



**CITY OF HARTFORD**  
**Zoning Board of Appeals**  
**260 Constitution Plaza – Hartford, CT**

**MINUTES**

September 6, 2016  
(Subject to Approval)

The Zoning Board of Appeals held a Public Hearing at **7:00 p.m. on Tuesday, September 6, 2016**, at the Plaza Level Conference Room of 260 Constitution Plaza, Hartford, CT 06103.

**CALL TO ORDER**

Chair Zartman called the meeting to order at 7:05 p.m..

**In Attendance:** Phyllis Airey (arrived at 7:52 p.m.), Gail Billet, Justin Zartman, Amy Bergquist and Stephanie Johnson

**Absent:** Milagros Saldana Cruz, Laneka Walker

**Staff Present:** Lynda Crespo, Caitlin Palmer and Frederick Peck

**PUBLIC HEARINGS**

- a. **1380 Asylum Avenue** – Variance request from the City of Hartford Zoning Regulations Section 6.13.2(B)(1) Maximum Height in Front Yards, to allow a 5-foot decorative fence where 4 feet is the maximum height permitted. Applicant/Owner: Peter and Diane Valin

The Commission felt that the proposed decorative fence was consistent with the neighborhood appearance, and that the lot and its structure was unique compared to most residential structures in the City.

A Motion to approve the following resolution was made by Commission Zartman, and seconded by Commissioner Billet:

Whereas, The City of Hartford Zoning Board of Appeals has reviewed the request to vary section 6.13.2(B) Height of Fence Requirements, to allow a 5-foot fence in the front yard when the maximum height permitted is 4 feet; and

Whereas, The neighboring property 7 blocks away at 760 Prospect pulled a permit for a 4 foot front yard fence and installed a 5'-8" fence and subsequently received a violation in 2008 and was later granted a variance by DPW thereafter in 2009; and

Whereas, The applicant has demonstrated that there are similar height fences as proposed in the vicinity; and

Whereas, The DPW Engineer is requesting a sight triangle of 25 feet to be maintained at the property line corner; Now Be It

Resolved, The City of Hartford Zoning Board of Appeals approves the request to vary section 6.13.2(B) Height of Front Yard Fence Requirements, to allow an 5' fence in the front yard when the maximum height permitted is 4 feet at 1380 Asylum Street with the following condition:

- 1) The applicant works with staff and DPW to provide the appropriate corner buffer.
- 2) That decorative fence be installed as depicted on the images shown on the record.

Now Be It Further

Resolved, This sixth day of September, 2016.

The following Commissioners voted in favor Billet, Zartman, Bergquist and Johnson. The Variance request was approved on a vote of 4/0.

- b. 133 Walnut Street** – Variance request from the City of Hartford Zoning Regulations Section 4.20.1 Accessory Structures Table, to allow an accessory utility structure of an antenna in a CX-1 Commercial-Industrial Mix District. Applicant -Aaron Parson: Owner-59 Edward Street, LLC

Per the applicant's request, the subject matter was tabled to the next regular scheduled meeting.

- c. 247 & 249 Wawarme Avenue**– Variance request from the City of Hartford Zoning Regulations Section 3.2-A Table of Principle Uses, to allow a Warehouse/Distribution use in a CX-1 Commercial-Industrial Mix District. Applicant- United Parcel Services (UPS): Owner-247 Wawarme Land, LLC

The Applicant, UPS was need of extra space for trailer parking and staging in connection with their operations at 90 Locust Street. 247 & 249 Wawarme Avenue were the only properties available at the time to meet UPS's needs.

Due to environmental restrictions, development of the property at 247 & 249 Wawarme Avenue was limited to construction activities that require minimal excavation and earth

removal, such as a parking lot with associated drainage and lighting structures. As such, the property was primarily of use to only the neighboring properties as an extension of their existing operations. The proposed parking lot and driveway connection would allow UPS operations to be conducted seamlessly between the two properties and reducing truck traffic around Wawarme Avenue.

Due to limited development restrictions, and the fact that the use would be in line with the City's Plan of Conservation and Development, the Commission voted in the following manner:

A motion to approve the following resolution was made by Commission Johnson, and seconded by Commissioner Billet:

Whereas, The City of Hartford Zoning Board of Appeals has reviewed the request to vary section 6.13.2(B) Height of Fence Requirements, to allow an 8' fence in the front yard when the maximum height permitted is 4', section 6.13.3(B) Types and Materials of Fence Requirements, to allow a chain link fence in the front yard when chain link is prohibited in the front yard in any district, section 6.8.2.A, Frontage Buffer Requirements, to waive the buffer depth and location requirements, section 6.8.2.B, Frontage Buffer Requirements, to waive the buffer landscape requirements, section 6.8.2.C, Frontage Buffer Requirements, to waive the fence requirements, section 6.9.2.A, Side and Rear Buffer Requirements, to waive the buffer depth and location requirements, section 6.9.2.B, Side and Rear Buffer Requirements, to waive the buffer landscape requirements, and section 7.3.1.H, Pavement Construction, Off-Street Parking Lot Design Standards, to utilize "millings" on the lot which are not an approved pavement construction material; and

Whereas, The properties are currently unimproved vacant lots that recently received variance approval to expand their existing auto repair and tow/impound lot across the street to this location; and

Whereas, Parking areas in the CX-2 district require compliance with frontage, side and rear buffer requirements; and

Whereas, The buffer requirements to not create tiers of compliance for more industrially used parking areas;

Whereas, The applicant has proposed planter boxes with ivy in order to create a vegetated screen that fulfills the intent of the buffer regulations to lessen the visual impact of certain uses or activities visible from the street; and

Whereas, the applicant has demonstrated a hardship exists;

Resolved, The City of Hartford Zoning Board of Appeals approves the request to vary section 6.13.2(B) Height of Fence Requirements, to allow an 8' fence in the front yard when the maximum height permitted is 4', section 6.13.3(B) Types and Materials of Fence Requirements, to allow a chain link fence in the front yard when chain link is prohibited in the front yard in any district, section 6.8.2.A, Frontage Buffer Requirements, to waive the buffer depth and location requirements, section 6.8.2.B, Frontage Buffer Requirements, to waive the buffer landscape requirements, section 6.8.2.C, Frontage Buffer Requirements, to waive the fence requirements, section 6.9.2.A, Side and Rear Buffer Requirements, to waive the buffer depth and location requirements, section 6.9.2.B, Side and Rear Buffer Requirements, to waive the buffer landscape requirements, and section 7.3.1.H, Pavement Construction, Off-Street Parking Lot Design Standards, to utilize "millings" on the lot which are not an approved pavement construction material;

Resolved, This second day of August, 2016.

The following Commissioners voted in favor of the motion: Johnson, Billet, Zartman and Bergquist.

- d. 341 Franklin Avenue** – Variance Request from the City of Hartford Zoning Regulations Section 3.2 -A Table of Principle Uses, to allow a Drinking and Entertainment Assembly Place in a NX-2 Neighborhood Mix zone, and Section 3.5.2.C(3) Outdoor Café Enclosure Height to allow an enclosure to exceed the maximum height of 42 inches. Applicant: Evelyn Carrion: Owner – FRAN341KLIN LLC

Chair of the NRZ Carl Williams was not in support of the proposed Drinking Establishment with Entertainment. The proposed location abuts residential property.

Hacinth Yennie, city resident was opposed to the proposed use and said that the Owner of the establishment had a former location, and that a lot of calls were made to the Police. A copy of Police calls was made part of the record.

The Commission felt that the proposed location was too close to residential properties. The Commission was in support of a restaurant business without entertainment, and that the hardship statement on the Staff Report was not a legal hardship. The applicant did not have a parking management plan or noise mitigation plan.

A motion to deny the Variance request was made by Commissioner Zartman, and seconded by Commissioner Bergquist. The following Commissioners voted in favor of the motion: Airey, Zartman, Billet, Johnson and Bergquist. The Variance was denied on a vote of 5/0.

**MINUTES**

The meeting minutes were not addressed.

**ADJOURMENT**

The meeting was adjourned.

Respectfully Submitted by:

Lynda Crespo, Administrative Assistant