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

8 **MINUTES**
9 **September 3, 2019**
10 **(APPROVED)**
11

12 **CALL TO ORDER** The Zoning Board of Appeals held a Public Hearing at **6:30 p.m. on Tuesday,**
13 **September 03, 2019,** at the Plaza Level Conference Room of 260 Constitution Plaza, Hartford, CT
14 06103.
15

16 Chair Zartman called the meeting to order at 6:30 p.m. and read the Public Hearing Rules of Conduct for
17 the record.
18

19 **In Attendance:** Chair Justin Zartman, Amy Bergquist, Jonathan Cabral (appointed to fill the vacancy for
20 Phyllis Airey), and William Kemp (appointed to fill the vacancy for Stephanie Johnson)
21

22 **Absent:** Phyllis Airey and Stephanie Johnson
23

24 **Staff Present:** Elizabeth Sanderson, Lisa Silvestri, and Vanessa Walton
25

26 **PUBLIC HEARINGS**

27 **A. 622 Asylum Avenue (a.k.a. 590-626 Asylum Ave., per Assessor)** – Variance request from the following
28 sections of the City of Hartford Zoning Regulations related to the establishment of a package store
29 (Beer/Wine/Liquor Sales Use) on the property:

30 a. Chapter 3, Section 3.3.4.C.(1) Proximity to Other Beer/Wine/Liquor Sales to allow a new package
31 store to be located within a 1,500 ft. radius of another lot where beer/wine/liquor sales are located.

32 b. Chapter 3, Section 3.3.4.C(2) Proximity to Certain Uses to allow a new package store to be located
33 within 500 ft. from a school/assembly use (The YWCA, 135 Broad St.) and a park (707 Asylum Ave.)
34

35 Applicant: Omar Earlington

36 Principal Planner Elizabeth Sanderson presented a summary of the Staff Report that was distributed to the
37 Commission prior to the Public Hearing date. She made reference to a letter she received from the
38 Asylum Hill Neighborhood Association (AHNA) requesting that this application be tabled until the NRZ
39 was able to meet with the applicant, Mr. Omar Earlington. At that time a copy of the letter was given to
40 the Applicant for his reading purposes.
41

42 Chair Zartman opened the hearing for public comments. Mr. Earlington and his attorney, Mr. Stefan J.
43 Stolarz, Esq. were present and they addressed and answered questions from the Commission. Chair
44 Zartman opened the floor for comments and testimony from the public. The Commission heard
45 comments from the following:

- 46 • Mr. Steve Shafftner, owner of 590-626 Asylum- (location of the proposed liquor store) spoke in
47 favor of Mr. Earlington and the approval of the variance.
- 48 • Ms. Kathy Ziner, Chief Strategy and Operating Officer of the YMCA- Supports AHNA request to
49 defer a decision on this application and also opposes the variance for the approval of a liquor
50 store in this area. She read into the records a letter from Mr. Glenn Winfree, Head of School,
51 Covenant Preparatory, who is a tenant of the YMCA, opposing the variance.
- 52 • Mr. Frank Higganum, resident of Asylum Hill neighborhood – Opposed the variance in
53 particular, the location of the liquor store in the Asylum Hill neighborhood.
- 54 • Mr. David MacDonald, Executive Director of AHNA- Voiced his concerned about this proposal.
55 Spoke about the traffic in this area and the danger of the intersection. Want to get this item in
56 front of the AHNA. He was not in favor of this variance.
- 57 • Mr. Michael Barr, member of Board of Directors of AHNA- Urged the Chair of ZBA to table the
58 matter until such time that the applicant can attend the NRZ meeting to present this item to the
59 neighborhood.
- 60 • Ms. Jennifer Cassidy- Lives in Asylum Hill neighborhood and works for Business for Downtown
61 Hartford. Stated that there has been a lot of challenges with liquor stores in this neighborhood.
62 Opposes the variance for a liquor store in this neighborhood.
- 63 • Mr. Paul Fleming, Manager of the Corporate Real Estate Team for Hartford Insurance Group. He
64 was there to represent the company and requested that the Board postpone a decision for this
65 application. He was concerned about what the additional traffic congestion would do for this
66 intersection and the possible parking in the Hartford’s employee parking lot (to get to the liquor
67 store). Feels that the area is already congested.

68
69 The Applicant was asked if they would be willing to postpone the Board’s decision until the October 1,
70 2019 meeting and they agreed.

71
72 There were no other comments or testimony from the public and Chair Zartman made a **MOTION** to
73 **POSTPONE** the Variance until the October 1, 2019 meeting. **Seconded** by Commissioner Amy
74 Bergquist. All Commissioners voted in favor of the motion and the Variance was **POSTPONED until**
75 **the October 1, 2019 ZBA meeting** by a **4-0** vote.

76
77
78B. **1081 Capital Avenue (a.k.a. 1079-1093 Capitol Ave., per Assessor)** – Appeal of Zoning Enforcement
79 Officer decision to deny an Application for Grocery Beer Liquor Permit at All Star Mini Market, 1081
80 Capitol Ave. Applicant: Marianny M. Rodriguez.

81
82 *This item was not heard by the Board for this meeting.* An email was submitted to Principal Planner
83 Elizabeth Sanderson from Attorney Alex Aponte on behalf of the applicant, Ms. Marianny M. Rodriguez.
84 Attorney Aponte requested that their item be moved to the next ZBA meeting (October 1, 2019). The
85 email was distributed to the Commissioners at the meeting and the item was **POSTPONED until**
86 **October 1, 2019.**

87
88
89C. **166 Ward Street (a.k.a. 166-172 Ward St., per Assessor)** – Variance request from Chapter 3, Section
90 3.2.1 to allow an Efficiency/Micro-Unit on the property, located in the NX-2 District. Applicant: Agora
91 Development Group.

92
93 Principal Planner Elizabeth Sanderson presented a summary of the Staff Report that was distributed to the
94 Commission via email prior to the public hearing date. The Applicant, Mr. Seth Payne was present and
95 he address and answer questions from the Commission.

96
97 Chair Zartman opened the hearing for public comment. There were no comments or testimony from the
98 public and the Public hearing was closed.

99 Chair Zartman made a **MOTION** to **AMEND** the resolution to add in the last whereas, “*in that the*
100 *elevation and structure of the building and the changes proposed with the variance does not impact the*
101 *neighborhood*”. **Seconded** by Commissioner Bergquist. The **AMENDED** Resolution was **APPROVED**
102 and the Variance was **Granted** by the following votes: Commissioner Bergquist- Yes, Chair Zartman-
103 Yes, Commissioner Cabral – Yes and Commissioner Kemp- Yes. **4-0** vote.

104
105 **ZONING BOARD OF APPEALS RESOLUTION**
106 **REQUEST FOR VARIANCE**
107 **APPROVAL RESOLUTION**
108 **166 Ward Street**
109 **September 3, 2019**
110

111 **Whereas**, 166 Ward Street, also known as 166-172 Ward Street per City of Hartford Assessor, (the
112 “Subject Property”) is currently located in the NX-2 Zoning District; and
113

114 **Whereas**, The existing building on the Subject Property is a Storefront Building Type with a mix of uses,
115 including: 3-Unit Dwelling (Levels 1, 2, and 3) and Neighborhood Retail (Level 1); and
116

117 **Whereas**, the existing Storefront Building Type is nonconforming, and the existing Neighborhood Retail
118 use is a nonconforming use in the NX-2 District; and
119

120 **Whereas**, Apartment Building Types and Multi-Unit Dwelling (4+ Units) are permitted in the NX-2
121 District; and
122

123 **Whereas**, The Zoning Board of Appeals finds that a hardship exists regarding the variance request from
124 Chapter 3, Section 3.2.1 in that the elevation and structure of the building and the changes proposed with
125 the variance does not impact the neighborhood;
126

127 **Now Therefore Be It**
128

129 **Resolved, That** the City of Hartford Zoning Board of Appeals hereby approves the petition of Agora
130 Development Group requesting a variance from Section 3.2.1 of the Zoning Regulations to allow an
131 Efficiency/Micro-Unit on Level 1 (ground floor) of the existing building, subject to the following
132 condition:

- 133 1. Once the nonconforming use (3-Unit Dwelling and Neighborhood Retail) is changed to a
134 conforming use (Multi-Unit Dwelling (4+ Units)), then it shall not thereafter be changed to a
135 nonconforming use.
136
- 137 2. Applicant must obtain additional required permits for the Change of Use.
138

139 Resolved this 3rd day of September, 2019

140 **I. Meeting Minutes Approval**

141 The meeting minutes of March and April, May and July were distributed and tabled until the next
142 meeting.
143

144 **II. Regular meeting**

145 There was nothing to discuss.

146

147 **ADJOURNMENT**

148 The meeting was adjourned at 7:45 p.m.

149

150 Respectfully Submitted by:

151 Vanessa Walton, Executive Assistant

152

DRAFT