



## DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION

REPORT: Variance request at 891 West Service Road  
for consideration May 4, 2021

### STAFF REPORT

To: Zoning Board of Appeals  
PREPARED BY: Paul Ashworth, Senior Planner  
[paul.ashworth@hartford.gov](mailto:paul.ashworth@hartford.gov)

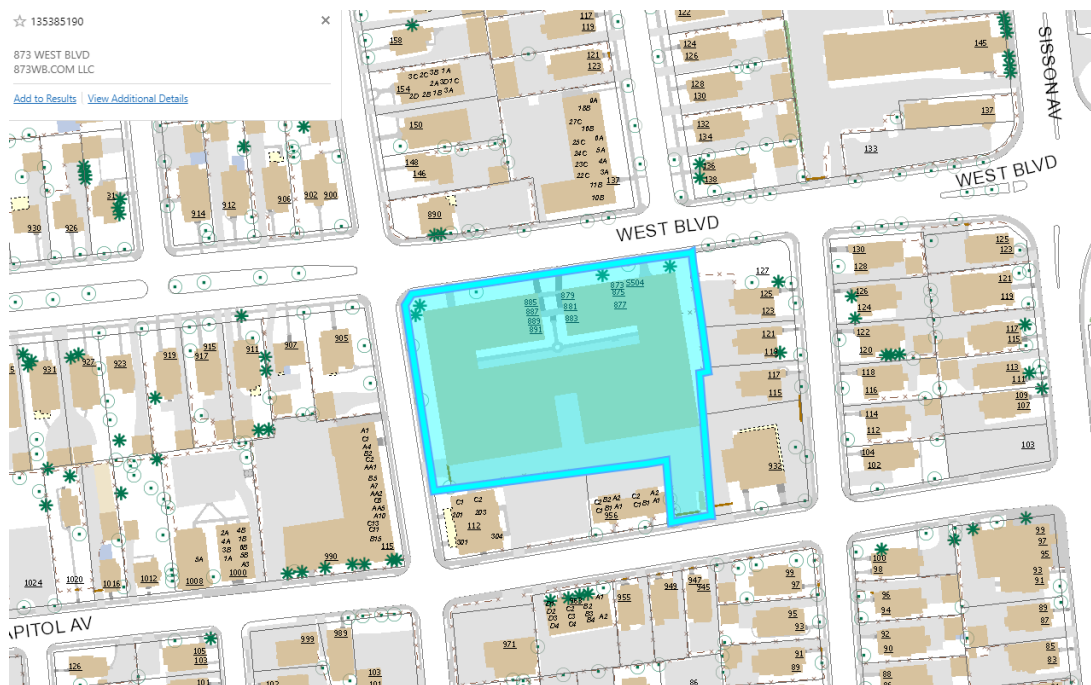
PROJECT: Verizon Cell Installation  
891 West Boulevard  
PARCEL ID: 135-385-190  
P&Z-COMM-

ZONE: NX-2, Neighborhood Mix

TYPE: Request for Variances from: Figure 4.20-B to allow for a Wireless Communications Facility (Small Cell Node) in the NX-2 District; and, from Section 4.20.7.F(1)(b) to allow installation of an antenna that exceeds 5' in height.

APPLICANT: Robinson & Cole LLP, C/o Kenneth C. Baldwin, Esq.

OWNER: 873WB.COM LLC



Overhead View – Hartford GIS 2021

### **BACKGROUND INFORMATION**

Applicant is requesting permission to install three new small cell support frames and corresponding cellular antenna on the roof of the Apartment type building referred to as Unit A located at 891 West Boulevard. Each cell support frame can support up to four (4) antennas. The antennas to be installed measure approximately 6' in height. The overall height from the roof deck to the top of an antenna will be 11'.

The zoning regulations do not permit small cell nodes in this district nor do they permit antennas higher than 5' tall where antennas are allowed. The subject request is for variances that address these two requirements. The Applicant's next step should they receive approval from the Zoning Board of Appeals (ZBA) will be for Special Permit review. Small cell installations are required to receive approval via a Special Permit in all other instances, this requirement will be carried over in this case as well.

No previous actions have been taken regarding this specific request but it should be noted that there are three existing cellular support frames with a corresponding number of antennas operated by another cellular provider (T-Mobile) on the Apartment type building referred to as Unit B at the same location. Please see Figure 1 below for clarification. Existing antennas were permitted in 2016 and are a non-conforming use.

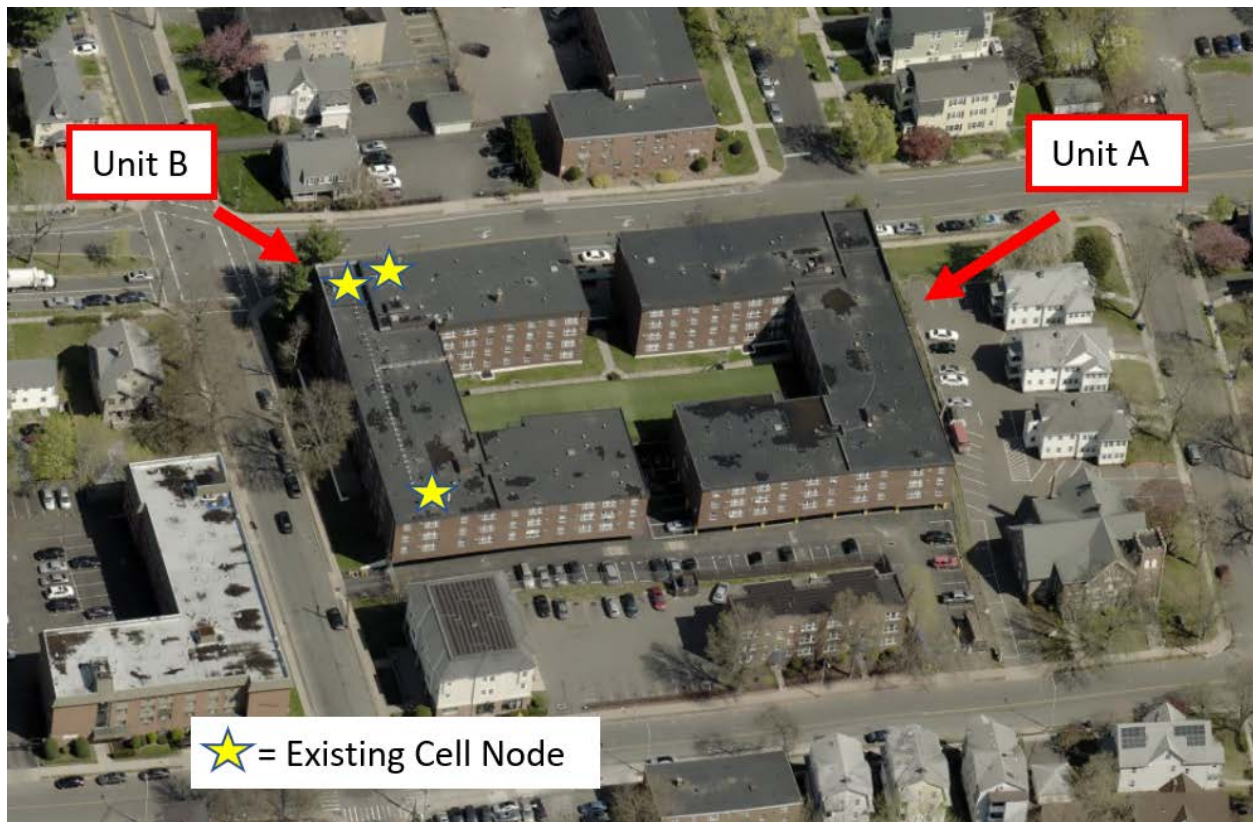


Figure 1. Depiction of Existing Cell Nodes – Hartford 2021

### **STATEMENT OF HARDSHIP**

The Applicant has provided a detailed justification statement. The Applicant's statement is attached in its entirety to this report as Attachment 1. The Applicant states that the variance to Section 4.20, Figure 4.20-B is necessary because the subject building is the only suitable building in regards to height and location. The cellular provider has existing nodes in certain locations around the city and this location is necessary to provide an adequate level of service and complete coverage in relation to the existing nodes.

The Applicant states that the variance to Section 4.20.7.F(1)(b) is necessary because cellular antenna technology has changed and that antennas today are almost exclusively greater than 5' tall. In order to provide a competitive service to its customers the Applicant is requesting permission to install modern antennas greater than 5' tall.

### **KEY APPLICATION TIMELINES**

- Application Submission Date: March 18, 2021
- Date Application Accepted as Complete: March 18, 2021
- Application Date of Receipt: April 6, 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: June 10, 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 Statutes 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 4.20, Figure 4.20-B: Accessory Structure Table**

Small Cell Nodes are not permitted in any of the NX-#, Neighborhood Mix districts.

ACCESSORY STRUCTURES	DISTRICTS																	Reference
	DT-1	DT-2	DT-3	MS-1	MS-2	MS-3	CX-1	CX-2	ID-1	ID-2	MX-1	MX-2	NX-#	N#-1	N#-2	N#-3	OS	
Accessory Utility Structures																		4.20.7
Antenna & Satellite Dish						⦿		⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	4.20.7.A.
Electric Vehicle Charging Stations, Levels 1 & 2	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	4.20.7.B.
Electric Vehicle Charging Stations, Levels 3	⦿	⦿	⦿				⦿	⦿	⦿	⦿								4.20.7.B.
Freestanding Radio or Wireless Tower						⦿	⦿	⦿	⦿	⦿		⦿						4.20.7.C.
Mechanical Equipment	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4.20.7.D.
Rainwater Collection/Cistern	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	4.20.7.E.
Small Cell Nodes	○	○	○	○	○	○	○	○	○	○	○	○					○	4.20.7.F
Transportation - Bike Share Structure	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿				⦿	4.20.7.G.
Transportation - Bus Shelter	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿	⦿				⦿	4.20.7.H.

○ Requires a Special Permit

● Permitted

⦿ Permitted subject to Use-Specific Regulations

#### Section 4.20.7.F: Small Cell Nodes

- (1) **Size.** A small cell node shall be sized as follows: smallest practical size; and, the size of the antenna associated with a node shall not exceed a maximum of 5 feet in height, except for small cell nodes visible from the public right of way, which shall not exceed a maximum of 3 feet in height.
- (2) **Location.** A small cell node shall be located as follows if on the roof of an existing building: shall be set back from the roof edges sufficiently to shield all components from a person viewing the building from any public right of way.
- (5) Evidence, in the form of renderings, at least two sightline perspectives, a coverage map, and engineering analysis regarding the suitability of any existing structure to which a small cell node is proposed to be mounted... shall be provided to the zoning administrator with each application.

#### FINDING OF FACTS

##### Subject Property

- Lot Size ~2.05 Acres
- Occupied by two 4 story apartment type buildings (Unit A, and Unit B)
- Three existing wireless communication antenna arrays on Unit B building.
- Not a designated historic building.

##### Neighborhood Context

- Primarily residential in nature.
- West Boulevard and surrounding streets mostly occupied by 3 story House Type B buildings with pitched roofs.



- Few other buildings of this height or scale in the area (see Figure 2).

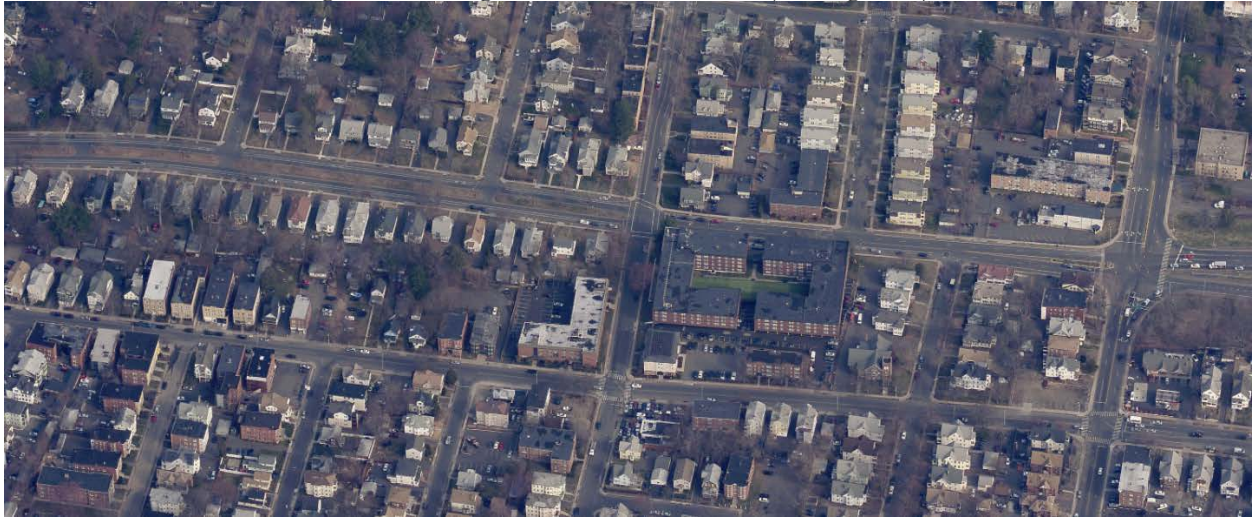


Figure 2. Neighborhood Context Aerial Photograph – Hartford GIS 2018



Photo 1. View of Unit B and existing small cell equipment from West Boulevard – Applicant 2021

Photo 2. View of existing small cell associated ground equipment and screening – Applicant 2021

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

The West End Civic Association (West End NRZ) was notified of this application via email on April 8<sup>th</sup>, 2021. As of this writing no comments have been received by Staff.

**ANALYSIS**

New small cell nodes are regulated by Section 4.20.7 of the Regulations. Where such installations are permitted they are required to receive Special Permit approval by the Planning & Zoning Commission and meet certain criteria. The Applicant has demonstrated that they are capable of meeting all criteria required by the regulations except for the following: the location of the small cell node in the NX-2 district, the height of the proposed antennas, and assurance that the proposed wireless communication facilities will not be visible from the street.

The presence of a wireless communication facility, or small cell node, is regulated mainly in terms of aesthetics in the City of Hartford Zoning Regulations. The Regulations are oriented around the size, quantity, design and appearance from the public right-of-way. The proposed location of these small cell nodes meet the requirements of the Regulations in terms of aesthetics largely in part to the nature of the building they are to be located on. The building is 4 stories and broader than most buildings in the surrounding area making it the most desirable in terms of potential screening from the street. The height of the building has also been noted by the Applicant as a significant advantage in terms of cellular performance. The height of the subject building and the roof-top layout represent a unique property characteristic not common to other buildings or properties in the district or surrounding area.

Federal regulations currently allow small cell nodes to be located on private utility poles in the public right-of-way. The subject request would allow the placement of these facilities in a place less visible

than the public right-of-way and consolidated in a single installation as opposed to multiple utility poles. Also, as the site is already developed with another provider's existing nonconforming antenna arrays, this would be a co-location of nodes at this site. Potentially reducing the demand for facilities in more obtrusive locations. The potential reduction in visibility of wireless facilities is a public benefit consistent with the Zoning Regulations intention. The denial of this use would represent a denial of a reasonable use that otherwise provides public benefit. Staff finds that the variance to allow small cell nodes on the subject property will allow the construction of a facility otherwise consistent with the intention of the Zoning Regulations.

The visibility of the existing communication facilities located at 891 West Boulevard (as seen in Photo 1 above) demonstrate the importance of thoughtful roof-top facility placement. To ensure the proposed facilities are located consistent with the aesthetic intent of the Regulations, Staff recommends that any approval be granted only under the condition that the facilities be set back far enough from the roof edge that they not be visible from any person standing in the public right-of-way. This should be demonstrated during the Special Permit proceedings.

The zoning regulations reference to small cell facilities is a term specific to a product within the wireless communications industry. The Staff interpret the intent of this section to apply to building mounted antennae. Another interpretation could be that the zoning regulations do not permit larger wireless communications facilities; however this may not be a realistic limitation. The size of these antennae differ from small cell facilities. To this end, the second request to allow 6' tall antennas where 5' are allowed by the regulations is found by Staff to be rational and ancillary to the first request. If the antennas are effectively screened the additional antenna height will not be injurious to the public and instead allow increased community benefit through improved service.

#### **STAFF RECOMMENDATION**

Staff recommends approval of this application.

**A draft resolution follows.** To address the issues raised in the Analysis, staff proposes the following conditions be included in the resolution:

1. This variance shall be limited to the three small cell node arrays indicated on the approved plans.
2. All new wireless communication facilities (small cell nodes, etc.) shall be placed so that they are not visible to any person standing in the public right-of-way.
3. Small cell nodes proposed pursuant to this variance shall require Special Permit approval from the Hartford Planning & Zoning Commission.

#### **ATTACHMENTS**

1. Applicant's Justification Statement
2. Roof-top Plans

#### **REVIEWED AND EDITED BY,**

---

Aimee Chambers, Director

**CITY OF HARTFORD  
ZONING BOARD OF APPEALS RESOLUTION  
891 WEST BOULEVARD  
VARIANCES TO ALLOW SMALL CELL NODES**

**Whereas,** The City of Hartford Zoning Board of Appeals reviewed the application and attached documents regarding the request for variances from: Figure 4.20-B to allow for a Wireless Communications Facility (Small Cell Node) in the NX-2 District; and, from Section 4.20.7.F(1)(b) to allow installation of an antenna that exceeds 5’ in height; and

**Whereas,** The subject lot is larger than others in the district; and

**Whereas,** The subject property is occupied by two 4-story Apartment type buildings; and

**Whereas,** The building height and roof dimensions together are a unique characteristic of the property that is uncommon in the surrounding area; and

**Whereas,** There are existing wireless communication facilities on the Western building; and

**Whereas,** The proposed would add the same number of facilities to the Eastern building; and

**Whereas,** The addition of wireless communication facilities to the roof of the subject property will improve services and increase competition in the area furthering the public interest; 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: **XXXXXXXXXX**;

**Resolved,** The City of Hartford Zoning Board of Appeals hereby approves the request for variances from: Figure 4.20-B to allow for a Wireless Communications Facility (Small Cell Node) in the NX-2 District; and, from Section 4.20.7.F(1)(b) to allow installation of an antenna that exceeds 5’ in height under the following conditions:

1. This variance shall be limited to the three small cell node arrays indicated on the approved plans.
2. All new wireless communication facilities (small cell nodes, etc.) shall be placed so that they are not visible to any person standing in the public right-of-way.



3. Small cell nodes proposed pursuant to this variance shall require Special Permit approval from the Hartford Planning & Zoning Commission.

Be It Further,

**Resolved,** This 4th day of May, 2021.

**Attachment 1 – Applicant’s Justification Statement**

**CITY OF HARTFORD  
ZONING BOARD OF APPEALS (ZBA)**

**APPLICATION FOR USE VARIANCE  
BY  
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS**

**PROJECT DESCRIPTION & HARDSHIP STATEMENT**

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) proposes to install a wireless telecommunications facility on the roof of the five-story residential apartment building (Unit A) at 873-891 West Boulevard in Hartford, Connecticut (the “Property”). The Property is identified as Lot MBLU 135-385-190 on the Hartford Tax Assessment Map and is in the NX-2 Neighborhood Mix zone district. T-Mobile currently maintains a similar rooftop wireless facility on the roof of the Unit B building on the Property.

Cellco’s proposed facility will consist of twelve (12) panel-type antennas (three (3) separate sectors of four (4) antennas each) and associated remote radio heads (RRHs) attached to antenna mounting structures in the southwest, northeast and northwest portions of the roof of the Unit A building. The proposed panel antennas are approximately six (6) feet tall and will be setback a minimum of ten (10) feet from all roof edges. Equipment associated with Cellco’s antennas would be located within a fenced enclosure on the ground adjacent to the building and tenant parking area.

The proposed rooftop facility will allow Cellco to provide significant capacity relief to its surrounding wireless base stations and enhanced wireless voice and data services in southwest Hartford. Cellco’s surrounding Hartford 4 cell site (a rooftop installation at 236 Sisson Avenue); Hartford West 2 cell site (a rooftop installation at 999 Asylum Street); Hartford SW cell site (a rooftop installation at 110 Bartholomew Avenue); Hartford 11 cell site (a rooftop installation at 85 Sigourney Street); and W Hartford 7 cell site (a rooftop at 270 Park Street) are all currently operating at or beyond their respective capacity limits. (*See attached facility location map*).

**Variance Requests**

Cellco requests a variance to two provisions of the Hartford Zoning Regulations.

(1) Cellco requests a variance to Section 4.0 (the Accessory Structure Table) to permit the establishment of rooftop wireless facility (Small Cell Node) in the NX-2 zone district.

(2) Cellco also request a variance to Section 4.20.7.F.(1)(b) of the Hartford Zoning Regulations to permit the installation of panel-type antennas that exceeds five (5) feet in height.

### Hardship – Variance to Permit a Rooftop Wireless Facility (Small Cell Node)

As mentioned above, the proposed roof-top wireless facility will allow for the provision of enhanced wireless services, including Cellco's new 28 GHz Ultra-Wide Band 5G technology, to customers in southwest Hartford. The Property's location and its proximity to each of Cellco's existing surrounding cell sites and the overall height of the existing building, makes this the ideal location to establish a cell site to meet the company's wireless service objectives.

Small cell nodes may be installed on buildings, subject to the approval of a Special Permit in the City's MS-1, MS-2, MS-3 and OS zone districts. Parcels in the area around the Property zoned MS-1, MS-2, MS-3 and OS are not suitable for the establishment of a rooftop wireless facility. Parcels and the structures occupying the parcels in these zones are either undeveloped or are occupied by one to three-story commercial, institutional and/or residential structures. None of these structures would allow for the installation of antennas at the height needed to satisfy Cellco's networks objectives.

### Hardship – Antenna Height

Antenna technology in recent years has developed in a way that allows wireless carriers to optimize service provided by individual cell sites. These new antennas allow Radio Frequency Engineers to better control antenna transmission patterns allowing for more focused service to the areas of need in different operating frequencies. These new service advantages, however, are only available in a taller (in excess of five feet in height) antenna. The proposed antenna is one-foot taller than permitted in Section 4.20.7.F.(1)(b) of the Hartford Zoning Regulations. The loss of these technological efficiencies will have a significant impact on the operation of proposed facility.

The literal enforcement therefore of the Hartford Zoning Regulations would therefore result in exceptional difficulty and unusual hardship. This hardship is specific to Cellco and a result of the technological limitations of its wireless service and the need to improve service and service options for all residents and businesses in the City of Hartford.

The variance request is in general harmony with the general purpose and intent of the Hartford Zoning Regulations. The wireless facility antennas (small cell node) will be setback from the roof edge of the building and will not be visible from the immediately adjacent public rights of way. Likewise, the antenna cables and related equipment cabinets will be located within the building's interior courtyard and not be visible from the public rights of way. The principal use of the building will remain the unchanged and unaffected by the proposed installation. T-Mobile maintains a similar rooftop wireless facility installation on an adjacent building at the Property, established in 2016.

Lastly, the variance will not adversely affect public health, safety and welfare. To the contrary, the provision of enhanced wireless telecommunications services will serve as a significant public safety benefit.

591 West Boulevard

