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4 **CITY OF HARTFORD**
5 **Zoning Board of Appeals**
6 **260 Constitution Plaza – Hartford, CT**
7 **VIRTUAL MEETING**

8
9 **DRAFT MINUTES**

10 **March 1, 2022**

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12 **I. Call to Order:** The Zoning Board of Appeals held a Regular Virtual Public Hearing at 6:30 p.m.
13 on Tuesday, March 1, 2022.

14
15 Chair Amy Bergquist called the meeting to order at 6:34 p.m.

16
17 **Attendance:**

18 **Present:** Chair Amy Bergquist, Commissioners Phyllis Airey, Charles Morrison, and Richard
19 Szczypek, and Alternate Commissioner Jonathan Cabral.

20 **Absent:** Alternate Commissioner William Kemp.

21 **Staff Present:** Aimee Chambers, Attorney Rich Vassallo, and Paige Berschet.

22
23 Chair Amy Bergquist seated Commissioner Jonathan Cabral.

24
25 **II. APPROVAL OF**

26 a. Agenda for March 1, 2022 – APPROVED

27
28 Commissioner Jonathan Cabral made a **MOTION** to **APPROVE** the agenda as presented,
29 **SECONDED** by Commissioner Richard Szczypek. The agenda was approved with a vote of
30 **5-0**.

31 b. Minutes from January 4, 2022 – APPROVED

32 Commissioner Richard Szczypek made a **MOTION** to **APPROVE** the agenda as
33 presented, **SECONDED** by Commissioner Charles Morrison. The minutes were approved
34 with a vote of **5-0**.

35
36 **III. APPLICATIONS RECEIVED**

37 *Indicates the official Date of Receipt for an application and start of the Public Hearing Timeline.
38 Preliminary Application Documents are available at: <https://www.meetinginfo.org/groups/28>

39 a. **675 Wethersfield Ave** – Request for Variances from Section 4.17.2.A – Fuel Pumps &
40 Canopies, to allow for three new fuel pumps in the front yard, and from Section 6.7.3 – Street
41 Trees, to allow smaller shrubs where street trees are required. Owner: K Brothers, LLC;
42 Applicant: Alfred Benesch & Company c/o John Oliveto. Open Hearing Deadline: May 5,

2022. Anticipated Public Hearing Date: April 5, 2022.

- b. **145 New Britain Ave** – Request for Variances from Section 4.17.2.A – Fuel Pumps & Canopies, to allow for three new fuel pumps in the front yard, and from Section 6.7.3 – Street Trees, to allow for four (4) street trees and smaller shrubs where eight (8) street trees are required. Owner: K Brothers, LLC; Applicant: Alfred Benesch & Company c/o John Oliveto. Open Hearing Deadline: May 5, 2022. Anticipated Public Hearing Date: April 5, 2022.

IV. APPLICATIONS CARRIED FORWARD

*Indicates that an application was received in a prior meeting and that the public hearing timeline is open. Preliminary Application Documents are available on meetinginfo.org in the meeting associated with the "Application Received Date" below.

- a. **44 Guilford St** – Appeal of a Zoning Enforcement Cease & Desist Order dated November 10, 2021 (code case number 10289379) for unpermitted outdoor storage yard, and outdoor storage of construction equipment, parts, materials, and supplies, pursuant to Section 1.3.8, Section 1.4.2.A, and Section 3.3.9.C of the Zoning Regulations. Owner: Charles Taylor Jr.; Applicant: Thaddeus Taylor. Application Received: January 4, 2022. *Open Hearing Deadline: May 14, 2022 (Applicant granted extension).*

V. PUBLIC HEARINGS

- a. **347 Wethersfield Ave** – Request for a Use Variance from Figure 3.2-A to allow a neighborhood retail grocery store use on the ground floor of a building in the NX-1 Neighborhood Mix Zoning District. Owner: Ciprian Torres; Applicant: Pedro De la Cruz.

Director Aimee Chambers presented the staff report.

Commissioner Charles Morrison asked what activities caused the arrests. Director Aimee Chambers noted the police report attachment and stated they were selling liquor without permits in 2021. She also shared that the Neighborhood Grocery Use was revoked because they did not meet the conditions upon approval.

The applicant, Mr. Pedro de la Cruz was present and noted he had owned the business since 2018. He shared he had gotten behind on his permits, and did community court for selling beer without permit. He stated he had installed cameras and other security measures. He noted he has applied for a Grocery Store Use permit and was confused by the approval conditions and when he had been allowed to open. He stated he wanted to reopen the business and then resell.

Public Comment was opened.

Ms. Alyssa Peterson, Grandview Terrace resident and MARG NRZ Member, stated that there were numerous arrests at the property, illegal beer sales, an illegal apartment in the basement, and the applicant had not addressed any of these concerns. She stated that the property was a public nuisance and there was not a hardship present to grant the variance.

Public comment was closed.

88
89 Commissioner Charles Morrison made a **MOTION** to **DENY** the variance as recommended
90 by staff, stating there was no genuine hardship for a grocery store use and that they could
91 establish a residential use, **SECONDED** by Commissioner Richard Szczypek. The motion
92 passed by a vote of **5-0**.
93

94 **CITY OF HARTFORD**
95 **ZONING BOARD OF APPEALS RESOLUTION**
96 **347 WETHERSFIELD AVENUE**
97 **USE VARIANCE TO ALLOW A NEIGHBORHOOD RETAIL GROCERY STORE USE ON**
98 **THE GROUND FLOOR OF A BUILDING IN THE NX-1, NEIGHBORHOOD MIX ZONING**
99 **DISTRICT**

100
101 **Whereas,** The City of Hartford Zoning Board of Appeals reviewed the application and attached
102 documents regarding the request for a Use Variance from Figure 3.2-A to allow a
103 neighborhood retail grocery store use on the ground floor of a building in the NX-1,
104 Neighborhood Mix Zoning District; and
105

106 **Whereas,** The subject property is located in the NX-1, Neighborhood Mix district; and
107

108 **Whereas,** The subject tenant space located in the northeast corner of the building and identified
109 as 347 Wethersfield Avenue was previously occupied by a nonconforming
110 neighborhood retail use; and
111

112 **Whereas,** The previous neighborhood retail use ceased in 2021 after the subject use violated City
113 codes by selling alcohol without a license, failed to meet the grocery requirements of
114 the zoning permit, and the zoning permit was subsequently revoked; and
115

116 **Whereas,** All nonconforming rights were surrendered when the use was operated unlawfully;
117 and
118

119 **Whereas,** The proposed variance would allow the previous use to resume at the subject property;
120 and
121

122 **Whereas,** The subject property historically functioned as a storefront building; however, the
123 design and form of the building do not completely match the storefront building type
124 and the first floor window arrangement is arguably similar to that of the apartment
125 building type; and
126

127 **Whereas,** The zoning district allows for apartment buildings and for residential uses on the first
128 floor; and
129

130 **Whereas,** A residential use is found to be both reasonable and appropriate in the subject building
131 and tenant space; and
132

133 **Whereas,** The Zoning Regulations therefore do not prohibit all reasonable use or create an
134 unusual difficulty for the property owner to realize a reasonable use; and

135
136 Now therefore Be It

137
138 **Resolved,** The City of Hartford Zoning Board of Appeals hereby ~~denies~~ ~~approves~~ the request for
139 a Use Variance from Figure 3.2-A to allow a neighborhood retail grocery store use on
140 the ground floor of a building in the NX-1, Neighborhood Mix Zoning District:

141
142 Be It Further,

143
144 **Resolved,** This 1st day of March, 2022.

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146 **VI. NEW BUSINESS**

147 There were no new business items.

148
149 **VII. ADJOURNMENT**

150 Commissioner Phyllis Airey made a **MOTION** to adjourn the meeting, **SECONDED** by
151 Commissioner Charles Morrison, and the meeting was adjourned at 7:19p.m.

152
153 Respectfully Submitted by:
154 Paige Berschet, Administrative Assistant

AC