



**Development Services Department
Planning Division Report to the
ZONING BOARD OF APPEALS**

Date of Meeting: August 18, 2009

DATE OF REPORT: August 4, 2009

ADDRESS: 22 – 30 Fishfry Street

APPLICANT: City Auto Parts Inc.

ZONE: I-2 – Industrial District

REQUEST: To appeal a cease and desist order issued by the Zoning Administrator, per Section 92 of the City of Hartford Zoning Regulations for illegal processing & sale of scrap metal in an I-2 Zoning district, in violation of Section 68, Application for Zoning Permits, and Section 854, Table of Permitted Uses.

PREPARED BY: Jonathan E. Mullen Principal Planner
Roger J. O'Brien, Director of Planning

SUMMARY RECOMMENDATION - PLEASE READ INTO RECORD

Staff recommends the Zoning Board of Appeals uphold the decision of the Zoning Administrator for the operation of an illegal scrap metal processing business based on the applicants advertising to the contrary and on evidence obtained on a site inspection. The notice of cease and desist order, dated April 30, 2009 was mailed to the applicant via certified mail notifying them that they were in violation of the zoning regulations by operating a scrap metal processing business on their property which is not permitted in the I-2 zoning district. The applicant is appealing the cease and desist order for operating an illegal scrap-metal business in an I-2 zoning district.

SUBJECT PROPERTY DESCRIPTION: The subject property is comprised of two parcels located in the I-2 zoned section of the North Meadows neighborhood. The first parcel, 26 Fishfry Street, is a 3 acre piece of land that contains 2 one story concrete block auto service style buildings built about 1955. The second parcel, 30 Fishfry Street, is also 3 acres in size and has a one story concrete block building built around 1955.

HARDSHIP REQUIRED? No

FINDINGS AND RECOMMENDATIONS:

The applicant's appeal asserts that the applicant is not running a scrap metal business. According to the statement submitted the business at 26 – 30 Fishfry Street does not fit the zoning regulations definition of a scrap metal processor. The definition of a scrap metal processor according to the zoning regulations is as follows:

"...any place of business and any place of storage or deposit which has facilities for preparing and processing iron steel and nonferrous metals into a form for remelting by a foundry, steel mill or other remelter, and which does not buy or receive whole cars from any person except the holder of a motor vehicle [junkyard] recycler's license pursuant to general statues 14-671 (relating to motor vehicle recyclers), and which does not sell automobile parts for reuse as parts."

The applicant believes he is excluded from the definition of a scrap metal processor because he sells auto parts. The applicant believes that his business fits the zoning regulations definition of a Motor Vehicle Wrecking Yard.

It is the City of Hartford's position that the applicant is running an illegal scrap metal processing business in addition to the non conforming Motor Vehicle Wrecking Yard business. The applicant purchased the property and the business from its previous owner in 2008. Since that time the applicant, City Auto Inc, has been operating as City Recycling which advertizes to pay money for "All Scrap Metals" including "...Junk Cars, Trucks, Trailers, & Heavy Equipment...Batteries, Copper Wire, & Appliances." The definition of a Motor Vehicle Wrecking yard does not allow for accepting batteries, copper wire, and appliances.



Figure 1 – Advertizing for 26 – 30 Fishfry Street

According to the City of Hartford Zoning Regulations a Scrap Metal Processing business is a conditional use in the I-1 zoning district. The applicant's property is located in the I-2

zoning district. Further the applicant does not meet the minimum lot size requirement of 10 acres for a scrap metal processing business. The regulations also state that the property must be surrounded by a solid fence at least eight feet in height. The applicant has placed painted storage containers on the Weston Street and Fishfry Street frontages of the property as screening in addition to a chain link fence. The applicant did not receive permits to place the storage containers on the property.

Upon inspection of the property city staff observed several large piles of scrap metal along with junk cars located on the property. Staff also observed a large truck scale and a smaller scale.



Figure 2 – Scrap Metal Pile



Figure 3 – Small Scale



Figure 4 – Truck Scale

The City of Hartford does not recognize the applicant's license to operate a motor vehicle junkyard due to the fact that when the applicant purchased the business from its former owner they did not file a K-7 form with the City of Hartford or get an approval of location to run a Motor Vehicle Wrecking yard.

Staff recommends the Zoning Board of Appeals upholds the decision of the Zoning Administration pertaining to its Notice of Cease and Desist for operating an illegal scrap metal processing business at 26 – 30 Fishfry Street based on the applicants advertizing and evidence obtained during site inspection.



**Development Services Department
Planning Division Report to the
ZONING BOARD OF APPEALS**

Date of Meeting: August 18, 2009

DATE OF REPORT: July 30, 2009

ADDRESS: 220 Murphy Road

APPLICANT: South Meadows No. 8 LLC and Health Care Solutions, Inc.

ZONE: I-2 Industrial

REQUEST: Appeal the July 2, 2009 decision of the Zoning Administrator for a biomedical waste storage facility

PREPARED BY: Stephanie Krueel, Principal Planner
Roger J. O'Brien, Director of Planning

SUMMARY RECOMMENDATION - PLEASE READ INTO RECORD

Staff recommends the decision of the Zoning Administrator to deny this permit be upheld for the following reasons:

- The applicant's description of the current and proposed uses meets the City of Hartford Zoning Regulations' definition for biomedical waste treatment facilities, which are not permitted in the I-2 zoning district; and
- This facility has been operating for over two (2) years as a biomedical waste treatment facility without a zoning permit. The Certificates of Occupancy for this building, issued May 26, 1970 and January 14, 1975, are for Office & Warehouse and 1 Story Storage respectively; and
- The DEP permits held by the applicant for the transport of biomedical and hazardous waste in the State of Connecticut are not site specific, and do not entitle the applicant to operate at 220 Murphy Road.

SUBJECT PROPERTY DESCRIPTION: The property is located at 220 Murphy Road in the I-2 zoning district in the South Meadows neighborhood. It is a 4 acre parcel with two warehouse buildings. The larger building is a 63,005 square foot warehouse divided into seven units. The application is for one of these units (222 A Murphy Road) with an area 6,306 square feet.

The applicant contends that the current and proposed uses both fall under the category of “general warehousing and inside storage.” However, Section 2 of the Zoning Regulations specifically includes the following definition of a biomedical waste treatment facility:

“Biomedical waste treatment facility means a solid waste facility capable of storing, treating or disposing of any amount of biomedical waste, excluding any facility where the only biomedical waste stored, treated or disposed of is biomedical waste generated at the site where such facility is located.”

Therefore the current and proposed uses do not fall under the category of general warehousing and inside storage.



Figure 1

ADJACENT USES:

- NORTH** - Warehouse
- SOUTH** – Warehouse
- EAST** – Airport
- WEST** – Warehouse

NEIGHBORHOOD CHARACTERISTICS: South Meadows is primarily an industrial and commercial district. The Regional Market, the Connecticut Resources Recovery Authority recycling plant and Brainard Airport are located here.

GENERAL PLAN DESIGNATION: General Industrial

EXISTING ZONE: I-2 Industrial

PARCEL AREA: 4 Acres

FINDINGS AND RECOMMENDATIONS:

1. Biomedical waste treatment facilities are not a permitted use in the I-2 zoning district.
2. The facility has been operating as a biomedical waste treatment facility since April 2007 without a permit.
3. Applicant could submit a request for a text amendment to allow this use by special permit in the I-2 district.

Staff recommends the appeal be denied accordingly.