CITY OF NEW BRITAIN

EST. 1871

ZONING BOARD OF APPEALS
CHAIRMAN MATTHEW MALINOWSKI

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REGULAR MEETING AND PUBLIC HEARING
ROOM 201 – CITY HALL
NEW BRITAIN, CONNECTICUT
THURSDAY, JULY 16, 2020
6:00 P.M.

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES: May 21, 2020 – Regular Meeting

4. NEW BUSINESS

   A. PUBLIC HEARING AND DISCUSSION:

   #4883: Select Asset Management LLC – 18 Highland Street
   #4884: Gary Bourgoin – 211 Buell Street

5. OTHER NEW BUSINESS

6. ADJOURNMENT

Next Meeting: Thursday, August 20, 2020 @ 6:00 p.m.

27 WEST MAIN STREET • ROOM 208 - NEW BRITAIN, CT 06051 • PHONE (860) 826-3430
FAX (860) 612-5033

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

MINUTES - Regular Meeting
May 21, 2020
Page One

Members Present:
Matthew Malinowski, Chairman
Kathy Olandt
Jerrell Hargraves
Roman Nowak
Marion Fischbein
Nicole Pac, Alternate

Staff Present:
John Diakun, City Attorney
Steven P. Schiller, Planner II
Danielle Rosado, Secretary

1. CALL TO ORDER:

Chairman Matthew Malinowski called the meeting to order at 6:00 p.m.

2. ROLL CALL:

A quorum of six (6) members was present upon roll call. The participants in attendance were informed that, since five (5) affirmative votes are required in order for any application to be approved, all pending applicants would be given the opportunity to request a postponement to the next scheduled meeting, where it would be presumed that a full board would be present.

3. APPROVAL OF MINUTES: MARCH 19, 2020, REGULAR MEETING

ACTION: A motion to approve the minutes of the March 19, 2020 Regular Meeting was made by Commissioner Fischbein and seconded by Commissioner Olandt. The motion passed by unanimous vote.

4. OLD BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4873: David Frank/DealPoint Merrill, LLC – 1055 West Main Street

5. NEW BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4880: Atty. Michael A. Carrier for The Jerome Home – 975 Corbin Avenue
#4881: Atty. Michael A. Carrier for The Jerome Home – 975 Corbin Avenue
#4882: Timothy T. Stewart for Karol Kurkowski – 20 Belmont Street

6. OTHER NEW BUSINESS

There was no other new business.

7. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Hargraves, seconded by Commissioner Olandt, and unanimously approved, the time being 6:40 p.m.

Respectfully submitted,

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4873
May 21, 2020

David Frank for DealPoint Merrill, LLC is requesting a modification to an existing variance to Section 150-10, for permitted uses, and variances to Sections 150-40-70.01, required front yard and 150-40-70.02, required side yard toward a side street, in order to construct additional storage building unit buildings on the Cube Smart property at 1055 West Main Street. Zone: B-2

Members Present:

Matthew Malinowski, Chairman
Kathy Olandt
Jerrell Hargraves
Roman Nowak
Marion Fischbein
Nicole Pac, Alternate

Mr. Schiller noted for the record that he spoke with David Frank, CEO for DealPoint Merrill, LLC and that Mr. Frank is following the recommendation of the Corporation Counsel and asking that his application be withdrawn without prejudice. He may reapply at a later date and it is agreed upon that application fees will be waived.

ACTION: A motion to withdraw Application #4873 without prejudice was made by Commissioner Nowak and seconded by Commissioner Olandt. The motion passed by unanimous vote.

APPLICATION #4873 WAS WITHDRAWN WITHOUT PREJUDICE BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4880 & 4881
May 21, 2020

Attorney Michael Carrier for The Jerome Home is requesting modifications to previous variance approval (#4857) Section 230-10-20.10, which prohibits parking in the required front yard and to special exception approval (#4858) pursuant to Section 90-20-60, to allow Jerome Home's planned expansion for assisted memory care units at 975 Corbin Avenue. Zone: T

Members Present:

Matthew Malinowski, Chairman
Kathy Olandt
Jerrell Hargraves
Roman Nowak
Marion Fischbein
Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report stating that with the prior approval, the City Plan Commission noted the need for this type of memory care accommodations in the community and felt the addition was in conformity with the applicable special exception standards. The Commission is of the opinion that these changes are relatively minor; that the parking as revised, remains in compliance with the City's standards and the added landscaping will enhance the appearance of the site.

The Engineering Department had the following comment on this application:

1. A Site Plan modification will need to be submitted to the Building Department for any changes to the previously reviewed site plan.

The Building Department offered a positive recommendation to the granting of a modification to the variance and special exception.

Speaking in favor: Althea Molokwu, 21 Hamilton Street, New Britain, CT
Atty. Michael A. Carrier, Weber & Carrier, LLP; Noah Morgan, Hartford Healthcare; Thomas Daly, Vice-President of Milone & MacBroom; Jessie Wildfeldt, Bechtel Frank Erickson Architects, Inc.; Mike Doherty, Milone & MacBroom

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ACTION: A motion to approve Applications #4880 & 4881 was made by Commissioner Hargraves and seconded by Commissioner Olandt. The motion passed by unanimous vote.

APPLICATIONS #4880 & #4881 WERE GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

City of New Britain

ZONING BOARD OF APPEALS

City Hall – Room 201
New Britain, CT 06051

No. 4882
May 21, 2020

Timothy T. Stewart for Karol Kurkowski is requesting variances to Sections 70-40-10, minimum lot area and 70-40-50, minimum lot width, in order to subdivide a 200 foot wide 27,000 square foot parcel into four 50 foot wide, 6,750 square foot building lots at 20 Belmont Street. Zone: S-2

Members Present:

Matthew Malinowski, Chairman
Kathy Olandt
Jerrell Hargraves
Roman Nowak
Marion Fischbein
Nicole Pac, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable staff report stating the City Plan Commission notes that the re-establishment of lots from old subdivisions has generally been viewed favorably, provided they are single-family houses, consistent in character with the surrounding neighborhood, and meet all current yard setback requirements. The Commission has no objections to the granting of these variances, provided that, as a condition of approval, it is agreed that the property will be utilized only for the construction of a single-family house and the applicant will proceed with the appropriate subdivision approval process through the City Plan Commission.

The Engineering Department had no comment on this application.

The Building Department offered a positive recommendation to the granting of variances and offered the following comment:

1. No variance for a 2-family house shall be granted in the future.

Speaking in favor: Timothy T. Stewart, 60 Wightman Road, New Britain, CT

ACTION: A motion to approve Application #4882 was made by Commissioner Nowak and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4882 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado

Danielle Rosado, Secretary

ZONING BOARD OF APPEALS

City Plan Commission Report

ZBA Hearing Date: July 16, 2020

New Business

Application #4883
18 Highland Street

Application #4884
211 Buell Street

City of New Britain
Zoning Board of Appeals
Meeting Room 201
6:00 p.m.

APPLICATION:	#4883
APPLICANT:	**Select Asset Management, LLC**
ADDRESS:	**18 Highland Street**
ZONE:	**OP, Office and Public**

BACKGROUND: The applicant is requesting a variance to Sections 230-10-20 and 230-10-30.40, in order to allow the creation of paved off-street parking in a required front yard area. The subject property is the site of an existing two-family house located on the southern side of Highland Street, essentially surrounded on all sides by property of the Hospital of Central Connecticut, New Britain Campus. The area is zoned OP, Office and Public.

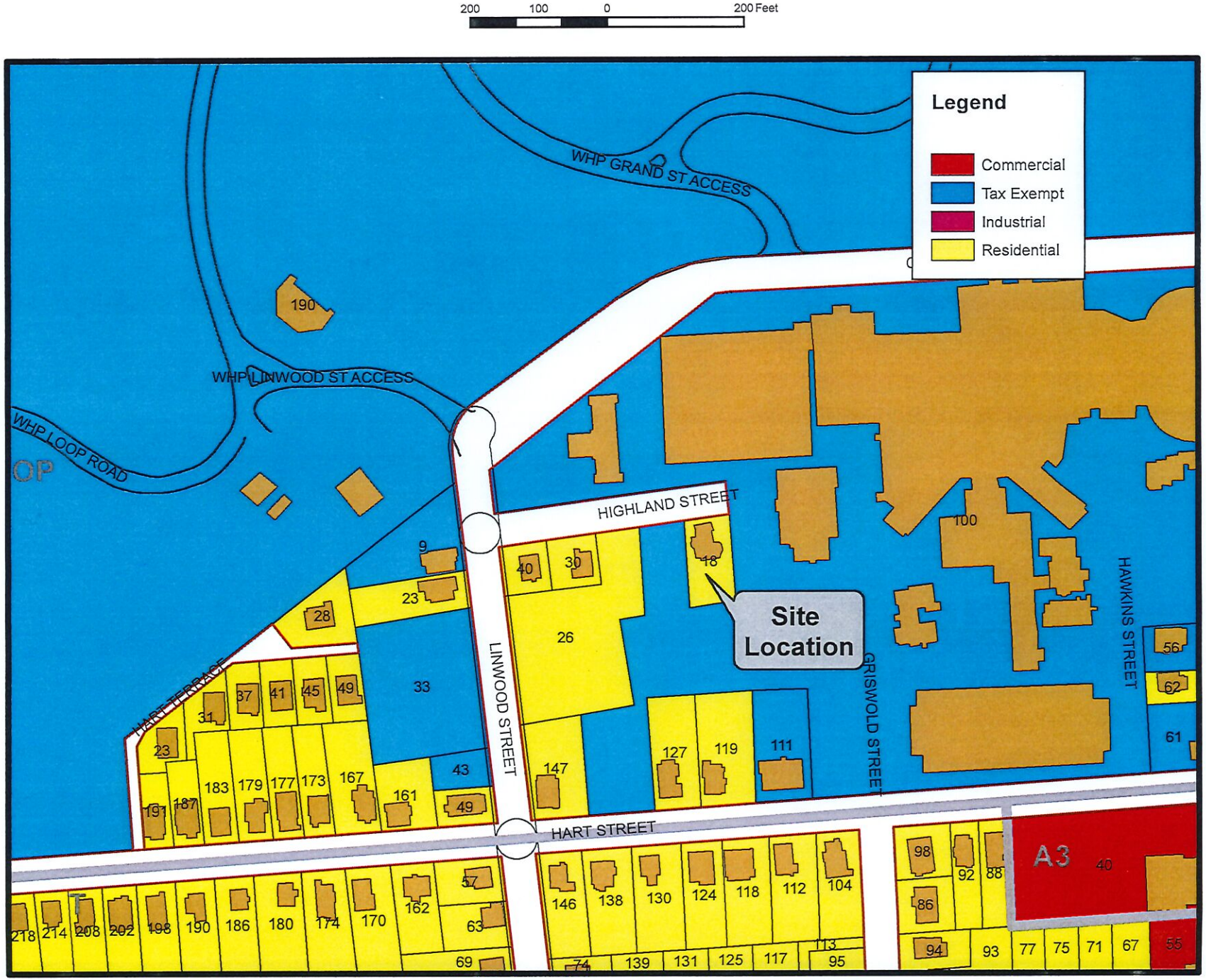
FINDINGS: The applicant's submitted plan shows the conforming lot and two-family house, which was constructed around 1890. The house is set on the lot at a slight angle, with a nonconforming front yard setback of about 10 feet. It appears that the house has never had any off-street parking, at least within the past 50 years or so, when it appears part of the property was sold for expansion of the New Britain General Hospital Highland Street parking lots. Apparently the residents have either not owned vehicles or have gotten by parking in the adjacent hospital lot.

Section 230-10-30.40 prohibits residential parking within the required front yard in the OP zoning district and Section 230-10-20 prohibits parking within 5 feet of a property line or residential structure.

The applicant's plans show the proposed 20 foot wide driveway on the eastern side of the house, half of it near the house approximately 38 feet in length, and the other half 23 feet in length. As proposed, the driveway could park at least two (2) vehicles stacked one behind the other nearer to the house and at least one vehicle on the left hand side of the driveway. At least two-thirds of the parking would technically be within the 25 foot front yard setback, though in a practical sense nearly all of it behind the actual 10 foot front yard line. There would be no setback from the paving along the side of the house, but a 5 foot setback would be retained, along with existing shrubs, along eastern property line.

CONCLUSION: While the property has gotten by with no off-street parking for many years, it is not a good or reasonable arrangement to maintain going forward. The nonconforming front yard, the angle of the house on the lot, narrowness of the side yards and the general topography of the property all limit the potential for on-site parking being located in any conforming location. As previously mentioned, the property is surrounded on three sides by hospital parking lots or facilities.

RECOMMENDATION: Recognizing the limitations of the site, the character of the surrounding area and the desire to have all residential properties be self-sufficient in providing off-street parking, the City Plan Commission has no objections to the granting of the requested variances.



City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.

18 Highland St
Application # 4883

Date : June 30, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4883
18 Highland Street

18 Highland Street	#4034	**VARIANCE** In order to allow temporary retention of a stand-alone parcel. WITHDRAWN: April 2003

APPLICATION:	#4884
APPLICANT:	**Gary Bourgoin**
ADDRESS:	**211 Buell Street**
ZONE:	**T, Two-Family**

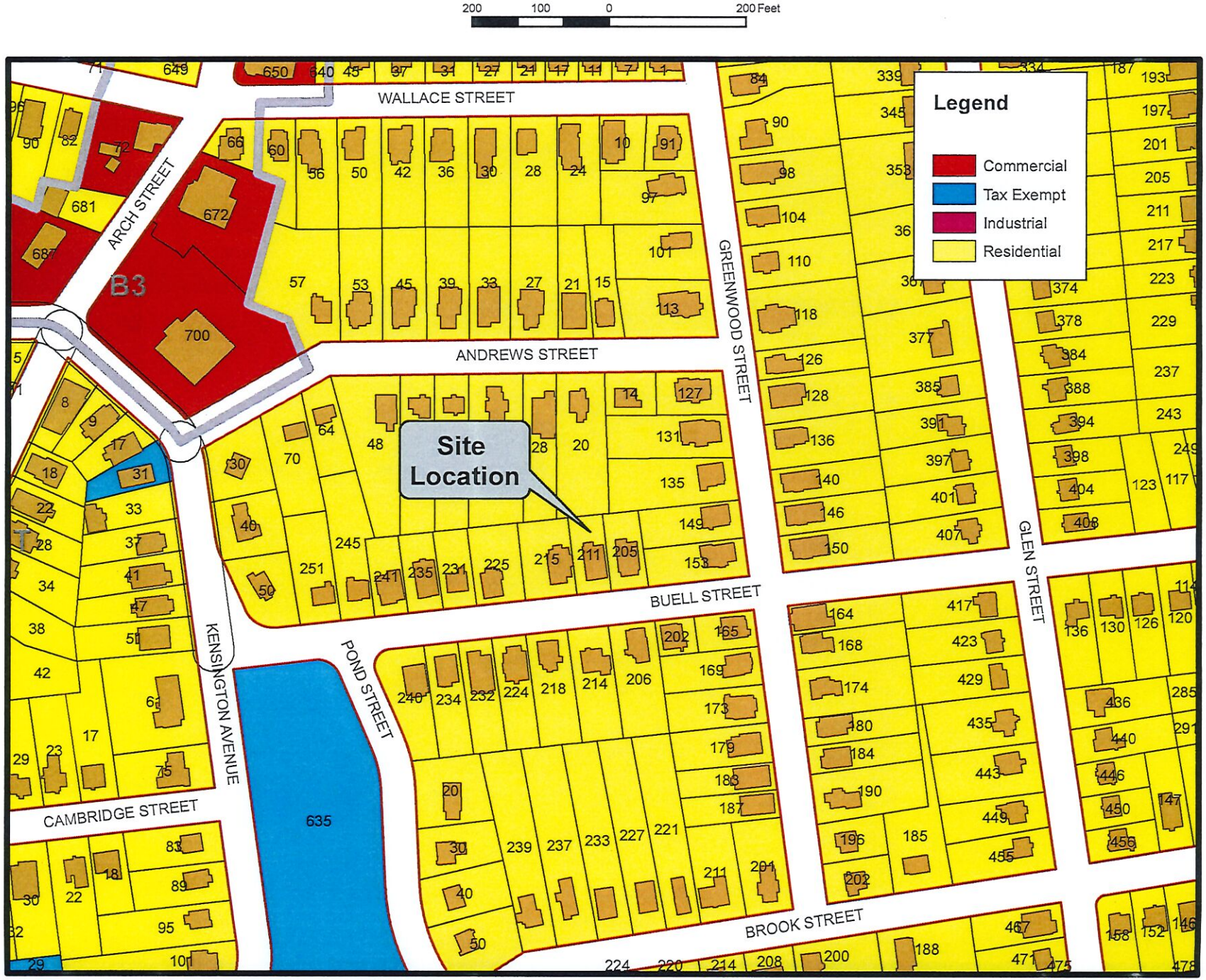
BACKGROUND: The applicant is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback. The subject property is located on the north side of Buell Street between Farmington Avenue and Greenwood Streets. The area is zoned T, Two-Family. This applicant would like to install a 12 by 16 foot above-ground pool in the rear yard of the property, but has insufficient space to do so without encroaching into the minimum required 25-foot setback.

FINDINGS: The applicant's plans show the house with a driveway to the east side accessing a detached garage in the rear yard. The applicant would like to place the pool in the rear yard area to the west of the garage. The area is approximately 34 feet wide from the garage to the western property line and 36 feet from the rear lot line to the house. The pool would be placed so as to maintain a 7 foot side yard toward the neighboring property on the west side, 12 feet towards the property to the rear and approximately 8 feet from the rear of the house. The applicant indicates that appropriate fencing will be installed for safety and to screen the view of the pool form the street.

The property is nonconforming in area and the applicant claims that the relatively small rear yard space is a hardship in that it effectively prevents him from placing a pool in any conforming location.

CONCLUSION: The purpose of the residential rear yard requirements is to ensure a reasonable setback of structures and activities from neighboring yards and adequate open green space to preserve privacy and residential character. This type of variance to allow pools located within the rear yard setback is usually found to be innocuous and approval is usually granted, provided the pool is at least some reasonable distance from the neighbor's property line, and provided the necessary screening and fencing is provided. In this case, the pool is setback feet from the lot lines and will be enclosed with a 6-foot privacy fence.

RECOMMENDATION: The City Plan Commission has no objections to the granting of this variance, provided that all required safety measures such as appropriate fencing, self-latching gates, etc. are installed and found to be in compliance to the satisfaction of the Department of Licenses, Permits, and Inspections.



City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.

211 Buell St
Application # 4884

Date : June 30, 2020
Drawn By : CTL
Checked By : SPS/DR

Application #4884
211 Buell Street