



## DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION

*REPORT: Request for Variance for 1200-1264 Park Street  
for consideration on October 6, 2020*

### STAFF REPORT

**TO:** Zoning Board of Appeals (ZBA)  
**PREPARED BY:** Kate Montgomery  
Kmontgomery@Freemancos.com

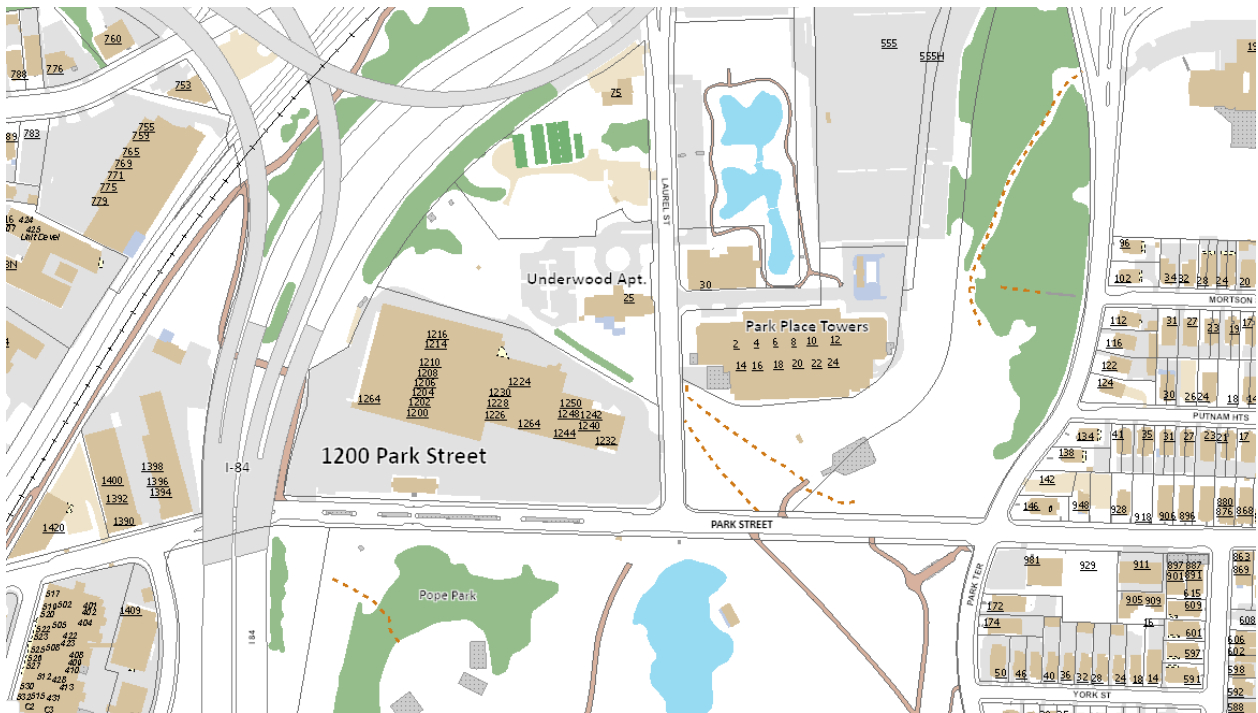
**PROJECT:** 1200-1264 Park Street  
**PARCEL ID:** 182-410-002  
**ENERGOV ID:** COMM-2020-0262

**ZONE:** MS-3 Main Street District

**TYPE:** Request for Variance from Section 1.5.5.E and Section 8.3.2, per  
Section 1.3.6 of Hartford Zoning Regulations, Last Amended June 5,  
2020 (hereinafter “Zoning Regulations”)

**APPLICANT:** Jeffrey Perez, Key Foods Supermarket

**OWNER:** Carlos Mouta, Manager, 1200 Park Street, LLC



Location Map

### **BACKGROUND INFORMATION**

The subject of this application is the commercial center building known as 1200-1264 Park Street, on the corner of Park Street and Laurel Street. There are multiple existing non-conforming signs on the property, including one at each entrance to the property.

Request for Variances from the following sections of the Zoning Regulations related to installation of new signs on property:

- **Chapter 1, Section 1.5.5.E.** to allow for new tenant signs when non-conforming sign exists on the lot.
- **Chapter 8, Section 8.3.2, Figure 8.3.-A Wall Sign Requirements**  
To allow for an additional two (2) wall signs on the architectural tower feature of the building in addition to a wall sign on the front facade where the tenant entrance is located.

The applicant is requesting variance from the above sections to permit the proposed signs by Key Foods Supermarket (see attachments) as well as permit future tenants to replace or install signs when nonconforming signs exist on the parcel.

A variance was granted on September 1, 2020, from the same sections as this request, to allow the tenant at 1200 Park Street to replace existing Metro PCS signs with new T-Mobile signs, including a wall sign over the entrance on the south side of the building and an additional sign on the east wall of the building.

### **Key Application Timelines**

- Application Submission Date: September 24, 2020
- Date Application Accepted as Complete: September 24, 2020
- Application Date of Receipt: October 6, 2020 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing is scheduled to open on Tuesday, October 6, 2020; Open Hearing Deadline: Thursday, December 10, 2020
- Close Hearing Deadline (if opens October 6, 2020): Tuesday November 10, 2020
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days\*.
- On March 10, 2020, State of Connecticut Governor Ned Lamont declared a public health and civil preparedness emergency (“state of emergency”) as a result of coronavirus disease 2019 (COVID-19) outbreak and pandemic.
- On March 14, 2020, Governor Lamont issued Executive Order No. 7B, which contains relief and directives for conducting public meetings to protect public health and safety during the state of emergency, effective immediately and to remain in effect for the duration of the state of emergency, unless earlier modified or terminated.
- On March 21, 2020, Governor Lamont issued Executive Order No. 7I, which contains directives related to public noticing requirements and extensions of time limits during the state of emergency, effective immediately and to remain in effect for the duration of the state of emergency, unless earlier modified or terminated.
- Notice of Hearing requirements of Zoning Regulations Sections 1.3.1.D and 1.3.6.C are suspended and modified as follows during the state of emergency:

- In lieu of published notice in a newspaper, a municipality single notice published electronically on a municipality's website at least 10 days in advance of the scheduled public hearing (Executive Order No, 7I, Section 19, Subpart (c)).
- In lieu of mailed notice to nearby property owners, either:
  - 1) Electronic mail notification, if electronic mailing addresses are known; or
  - 2) Post a physical, weatherproof sign of at least two feet by three feet in area, in a prominent location on the subject property (containing necessary information); or
  - 3) Mail letters via regular U.S. mail to addresses provided by the municipality or agency.

\*Time periods that may pass or expire during the state of emergency may be further extended by no more than an additional 90 days, for a total of 155 extension days available, which may be applied towards all time periods, as needed

### **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 1, Sec. 1.3.6.J.(3):** "A variance is only effective after a certified copy of the approved variance is filed in the office of the city clerk and recorded in the city land records in accordance with the general statutes."

#### **Zoning Regulations, Chapter 1, Section 1.5.5. Nonconforming Signs**

**E. New Signs on Lots with Nonconforming Signs.** "No new sign of any type may be located, installed, mounted, painted or erected on a lot while a nonconforming sign, location thereon, remains."

#### **Chapter 8, Section 8.2, Figure 8.2.-B Maximum Quantity and Size of Signage by District**

Main Street Districts including MS-3 are allowed "3 square feet per 1 linear foot of front lot length."

### APPLICANT'S STATEMENT OF HARDSHIP

The following statement is from the application.

"The existing regulations create unnecessary difficulty for existing [and new] businesses to rebrand."

### FINDING OF FACTS

- The subject property is located at the west corner of Park Street and Laurel Street in the MS-3 Main Street zoning district. It is near, but not within a TOD overlay district.
- The primary building on the property is a non-conforming Commercial Center building type constructed in 1965 and containing primarily Retail and Service uses.
- The primary building on the property is located below the street and sidewalk grade at Park Street. A large, paved parking lot covers the area between the front of the building the retaining wall adjacent to the sidewalk.
- The parking area and building are accessed from a driveway off of Park Street at the West Corner of the property and from Laurel Street on the east side of the property.
- The parcel is approximately 318,424 SF.
- The parcel is not located within a Historic District or FEMA Flood Zone.
- The tenant space previously occupied by Save-A-Lot Supermarket is currently vacant and will be replaced with a Key Foods Supermarket. Therefore, there is no change in the use category for this tenant space.
- The Future Land Use Map for 2035, Last Amended July 2, 2020, (hereinafter "Future Land Use Map") designates this property as Medium-Density Mixed-Use (3-6 Stories).

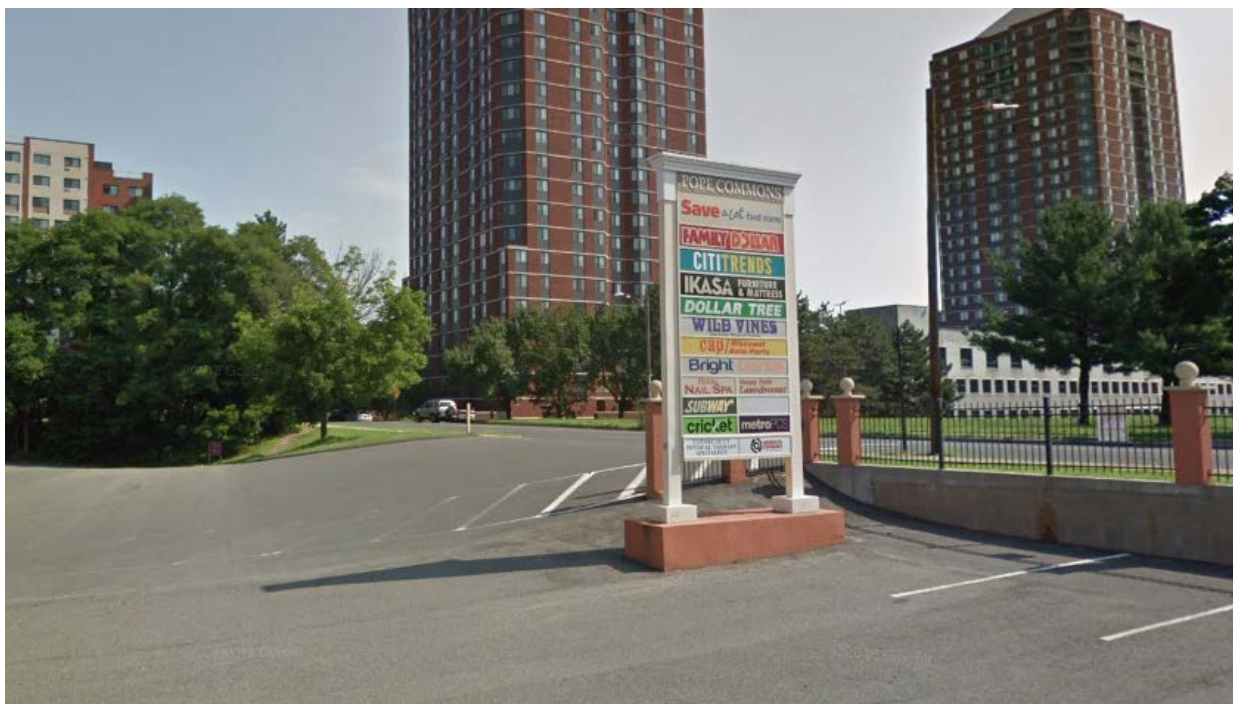


Aerial View Of The Property, Google Maps 2020.





Existing non-conforming sign at south-west entrance from Park Street, Google Street View 2019.



Existing non-conforming sign at east entrance from Laurel Street, Google Street View 2019.



A variance was granted for the non-conforming Metro PCS wall sign at the east corner of property to be replaced with a Metro by T-Mobile as part of the tenant's rebranding. Therefore, this is no longer contributing to the non-conforming signs on the parcel, Google Street View 2018.



Existing non-conforming sign on east side of a second building on Park Street, Google Street View June 2019.





View of property showing previous Save-A-Lot Food Stores sign on front façade facing Park street, Google street view June 2019.



Current image of future Key Foods Supermarket location from Park Street and the architectural tower feature where addition signs are proposed, staff image September 2020.



Proposed Key Foods signage facing Park Street, provided by applicant.



Proposed Key Foods signage facing east towards Laurel Street entrance, provided by applicant.



View traveling west on Park Street showing the east side of the architectural tower feature where addition signs are proposed by Key Foods, Google Street View June 2019.



View entering parking lot from the Laurel Street Entrance showing east side of the architectural tower feature where addition signs are proposed by Key Foods, Google Street View June 2019.



**COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)**

No comments were received from the NRZ as of September 30, 2020.

**ANALYSIS**

The applicant is making a request for variance to install a Key Foods Supermarket sign over the entrance where the Save-A-Lot Supermarket was previously located, known as 1250 Park Street. The Zoning Regulations, Section 1.5.5.E, require the property owner and tenants to update all non-conforming signs on the property for one tenant to replace signs. This requirement does not allow for a new tenant to replace the previous tenant's signage over their storefront entrance.

The applicant also looks to install logo signs on the tower of the building to increase visibility of the supermarket. The primary building on the property is located below the street and sidewalk grade at Park Street and approximately 140 feet from the Park Street right of way.

The existing nonconforming signs on the property can be addressed when the parcel undergoes renovations or redevelopment work but should not inhibit Key Foods Supermarket and future new tenants from installing signage.

**STAFF RECOMMENDATION**

Staff recommends approval of this application.

**A draft resolution follows for each of the requested variances.**

**ATTACHMENTS**

1. Application
2. Proposed Key Foods Supermarket Signs

**REVIEWED AND EDITED BY,**

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Aimee Chambers, Director



**CITY OF HARTFORD  
ZONING BOARD OF APPEALS  
DRAFT VARIANCE APPROVAL RESOLUTION  
1200-1264 PARK STREET**

**Whereas,** The City of Hartford Zoning Board of Appeals (the “ZBA”) has reviewed the request for Variance from Section 1.5.5.E, per Section 1.3.6 of Hartford Zoning Regulations, Last Amended June 5, 2020 (hereinafter “Zoning Regulations”) to allow replacement of existing signs where a non-conforming sign exists on the lot.

**Whereas,** The existing structure at 1200-1264 Park Street is a Commercial Center Building Type with several storefronts and tenants, each with their own signage; and

**Whereas,** There are several existing non-conforming signs on the property including one at each driveway entrance; and

**Whereas,** The applicant is requesting variance to permit the installation of new signs by Key Foods Supermarket at the storefront space previously occupied by Save-A-Lot Supermarket as well as permit future tenants to replace or install signs when nonconforming signs exist on the parcel.

**Whereas,** The Zoning Regulations create unnecessary difficulty for existing tenants of this property to rebrand and for new tenants to install signage for their storefront while existing non-conforming signs remain on the parcel.

Now therefore Be It

**Resolved,** The City of Hartford Zoning Board of Appeals hereby approves the requested variance from Section 1.5.5.E to allow the replacement of existing signs where a non-conforming sign exists on the lot.

Be It Further,

**Resolved,** This 6<sup>th</sup> day of October 2020.



**City of Hartford  
Department of Development Services  
Planning Division**

260, Constitution Plaza, Hartford, Connecticut 06103-1822

Return Form to the Planning Desk Counter | 860-757-9040

# PLANNING AND ZONING APPLICATION

**PLEASE CHECK THE ACTION(S) YOU ARE APPLYING FOR:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Zoning Appeal                            | <input type="checkbox"/> Approval of Location       | <input type="checkbox"/> Historic Review |
| <input type="checkbox"/> Zoning Permit:<br>Signage/ Use/Accessory | <input checked="" type="checkbox"/> Zoning Variance | <input type="checkbox"/> Lot Combination |
| <input type="checkbox"/> Site Plan                                |   | <input type="checkbox"/> Liquor Permit   |
| <input type="checkbox"/> Subdivision/Lot Line Revision            | <input type="checkbox"/> Zoning Map Change          | <input type="checkbox"/> Special Permit  |

**Receiving Federal Funds:**

- ☐ Yes   ☐ No
- ☐ Demo   ☐ Add.   ☐ Repair

Recent photos are required for all Historic Apps

## 1. PROPERTY INFORMATION

Property Address: 1250 Park St / 1200-1264 Park City: Hartford State: CT Zip Code: 06106

Zoning District: (<http://assessor1.hartford.gov/default.asp>)

Parcel ID: \_\_\_\_\_ Property Owner: Carlos Mota

1200 Park Street LLC Property Owner's Address: \_\_\_\_\_

2074 Park Street City: Hartford State: CT Zip Code: 06106 Phone: \_\_\_\_\_

Email: carlos@westsideprop.com

## 2. APPLICANT

☐ Please check if "Applicant" is the same as "Property Owner"

Name of Applicant: Jeffrey Perez File Date: 09/24/2020 Address: \_\_\_\_\_

1250 Park St City: Hartford State: CT Zip Code: 06106

Phone: 860-922-2023 Email: JeffreyPerez88@gmail.com

## 3. PRIMARY POINT OF CONTACT:

Name: Jeffrey Perez

Phone: 860-922-2023

Email: JeffreyPerez88@gmail.com



**4. PROJECT NARRATIVE**

Describe your application action(s) and provide as much detail as possible. Attach additional pages if necessary:

Requesting approval for special signage at 1250 Forest  
Hartford Ct for Key Food Supermarket and any other  
business at the Plaza who are request requesting new signage.  
Zoning variance requests to: Section 1-5.5.E, to allow  
replacement of existing signs, where a non-conforming sign  
existing on the lot.

**\*\* PLEASE COMPLETE THE FOLLOWING SECTIONS AS THEY PERTAIN TO THE ACTIONS YOU ARE APPLYING FOR.  
DON'T FORGET TO SIGN THE APPLICATION ON THE LAST PAGE!**

**A. COMPLETE IF APPLYING FOR ZONING MAP CHANGE:**

Proposed Zone: \_\_\_\_\_

Describe the existing use of land and buildings in the zone change area:

\_\_\_\_\_  
\_\_\_\_\_

Describe the proposed use of land and buildings in the zone change area:

\_\_\_\_\_  
\_\_\_\_\_

Reason for this request: \_\_\_\_\_

**B. COMPLETE IF APPLYING FOR ZONING APPEAL:**

Are you an aggrieved party? (Check one): ☐ Yes ☐ No

Permit or Violation number: \_\_\_\_\_

State your reason for appealing the decision of the zoning administrator or zoning enforcement officer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. COMPLETE IF APPLYING FOR ZONING VARIANCE:**

State the particular hardship\* or unnecessary difficulty that prompts this application **and** cite the section of the zoning regulations that you are seeking relief from. (Continue this narrative on a separate sheet if necessary.)

This existing regulations creates unnecessary difficulty for existing businesses to rebrand.

*\*A "hardship" is defined by the Connecticut State Statutes Section 8-6 where by "with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such by laws, ordinances or regulations would result in exceptional difficulty or unusual hardship." Note that "mere financial loss does not constitute hardship warranting granting of variance [unless] loss is so great as to amount to confiscation of applicant's property; [a] variance might be justified."*

**D. COMPLETE IF APPLYING FOR SUBDIVISION, LOT LINE REVISION, OR LOT COMBINATION****Lot Subdivision/Lot Line Revision:**

Number of new lots to be created: \_\_\_\_\_ Area of each of the new lots in square feet \_\_\_\_\_

Street frontage of each of the new lots in feet \_\_\_\_\_

**Lot Combination:**

Address of lots to be combined \_\_\_\_\_

Map/Block Lot for each property to be combined: Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
 Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
 Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

(Map Block Lot and address information can be found at <http://gis.hartford.gov/parcelviewer/index.html>)

**E. COMPLETE IF APPLYING FOR HISTORIC REVIEW**

**IMPORTANT:** HISTORIC COMMISSION APPROVAL MUST FIRST BE OBTAINED BEFORE ANY BUILDING OR DEMOLITION PERMIT WILL BE ISSUED FOR WORK ON HISTORIC PROPERTIES. AFTER HISTORIC APPROVAL APPLICANTS MAY STILL NEED ZONING REVIEW. NO WORK MAY BEGIN UNTIL A BUILDING PERMIT IS ISSUED

**\*\*Recent photos AND proposed specifications/cut sheets for material are required to be submitted with this application.**

Proposed work includes: (Check all that apply)	<input type="checkbox"/> Repairs	<input type="checkbox"/> Addition	<input type="checkbox"/> New construction	<input type="checkbox"/> Demolition	<input type="checkbox"/> Other (specify)
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If proposing demolition, provide reason (attach additional pages if necessary):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Current materials being repaired/ replaced:

Materials products being used in work: \_\_\_\_\_

## F. COMPLETE IF APPLYING FOR A SIGN PERMIT

1. Is this sign proposed outside of the Building line? ☐ Yes ☐ No  
Maximum extension from the Building line: \_\_\_\_\_ ft. \_\_\_\_\_ in.

2. Is this sign proposed outside of the Street line? ☐ Yes ☐ No  
Maximum extension from the Street line: \_\_\_\_\_ ft. \_\_\_\_\_ in.

3. Is this sign illuminated? ☐ Yes ☐ No

4. Engineer Name(if any): \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

5. Minimum distance from lowest point of sign to sidewalk: \_\_\_\_\_ ft. \_\_\_\_\_ in.

6. Maximum height of sign from lowest established grade: \_\_\_\_\_ ft. \_\_\_\_\_ in.

7. Distance from the nearest outdoor sign: \_\_\_\_\_ ft. \_\_\_\_\_ in.

8. Square feet of surface for one face of the sign: \_\_\_\_\_ ft. \_\_\_\_\_ in.

9. Wording on the sign(include all words): \_\_\_\_\_

Description of work (attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** Please submit copies of all drawings drawn to scale. Signed drawings should include the dimension of the sign. Elevation of building should include the location of proposed and existing signs. Site plans should include the location of proposed and existing signs and their distance from Building lines and Property lines.

## 5. SIGNATURE(S)

*By signing below, I certify that all work will be done in strict accordance with the LOCAL, STATE AND FEDERAL BUILDING CODES. Further, all work covered by this application has been authorized by the owner of this property.*

*I agree that no work shall commence until all determinations have been made and the proper permits have been obtained.*

Applicant Signature: Jeffrey Perez

Date: 09-24-200

Printed Name of Applicant: Jeffrey Perez

Property Owner Signature (REQUIRED): \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name of Property Owner: \_\_\_\_\_



# Attachment 2. Proposed Key Foods Supermarket Signs

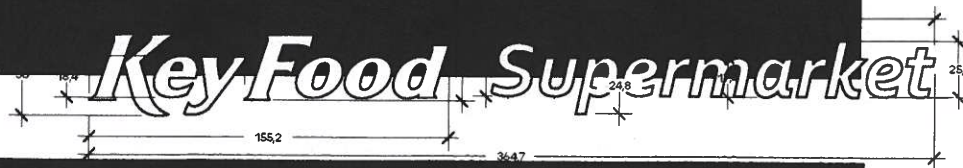
## Channel Letter & Signs



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Channel Letter Measures (x2)



Cabinet Measures (x2)



Attachments





# Channel Letter & Signs

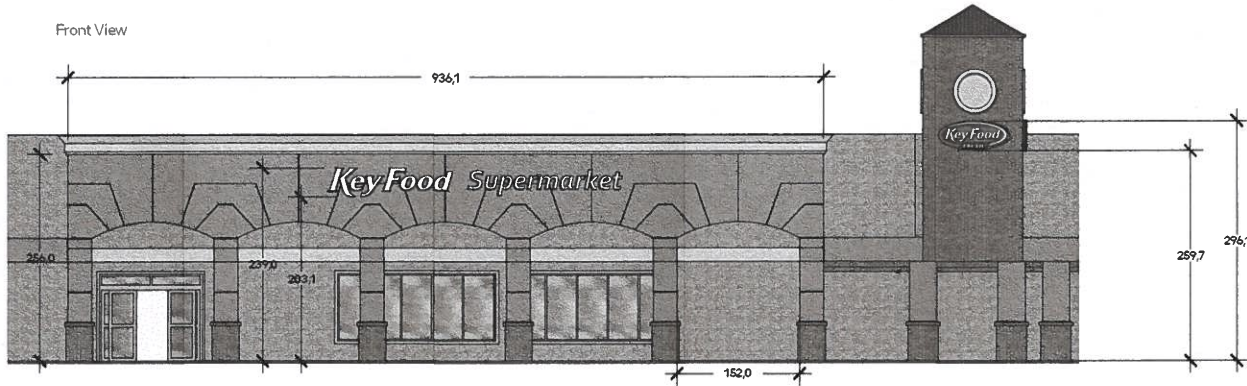
## Key Food

1200 Park Street Pope Plaza Shopping Center, Hartford

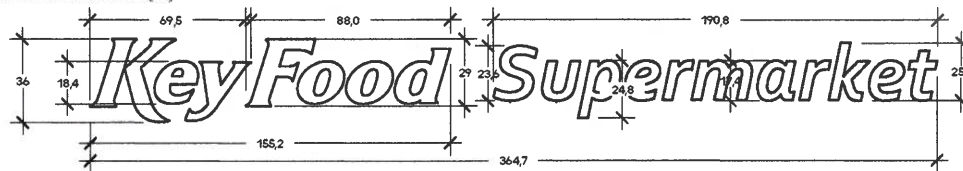
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Front View



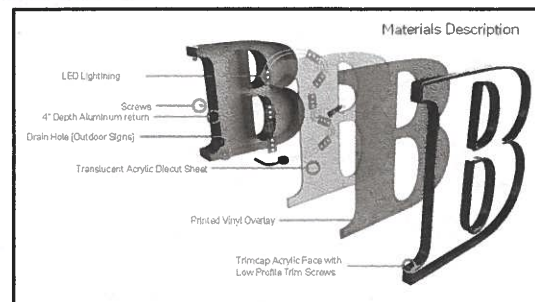
Channel Letter Measures (x2)



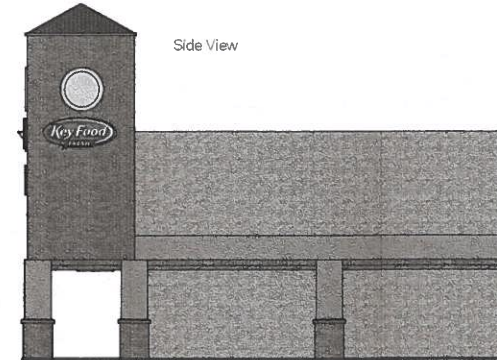
# Key Food Supermarket



Materials Description



Side View

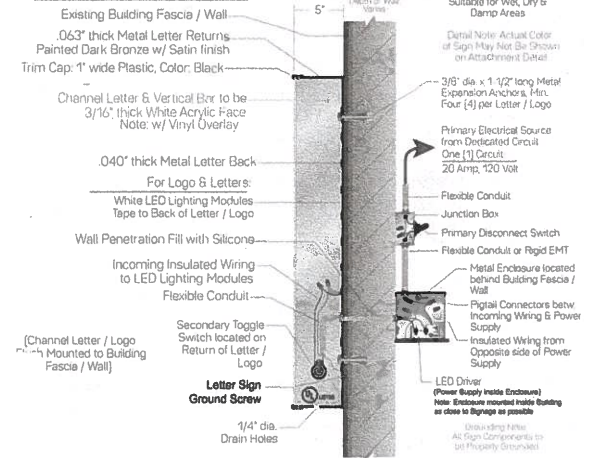


Cabinet Measures (x2)



Attachments

### Bldg. Fascia: Concrete & Stucco



Section View

