

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **336 HUMPHREY STREET.** Special Exception to allow for a parking space located in the front yard. Zone: RM-2. (19-89-S) (Owner/Applicant: Michiyo Seto)  
 REPORT: **1563-16**  
 ADVICE: **Special Exception: Denial**

### PRINCIPAL APPLICABLE REGULATIONS

**Section 63 (d)** - The Board of Zoning Appeals may grant a *Special Exception* if the proposed use is in accord with the public convenience and welfare, and may attach conditions and safeguards deemed necessary to protect the neighborhood.

**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 of parking and loading requirements: §29.C; §29.H.2; §29.I; §45.A.6.b; §45.A.7.

#### Section 29(c)

No parking space shall be located within any required front yard , except that: parking spaces (whether enclosed or not) may be permitted to be located within a required front yard by special exception under subsection 63(d) of this ordinance upon finding, among other things, that such parking spaces are necessary to the use with which they are connected, that they cannot be practically located elsewhere on the lot, that their location within a required front yard will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street, and that such parking spaces are properly screened and otherwise arranged in accordance with the requirements of this ordinance.

### BACKGROUND

The applicant is proposing an off-street parking space to be located in the front yard of the lot. The subject property is a corner lot located on the south-west corner of Humphrey Street and Pleasant Street. The proposed parking space will be accessible from Pleasant Street.

### NOVEMBER 12 PUBLIC HEARING

The applicant presented her application stating that a tree branch fell on her car when it was parked on the street which caused her emotional and financial damage. She wishes to avoid any similar situation from occurring by creating a parking spot on the subject lot and the configuration of the structure on the lot only allows for parking in the front yard. While this a very unfortunate set of circumstances, it does not create a basis for a hardship recognized under the law.

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

### PLANNING CONSIDERATIONS:

#### Special Exception Considerations

Section 63(d) of the New Haven Zoning Ordinance review in relation to the applicable criteria of this section results in the following comments:

Nature of the Proposed Site: The site is 3,049 sf with an existing 2,096sf single-family home. The structure covers approximately 58% of the subject lot making the structure an existing non-conformity regarding building

coverage, front, side, and rear yard setbacks, building wall height to side and rear yard ratio. The lot is non-conforming with respect to minimum lot area. Parking in the too-small front or side setbacks would be against planning policies.

Resulting Traffic Patterns: This proposed Special Exception will not result in any increase in traffic because the use/density of the property is to remain a single-family home. This proposal will create a difficult turn and an unnecessary curb cut very close to the intersection of Pleasant Street and Humphrey Street thereby eliminating an on-street parking space.

Nature of the Surrounding Area: The neighboring properties along Humphrey all provide off-street parking as well as the properties located along Clark Street. The properties that lack off-street parking are the properties along Pleasant Street with a range of residential densities.

### **Additional Planning Considerations**

Reviewed in respect to applicable standards of Section 29(C) of the New Haven Zoning Ordinance staff offers the following:

Parking space(s) are necessary to the use with which they are connected: The NHZO requires there to be one off-street parking space per dwelling unit. The lot and structure were established before the enactment of the Zoning Ordinance and therefor the existing conditions are seen as a legal non-conformity.

The parking space(s) cannot be practically located elsewhere on the lot: Due to the configuration of the structure on the lot, there is nowhere else that a parking space can be allocated.

The location within a required front yard will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street: The proposed location and access along Pleasant street is one-way and with only one other curb cut located on this block between Humphrey Street and Clark Street, staff feels that this proposal will not have a negative impact on property values. However, staff has significant concerns about the safety of this proposal. Bruce Fischer, from the Department of Transportation, Traffic and Parking reviewed this proposal and states that it involves a "difficult turn."

Such parking spaces are properly screened and otherwise arranged in accordance with the requirements of this ordinance. There is nothing in the application regarding this; there is not any viable space for a buffer or any screening and any buffer has the potential to create a safety concern.

The applicant submitted photos as well as an insurance claim and police report detailing an accident that occurred where a tree branch fell on their vehicle while parked on the street resulting in significant damage. It was this incident that resulted in the applicant's proposal in hopes that a similar situation can be avoided in the future.

### **FINDINGS AND RECOMMENDATIONS**

Based on considerations discussed above, the Commission views the Special Exception to be contrary to the general purpose and intent of the ordinance and that the public safety may be negatively impacted. Therefore, the Commission recommends denial.

**ADOPTED:** November 20, 2019  
Ed Mattison  
Chair

**ATTEST:**   
Aicha Woods  
Executive Director, City Plan Department