



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Zoning Board of Appeals

To: Zoning Board of Appeals  
From: Andrew Armstrong, ZEO  
Date: April 8, 2020  
Subject: **Petition #00-20-01: SB Newington 433 LLC, “Firestone Complete Auto Care Center” is requesting four (4) Variances from Section 3.18.4, Section 6.1.2.B, and Section 6.11.5 of the Zoning Regulations related to the proximity to a residential zone at 2897 Berlin Turnpike.**

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### **Description of Petition #00-20-01:**

The applicant is requesting four (4) variances in connection with the existing Firestone Complete Auto Care Center at 2897 Berlin Turnpike. The property is zoned Planned Development (PD).

These variances are needed because even though the Firestone store received all the necessary approvals in 2012, certain automotive business owners and nearby homeowners challenged those approvals in court. Also, the Town Plan and Zoning Commission subsequently changed the zone of the adjacent property at 2116 Main Street from PD to R-20. In a series of decisions, the court ruled that the TPZ automotive regulations were invalid and therefore the site plan and special permit approvals were invalid. The owners of the Firestone property were ordered to either close, or obtain re-approval from the Town.

The applicant has stated that their legal hardship is their inability to conform to the court-ordered changes to the Zoning Regulations, and TPZ’s rezoning of the property at 2116 Main Street.

### **Staff Comments:**

The applicant is seeking the following four (4) variances:

- 1) **Section 3.18.4** – A request to allow parking 5 feet from a residential zone where 25 feet is required.
- 2) **Section 3.18.4** – A request to allow a business structure 59 feet from a residential zone where 100 feet is required.
- 3) **Section 6.1.2.B** – A request to allow off-street loading space 49 feet from a residential zone where 50 feet is required.

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- 4) **Section 6.11.5** – A request to allow a motor vehicle use zero (0) feet from a residential zone; where the properties abut each other 100 feet is required.

No change to the site is proposed. As depicted on the site plan and zoning summary chart, all other bulk requirements in the PD zone are satisfied.

The Firestone store has been in existence and functioning as an auto repair business since 2015 exactly as it is today. The applicant has previously undertaken noise mitigation measures that will protect the residential properties on Main Street.

This petition is simply to allow the re-approval of the special permit and site plan that were approved by TPZ in 2012, and to resolve the non-conformities that were created by TPZ's unilateral rezoning of the adjacent property at 2116 Main Street.

I have no objection to this request.

cc:  
SB Newington 433 LLC  
file