



# CITY OF HARTFORD

Zoning Board of Appeals  
260 Constitution Plaza – Hartford, CT

## MINUTES

October 1, 2019

**CALL TO ORDER** The Zoning Board of Appeals held a Public Hearing at **6:30 p.m. on Tuesday, October 1, 2019**, at the Plaza Level Conference Room of 260 Constitution Plaza, Hartford, CT 06103.

Chair Zartman called the meeting to order at 6:35 p.m. and appointed Alternate William Kemp to be seated as full Commissioner for the evening. He then read the rules of conduct.

**Attendance:** Chair Justin Zartman, Commissioners Phyllis Airey Amy Bergquist Stephanie Johnson, Alternates: Jonathan Cabral (*Departed at 6:45, after voting for the minutes*), and William Kemp (*seated at a full commissioner*)

**Absent:** N/A

**Staff Present:** Elizabeth Sanderson, Aimee Chambers, and Vanessa Walton

## **PUBLIC HEARINGS**

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

Principal Planner Elizabeth Sanderson presented a summary of the Staff Report that was distributed to the Commission prior to the Public Hearing date.

Chair Zartman opened the hearing for public comments. The applicant, Ms. Marianny Rodriguez was not present, however, her brother along with their attorney, Mr. Alexander Aponte were present and Attorney Aponte addressed and answered questions from the Commission.

There were no other comments or testimony from the public and the Public Hearing was closed. The Commission entered into deliberation and Commissioner Stephanie Johnson made a **MOTION** to **DENY** the Appeal, **Seconded** by Commissioner Amy Bergquist. All Commissioners voted in favor of the motion and the Appeal was **DENIED** by a **5-0** vote.

**ZONING BOARD OF APPEALS RESOLUTION  
APPEAL OF ZONING ENFORCEMENT OFFICER DECISION  
RESOLUTION FOR DENIAL OF APPEAL  
1081 Capitol Avenue (a.k.a. 1079-1093 Capitol Avenue, per Assessor)  
October 1, 2019**

**Whereas**, The Zoning Enforcement Officer of the City of Hartford has denied an application for a Zoning Authority Approval sign-off on State of Connecticut Department of Consumer Protection Application for

Grocery Beer Liquor Permit for a Neighborhood Retail (Grocery Store) located at 1081 Capitol Avenue, on property located in the NX-2 District; and

**Whereas,** Beer/Wine/Liquor Sales are prohibited in the NX-2 District; and

**Whereas,** The Grocery Beer Permit previously issued for the establishment lapsed on January 2, 2019; **Now Therefore Be It**

**Resolved,** That the City of Hartford Zoning Board of Appeals hereby denies the appeal of the Zoning Enforcement Officer (ZEO) decision to deny the application for Zoning Authority sign-off on State of Connecticut Department of Consumer Protection application for a Grocery Beer Liquor Permit at All Star Mini Market, 1081 Capitol Avenue, and hereby upholds the ZEO decision.

Resolved this 1<sup>st</sup> day of October, 2019

**B. 513 Park Street (a.k.a. 507-513 Park Street, per Assessor)** – Variance request from the following section of the Zoning Regulations related to Beer/Wine/Liquor Sales at the existing grocery store which is located on the property in the MS-1 district:

a. Chapter 3, Section 3.3.4.C.(1) Proximity to other Beer/Wine/Liquor Sales to allow beer/wine/liquor sales (grocery beer permit) on a property within a 1,500-foot radius of another lot where beer/wine/liquor sales are located. Applicant: Mr. Victor M. Presinal

Principal Planner Elizabeth Sanderson presented a summary of the Staff Report that was distributed to the Commission prior to the Public Hearing date. The applicant Mr. Victor M. Presinal was present and he addressed the Commission and answered questions presented by the members. There were no other testimony or comments and the Public Hearing was closed. The Commission deliberated and Commissioner Stephanie Johnson made a **MOTION** to grant the Variance, **Seconded** by Commissioner Phyllis Airey. The Commission roll was called and they voted at follows: Commissioner Phyllis Airey- Yes; Commissioner Amy Bergquist- No; Commissioner Stephanie Johnson- Yes; Chair Justin Zartman- No; William Kemp- No. The Variance was **DENIED** by a vote of **3-2**

**C. 10 State Street** – Variance request from Section 8.4.2 to allow a two-sided projecting sign with a sign area of 16 Square feet per façade, where a maximum of 6 square feet per façade is permitted on Market Street façade; located in the NX-2 District. Applicant: Robert Kuszpa, SignPro.

Principal Planner Elizabeth Sanderson presented a summary of the Staff Report that was distributed to the Commission prior to the Public Hearing date. The applicant Mr. Robert Kuszpa of SignPro Inc. was present and he addressed and answer questions from the Commission. Mr. Kuszpa stated that the size of the sign would make the business more recognizable and help to reduce traffic issues. There were no other testimony or comments and the Public Hearing was closed. The Commission entered into deliberation and Commissioner Amy Bergquist made a **MOTION** to **APPROVE** the variance to allow the larger sign, **Seconded** by Chair Justin Zartman. The Variance was **APPROVED** with a unanimous vote of **5-0**.

**ZONING BOARD OF APPEALS RESOLUTION  
REQUEST FOR VARIANCE  
10 State Street  
October 1, 2019**

100 **Whereas,** 10 State Street (the “Subject Property”) is located in the DT-1 Downtown Zoning  
101 District; and  
102  
103 **Whereas,** The Subject Property is over 2 acres in size and has nearly 100% building coverage; and  
104  
105 **Whereas,** A mixture of sign types exist on the lot, which are utilized by multiple tenants; and  
106  
107 **Whereas,** Pursuant to Chapter 8, Section 8.4.2 of the current Zoning Regulations, Maximum Sign  
108 Area of Projecting Signs when mixed with other sign types, or when utilized for multiple tenants on  
109 one lot, is 6 SF per face; and  
110  
111 **Whereas,** The Zoning Board of Appeals finds that a hardship exists on the Subject Property with  
112 regard to the variance request from Chapter 8, Section 8.4.2 in that there are other signs of similar  
113 style in the area for the same types of businesses; and  
114  
115 **Whereas,** The Zoning Board of Appeals finds that the strict application of the provisions of the  
116 Zoning Regulations would deprive the applicant of reasonable use of the Subject Property; and  
117  
118 **Whereas,** The Zoning Board of Appeals finds that the proposed Projecting Sign will not be  
119 injurious to the neighborhood or otherwise detrimental to the public welfare;  
120  
121 **Now Therefore Be It**  
122  
123 **Resolved, That** the City of Hartford Zoning Board of Appeals hereby approves the petition of  
124 Robert Kuszpa requesting a variance from Section 8.4.2 of the Zoning Regulations to allow a two-  
125 sided Projecting Sign with a sign area of 16 SF per sign face to be located on the Subject Property,  
126 as depicted on submitted drawings prepared by SignPro, prepared for State House Square, dated  
127 July 15, 2019, consisting of two pages.  
128  
129 Resolved this 1<sup>st</sup> day of October, 2019.  
130  
131 **D. 2566 Main Street (a.k.a. 2562-2566 Main Street, per Assessor)-** Variance request to allow an  
132 Entertainment Assembly Use at 2566 Main Street, a property in the MS-1 District. Applicant:  
133 Randy S. Robinson.  
134  
135 Principal Planner Elizabeth Sanderson presented a summary of the Staff Report that was distributed to the  
136 Commission via email prior to the public hearing date. The Applicant, Mr. Randy S. Robinson was present  
137 and he addressed the Commission and answer questions from the members.  
138  
139 Chair Zartman opened the hearing for public comment. There were no comments or testimony from the  
140 public and the Public hearing was closed.  
141  
142 Chair Zartman made a **MOTION** to **APPROVE** the Variance, subject to the following conditions:  
143 1. Hours of Operation shall be limited to: 10:00 am- 10:00 pm.  
144 2. Outdoor areas shall not be used for Entertainment Assembly.  
145

- 146 3. Outdoor dumpsters and refuse areas shall be screened in accordance with requirements of  
147 Chapter 6, Section 6.12.2.A. of the Zoning Regulations, completed to the satisfaction of  
148 Planning Division Staff.  
149  
150 4. A noise mitigation plan detailing the measures taken by an establishment to maintain noise  
151 at a level that is not audible at a distance of 100 feet or greater from any opening of that  
152 establishment and to otherwise comply with section 23 of the municipal code, completed to  
153 the satisfaction of Planning Division Staff.  
154  
155 5. A Special Permit obtained in accordance with requirements of Section 3.3.5.I is required for  
156 beer, wine, and liquor beverages at the Entertainment Assembly facility.  
157  
158 6. No events shall be held at the Subject Site until all uses on the parcel are in compliance with  
159 code requirements, and necessary Certificates of Occupancy have been obtained.  
160

161 **Seconded** by Commissioner Phyllis Airey. The Resolution was **APPROVED** and the Variance was  
162 **Granted** by the following votes: Commissioner Phyllis Airey- Yes; Commissioner Amy Bergquist- Yes;  
163 Commissioner Stephanie Johnson- Yes; Chair Justin Zartman- Yes, Commissioner William Kemp – Yes **5-0**  
164 vote.  
165

166 **ZONING BOARD OF APPEALS RESOLUTION**  
167 **REQUEST FOR VARIANCE**  
168 **APPROVAL RESOLUTION**  
169 **2566 Main Street**  
170 **October 1, 2019**  
171

172 **Whereas,** 2566 Main Street (the “Subject Site”) is on property identified by the Assessor as 2562-  
173 2576 Main Street, and is located in the MS-1 Zoning District; and  
174

175 **Whereas,** An Entertainment Assembly facility known as Party House has been operating at the  
176 Subject Site since receiving a zoning permit for Store Front Usage from the Planning Division on  
177 November 13, 2012; and

178 **Whereas,** Neither a Certificate of Zoning Compliance nor a Certificate of Occupancy have been  
179 obtained for the Entertainment Assembly use at the Subject Site; and  
180

181 **Whereas,** Pursuant to Chapter 3, Section 3.2.1, Entertainment Assembly facilities are not permitted  
182 in the MS-1 District; and  
183

184 **Whereas,** The Zoning Board of Appeals finds that a hardship does on the Subject Site with regard  
185 to the variance request from Chapter 3, Section 3.2.1 in that the applicant submitted drawings  
186 showing that the location is an assembly hall, but the wording was and error on permits that were  
187 signed; and

188 **Whereas,** The Zoning Board of Appeals finds that the strict application of the provisions of the  
189 Zoning Regulations would deprive the applicant of reasonable use of the Subject Site; and  
190

191 **Whereas,** The Zoning Board of Appeals finds that the proposed Entertainment Assembly use on  
192 the Subject Site will not be injurious to the neighborhood or otherwise detrimental to the public  
193 welfare; **Now Therefore Be It**  
194

**Resolved,** That the City of Hartford Zoning Board of Appeals hereby approves the petition of Randy S. Robinson requesting a variance from Section 3.2.1 of the Zoning Regulations to allow an Entertainment Assembly facility to be located at 2566 Main Street, a storefront within the rear building on property identified by the City of Hartford Assessor as 2562-2576 Main Street, Parcel ID: 263-128-035, subject to the following conditions:

1. Hours of Operation shall be limited to: 10:00 am- 10:00 pm.
2. Outdoor areas shall not be used for Entertainment Assembly.
3. Outdoor dumpsters and refuse areas shall be screened in accordance with requirements of Chapter 6, Section 6.12.2.A. of the Zoning Regulations, completed to the satisfaction of Planning Division Staff.
4. A noise mitigation plan detailing the measures taken by an establishment to maintain noise at a level that is not audible at a distance of 100 feet or greater from any opening of that establishment and to otherwise comply with section 23 of the municipal code, completed to the satisfaction of Planning Division Staff.
5. A Special Permit obtained in accordance with requirements of Section 3.3.5.I is required for beer, wine, and liquor beverages at the Entertainment Assembly facility.
6. No events shall be held at the Subject Site until all uses on the parcel are in compliance with code requirements, and necessary Certificates of Occupancy have been obtained.

Resolved this 1<sup>st</sup> day of October, 2019

**I. Meeting Minutes**

March 5, 2019 - Approved  
April 2, 2019 - Approved  
May 7, 2019 - Approved  
July 16, 2019 - Approved  
September 3, 2019 - Approved

**II. Regular Meeting**

There was nothing to discuss.

**III. Other Business**

- a. Discussion: Bylaws of the Hartford Zoning Board of Appeals, Sec. 7 Public Hearing Rules of Conduct.  
The Commission postponed this discussion until the November 19<sup>th</sup> meeting.

**ADJOURMENT**

The meeting was adjourned at 8:27 p.m.

Respectfully Submitted by:

Vanessa Walton, Executive Assistant