

# NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** 44 KENDALL STREET, Use Variance and Coastal Area Management Permit to allow 3 apartments and an office in a Heavy Industrial (IH) District [Owner/Applicant: Peter K. Woerner, 11-37-V, 11-05-CAM].

**REPORT:** 1453-19

**CSPR:** No Impact

**ADVICE:** Approval

## BACKGROUND

Mr. Peter K. Woerner seeks a Use Variance and Coastal Site Plan Review to permit 3-Dwelling units and Office in an IH zone in the Annex neighborhood. A recent site visit shows the subject property bounded north by Forbes Avenue, East by Fulton Terrace and South by Interstate-95. The site is within an industrial district that features a number of pre-existing non-conforming residential dwellings. 44 Kendall is a single story commercial structure containing 3 apartments and Mr. Woerner's *Architects and Builders Office* at the rear. Off street parking is available with 4-parking spaces at the storefront and 7 spaces at the rear.

Attorney Anthony V. Avallone presented the application at the June 14<sup>th</sup> Board of Zoning Appeals hearing where he noted no new construction is planned. Rather the applicant is seeking to recognize the mixed-use status that was established by the former owner in the way of a studio apartment. In addition, the structure is no longer viable as an industrial use given the extremely narrow driveway access. Mr. Avallone added the property was on the market for 17-months with no success as an industrial facility. He also noted there are other residential uses in the neighborhood, therefore the change in use will not disrupt the character of the neighborhood. Lastly he noted there are no coastal resources on the property. No one opposed the application.

The building was constructed in 1955 and served New England Shipping Company for seventeen years. New England Shipping is a private shipping agency that was established in Connecticut in 1992. The applicant notes that while the building was occupied by New England Shipping, a single bedroom apartment was established. Forty-four Kendall Street was their sole Connecticut location. In 2009 the former commercial use was abandoned and the site was subsequently converted into 3-dwelling units and architects office.

## PLANNING CONSIDERATIONS

Submitted plans include a Floor Plan sheet A.1, and Building Elevations sheet A.2 all dated November 3, 1989. In addition a Site Plan prepared by Mr. Bernard Godfrey revised October 4, 1989 and A-2 class survey revised October 11, 1989 were submitted.

The applicant asserts real estate marketing of the former shipping building was not successful due to limited off street parking and a narrow driveway that impedes truck access to the site rear. The applicant goes on to say large scale commercial vehicles typically used in a IH zone would have to park in the front of the building which is not safe. As a matter of fact, Staff observed 2-large construction vehicles trying to maneuver construction items near the building across from 44 Kendall and discovered just how problematic truck maneuverability is at this location. Therefore, Mr. Woerner notes the hardship for the use change is because the building is no longer viable as a large-scale commercial use. In contrast, existing mixed-use office/residential use is the minimum variance necessary to allow reasonable use of the property.

Moreover Staff notes the on site parking capacity is in keeping with Section 45. E concerning office uses and Section 29 of the New Haven Zoning Ordinance. Collectively the residential and office parking requirements necessitate a minimum 5-parking spaces on site. Review of the site plan shows 7-parking spaces are in the rear and 4 parking spaces are at the street front. As the site is in the IH zone front yard parking is not applicable.

### COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

#### **Characteristics and Condition of Coastal Resources at or Adjacent to the Site:**

**Coastal Flood Hazard Area:** This previously disturbed parcel is located about 1,473-feet from the Quinnipiac River.

**Navigable Waters:** There are no navigable waters at or adjacent to this site.

**Beaches or Dunes:** There are no beaches or dunes at or adjacent to this site.

**Intertidal Flats:** There are no Intertidal Flats at or adjacent to the site.

**Shellfish Concentration Areas:** There are no oyster beds at or adjacent to the site.

**Shoreline Flood and Erosion Control Structure:** A shoreline flood and erosion control structure is not needed at this site.

**Potential Adverse Impacts on Coastal Resources and Mitigation of Such Impacts:** There are no coastal resources at or adjacent to this previously disturbed site. Therefore no adverse impacts are anticipated with the construction of this mixed-use single story building.

**Beneficial Impacts:** No beneficial impacts are anticipated.

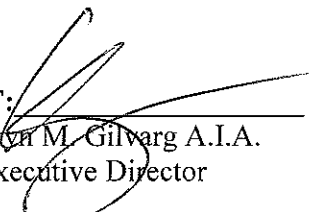
#### **COASTAL PLANNING CONSIDERATIONS:**

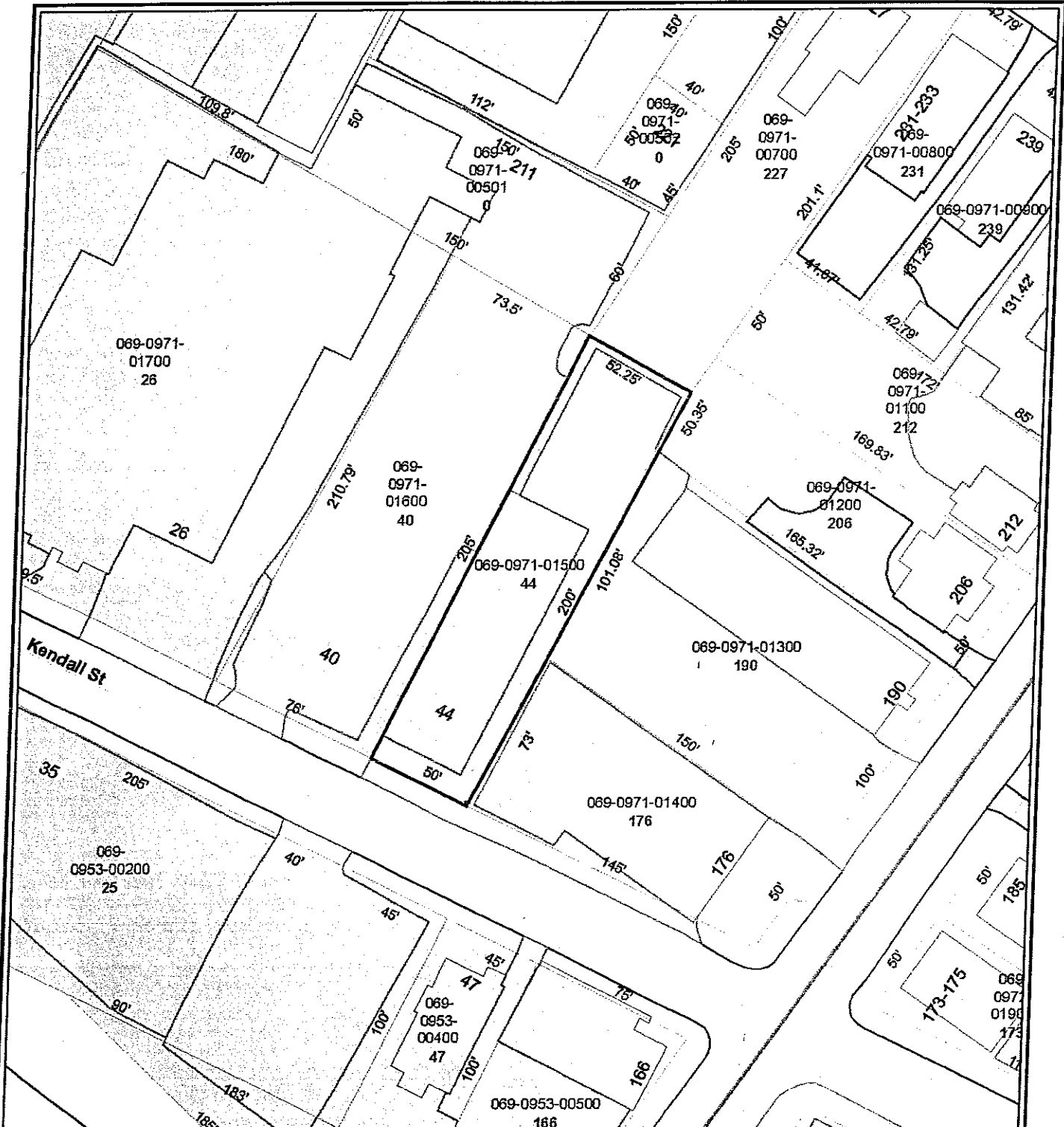
Although the site is beyond 1000' of the Quinnipiac River, it is within the floodway area in zone AE that required Coastal Site Plan Review. No coastal resources exist at or adjacent to this vacant industrial site which is in flood zone AE on FIRM # 09009C0442H dated December 17, 2010. The Commission anticipates no adverse impacts on coastal resources.

#### **FINDING:**

Although the immediate area is zoned industrial the Commission notes the proposed site is uniquely suited to accommodate the mixed-use architectural office, as it is the minimum variance necessary to allow reasonable use of the property. Because the proposed use will not impair the essential character of the area and as the proposed use is in keeping with Section 63.C.2 of the of the New Haven Zoning Ordinance the Commission recommends approval.

**ADOPTED:** June 15, 2011  
Roy Smith, Jr.  
Vice Chair

**ATTEST:**  
  
Karyn M. Gilvarg A.I.A.  
Executive Director



City of New Haven, Connecticut  
 John DeStefano Jr., Mayor



**44 Kendall Street IH/CAM zones**

Produced by the  
 Office of Information Technology  
 Geographic Data Viewer

- Waterway**  
 - Lake - Pond  
 - River  
 - Shoreline  
 - Stream  
 - Wetland  
 [ ] Parcel  
 - - - City Boundary Line  
**Schools**  
 P Administration  
 [ ] Food Service  
 [ ] Private School  
 [ ] Public School  
 \* Fire Station  
**Police Station**  
 \* PD Headquarters  
 \* Substation  
 [ ] Health Centers  
 [ ] Hospital  
 [ ] Library

- Railroad**  
 - - - Railroad Track  
 - - - Abandoned Railroad Track  
 - Airport Runway  
 - Parcel Line\_2005  
**Parks**  
 [ ] Park  
 [ ] Triangle  
 [ ] Golf Course  
 [ ] Land Trust Preserves  
 [ ] Airport boundary  
 [ ] Shoreline

This map is intended for illustrative and Community-Based Planning processes. Every reasonable effort has been made to assure the accuracy of the map and data provided; nevertheless, some information may not be accurate. The City of New Haven assumes no responsibility arising from the use of this information.

No warranty is made by the City of New Haven as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data compiled from various sources. Spatial information may not meet national map accuracy standards. This information may be updated without notification.

Scale: 1" = 60 ft  
 Created: June 8, 2011