



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Request for Variance All Gas, 3130 Main Street
for consideration September 1, 2020

STAFF REPORT

TO: Zoning Board of Appeals (ZBA)
PREPARED BY: Grant Losapio, Consultant
oneplan@hartford.gov

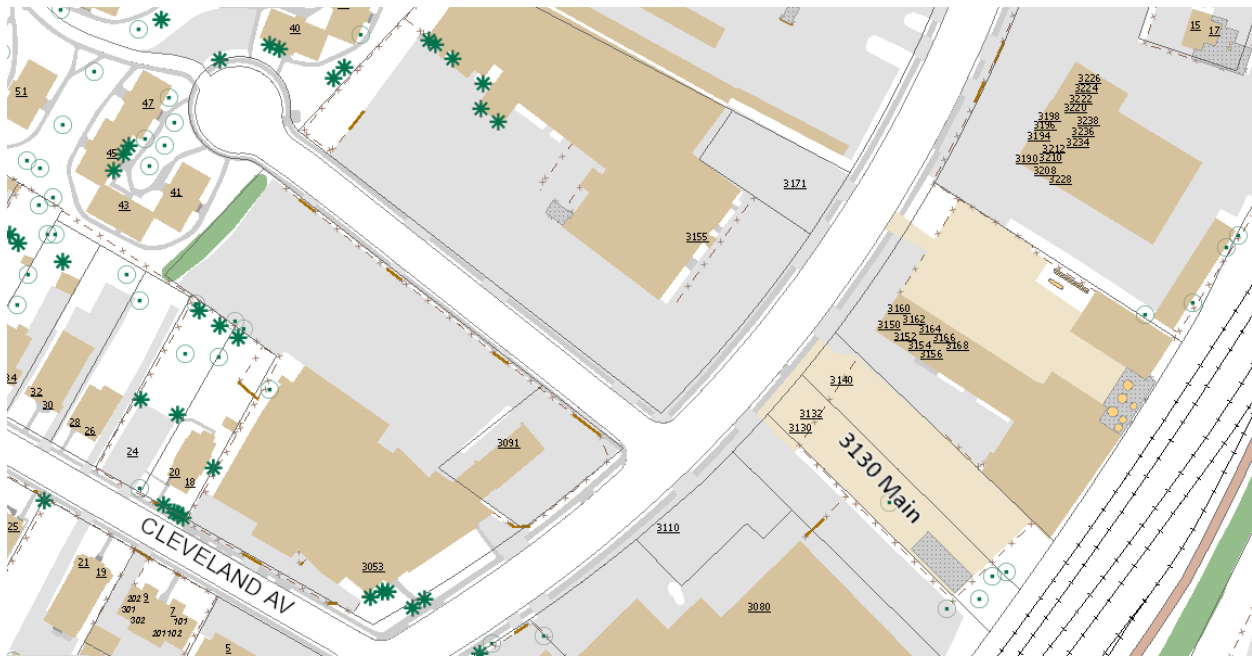
PROJECT: 3130 Main Street, Hartford, CT 06120
PARCEL ID: 284-074-083
ENERGOV ID: COMM-2020-0218

ZONE: NX-2

TYPE: Request for Variance from Zoning Regulations Section 4.20.4.E, per Section 1.3.6 of Hartford Zoning Regulations, Last Amended June 5, 2020

APPLICANT: Aero All Gas Company, 3130 Main Street, Hartford, CT 06120

OWNER: David Pollack, 3150 Main Street, Hartford, CT 06120



Hartford GIS Map

BACKGROUND INFORMATION

The subject property is a lot that is currently used, along with the 3140 Main Street parcel, as a gravel surface parking lot for the Aero All-Gas Co. building on 3150 Main Street. This lot has a metal chain link fence, with barbed wire along the Front, (Southwest) Side, and Rear yards and has had a flag pole, flying the American flag and an All Gas flag in the West corner of the site.

This application is a request for Variance from the following sections of the Zoning Regulations:

1. Chapter 4, Section 4.20.4.E, Flag pole

To allow installation of a new 55' flag pole in the West corner of the site.

LEGAL STANDARD

The ZBA shall have the power under Chapter 124 of the Connecticut General Statutes to vary the application of the zoning laws, ordinances, or regulations when the conditions affecting a particular parcel but not the general district cause exceptional difficulty or unusual hardship to that substantial justice will be done and the public safety and welfare secured, provided that the zoning regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed. The board must take into consideration conserving the public health, safety, convenience, welfare, and property value solely with respect to the affected parcel. (City of Hartford Zoning Board of Appeals Bylaws, Article II, Sec. 3)

STANDARD SPECIFIC TO THE USE

Zoning Regulations

Chapter 4, Section 4.20.4 Accessory Outdoor Structures

E. Flag pole. A freestanding pole, usually constructed of wood or metal, installed for the sole purpose of flying a flag.

(1) Yard. Permitted in all yards.

(2) Height. A flag pole shall not exceed the following height limits:

(a) MX-1, N, NX Districts. The maximum height is 15 feet or the two-thirds the height of the primary structure, whichever is shorter.

(b) All Other Districts. The maximum height is 60 feet.

(3) Setback. A setback of 10 feet from all lot lines is required.

(4) Flag Size. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed 50 percent of the vertical height.

(5) Quantity of Flags. More than 2 flags on a lot requires a sign permit and all flags shall be counted towards the maximum signage per lot.

APPLICANT'S STATEMENT OF HARDSHIP

The following statement is from the narrative included with the application:

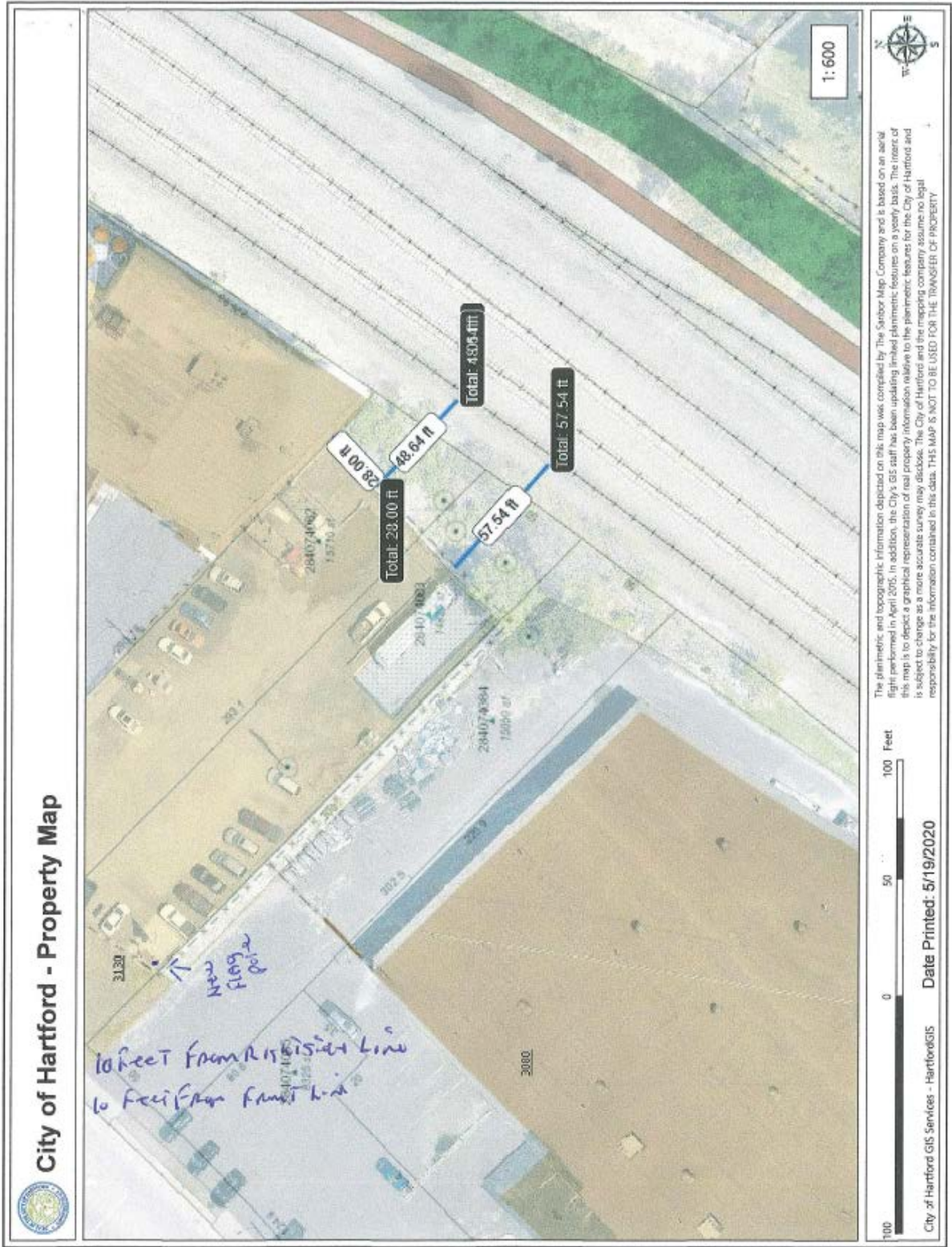
“Install new flag pole to fly our country's flag.”

FINDING OF FACTS

- The subject property is located in the NX-2 zoning district, has its frontage on Main Street, and the rear of the property abuts National Railroad Passenger Co. property. To the South the property abuts 3080 Main Street, which has a Warehouse building type, currently occupied by Express Kitchens for commercial use.
- There is no building on the parcel currently. It is utilized as a gravel surface parking lot for the Aero All-Gas Co. building on 3150 Main Street. Access to the lot is via 3150 Main Street and the adjacent parcel to the North, 3140 Main Street.
- This area of Main Street is predominantly single story Commercial and Warehouse type buildings, while the neighborhood is a mixture of 1-2 story Commercial, Residential, Religious, and some Mixed Use.
- The parcel is approximately 14,825 SF.
- The parcel is not located within a Historic District or FEMA Flood Zone.
- A flag pole is permitted as an accessory outdoor structure subject to conditions.



View of property and sign on frontage from Main Street, Google street view June 2019.



Installation location map, provided by the Applicant - "10 Feet from right side line. 10 Feet from front line."

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

No comments have been requested or received as of August 17th, 2020.

ANALYSIS

The existing regulations, section 4.20.4.E, allow for flag poles as a permitted accessory outdoor structure, provided that the structure is setback 10' from any lot line and, in the NX-2 zoning district, the flag pole has a maximum height of 15 feet or the two-thirds the height of the primary structure, whichever is shorter.

Based on the images provided by the applicant, the location of the proposed flag pole appears to meet 10' setbacks from lot lines, however the proposed 55' height exceeds the 15' maximum set forth in the regulations. Staff believes that, in the context of this neighborhood which is largely characterized by 1-2 story Commercial/Religious/Warehouse type buildings and 2 story Residential/Mixed Use, that the applicant has not provided sufficient demonstration of hardship to warrant a Variance for a flag pole of this height.

STAFF RECOMMENDATION

Staff does not recommend approval of this application unless the applicant can provide additional substantiation of sufficient hardship.

A draft resolution follows.

ATTACHMENTS

1. "Base Foundation Plan" by PDS Engineering & Construction, Inc.

REVIEWED AND EDITED BY,

Aimee Chambers, Director



**CITY OF HARTFORD
ZONING BOARD OF APPEALS RESOLUTION
VARIANCE APPLICATION
3130 MAIN STREET**

Whereas, The City of Hartford Zoning Board of Appeals reviewed an Application requesting a Variance from Zoning Regulations Section 4.20.4 to install a new 55' flag pole at 3130 Main Street; and

Whereas, The property is located in the NX-2 Zoning District; and

Whereas, The neighborhood is generally characterized by 1-2 story Commercial/Religious/Warehouse and 2 story Residential/Mixed Use buildings; and

Whereas, The applicant proposes to install a new 55' flag pole, which exceeds the maximum allowable height in the district; and

Whereas, The applicant has not demonstrated substantiation of sufficient hardship from these Zoning Regulations;

Now therefore Be It

Resolved, The City of Hartford Zoning Board of Appeals hereby denies the proposed Application requesting Variance from the Zoning Regulation Section(s) stated above,

Be It Further,

Resolved, This 1st day of September 2020.

