



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Lot combination of 888 Tower Avenue and 890 Tower Avenue, for consideration on Tuesday November 22, 2022

STAFF REPORT

TO: Planning and Zoning Commission

FROM: Evelyne St-Louis, Senior Planner (evelyne.st-louis@hartford.gov)

PROJECT: Lot Combination
888 Tower Avenue and 890 Tower Avenue
PARCEL IDS: 148-036-147 and 148-036-146
ENERGOV ID: ADMIN-2022-3500

ZONE: N-4-1, Neighborhood District

TYPE: Lot Combination pursuant to Hartford's Zoning Regulations and Subdivision Regulations

APPLICANT: Kimothy Rochester, Oswald Blint Surveying

OWNER: Carolyn Chen-Phang

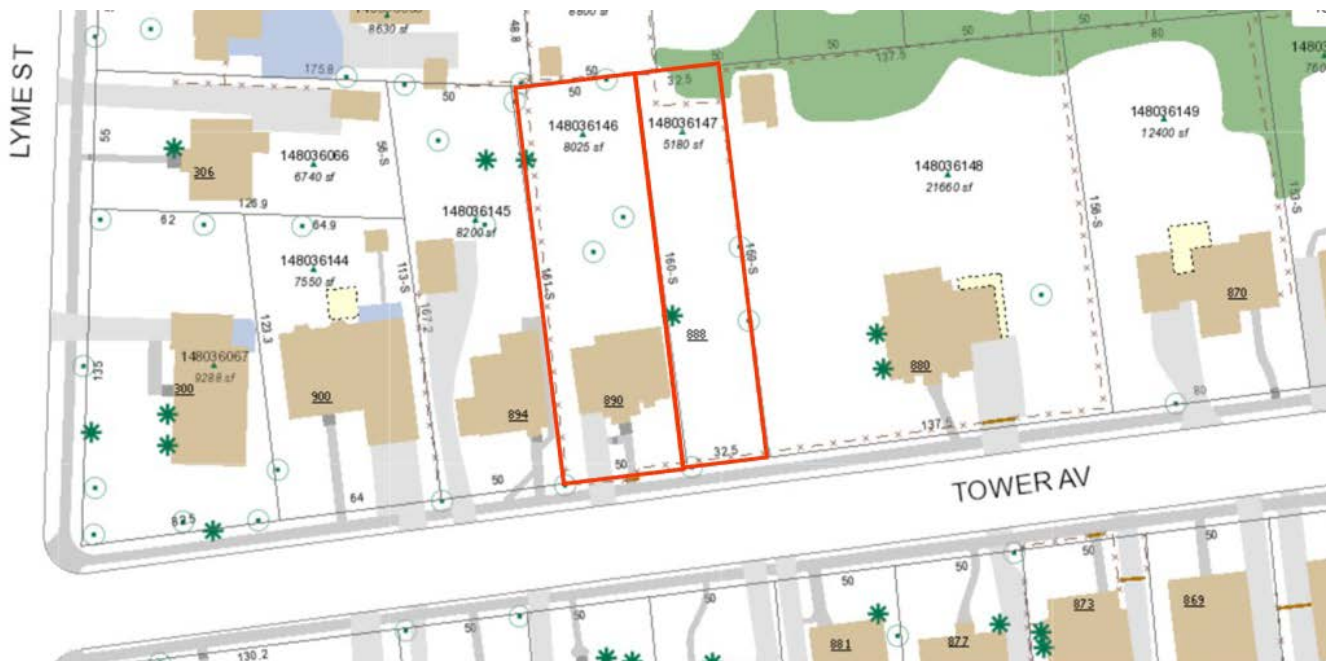


Figure 1: Location Map (City of Hartford GIS, 2022)

BACKGROUND INFORMATION

This application is a request to combine two adjacent parcels located at 888 and 890 Tower Avenue, which are both zoned N-4-1, Neighborhood district. This application is being referred to the Planning & Zoning Commission because the proposed lot combination would create a nonconformity, while also eliminating two nonconformities.

KEY APPLICATION TIMELINES

- The application was received on August 29, 2022.
- The applicant submitted a request to extend the application timeline by 65 days, thereby moving the deadline from November 2 to January 6, 2023 (65 days plus 65-day extension).

LEGAL STANDARD

Standard for Application Type:

Connecticut General Statutes Chapter 126, Section 8-18 and 8-25 define what constitutes a “subdivision” and requires such subdivision applications to be reviewed by the Planning & Zoning Commission. Lot line revisions and “first cut” applications do not require review by the Commission.

Hartford’s Zoning Regulations currently do not provide explicit guidance on lot combination/lot split/lot line revision applications. Given the current lack of clarity in the Zoning Regulations, the following section is applicable:

The Commission reviews site plans in accordance with Zoning Regulations Section 1.3.3. Site plans may be modified, conditioned, or denied only if they fail to satisfy the zoning regulations, inland wetland regulations, or subdivision regulations. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation, landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

STANDARDS SPECIFIC TO THE USE

City of Hartford Subdivision Regulations

Sec. 16. All subdivision plans which include the division of land into three (3) or more lots, and all resubdivisions, shall require a public hearing.

Sec. 58. The layout of blocks and lots shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in securing building permits in compliance with the zoning regulations and applicable state health and environmental codes.

City of Hartford Zoning Regulations

Section 1.3.3.C. Site Plan Review, Decision-Making.

- (1) The commission delegates to the zoning administrator decision-making authority for site plan review except where expressly stated elsewhere in these regulations. The zoning administrator has discretion to refer a site plan review to the full commission, which would then become the decision-making body.

- (5) To provide flexibility that will promote rehabilitation of existing buildings and new construction, the decision-making body may approve an application that deviates from the minimum or maximum requirements for building siting, height, street facades, accessory structures dimensions, tree installation (in consultation with the city forester), landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15 percent, or deviations in required building materials, if the decision-making body finds that: (a) The adjustment from the minimum or maximum requirements is consistent with all relevant purpose and intent statements of these zoning regulations and with the general purpose and intent of the plan of conservation and development; and (b) The adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

Section 1.5. Nonconformities.

Section 1.5.2.B. Nonconforming Lots, Use Allowed. Any nonconforming lot of record in single ownership that does not meet the requirements of these regulations for required lot area and lot width, may be utilized for any use permitted in the zoning district in which the lot is located, provided all the requirements for such zoning district, except the required lot area and lot width, are met on such lot.

Figure 2.2-A Table of Districts. N Districts. The N-4 district is intended for locations of the lower-scaled 1 to 2 story House Type C buildings.

Figure 4.1-B Permitted Building Types by District. The only permitted building types in N-4 is the House Type C and Civic Buildings on corner lots.

Section 4.16.2 House Type C Regulations.

City of Hartford Plan of Conservation and Development (POCD)

- **Infill, infill, infill:** Building on vacant and underutilized lots across the city will raise property values, reduce blight, and create cohesive neighborhoods (Grow400).
- **Build 5,000 new housing units:** Enable the 10% density increase we need to enliven every neighborhood in the city (Live400).
- **Increase homeownership by 50 percent:** Having more owner-occupied units, including in 2-and 3-unit buildings and condos, will improve neighborhood stability and improve financial stability for homeowners (Live400).

FINDING OF FACTS

Subject properties:

- Both properties are zoned N-4-1, Neighborhood District. They are owned by the same property owner. They do not have any historic designation.
- 890 Tower Avenue:
 - Parcel size: 0.18 acres.
 - Front lot width: 50 ft.
 - Occupied by an existing House Type C structure. The parcel has one driveway.
- 888 Tower Avenue:

- Parcel size: 0.12 acres.
- Front lot width: 32.5 ft.
- Vacant lot used as yard space for the adjacent home. This parcel does not have a driveway or curb cut.

Proposed application:

- Request to combine 888 & 890 Tower Avenue into a single rectangular lot that would measure 0.30 acres with a front lot width of 82.5 feet, as shown in Figure 2.
- Figure 5 summarizes the zoning criteria for the new proposed lot.
- The property owner's stated intent is to leave the parcels as they are. No renovations or redevelopment is being proposed at this time.
- For lot combination/lot split/lot line revision applications, all outstanding City taxes on the properties must be paid prior to the application being approved. All outstanding taxes have been paid for 888 Tower Avenue. Payment for 890 Tower Avenue is underway, as stated by the property owner: "The tax payments for 890 Tower Ave are escrowed with my mortgage and paid by Chase Mortgage in January and July. I contacted Chase today [November 9, 2022] and they have agreed to process an advanced payment within the next 10 business days."

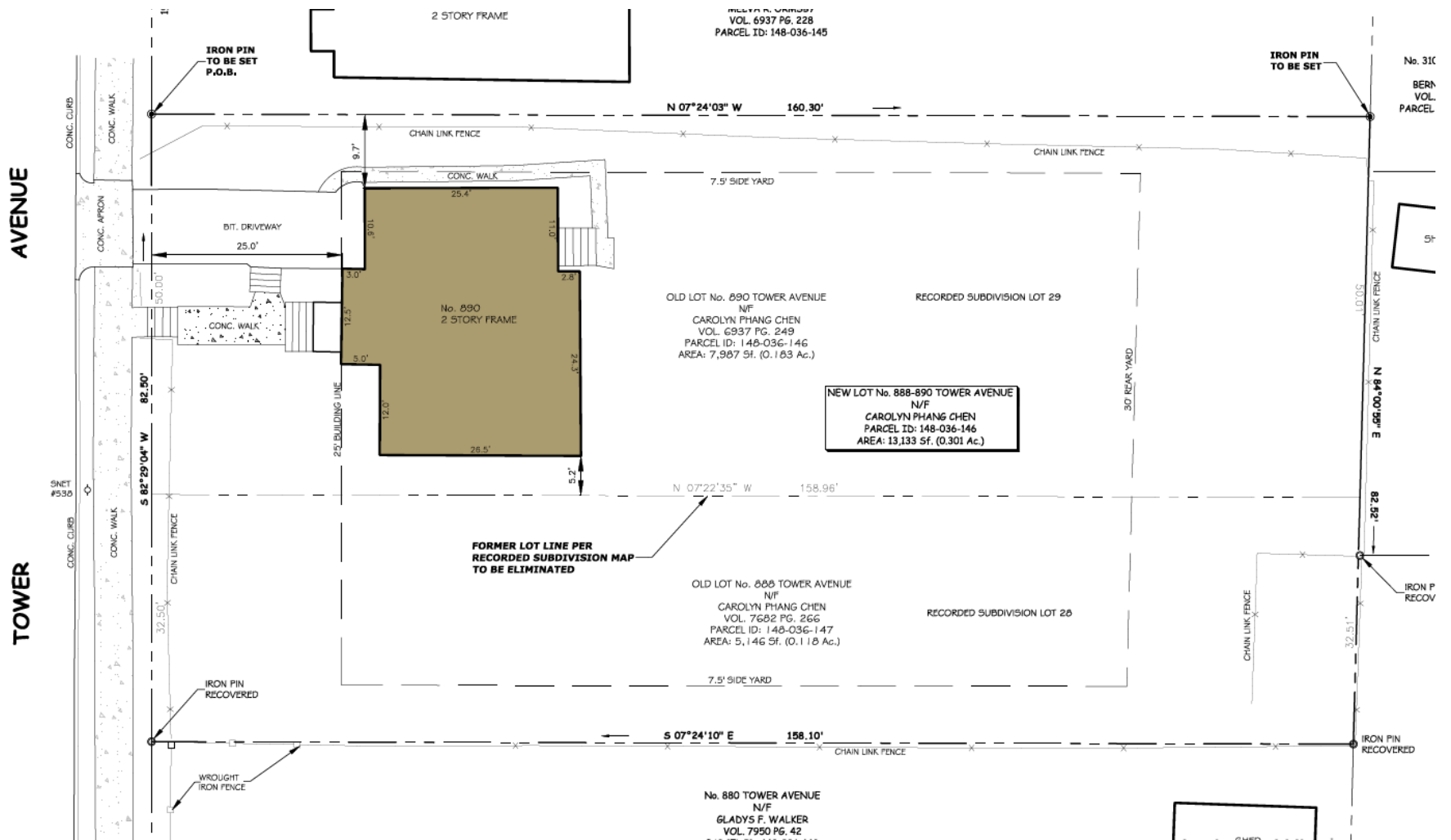


Figure 2. Proposed lot combination submitted by applicant, last revised November 9, 2022.

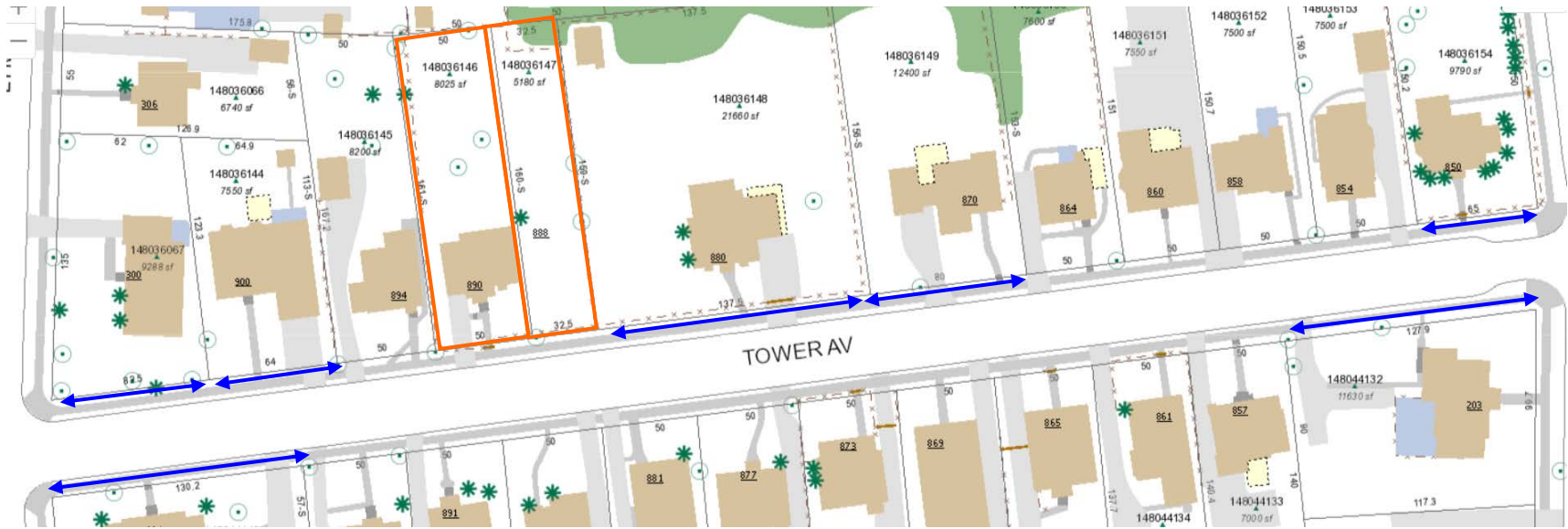


Figure 3. Tower Avenue block from Lyme Street to Palm Street. Parcels wider than 50 ft are shown with blue arrows (Hartford GIS, 2022).



Figure 4. Google Streetview of the subject properties (Google Streetview, January 2022).

ZONING INFO FOR NEW LOT 890 TOWER AVE

ZONE: N4-1	REQUIRED	EXISTING	PROPOSED
HOUSE C BUILDING TYPE REG.			
MULTIPLE PRINCIPLE BUILDING	not permitted	1	1
MINIMUM FRONT LOT LINE COVERAGE	65%	70%	52%*
OCCUPATION OF CORNER	required	N.A.	N.A.
FRONT BUILD-TO ZONE	within 2' of the building line	0'	0'
CORNER BUILD-TO ZONE	within 2' of the building line	N.A.	N.A.
MINIMUM SIDE YARD	7.5'	5.2' & 9.7'	9.7' & 37.7'
MINIMUM REAR YARD	30'	102.6'	102.6'
MINIMUM LOT WIDTH	40'	50'	82.5'
MAXIMUM BUILDING WIDTH	60'	35'	35'
MAXIMUM BUILDING COVERAGE	25%	12%	7%
MAXIMUM IMPERVIOUS AREA	50%	20%	12%
ADDITIONAL SEMI-PERVIOUS AREA	10%	0%	0%
PARKING & DETACHED GARAGE LOCATION	rear yard	N.A.	N.A.
PERMITTED VEHICULAR ACCESS	1 driveway per lot	1	1
MINIMUM OVERALL HEIGHT	1 STORIES	2 STORIES	2 STORIES
MAXIMUM OVERALL HEIGHT	2 STORIES	2 STORIES	2 STORIES
*DENOTES NON CONFORMING			

Figure 5. Summary zoning table for proposed combined lot. Submitted by applicant, last revised November 9, 2022.

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

No comments were received or solicited for this application type.

ANALYSIS

Because the requested lot combination would not create any new parcels, it can be reviewed administratively and does not require a public hearing. However, the zoning administrator has opted to refer this application to the Planning & Zoning Commission for reasons described below.

Hartford's Zoning Regulations and Subdivision Regulations do not provide extensive or very explicit guidance on how to review lot combination/lot line revision/lot split applications. Generally, Staff evaluate these applications based on the following criteria:

- Pursuant to the spirit and intent of Section 1.5 of the Zoning Regulations regarding nonconformities, lot combinations must not create or expand nonconformities, whether lot or building related. Staff has generally interpreted the 15% deviation allowance for site plan and special permit reviews per Section 1.3.3.C.(5) as also applicable to lot combinations. If a

lot combination renders a certain zoning characteristic to be +/- 15% of what is required as measured in absolute numbers, Staff would not consider this to be creating a nonconformity.

- Per the spirit and intent of the Subdivision Regulations, any lot resulting from a lot combination/lot line revision/lot split must be such that it can feasibly be developed/redeveloped in accordance with the Zoning Regulations. The proposed parcel(s) should be reviewed based on their zoning district and associated permitted building types.
- Neighborhood context and relevant POCD goals should also inform these types of application.

Staff is referring this application to the Planning & Zoning Commission because, while the proposed lot combination would create a nonconformity, it would also eliminate two nonconformities, as follows:

- **The lot combination would render the primary structure's front lot line coverage nonconforming.** House Type C buildings have a minimum front lot line coverage requirement of 65%. The existing structure at 890 Tower Ave currently has a conforming lot line coverage of 70%. However, with the lot combination, it would decrease to 52%. This difference is greater than 15%.
- **The lot combination would eliminate the nonconforming lot width of 888 Tower Ave.** The vacant parcel at 888 Tower Ave currently has a lot width of 32.5 ft, whereas the minimum lot width required for House Type C building types is 40 ft. The House Type C is the only building type permitted in the N-4-1 district and this difference is greater than 15%. Furthermore, such a narrow lot may be difficult to develop regardless of its nonconformity. While Section 1.5.2.B of the Zoning Regulations states that uses are permitted on lots with nonconforming lot widths or lot areas, this element remains a relatively major nonconforming characteristics that would be eliminated.
- **The lot combination would eliminate the nonconforming side setback of the primary structure.** The existing structure at 890 Tower Avenue has a 5.2 ft side setback to the east property line. A minimum of 7.5 ft is required for House Type C. The proposed lot combination would eliminate this nonconformity.

In addition, the Zoning Regulations describe the N-4 district as intended for “lower-scaled 1 to 2 story House Type C buildings. These locations are primarily one-unit dwellings.” The combined lot, as proposed, could feasibly accommodate an expanded or redeveloped House Type C structure. Hypothetically, if the existing structure was to be demolished and a new House Type C built, then the only zoning elements that would be in contraction would be the maximum building width (45 to 60 ft) and the minimum front lot line coverage (65%); however, Section 1.1.7.B specifically state that when there is a conflict between minimum front lot line coverage requirements and maximum building width requirements, the minimum front lot line coverage requirement prevails.

Finally, it is also worth considering the surrounding neighborhood context. A majority of parcels (16 out of 24 parcels) on the Tower Avenue block between Lyme and Palm Streets have a 50-foot lot width. Seven parcels have significantly wider dimensions, four of which are corner lots (two parcels are ~65 ft, two parcels are ~80 ft, and three parcels are over 120 ft wide). Refer to Figure 3. As such, the proposed combined lot would be wider than the majority of parcels, but would not be completely unique within the block.

Consistency with the POCD

Relevant goals of the POCD include encouraging infill development, increasing residential density, and promoting homeownership opportunities. More broadly, the POCD and the Zoning Regulations also seek to promote walkable, human-scale street and building designs. It could be argued that the proposed application is not aligned with these goals, as the existence of the new combined lot would reduce the likelihood that an additional single-family home could be built in this location. However, the narrow width of 888 Tower Ave is such that development seems unlikely, even if permitted. Therefore, Staff find that the application is not inconsistent with the POCD.

Summary

Despite the creation of a nonconforming front lot line coverage, the proposed lot combination would eliminate the nonconforming lot width of 888 Tower Ave and the nonconforming side setback of 890 Tower Ave. Staff find that the elimination of these two nonconformities possibly outweighs in importance the creation of a nonconforming front lot line coverage. Furthermore, redevelopment consistent with the Zoning Regulations could feasibly occur on the newly created lot.

STAFF RECOMMENDATION

Staff recommends approval of the proposed lot combination, with the following conditions:

1. All outstanding taxes associated with the subject properties shall be paid prior to final approval of the requested lot combination.
2. The applicant shall submit a mylar of the proposed lot combination and pay the required recordation fee for this application type.

A draft resolution follows.

ATTACHMENTS

None

REVIEWED,

Aimee Chambers, Director



CITY OF HARTFORD
PLANNING & ZONING COMMISSION RESOLUTION
888 TOWER AVENUE & 890 TOWER AVENUE
PROPOSED LOT COMBINATION

- Whereas,** The City of Hartford Planning & Zoning Commission reviewed the lot combination application requesting to combine two parcels at 888 Tower Avenue (parcel ID 148-036-147) and 890 Tower Avenue (parcel ID 148-036-146), per Hartford’s Zoning Regulations and Subdivision Regulations; and
- Whereas,** Per the Subdivision Regulations, the request to combine these two lots does not constitute a subdivision and therefore does not require a public hearing and can be reviewed administratively; and
- Whereas,** The subject properties are zoned N-4-1, Neighborhood District; and
- Whereas,** The subject properties do not currently have any historic designation; and
- Whereas,** The subject properties are currently owned by the same property owner; and
- Whereas,** The property at 888 Tower Avenue is a vacant 0.12-acre parcel with a front lot width of 32.5 ft; the property at 890 Tower Avenue is a 0.18-acre parcel with a front lot width of 50 ft that is occupied by a House Type C Building Type as defined in Section 4.16 of the Zoning Regulations; and
- Whereas,** The proposed combined lot would measure 0.30 acres and have a lot width of 82.5 ft; and
- Whereas,** The proposed lot combination would render the front lot line coverage of the existing structure nonconforming; it is currently 70% (conforming) and would be reduced to 52% (nonconforming). A minimum of 65% is required for the House Type C building type; and
- Whereas,** The proposed lot combination would eliminate the nonconforming lot width of the 888 Tower Avenue parcel; it is currently 32.5 ft whereas a minimum of 40 ft is required; and
- Whereas,** The proposed lot combination would eliminate the primary structure’s nonconforming side setback; the easterly side setback is currently 5.2 ft, whereas 7.5 ft is required; and

Whereas, As proposed, the combined lot could feasibly accommodate redevelopment in accordance with the Zoning Regulations; and

Whereas, The requested lot combination is not inconsistent with the Plan of Conservation and Development (POCD); and

Now therefore Be It

Resolved, The City of Hartford Planning & Zoning Commission hereby **denies/approves** the lot combination application requesting to combine 888 Tower Avenue (parcel ID 148-036-147) and 890 Tower Avenue (parcel ID 148-036-146), per Hartford's Zoning Regulations and Subdivision Regulations, as shown on plans prepared by Oswald Blint Surveying last revised November 9, 2022, **with the following conditions of approval:**

1. **All outstanding taxes associated with the subject properties shall be paid prior to final approval of the lot combination.**
2. **The applicant shall submit a mylar of the proposed lot combination and pay the required recordation fee for this application type.**

Be It Further,

Resolved, This 22nd day of November, 2022.