



CITY OF HARTFORD
Zoning Board of Appeals
260 Constitution Plaza – Hartford, CT
VIRTUAL MEETING

DRAFT MINUTES
April 6, 2021

- I. Call to Order:** The Zoning Board of Appeals held a Regular Virtual Public Hearing at 6:30 p.m. on Tuesday, April 6, 2021.

Vice Chair Amy Bergquist called the meeting to order at 6:40 p.m.

Attendance:

Present: Commissioners Phyllis Airey, Amy Bergquist, Richard Szczypek, and Charles Morrison; and Alternate Commissioner Jonathan Cabral

Absent: Chair Stephanie Johnson and Alternate Commissioner William Kemp

Staff Present: Aimee Chambers, Attorney Richard Vassallo, Paul Ashworth, and Paige Berschet

Vice Chair Amy Bergquist seated Alternate Commissioners Jonathan Cabral as a voting member for the meeting.

II. APPLICATIONS RECEIVED

a. **105 Girard Ave** – Request for Variances from Section 4.15.E.3 to allow additional impervious surface in the front yard and Section 7.5.3 to allow construction of a wider curb cut. Owner & Applicant: Tiffany Palmisano and Kelvin Valencia. Open Hearing Deadline: June 10, 2021.

b. **585 Park St** – Request for Variance from Section 8.4 to allow a larger projecting sign. Owner: City of Hartford; Applicant: TSKP Studio, LLC c/o T. Whitcomb Iglehart. Open Hearing Deadline: June 10, 2021.

c. **891 West Blvd** – Request for Use Variance from Figure 3.2-A to allow for a Wireless Communications Facility. Owner: 873WB.COM, LLC; Applicant: Robinson + Cole LLP, c/o Kenneth C. Baldwin, Esq. Open Hearing Deadline: June 10, 2021.

d. **251 Locust St** – Request for Variances from Section 8.2 to allow a Pedestrian Scale Pole Mounted Sign where one is not allowed and from Figure 8.11A to allow for a larger sign than is allowed. Owner: Beacon Sales Acquisition Inc.; Applicant: Ronald Friedrich. Open Hearing Deadline: June 10, 2021.

e. **10 Center St** – Request for Variances from Figure 4.1-B for building type and Use Variance from Figure 3.2-A for a neighborhood services facility. Owner: Omni America, LLC; Applicant: David Fleming. Open Hearing Deadline: June 10, 2021.

f. **2074 Park St** – Request for Variance from Section 1.5.5.E to allow replacement of existing signs where a non-conforming sign exists on lot. Owner: 2074-2100 Park Street, LLC; Applicant: Carlos Mouta. Open Hearing Deadline: June 10, 2021.

g. **89 Main St** – Request for Variance from Section 8.4 to allow a larger projecting sign. Owner: Park and Main, LLC; Applicant: Alanna Morque. Open Hearing Deadline: June 10, 2021.

h. **91 West Service Rd** – Request for Variance from Sec.8.3 to allow five wall signs where only one is permitted. Owner: 91 West Service Road, LLC; Applicant: Marc Cohen. Open Hearing Deadline: June 10, 2021.

i. **3580 Main St** - Appeal of a Zoning Enforcement Cease and Desist Order. Owner: SGS 3580 Main Street, LLC; Applicant: Sandra Mark & Wasine Mark.

j. **3580 Main St** - Appeal of a Zoning Enforcement Cease and Desist Order. Owner: SGS 3580 Main Street, LLC; Applicant: Asjah Hightower.

k. **3580 Main St** - Appeal of a Zoning Enforcement Cease and Desist Order. Owner: SGS 3580 Main Street, LLC; Applicant: Abex Distributors.

l. **3580 Main St** - Appeal of a Zoning Enforcement Cease and Desist Order. Owner: SGS 3580 Main Street, LLC; Applicant: Jay Ballenger.

m. **3580 Main St** - Appeal of a Zoning Enforcement Cease and Desist Order. Owner: SGS 3580 Main Street, LLC; Applicant: Calvina Williams.

n. **3580 Main St** - Appeal of a Zoning Enforcement Cease and Desist Order. Owner: SGS 3580 Main Street, LLC; Applicant: Sandra Mark.

III. **PUBLIC HEARINGS**

a. **200 Prospect Ave** – Request for Variances from Sections 3.5.2A(1) and from 3.5.2A(7) to allow a drive-through facility within zero feet of a similar use. Owner: Edah Realty, LLC; Applicant: Great American Donut, Inc. c/o Scott Fanning.

Mr. Paul Ashworth presented the staff report and answered Commissioner's questions.

The applicant, Attorney Bob DeCrescenzo, was present and stated that they believed the project would be a good reuse of the building and site if the variances were allowed and would allow for a greener site with less parking spaces. Mr. Andrew Quick, project engineer, was also present and stated that they were proposing full access to Kane Street and a limited right turn onto Prospect Ave. Mr. Andrew Quick also stated that they had an easement to allow for shared parking with McDonald's on the small parcel at the rear of the property.

Commissioner Amy Bergquist recommended a review of the Prospect Ave intersection during Site Plan Review and suggested adding a left turn arrow.

The public comment was opened and there were no comments or testimony from the public.

Commissioner Richard Szczypek made a **MOTION** to **APPROVE** the request for variance as recommended by staff, stating that there was evidence of a hardship because of the difficulty to develop the site without a variance, the use was consistent with the surrounding area, and there had been no negative comments from the public, **SECONDED** by Commissioner Amy Bergquist. The resolution was approved with a vote of **5-0**.

CITY OF HARTFORD ZONING BOARD OF APPEALS RESOLUTION 200 PROSPECT AVENUE VARIANCES TO ALLOW ACCESORY DRIVE-THROUGH USE

Whereas, The City of Hartford Zoning Board of Appeals reviewed the application and attached documents regarding the request for variances from Section 3.5.2.A.(1) to allow a drive-

through facility on a street facing façade and stacking lanes parallel to the street, and from Section 3.5.4.2.a(7) to allow an accessory drive-through use within 300 feet of other accessory drive through uses; and

Whereas, The subject property is corner lot at the intersection of Kane Street and Prospect Avenue and is assigned the MS-3 Zoning District; and

Whereas, The proposed drive-through use is within 300 feet of two parcels, each with an active accessory drive-through use on their respective premises; and

Whereas, The proposed drive-through facility's location on the Kane Street façade will allow for additional stacking generally and some parking in the rear yard; and

Whereas, The character of the surrounding area is auto-oriented; and

Whereas, The drive-through use could allow for an economically feasible use while the area transitions to a less car dependent nature; and

Whereas, The variances would allow the reuse of an existing building reducing waste and allowing for additional investment in the neighborhood; and

Whereas, The auto-oriented nature of the area is such that non-automobile oriented uses are made financially unviable; and

Whereas, Pedestrian oriented design principles integrated into the site layout help offset the impact of the auto-oriented drive-through use; 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: **Property Owners would have difficulty developing the site without a variance and the proposed use is consistent with the surrounding area;**

Resolved, The City of Hartford Zoning Board of Appeals hereby approves the request for variances from Section 3.5.2.A.(1) to allow a drive-through facility on a street facing façade and stacking lanes parallel to the street, and from Section 3.5.4.2.a(7) to allow an accessory drive-through use within 300 feet of other accessory drive-through uses subject to the following conditions:

1. The approval be limited to the proposed design for the proposed development. Should the property be redeveloped in the future, the variances shall be considered null and void.
2. Because the variance granted in 1984 regarding parking beyond the building line is in conflict with the objectives of the present Zoning Regulations, the Applicant shall sign a release voluntarily surrendering the rights conveyed to them. Such surrender shall be made to run with the land and apply to the current and any future owner of the property.
3. Pedestrian pathways leading to the primary building entrance shall be provided from at least one street frontage.
4. Street trees shall be provided along both frontages as required by the Zoning Regulations in addition to any on-site tree planting requirements.

Be It Further,

Resolved, This 6th day of April, 2021.

- b. **80 Seymour St** – Request for Variances to allow a new sign when a nonconforming sign exists on the site and to allow a wall sign above the second story window sill on a building that is less than 12 stories tall. Owner: Hartford Hospital; Applicant: National Sign Corp c/o Darcie Roy.

Mr. Paul Ashworth presented the staff report.

The applicant, Ms. Darcie Roy, was present and gave a brief overview of the request. Ms. Darcie Roy answered Commissioner Airey's question stating that the proposed sign could not be seen from Retreat Ave or Seymour St because it was blocked by other buildings.

The public comment was opened and there were no comments or testimony from the public.

Commissioner Phyllis Airey made a **MOTION** to **APPROVE** the request for variance as recommended by staff because it is important to have proper signage on the property to allow patients to easily locate the hospital buildings, **SECONDED** by Commissioner Richard Szczypek. The resolution was approved with a vote of **5-0**.

**CITY OF HARTFORD
ZONING BOARD OF APPEALS RESOLUTION
80 SEYMOUR STREET
VARIANCES TO ALLOW INSTALLATION OF A NEW WALL SIGN**

- Whereas,** The City of Hartford Zoning Board of Appeals reviewed the application and attached documents regarding the request for a variances to allow; the installation of a wall sign above the second story window sill on a building less than 12 stories per Sec.8.3; and, to allow installation of a new sign when nonconforming signs exist on the site per Sec.1.5.5.E; and
- Whereas,** The subject property is the Hartford Hospital Campus, a large lot occupying the entire block between Retreat Ave, Seymour Street and Jefferson Street; and
- Whereas,** The proposed sign will be on the western façade of a previously approved expansion to the Bliss Building, a portion of a large facility with multiple distinct yet connected building sections with unique facades; and
- Whereas,** The location of the sign on the building is constrained by the architecture of the building and presence of other buildings in close proximity and the building's physical relationship to the street; and
- Whereas,** There are existing nonconforming signs on the property some of which are wayfinding signs; and
- Whereas,** Wayfinding signs and signs that help the public readily identify the location of medical services are in the public interest but would otherwise be required to be removed in order to place any new signage; and
- Whereas,** The Hartford Hospital Campus is a unique lot that makes the strict application of the zoning regulations exceptionally difficult; and

Now therefore Be It

Resolved, The City of Hartford Zoning Board of Appeals (ZBA) finds that a hardship is present due to the following circumstances: **Proper signage on the property is important to allow patients to easily locate the hospital buildings.**

Resolved, **The ZBA** hereby approves the request for two (2) variances subject to the following conditions:
1. The variances shall apply only to the sign as shown in Exhibit A of this resolution; and
2. Any future sign applications be evaluated on their own merits and not in relation to this approval.

Be It Further,

Resolved, This 6th day of April, 2021.

- c. **105 Girard Ave** – Request for Variances from Section 4.15.E.3 to allow additional impervious surface in the front yard and Section 7.5.3 to allow construction of a wider curb cut. Owner & Applicant: Tiffany Palmisano and Kelvin Valencia. Open Hearing Deadline: June 10, 2021.

Mr. Paul Ashworth presented the staff report and letter from the West End Civic Association (WECA) supporting the request. Mr. Paul Ashworth answered Commissioners questions on the location of the apron addition and confirmation that parking must be in the rear yard of the property.

The applicant, Ms. Tiffany Palmisano, was present along with Attorney Gregory Piecuch and Mr. Richard Mien, the property surveyor. Mr. Gregory Piecuch stated that there were over eight feet between the house and property line which allowed for enough space to use the driveway, they were proposing to park in the grass in the rear yard to limit pavement on the lot, and that there were health and safety issues without the proposed driveway. Mr. Gregory Piecuch stated they obtained 68 signatures of neighbors in support of the request and were not aware of any opposition to the request.

Ms. Tiffany Palmisano answered Commissioner Amy Bergquist's question, stating that she had tenants on the property until June and wanted to have the driveway paved before they moved in.

Commissioner Richard Szczypek stated that property line could get lost with future property owners since the driveway at 109 Girard will likely be a larger width. Mr. Gregory Piecuch stated there would be a sort of physical demarcation with the pavement added and a pin could be added.

Commissioner Amy Bergquist stated concern about the applicant's willingness to park in the rear yard, and not the side or front, because it is an issue in the neighborhood. Ms. Tiffany Palmisano stated it was their intention to park in the rear. Attorney Rich Vassallo stated that parking in the front yard would be a Zoning Enforcement issue and that property owners have a right to access roadways.

Commissioner Morrison asked if they were allowed to park in the grass, and Mr. Paul Ashworth said a semi-pervious surface could be proposed during Site Plan Review.

The public comment was opened and there were no comments or testimony from the public.

Commissioner Phyllis Airey stated she appreciated the attempt to solve the parking problem with their neighbor, the NRZ was supportive, and they had many neighbors supportive of the request. Commissioner Amy Bergquist stated she was unsure she agreed with their hardship stating a safety issue because so many Hartford residents did not have driveways and had to park on the street. Commissioner Amy Bergquist stated they have a right to access their property and the roadway and there was a hardship because the characteristics of the property would not allow a curb cut or driveway to be added. Commissioner Phyllis Airey stated they were the only property on Girard Ave without a driveway, and other places in Hartford are often multifamily and have better access to bus transportation.

Commissioner Phyllis Airey made a **MOTION** to **APPROVE** the request for variance as recommended by staff because they had a right to access their property and the roadway and there was a hardship because the characteristics of the property would not allow a curb cut or driveway to be added, **SECONDED** by Commissioner Jonathan Cabral. The resolution was approved with a vote of **5-0**.

**CITY OF HARTFORD
ZONING BOARD OF APPEALS RESOLUTION
105 GIRARD AVENUE
VARIANCES TO ALLOW A DRIVEWAY**

- Whereas,** The City of Hartford Zoning Board of Appeals reviewed the application and supporting documents regarding the request for variances from Section 4.15.2 to allow the front yard impervious surface ratio to reach approximately 28% where only 25% is allowed, and from Section 7.5.3 to allow a shared (shared with property located at 109 Girard Ave) curb cut to 18.25 feet wide where only 10 feet of width is permitted; and
- Whereas,** The subject property is occupied by a House B Building Type; and
- Whereas,** The building siting and width of the structure on the lot effectively prohibits the installation of a non-shared driveway in compliance with the regulations; and
- Whereas,** The proximity to neighboring driveways effectively prohibits the installation of a non-shared driveway in compliance with the regulations; and
- Whereas,** The owner of 109 Girard Avenue has refused to grant an easement allowing the Applicant to share the existing driveway; and
- Whereas,** A one foot strip of land on the south border of the subject property is used by that neighbor as part of their driveway; and
- Whereas,** The Zoning Regulations effectively prohibit the subject property from installing a driveway and accessing the rear of the property via automobile for parking or other reasonable use;
- 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: Property owners have a right to access their property and the

roadway and there is a hardship because the characteristics of the property would not allow a curb cut or driveway to be added.

Resolved, The City of Hartford Zoning Board of Appeals hereby approves the request for variances from Section 4.15.2 to allow the front yard impervious surface ratio to reach approximately 28% where only 25% is allowed, and from Section 7.5.3 to allow a shared (shared with property located at 109 Girard Ave) curb cut to be 18.25 feet wide where only 10 feet of width is permitted:

Be It Further,

Resolved, This 6th day of April, 2021.

- d. **585 Park St** – Request for Variance from Section 8.4 to allow a larger projecting sign. Owner: City of Hartford; Applicant: TSKP Studio, LLC c/o T. Whitcomb Iglehart. Open Hearing Deadline: June 10, 2021.

Mr. Paul Ashworth presented the staff report.

Commissioner Richard Szczypek recused himself from discussion and deliberation.

The applicant, Mr. T. Whitcomb Iglehart was present and stated that the proposed design was their best effort to adhere to SHPO requirements, desires of the community, and intent of the building design and library use. Ms. Diane Ahern, the sign designer, was present and stated that background of the sign would be gray with white lettering and would be light at night.

The public comment was opened and there were no comments or testimony from the public.

Commissioner Jonathan Cabral made a **MOTION** to **APPROVE** the request for variance as presented by staff because SHPO wants to memorialize the historic building, **SECONDED** by Commissioner Amy Bergquist. The resolution was approved with a vote of **4-0**.

**CITY OF HARTFORD
ZONING BOARD OF APPEALS RESOLUTION
585 PARK STREET
VARIANCES TO ALLOW A LARGER PROJECTING SIGN**

Whereas, The City of Hartford Zoning Board of Appeals reviewed the application and attached documents regarding the request for variances from Section 8.4 to allow a projecting sign with a length greater than 12 feet and a sign area greater than 6 square feet; and

Whereas, The subject property is a corner lot located at the intersection of Park Street and Broad Street and is assigned the MS-3 Zoning District; and

Whereas, The subject property is within the Frog Hollow National Historic District; and

Whereas, The proposed projecting sign is proposed in conjunction with other sign types; and

337
338 **Whereas,** The State Historic Preservation Office has recommended that a reference to the historic use of
339 the property, the Lyric Theatre, be included in the name and signage of the new library
340 building to offset the reduction in historic assets; and
341

342 **Whereas,** The proposed projecting sign and wall sign are both proposed to include this historic
343 reference; and
344

345 **Whereas,** The history of the site and need to offset the destruction of historic assets represent a unique
346 development obstacle; and
347

348 **Whereas,** The proposed projecting sign is a reasonable size of which it is possible to read the historic
349 reference and the name of the library; and
350

351 Now therefore Be It
352

353 **Resolved,** The City of Hartford Zoning Board of Appeals (ZBA) hereby finds that a hardship exists due
354 to the following circumstances: SHPO wants to memorialize the historic building;
355

356 **Resolved,** The ZBA approves the request for variances from 8.4 to allow a projecting sign with a length
357 greater than 12 feet and a sign area greater than 6 square feet subject to the following
358 conditions:

- 359 1. The granted variances only apply to the 18' by 1'1" projecting sign as depicted on
360 Exhibit A of this resolution; and
361

362 Be It Further,
363

364 **Resolved,** This 6th day of April, 2021.
365

366 **IV. DIRECTOR'S REPORT**

367 **a. Report**

368 Ms. Aimee Chambers shared information on the upcoming April 14th North Main Street Streetscape
369 Public Meeting, April 22nd Complete Streets Plan Public Meeting, and April 28th Hartford Parking
370 Study Public Meeting. She also stated that there was an Electric Scooter Share launch planned for
371 April 22nd.
372

373 **b. Special Meeting Request**

374 Ms. Aimee Chambers stated there were a number of appeals to Zoning Enforcement Orders which
375 would result in a long agenda for next month and asked Commissioners if they would be open to
376 having a Special Meeting. Commissioners proposed April 20th for a Zoning Board of Appeals Special
377 Meeting to hear the Zoning Enforcement Appeals.
378

379 **V. Minutes – March 2, 2021**

380 Commissioner Phyllis Airey made a **MOTION** to **APPROVE** the minutes as presented, **SECONDED** by
381 Commissioner Amy Bergquist. The minutes were **APPROVED** by a vote of **5-0**.
382
383
384

385 **VI. ADJOURMENT**

386 Commissioner Amy Bergquist made a **MOTION** to adjourn the meeting, **SECONDED** by Commissioner
387 Richard Szczypek and the meeting was adjourned at 9:39 p.m.

388

389 Respectfully Submitted by:

390 Paige Berschet, Administrative Assistant

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