

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 1294 CHAPEL STREET Special Exception to allow 0 loading spaces where 1 is required and a buffer of 3.3ft where 5 is required. Zone: BA. (Owner: RL1, LLC. Applicant: Miguel Almodovar.)
REPORT: 1555-12
ADVICE: Special Exception: Approve

PRINCIPAL APPLICABLE REGULATIONS

Section 45(a)(3): Except in the Business D-3 District, where property in a business or industrial district abuts a residence district, either directly or across a street or alley, the following requirements shall apply to parking and loading areas on such property in such business or industrial district:

- a. There shall be a buffer strip of land at least five feet in width within such business or industrial district, between the parking or loading area and such residence district.
- b. There shall be a suitable fence, wall or evergreen planting at least five feet in height, designed to screen noise, odors, visibility and headlight glare, between the parking or loading area and such residence district (except that such fence, wall or planting shall conform to the sight distance requirement in subparagraph (4)c. below).

Section 45(b): Quantity of Loading Spaces

General description of uses	Gross Floor Area (in square feet)	Quantity of loading spaces
Use which is not primarily concerned with handling goods	2,400-75,000	1

Section 45(a)(7) Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of parking or loading spaces required and/or increase the maximum allowable walking distance to such parking spaces, but only upon a finding that such other standards will be adequate. All deviations from normal requirements by means of this paragraph (7) shall be considered as special exceptions under subsection 63(d) of this ordinance, and the Board of Zoning Appeals may impose time limits where it finds that the continued adequacy of such other parking or loading standards cannot be fairly predicted.

Section 63(d) Special Exceptions. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are therefore treated as special exceptions.

Section 63(d)(6) In the following types of special exception cases, which involve more than conventional questions of *use* and may have a significant impact on surrounding areas and a substantial relationship to the comprehensive plan of the city, the Board of Zoning Appeals shall, following its hearing, refer the case including all exhibits to the City Plan Commission, which shall submit an advisory report, on such factors as it may deem relevant, to the board within 30 days after receiving all records and documents in the case. This report of the City Plan Commission shall be taken into account in the decision of the Board.

- f. adjustment for parking and loading requirements: subsections 29(c); 29(h)(2); 29(i); 45(a)(6)b,; 45(a)(7).

BACKGROUND

The applicant is requesting Variances to permit a side yard of .5ft where 11.9ft are required, a rear yard of 4.6ft where 15.9ft is required and Special Exceptions to allow 0 loading spaces where 1 is required, and a buffer of

3.3ft where 5 is required. The 11,620sf property contains an existing 2 story, 6,950sf structure currently used as office space. The applicant proposes constructing a 2-story addition which would add an additional 3,507sf per floor and consist of 7 residential units; 2 one-bedroom, 4 two-bedroom, and 1 four-bedroom.

MARCH 12 PUBLIC HEARING

The applicant (Miguel Almodovar) and architect (Sam Gardener) stated that the building is currently being used by Yale as office space and will continue to do so with the additional stories being residential. The required amount of off-street parking can be met apart from the loading space. The site as it currently operates does not have a loading space and making room for a loading space would not allow for turnaround space and the drive aisle in the rear of the lot makes it there is no room to turn around. The applicant anticipates a clientele that will utilize alternative means of transportation.

No members of the public spoke in either support or opposition of this application.

PLANNING CONSIDERATIONS:

Special Exception

- Nature of the Proposed Site: The site is located in a general business (BA) zoning district between Day Street and Dwight Street. The existing 6,950sf structure is situated on a 11,620sf lot, currently being used as office space.
- Resulting Traffic Patterns: While the proposed addition will provide additional gross floor area, along with an additional use for the proposed 7 residential units. There is enough off-street parking provided on the site to meets the requirements for both the existing office use and proposed residential.
- Nature of the Surrounding Area: The neighboring properties consist of a mixture of office, residential, and commercial uses along with a funeral home making the proposed mixed-use consistent with the surrounding area. The property does abut a residential district (RM-2) to the rear but the current use to this abutting property is a parking lot. Therefor staff finds the request to lessen the buffer between the two properties minimal.
- The Comprehensive Plan: There is nothing in this application that is substantially at odds with New Haven Vision 2025.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception to be essentially in harmony with the general purpose and intent of the ordinance and that the public health, safety and general welfare will be served, and substantial justice done by its approval.

ADOPTED: March 20, 2019
Edward Mattison
Chair

ATTEST: MPL
Michael Piscitelli, AICP
Interim Economic Development Administrator