



**CITY OF HARTFORD  
Zoning Board of Appeals  
VIRTUAL MEETING**

**MINUTES**

**April 7, 2020**

**I. Call To Order:**

The Zoning Board of Appeals held a Virtual Public Hearing at 6:30 p.m. on Tuesday, April 7, 2020.

Chair Stephanie Johnson called the meeting to order at 6:38 p.m. and read into the records the virtual meeting conduct for the benefit of all who were in attendance.

**Attendance:**

Present: Chair Stephanie Johnson, Commissioners Amy Bergquist, Richard Szczypek; Alternate Commissioners: Jonathan Cabral and William Kemp

Absent: Commissioner Phyllis Airey

Staff Present: Amy Chambers, Elizabeth Sanderson and Vanessa Walton

Chair Stephanie Johnson read the Rules of Conduct for the virtual audience and proceeded with the Public Hearing items.

**II. PUBLIC HEARINGS**

**A. 1212 Main Street-** Commonly referred to as DoNo Parcel C- Request for Variance from the following section of the Zoning Regulations related to construction of a Multi-Unit Dwelling Downtown Storefront Building Type in the DT-3 district:

- Section 3.2.1 to allow a Downtown Storefront Building Type to have a Multi-Unit Dwelling Principal Use on the Ground Story in the DT-3 district.
- Section 4.3.2.B(14) to allow the Ground Story of a Downtown Storefront Building Type to have a height of 10'8" where the minimum required is 14'.

Property Owner: City of Hartford; Applicant: Randy Salvatore, RMS Companies

Principal Planner Elizabeth Sanderson gave a thorough overview of the proposal as presented in the written report. She then read into the record the following statement of hardship presented by the applicant as follows:

**Statement of Hardship:**

"Downtown Storefront Building type regulations, 4.3.2. B Ground Story minimum height 14' (proposed 10' 8" along portions of Trumbull and Morgan Streets).

The site has a unique topographic condition which drops approximately 30' in elevation from west to east, therefore maintaining a 14' floor to floor minimum dimension on the ground floor throughout is challenging and not practical. Such a big drop results into stepping building solution. The perceived primary and pedestrian ground floor portion of the building faces Main Street and houses the amenity uses. This proportion of the building turns around both corners of Trumbull Street and Morgan Street

and provides a floor to floor dimension of 15'4" which is above the minimum amount dimension of 14' 0". In addition, there are portions along Morgan Street and Trumbull Street ground floor with sections that have higher ceiling with a dimension of 21'4" floor to floor.

Table of principle uses Multi-Unit dwelling (4+ units) permitted in upper stories only:

The location is difficult for retail uses being the first development in the ballpark area across I-84 from Downtown. Pedestrians traffic will not sustain retail uses wrapping on all three sides of the building. Relief is needed on the use requirements to insure there are no vacant ground floors. Street activation will e provide on Main Street and around the corners onto Trumbull and Morgan Streets by retail/amenity uses. Residential units are proposed on ground floor, strategically stepped down the sloping site."

The Architect, Ms. Luz Rosado of Lessard Design in collaboration with Mr. Randy Salvatore of RMS Companies gave a detailed presentation of the proposed project by sharing information and renderings on screen. Mr. Randy Salvatore also answered questions from the Commission regarding the placement of retail on the ground floor vs. apartment units. There were no further comments from the public and the Public Hearing was closed.

Chair Stephanie Johnson made a **MOTION** to accept staff's recommendations to **APPROVE** the petition and **GRANT** the Variances requests, **Seconded** by Commissioner Jonathan Cabral.

The Commission voted as follows: Commissioner Bergquist- Yes; Commissioner Johnson- Yes; Commissioner Richard Szczypek- No; Commissioner Cabral- Yes; Commissioner Kemp- Abstained. The Variance was **NOT GRANTED DUE TO A FAILED VOTE OF 3-1.**

*"In accord with Chapter 124 of the Connecticut General Statutes, the concurring vote of four (4) Commissioners of the Board shall be necessary to reverse any order, requirement or decision of the zoning enforcement officer or to decide in favor of the applicant any matter upon which it is required to pass under the regulations or to vary the application of the zoning regulations."*

**B. 37 Kibbe Street**– Request for Variance from Section 4.20.2.G Materials to allow a new accessory building (garage) to be constructed of steel where building materials shall match those of the principal structure. Property Owner & Applicant: Joshua Ramos

Principal Planner Elizabeth Sanderson gave an overview of the item from the report she submitted to the Commission prior to this meeting. She then read into the record the following statement of hardship presented by the applicant as follows:

**STATEMENT OF HARDSHIP**

*As taken from red underlined Excerpts of the letter sent to Principal Planner Elizabeth Sanderson:*

"Proposed structure will be 864 square feet...

The main reason for the garage is to prevent theft of personal items.... I also have vehicles that I pay storage fees as well as extra fees for insurance because they aren't at my hone address. I would like to keep these possessions in the garage, safe at home and out of the elements....

When I initially purchased my home back in 2015 there were no restrictions listed in the Zoning Regulations pertaining to the type of materials that could be used when building and accessory structure page 173 Sec. 948 Limitations on accessory structures and uses in residential districts...This change in regulation, which took place after the purchase of the property , is now preventing me from

making the intended addition of a garage (the addition of a garage was a main influence in the purchase of this property)....

...the change of zoning regulations that were made effective in 2016, which are now causing Unnecessary hardship/Unnecessary Difficulty, now poses an economic hardship. A prefabricated structure is ideal for my family and fare more affordable, 12K as opposed to \$45K+ for a traditional wooden structure with vinyl siding and shingled roof. I have been assured by the company that builds these structures that it will meet and exceed all requirements for snow load and wind resistance for the State of Connecticut (all structures are built in Newington, CT). The prefabricated structure will serve the same purpose as a wooden garage and could very well outlast the other structure on the property. The steel structure will also substantially decrease the hazard from fire and other such dangers to the property and neighboring properties. ...

The proposed garage is the remedy for this and these will be taken down as soon as proposed structure is approved (the proposed structure will be located where these portable garages are now)

The change in Zoning Regulations that took place after I settled on my property in Hartford has made this unattainable... A prefabricated structure is the only way I can achieve this goal and keep my family here in Hartford.”

Ms. Sanderson also read excerpts of a letter she received from the Parkville Revitalization Association, (NRZ) dated April 7, 2020 that was in favor of the variance being granted.

The applicant Mr. Joshua Ramos was present and he addressed and answered questions from the Board. There were no other testimony or comments heard at that time and the Public Hearing was closed.

The Commission entered into deliberation and Commissioner Amy Bergquist made a **MOTION** to **APPROVE** the Variance with the following condition:

The material is substantially similar in appearance as the house, and a horizontal plane.

**Reason:** The material that’s being proposed, metal has a similar appearance to the vinyl house that’s on the current main structure.

**Seconded** by Commissioner Szczypek. The Commission voted as follows: Commissioner Bergquist- Yes; Chair Johnson- Yes; Commissioner Richard Szczypek- Yes; Commissioner Cabral- Yes, Commissioner Kemp- Yes. The Variance was **GRANTED** with condition by a vote of **5-0**.

**C. 2550 Main Street-** Request for Variance from the following sections of the Zoning Regulations related to installation of two illuminated wall signs at Phillips Health Center in the MS-1 Main Street district:

- **Section 1.5.5.E** to allow two new wall signs on a lot while a nonconforming sign remains.
- **Section 8.3.2** to all two wall sings on the building to be installed above the third story windows, where only one wall sign is permitted and must not be installed higher than the window sill of the second story.

Principal Planner Elizabeth Sanderson gave an overview of the report that was distributed to the Commission prior to this meeting. She reported the following information that was revealed in research and some that was provided by the applicant:

During her reporting, Ms. Sanderson read into the records the statement of hardship as presented by the applicant as follows:

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158 **Statement of Hardship:**

159 “The nonconforming monument sign was compliant when installed in 2008-2010. The quantity and  
160 locations of the requested signs is required due to the importance of the businesses located here. There  
161 are eight tenants all providing healthcare and behavioral health services to the community. The ability  
162 to identify the building from multiple directions is very important to the safety and wellbeing of the  
163 neighborhood. Phillips Health Center has provided a letter which supports the need for the requested  
164 variances. Letter is attached to the application”

165  
166 Ms. Sanderson mentioned that she received a letter of support from the North East NRZ Chair, Ms. Darlene  
167 Roberts- Childs.

168  
169 The Board heard from Ms. Tracy Becker, representative of Sign Pro, Inc., who made a correction to the square  
170 footage that they were requesting for the sign, which is 128.8 square feet total, not the 168.8 square feet as listed  
171 in the staff report.

172  
173 Also there to speak was Mr. I. Charles Mathews, Legal Advisor to the Phillips Metropolitan CME Church who  
174 stated that this building and the church is located in the Promise Zone and their primary focus is to serve the  
175 neighborhood that has an abundance of health disparities. He stated that signage is very important to the building  
176 to identify what services are available to the people who are in the neighborhood. He continued to answer  
177 questions from the Commission regarding the existing signs. There were no additional testimony or comments  
178 from the public and the Public Hearing was closed.

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180 Commissioner Szczypek made a **MOTION** to **AMEND** the resolution by striking condition 1 and adding the  
181 following condition:

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183 Signs such as Banners and Special Event Signs be removed from the property to satisfaction of Planning  
184 Staff prior to issuing required zoning approval for any new Sign Permit

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186 **Seconded** by Commissioner Amy Bergquist.

187  
188 The Commission voted as follows: Commissioner Bergquist- Yes; Chair Johnson- Yes; Commissioner  
189 Szczypek- Yes; Commissioner Cabral- Yes, Commissioner Kemp- Yes. The Variance was **GRANTED** by a  
190 vote of **5-0**.

191  
192 **ZONING BOARD OF APPEALS**  
193 **REQUEST FOR VARIANCES**  
194 **APPROVED RESOLUTION**

195 **2550 Main Street**

196 **April 7, 2020**  
197

198 **Whereas,** The Zoning Board of Appeals (the “ZBA”) has reviewed an Application for Zoning Variance  
199 requesting variances from the following Sections of the City of Hartford Zoning Regulations on a property that  
200 is identified by the City Assessor as 2550 Main St., Parcel ID 263-128-036 (the “Property”), related to the  
201 installation of two illuminated wall signs (24 .4 sq. ft. each) to be located on the West and South elevations,  
202 above the third floor windows and just below the roofline at Phillips Health Center:

- 203 • **Section 1.5.5.E** to allow two new wall signs on a lot while a nonconforming sign remains.
- 204 • **Section 8.3.2** to allow two wall signs on the building to be installed above the third story windows,
- 205 where only one wall sign is permitted and must not be installed higher than the window sill of the
- 206 second story; and

207  
208 **Whereas,** The Property is located in the MS-1 Main Street zoning district; and  
209

**Whereas,** Pursuant to Zoning Regulations Section 1.5.5.E., “no new sign of any type may be located, installed, mounted, painted or erected on a lot while a nonconforming sign, located thereon, remains”; and

**Whereas,** A nonconforming Monument Sign is located on the Property; and

**Whereas,** Multiple Banners and Special Event Signs (Temporary Signs) were observed on the property, and there is no record of zoning approvals obtained for such signs; and

**Whereas,** Pursuant to Zoning Regulations Section 8.3.2 and Figure 8.3-A, Wall Signs are “permitted on all facades, provided that for first-floor tenant space, sign must be placed on the same facade as the tenant’s entryway(s) from the street; and...buildings less than 12 stories may not install a wall sign higher than the window sill of the second story...Signage on non-street facing facades may only be placed on facades with side or rear on-site parking lots”; and

**Whereas,** The main entrance to the existing 3-story building is from the South façade, which faces the on-site parking lot, and there is no entryway on the West façade (facing Main Street); and

**Whereas,** The ZBA finds that there are special circumstances or conditions peculiar to the land or building on this Property which would support granting a variance from Section 1.5.5.E related to nonconforming signs; and

**Whereas,** The ZBA finds that the following special circumstances exist on the Property which support the granting of variances from the Zoning Regulations Section 8.3.2 related to Wall Sign “Location on the Building or Site” and “Quantity”:

- The location of the public entryway on the South façade of the building (fronting the on-site parking area); and
- The lack of public entryway(s) on the West facade (fronting Main St.); and
- Architectural features on West and South facades are conducive to installation of Wall Signs above the second story window sills; and

**Whereas,** The ZBA finds that the installation of Wall Signs above the third story windows would allow for greater visibility and identification of the building from multiple directions, which may contribute to greater success of the facility; and

**Whereas,** The ZBA finds that the strict application of the provisions of the Zoning Regulations related to Wall Sign location and quantity would deprive the applicant of reasonable use of the Property; and

**Whereas,** The ZBA finds that the proposed Wall Signs are in harmony with the purposes and intent of the Zoning Regulations, and are not injurious to the neighborhood or otherwise detrimental to the public welfare;  
**Now Therefore Be It**

**Resolved,** That the ZBA hereby approves the petition of Robert Kuszpa requesting a variance from Section 1.5.5.E.; **Be It Further**

**Resolved,** That the ZBA hereby approves the petition of Robert Kuszpa requesting variances from Section 8.3.2 related to Wall Sign “Location on the Building or Site” and “Quantity,” for installation of two illuminated wall signs (24 .4 sq. ft. each) to be located on the West and South elevations, above the third floor windows and just below the roofline at Phillips Health Center, as depicted in drawings entitled “Sign Type: Channel Letters,” prepared by Sign Pro, prepared for PHC, dated December 23, 2019, last revised January 3, 2020, consisting of 3 sheets (the “Submitted Drawings”), subject to the following condition:

1. Signs such as Banners and Special Event Signs be removed from the property to satisfaction of Planning Staff prior to issuing required zoning approval for any new Sign Permit.

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264     **Resolved** this 7<sup>th</sup> day of April, 2020.  
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266 **III.     Meeting Minutes**  
267         a.   March 3, 2020 - Approved  
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269 **IV.     Other Business**  
270         No other business to discuss  
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272 **V.      Executive Session**  
273         There was no session  
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275 **ADJOURMENT**  
276     The meeting was adjourned at 9:06 p.m.  
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278     Respectfully Submitted by:  
279     Vanessa Walton, Executive Assistant