



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Request for Variance, Residence at 86-88 Oakland Terrace
for consideration October 6, 2020

STAFF REPORT

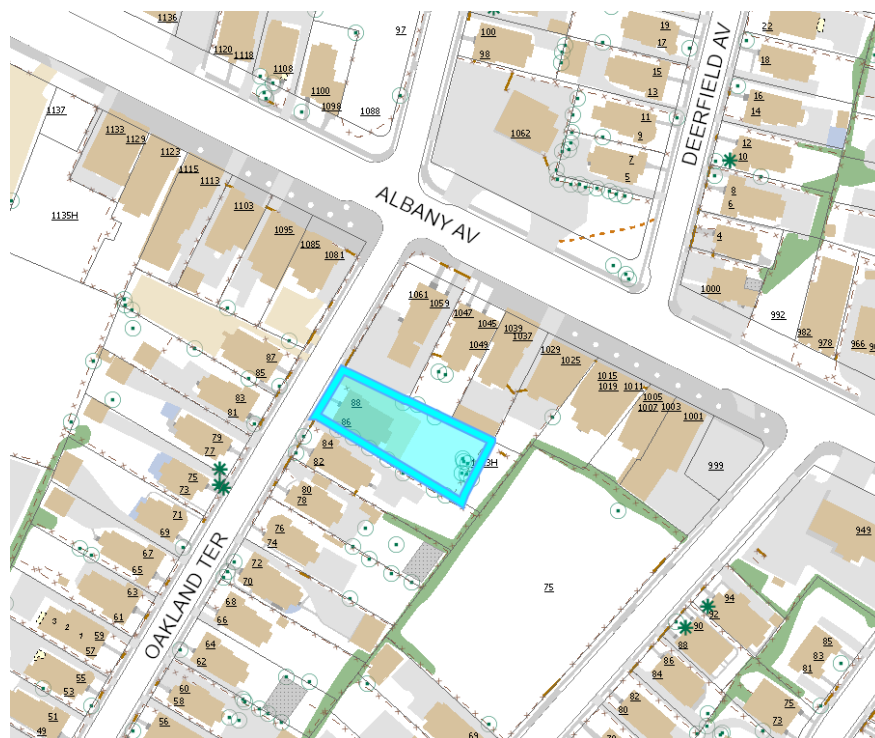
TO: Zoning Board of Appeals (ZBA)
PREPARED BY: Kate Montgomery, Consultant
oneplan@hartford.gov

PROJECT: 86-88 Oakland Terrace
PARCEL ID: 176-200-143
ENERGOV ID: COMM-2020-0240

ZONE: N-2-3 Neighborhood of House Type B Buildings, up to 3 units

TYPE: Request for Variance from Section 3.2.1 Table of Principal Uses, per
Section 1.3.6 of Hartford Zoning Regulations, Last Amended June 5,
2020

APPLICANT: Bakari Stepherson
OWNER: Phoenix Communities Incorporated



Location Map

BACKGROUND INFORMATION

According to several certificate of occupancy permits on record, the 3rd floor of 86-88 Oakland Terrace was permitted as a “housekeeping unit” in 1960 and subsequently renewed several times through 1964. In 1970 a certificate of occupancy was granted, which lists the building as a “2 ½ story - 3 family dwelling.”

The applicant originally submitted documents to the Planning Division on August 13, 2020 requesting a zone map change from N-2-3 (Neighborhood District, House B, 3 units max) to MS-1 (Main Street) district to allow for a multi-unit dwelling which is not permitted in the N-2-3 Zone. The MS-1 district does not permit residential on the first floor. The applicant has since determined the next course of action; to pursue a variance from section 3.2.1 Table of Principal Uses, rather than a zone change, to allow for a multi-unit dwelling.

The applicant requests to renovate the existing building to create 5 units. The building currently holds 3 units, 1 per each floor.

The excerpt below is from the application narrative, originally intended as a zone change request:

86 Oakland terrace, at 4262sq ft, is a oversized 3-Family apartment building constructed approximately 1910. It is located in a historic district and has been vacant for years. The area is improving and the property owner intends on removing the eyesore on the neighboring homes and renovate the property to be on par with neighboring homes. It is located on Oakland Terrace where heavy renovations are taking place and Albany Ave, a mixed use district experiencing area beatification by the city. The property is adjacent to ta church that is Zones MS1 and across from a combination Store-Apartment Building facing Albany Ave, also Zoned MS-1. (See picture)Plans for the property will remain the same, a multifamily apartment building with outside appearance unchanged.

Currently the 1st and 2nd floors have 4 bedrooms each and the 3rd floor has 3.

The intent is splitting the (2) 4-bedroom apartments into (4) 2-bedroom apartments.

The large floor plan permits such a change while the large yard at approximate 12000 sq ft is adequate for parking.

KEY APPLICATION TIMELINES

- Application Submission Date: August 13, 2020
- Date Application Accepted as Complete: August 13, 2020
- Application Date of Receipt: September 17, 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: November 21, 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

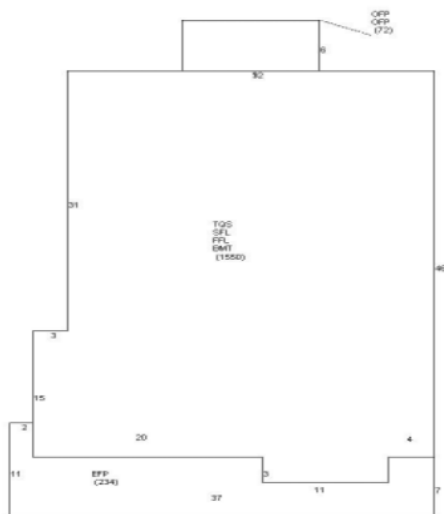
Zoning Regulations, Section 1.3.6.J(3): A variance is only effective after a certified copy of the approved variance is filed in the office of the city clerk and recorded in the city land records in accordance with the general statutes.

Zoning Regulations, 3.2.1 Table of Principal Uses: Household Living is permitted in one-unit, 2-unit, and 3-unit dwelling in the N#-3 districts but not multi-unit (4+ unit) dwelling or efficiency/micro units.

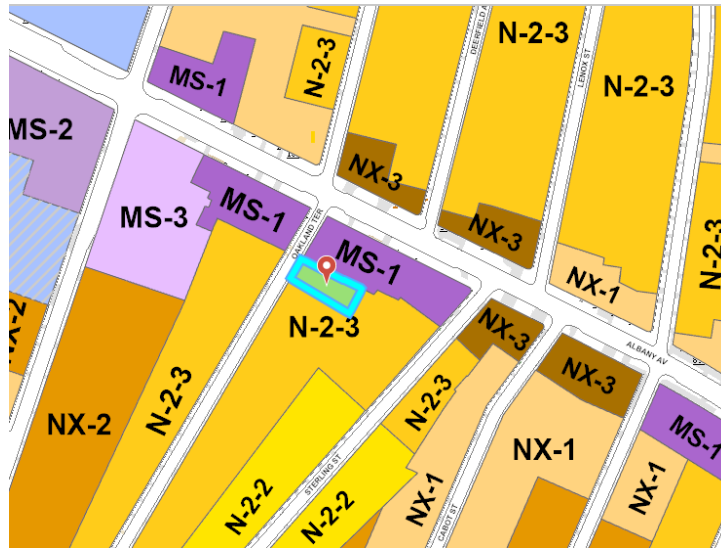
APPLICANT'S STATEMENT OF HARDSHIP

A variance from Section 3.2.1, “will permit the owner to provide low income housing to [a] majority of renters; either, single person or most common family unit(mom, dad, child) which support a 1 or 2 bedroom. This change would make housing cost[s] more affordable which would reduce the homelessness in the area, support income based housing, provide additional housing for those in need and is in line with the City of Hartford intent of cleaning up Albany Ave.”

- The subject property is located in N-2-3 Neighborhood district which is characterized by the House B Building type and allowing up to 3 units.
- The parcel currently holds a 2.5 story, 4262 Square foot, 3-unit House B Building.
- The parcel is 11,985 SF.
- The parcel is located within the Upper Albany National Historic District and is listed in the 1986 district nomination as a contributing 1905 building in the Queen Anne/Colonial Revival Style with 2 ½ floors and a gable roof.
- The floor plan illustrated in the property record card indicates a 1,550 SF floor plan. 1500 SF at 2 units per floor = 775 SF. An Efficiency/Micro Unit is defined by section 3.3.1.A(5) as 300 SF and no more than 500SF.

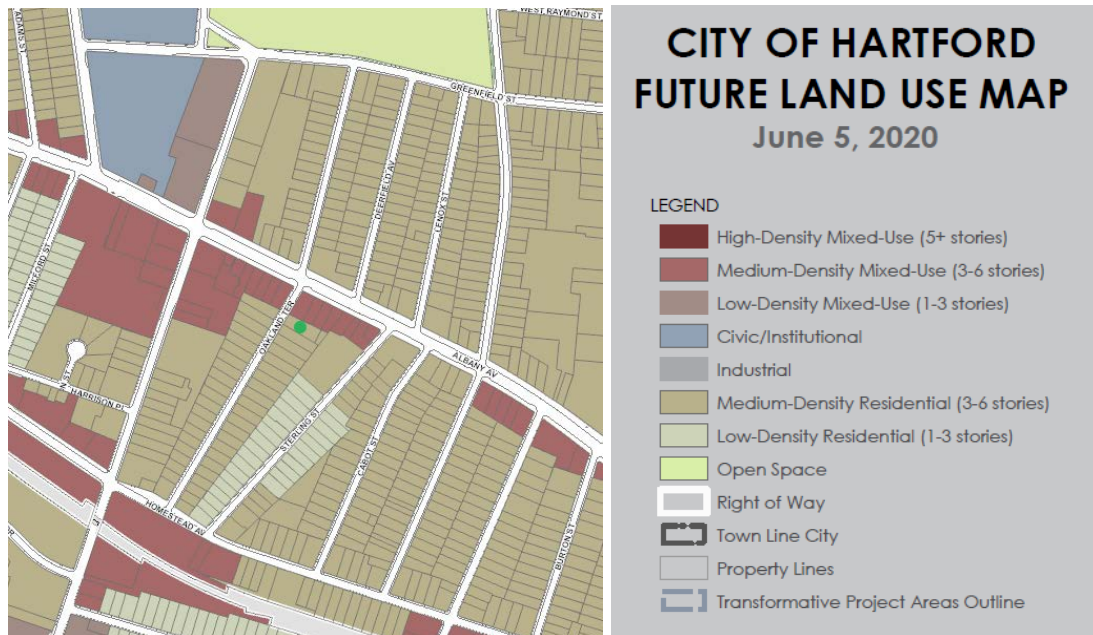


- The home is currently vacant, and the structure is intact but in need of repairs.
- The subject property is located within the Upper Albany Neighborhood Revitalization Zone.
- The adjacent MS-1 Main Street district allows for multi-unit dwelling but does not permit residential on the first floor. The buildings within the Main Street District on Albany Ave are mixed use and include several cottage commercial buildings which were once large, residential homes like the one at 86-88 Oakland.



Zoning Map

- The City of Hartford’s Plan of Conservation and Development, “One City, One Plan POCD 2020” (the “POCD”) states
 - One of the eight overall priorities is “density... fill vacant lots, attract new visitors, and increase residential population by 10% throughout the city”
 - “Repair and maintain aging housing stock” is one of the goals for housing listed under the “Live400” action area.
 - The “Future Land Use Map” illustrates 86 Oakland and the surrounding parcels to the south and west as medium-density residential (1-3 stories) and the parcels to the north on Albany Ave are designated as medium-density mixed-use (3-6 stories).



The green dot indicates the 86-88 Oakland Terrace parcel, designated as medium-density residential and the parcels to the north are designated as medium-density mixed-use, Future Land Use Map from the POCD.



Image of property, provided by applicant



View of 86-88 Oakland from the North, Google Street View June 2019



Church at the corner and multi-use, multi-unit buildings in the MS-1 district on Albany Ave, 86-88 Oakland Terrace in the background, Google Street View June 2019

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

No comments from the NRZ were received as of September 23, 2020.

ANALYSIS

The large home at 86-88 Oakland Terrace was originally intended to accommodate one or two families and an added “house-keeping unit.” These historic homes seen on Albany Ave and elsewhere in Hartford, have been modified over the years to adapt to the changes in the neighborhood and market. The N-2-3 district does not allow as much flexibility as other districts for the adaptive reuse of this home and it remains vacant. The applicant’s vision for this underutilized home is to contribute to the neighborhood again by providing additional smaller residential units rather than the four-bedroom apartments intended for larger families.

Staff acknowledges that while it is important to allow for the rehabilitation of the historic home, modifications to the exterior that are visible from the street should comply with the *Hartford Guidelines for Renovations and Additions to Historic Buildings* and are subject to approval by the Historic Preservation Commission.

House B buildings are only permitted to have three units in the N-2-3 district, but as noted in Section 4.15.1 “Description & Intent,” they can house 1 to 4 units in other locations in the city. To honor the intent of the Zoning Regulations; the applicant has agreed to revise the original request for five (5) units to four (4) units.

The applicant’s revised proposal for one additional unit is not anticipated to have a negative impact on the neighborhood. The property is adjacent to parcels facing Albany Ave, which are zoned to allow multi-family dwellings on upper floors. If limited to a maximum of four (4) units, the request will be in harmony with the intent of the zoning regulations for the building typology. Given the location of the building and the building type, staff find that the strict application of the limitations of this zone may create hardship for the property owner.

STAFF RECOMMENDATION

Staff recommends approval of this variance request as modified.

A draft resolution follows.

To address the issues raised in the Analysis, staff proposes the following conditions included in the resolution.

1. The approval of this Variance is subject to approval of a Historic Review by the Historic Preservation Commission and compliance with the Hartford Guidelines for Renovations and Additions to Historic Buildings in regards to any exterior alterations or change in materials visible from the street.

ATTACHMENTS

1. Application (Original application requesting a zone change)
2. Project Narrative, provided by applicant
3. Image of subject property, provided by applicant
4. Image of neighboring property on the corner of Albany Ave and Oakland Terrace, provided by applicant
5. Unofficial Property Record Card

REVIEWED AND EDITED BY,

Aimee Chambers, Director



**CITY OF HARTFORD
ZONING BOARD OF APPEALS
DRAFT VARIANCE APPROVAL RESOLUTION
86-88 Oakland Terrace**

- Whereas,** The City of Hartford Zoning Board of Appeals (the “ZBA”) has reviewed the requested variance from the Zoning Regulations Section 3.2.1 Table of Principal Uses to allow for a multi-unit dwelling in a zone permitting a maximum of 3-unit dwellings.
- Whereas,** The subject property is located in N-2-3 Neighborhood district characterized by House B Buildings allowing up to 3 units; and
- Whereas,** The 11,985 square foot parcel holds a 2.5 story, 4,262 square foot, 3-unit House B Building with 1 unit on each floor; and
- Whereas,** The parcel is located within the Upper Albany National Historic District and is listed in the 1986 district nomination as a contributing 1905 building in the Queen Anne/Colonial Revival Style with 2 ½ floors and a gable roof; and
- Whereas,** The subject property is located within the Upper Albany Neighborhood Revitalization Zone; and
- Whereas,** The home is currently vacant, the structure is intact and stabilized but in need of repairs; and
- Whereas,** The adjacent MS-1 Main Street district allows for multi-unit dwellings but does not permit residential on the first floor. The buildings within the Main Street District are mixed-use and many were large residential homes like the one at 86-88 Oakland which have been adapted into churches or cottage commercial buildings; and
- Whereas,** The applicant proposes to repair and renovate the existing building and split one (1) of the 4-bedroom apartments, located on the first and second floor, into (2) 2-bedroom apartments; and
- Whereas,** The applicant states no intent to alter the exterior of the home beyond the required repairs; and
- Whereas,** The proposed work will result in a 4-unit dwelling; and

Whereas, Section 4.15.1 of the Zoning Regulations states the “Description & Intent” of the House B Building type is to “house 1 to 4 housing units”; and

Whereas, The large 1,500 square foot floor plan permits such a change without creating efficiency/micro units and the rear yard provides adequate room for additional parking.

Whereas, The proposed work is consistent with the City of Hartford’s Plan of Conservation and Development, “One City, One Plan POCD 2020” (the “POCD”), that identifies 170 Oakland as medium-density residential (1-3 stories), names repairing and maintaining aging housing stock as a goal, and prioritizes density to “fill vacant lots, attract new visitors, and increase residential population by 10% throughout the city.”

Now Therefore Be It,

Resolved, The City of Hartford Zoning Board of Appeals hereby approves the requested variance from the Zoning Regulations Section 3.2.1 Table of Principal Uses to allow for a four (4) unit dwelling in a zone permitting a maximum of 3-units per building, with the following conditions:

1. The approval of this Variance is subject to approval of a Historic Review by the Historic Preservation Commission and compliance with the *Hartford Guidelines for Renovations and Additions to Historic Buildings* in regards to any exterior alterations or change in materials visible from the street.

Be It Further,

Resolved, This 6th day of October 2020.