2021
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days*.

LEGAL STANDARD

Standard for Application Type:

The ZBA shall have the power under Chapter 124 of the Connecticut General Statues to vary the application of the zoning laws, ordinances, or regulations when the conditions affecting a particular parcel but not the general district cause exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed. The board must take into consideration conserving the public health, safety, convenience, welfare, and property value solely with respect to the affected parcel. (City of Hartford Zoning Board of Appeals Bylaws, Article II, Sec. 3)

STANDARD SPECIFIC TO THE USE

Section 1.5.4.E: Extension or Alteration of Nonconforming Structure

- (1) No nonconforming structure shall be enlarged or structurally altered except to make it a conforming structure or to comply with requirements of health and safety laws or ordinances or regulations.
- (2) No nonconforming structure shall be expanded to other portions of the lot other than the portions the nonconforming structure occupied at the time it became nonconforming.

Section 1.5.3.E: Moving of Nonconforming Use or Characteristic

No nonconforming use or characteristic may be moved to any other part of a parcel of land upon which the use is conducted or upon which the characteristic is manifest, except those required by law or ordinance or such as may be required for safety.

Section 4.5.2: Storefront Building Type Regulations

		MC 4	MC 2	MC 2	CV-2
	Duilding Ciains and a second	MS-1	MS-2	MS-3	CX-2
.	Building Siting. Refer to Agure 4.5-B Storefr Multiple Principal Buildings	ont Building: Building Siting not permitted	and 4.18.1 Building Siting f not permitted	or explanation.	permitted
•	Minimum Front Lot Line Coverage	90% NOTE 1.	85% NOTE 1	80% NOTE:	75%
•	Occupation of Corner	required within 2' of Building	required within 5' of Building	required within 5' of Building	required between 5' and 15
)	Front Build-to Zone	Line	Line	Line	from front lot line
)	Corner Build-to Zone	within 2' of Building Line	within 5' of Building Line	within 5' of Building Line'	between 5' and 10 from corner side k line
)	Minimum Side Setback	O.	0'	O,	O,
)	Minimum Rear Setback	5'	5'	5'	5'
)	Minimum Lot Width Maximum Building Width	no minimum no limitation	50' 90'	60' no limitation	no minimum no limitation
)	Maximum Building Coverage Maximum Impervious Area Additional Semi-Pervious Area	90% 90% 10%	70% 75% 25%	80% 80% 20%	80% 80% 20%
)	Permitted Parking & Loading Locations	rear yard & limited side yard NOTE 1.	rear & limited side yard MOTE.1.	rear & limited side yard NOTE.1.	rear & side yard
)	Permitted Vehicular Access	one driveway per lot; one additional driveway for lots with over 160' feet in street frontage; shared driveways encouraged			
I	Height. Refer to Figure 4.5-C Storefront Building		nts and 4.18.2 Height.		
)	Minimum Overall Height	2 stories NOTE 2	2 stories NOTE 2	1 story	2 stories
)	Maximum Overall Height	4 stories	4 stories	4 stories	6 stories
9	Ground Story: (Measured floor-to-floor) Minimum Height Maximum Height	12' 18'	12' 18'	12 16	12' 24' NOTE 3
)	Upper Stories: (Measured floor-to-floor) Minimum Height Maximum Height — Building Line	9 14'	9′ 14′	9 14	9' 14'
	Rear Lot Line	Street Street	Building For	Rear Lot Ling	©, eq. (0) (0) (0) (0) (0) (0) (0) (0) (0) (0)
	Building Footprint Front Lot Line Street	-Building Line	6	it-Lot-Line	0 8
	Front Lot Line		Fron	it-Lot-Line	0 0

FINDING OF FACTS

Existing Storefront Building

Nonconforming due to the following:

- Does not occupy the corner.

- Does not meet the corner build-to zone requirement (Baltimore St building and veranda lines are coincident at 12' from property line until about 60' from the corner when the Building Line diverges and jogs to 20' from the property line).
- Storefront Building Type required to be a minimum of 2 stories or 18' feet tall.

Proposed Addition to Building

- Meets the Homestead Ave build-to line requirement (Homestead Ave building and veranda lines are coincident with the property line).
- Increased front lot line coverage and therefore reduces amount of nonconformity.
- Addition will be at the same nonconforming height as the existing building.
- Will eliminate the portion of the structure associated with the nonconforming drivethrough use.
- Will expand through the footprint of the demolished drive-through facility.



Photo 1. Subject Property Seen from intersection of Homestead and Baltimore - Google Maps 2021



Photo 2. Subject Property Seen from Baltimore St Looking South – Google Maps 2021



Photo 3. Subject Property Seen from Homestead Ave Looking South - Google Maps 2021

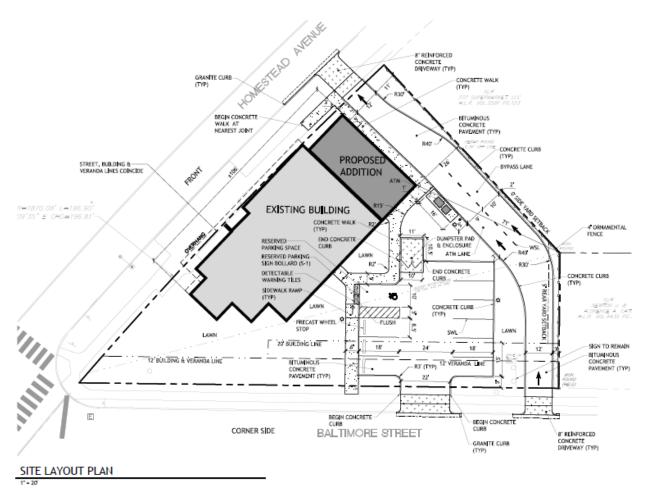


Figure 1. Site Layout Plan – Freeman Companies 2021

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZS, PUBLIC)

The Blue Hills NRZ was notified of the request on March 4, 2021. As of this writing no comment has been received. Any comments received between the date of this writing and the public hearing will be delivered to the Zoning Board of Appeals at the public hearing.

ANALYSIS

The proposed addition will constitute an expansion of a nonconforming building in that the addition will be at the same nonconforming height and the added footprint will not eliminate all nonconforming characteristics such as the occupation of the corner or the corner build-to line requirement. However, the proposed addition does not create any new nonconformity, and reduces other existing nonconforming characteristics.

It should be noted that the height of the proposed addition, 15' 4", is exactly 15% percent less than 18'. This is notable because according Sec.4.5.2, Note 2, if the first story is 18' tall it can be counted as two stories and is therefore conforming. Staff is authorized to adjust maximum or minimum requirements by up to 15% to accommodate reuse of existing structures per Sec.1.3.3.C.(5). The use of such an adjustment would be warranted in this case and the addition should be considered conforming in regards to height.

Storefront building types in the MS-2 district are required to occupy a minimum of 85% of the front build-to line. The building currently occupies 47% of the building line and the proposed addition will bring that metric to 58%. In this way the proposed will reduce the amount of nonconformity.

The existing nonconforming drive-through facility is proposed tp be moved to the interior of the site in the form of an ATM machine as part of the renovation. The ATM, will be relocated to a position on the existing drive aisle that is still accessible to vehicles. However, the relocation of the drive-through facility to the interior of the site represents a reduction in the presence of a nonconforming accessory use and its associated structures. The reduction in nonconformity is a sufficient justification of the variance request to Sec.1.5.3.E, to allow the nonconforming characteristic (the ATM) to be moved. The granting of this variance should not be unlimited however. The variance should be limited to the ATM in its proposed location. Staff recommends adding this as a condition of approval.

The proposed addition is currently shown to expand the footprint of the building to the north away from the corner. The Applicant could redesign the addition to expand the building to the south and in doing so meet the requirements of the Regulations regarding occupation of the corner and the corner build-to line. This redesign would accomplish a similar reduction in nonconformity, however, it would leave the existing nonconforming drive-through facility on the north side intact. The proposed addition to the north accomplishes a similar reduction in nonconformity and is therefore an equally desirable design compared to possible expansion to the south.

Section 1.5.4.E states that no nonconforming structure shall be enlarged except to make it a conforming structure. While the proposed addition does not cure the property of all nonconformity which is the requirement of 1.5.4.E, it does reduce the amount of nonconformity of a building constructed prior to the adoption of the current regulations. Staff finds that the proposed construction is consistent with the intent of the Zoning Regulations and that the variance request is merited based on the Applicant's commitment to the reduction of nonconformity. The hardship

exists where the application of Section 1.5.4.E extends past the intention of the section, to stop the expansion of nonconforming structures, and prohibits improvements that incrementally reduce nonconformance and are positive to the site, the public and allow the building to be occupied by a conforming use.

As with the variance to Sec. 1.5.3.E, staff recommends that the Zoning Board of Appeals (ZBA) condition their approval of this variance to ensure future expansions either eliminate nonconformance in compliance with the Zoning Regulations, or, the Applicant must return to the ZBA for additional review.

STAFF RECOMMENDATION

Staff recommends approval of this application.

A draft resolution follows. To address the issues raised in the Analysis, staff proposes the following condition:

- 1. The variance to Sec.1.5.4.E be applicable only to the addition as shown on the provided site plan and that the site plan be attached to the resolution as Exhibit A.
- 2. The variance to Sec.1.5.3.E be applicable only to the ATM in it's proposed location on the site plan, attached to the resolution as Exhibit A.

ATTACHMENTS

- 1. Variance Narrative
- 2. Site Plan
- 3. Elevation Drawings
- 4. Floor Plan

REVIEWED AND EDITED BY
Aimee Chambers, Director



CITY OF HARTFORD ZONING BOARD OF APPEALS RESOLUTION 410 HOMESTEAD AVENUE VARIANCE TO ALLOW EXPANSION OF A NONCONFORMING BUILDING

Whereas, The City of Hartford Board of Zoning Appeals reviewed the application and attached documents regarding the request for variances to: expand a nonconforming structure per Zoning Regulations 1.5.4.E; and, to move a characteristic of a nonconforming use to another location on the property per Zoning Regulations Section 1.5.3.E; and

Whereas, The subject building was constructed in 1949 and the drive-through facility was constructed in 1960, approximately 56 years prior to the adoption of the Zoning Regulations qualifying the structures as nonconforming; and

Whereas, The proposed addition will expand the building to the north reducing the amount of nonconformity by greatly reducing the nonconforming drive-through use and increasing the build-to line coverage; and

Whereas, The addition will not eliminate all nonconforming characteristics and is therefore not explicitly consistent with Section 1.5.4.E and thereby requires a variance; and

Whereas, The addition will be at the same height as the existing building; and

Whereas, The proposed construction and variances would allow for a conforming use to grow and continue to utilize an existing building; and

Whereas, The addition brings the existing Storefront Building closer to complete compliance with the Zoning Regulations and does not create new nonconforming characteristics; and

Now therefore Be It

Resolved, The City of Hartford Zoning Board of Appeals (ZBA) hereby finds that a hardship exists due to the following circumstances: XXXXX; and

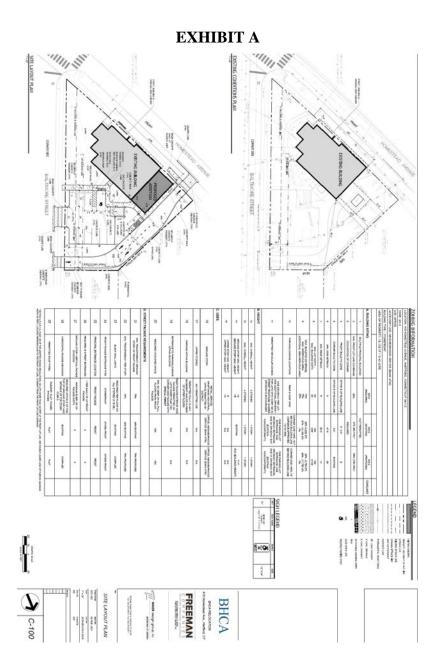
Resolved, The ZBA approves the request for variances to: expand a nonconforming structure per Zoning Regulations 1.5.4.E; and, to move a characteristic of a nonconforming use to

another location on the property per Zoning Regulations Section 1.5.3.E subject to the following conditions:

- 1. The expansion allowed pursuant to this variance shall be limited to that which is currently proposed and otherwise shown on Exhibit A of this resolution;
- 2. The variance to Sec.1.5.3.E be applicable only to the ATM in it's proposed location on the site plan and otherwise as shown on Exhibit A of this resolution;

Be It Further,

Resolved, This 4th day of May, 2021.



Attachment 1 – Narrative

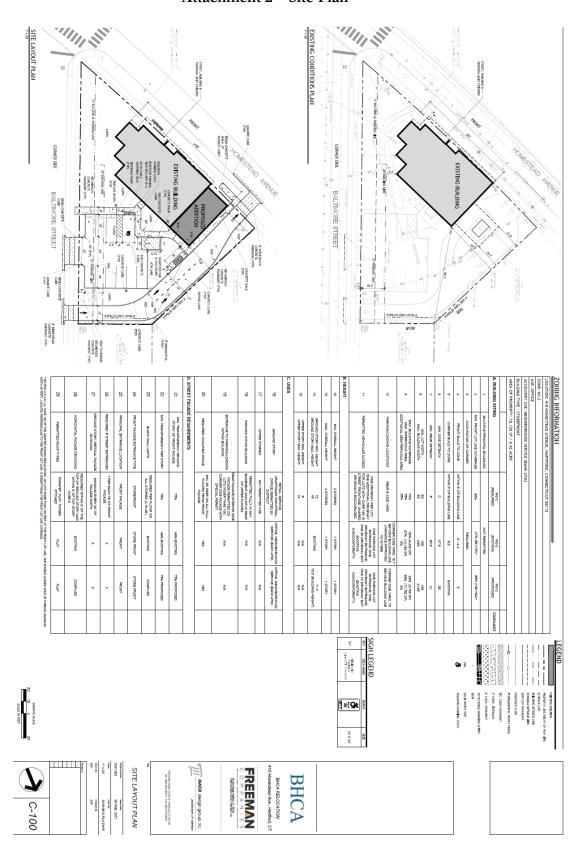
ZBA Project Narrative

Blue Hills Civic Association 410 Homestead Avenue

The project at 410 Homestead Ave in Hartford consists of the renovation of the existing Webster Bank building and construction of a new addition to accommodate the programming requirements. The existing one story building is approximately 5,700 sf. The proposed addition is 1,100 sf. The building will serve as the home office for Blue Hills Civic Association with offices, conference rooms and multi-purpose rooms as well as a community space available for public use. The existing parking lot, driveways and site will be renovated. The existing ATM will be relocated on site to make room for the addition.

The existing language of the building façade will be maintained with replacement storefront windows in the existing openings and maintenance of the existing masonry as needed. The addition shall continue the use of storefront and masonry around the side and tie into the rear of the building. The interior finishes shall consist of a combination of carpet, luxury vinyl tile floors with vinyl cove base and painted vertical surfaces. The project and its improvements will not only revitalize the neighborhood, but will also provide extensive services with an emphasis on Workforce Development, Small Busines Training, Life Skill Classes, Comprehensive Family Resources, pertaining to financial, education and health related issues and Housing Assistance to help individuals in gaining access to important programs to help maintain a home.

Attachment 2 – Site Plan



Attachment 3 – Elevation Drawings

