

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** ZONING ORDINANCE TEXT AMENDMENT, ORDER OF BOARD OF ALDERS TO Amend Text of Zoning Ordinance, Section 63 Regarding the Appointment of Alternate Member of the Board of Zoning Appeals (Alders Holmes and Santana)  
**REPORT:** 1503-01  
**ADVICE:** Approval

### BACKGROUND

Alders Holmes and Santana have submitted an ORDER proposing to amend Section 63 of the Zoning Ordinance to enable the Leadership of the Board of Alders to appoint one of the three Alternate members of the Board of Zoning Appeals, and aligning the Ordinance language on the appointment of regular members with the recently revised Charter.

The Board of Zoning Appeals consists of five regular members and three alternates; the alternates who sit when one or more regular members are not available for a meeting, so that there is always a five member board. (Note that occasionally an insufficient number of regular members and alternates are available and then the BZA may sit with 4 members; when this occurs the applicants are asked if they wish to postpone their hearings until a 5 member board is available.) The Board of Zoning Appeals has historically been appointed by the Mayor, however the recently approved City Charter (Referendum of November 2014) changed this so that the Mayor appoints three members and the Board of Alders appoints two. The Charter was silent on the appointment of alternates; the proposed language authorizes the Mayor to appoint two of the Alternates and the Leadership of Board of Alders the remaining one.

### TEXT

#### Current Language:

#### ARTICLE VII: Administration

##### Section 63 – Board of Zoning Appeals

(a) *Establishment.* The Board of Zoning Appeals shall operate under section 185 of the New Haven Charter and any other applicable provision of such Charter or of the General Statutes of Connecticut. In addition to the five regular members, the Mayor of the City of New Haven shall have the power to appoint three alternate members to the Board, as provided in section 8-5 of the General Statutes.

#### Proposed Language:

#### ARTICLE VII: Administration

##### Section 63 – Board of Zoning Appeals

(a) ) Establishment.\* The Board of Zoning Appeals shall operate under Section 4 of Article VII, of the New Haven Charter and any other applicable provision of such Charter or of the General Statutes of Connecticut. In accordance with Section 1A of Article VII of the New Haven Charter and in addition to the three regular members, the Mayor of the City of New Haven shall have the power to appoint two alternate members to the Board, as provided in section 8-5 of the General Statutes. In addition to the two regular members, the Leadership of the Board of Alders shall have the power to appoint one alternate member to the Board.”

**PUBLIC HEARING**

Hearing scheduled for March 18, 2015... (POST REPORTING WILL RECORD HEARING)

**PLANNING CONSIDERATIONS**

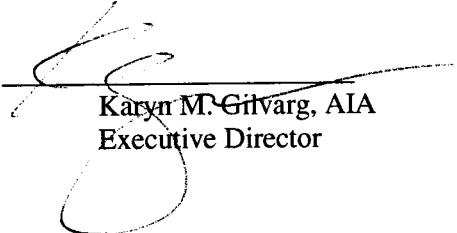
The proposed amendment would amend the Zoning Ordinance text to align it with the new Charter concerning the appointment of regular members, and provides for clear direction on the appointment of alternates.

**ADVICE**

The Commission finds that the proposed zoning text amendments will make the Zoning Ordinance consistent with the Charter. The Commission further suggests that all members of the BZA be oriented by City Plan Department and Corporation Counsel staff to the extent possible, so that they may have the information necessary to conduct themselves in an appropriate, impartial and legal manner, regardless of appointing authority. The Commission notes that the Connecticut Bar Association conducts training sessions for Land Use Board and Commission members and that training is available from the Freedom of Information Commission of the State. The Commission further finds the proposed amendments serve a substantial government interest; are in the public interest; and promote the health, safety, and general welfare of the community without unreasonable limits on land use and therefore recommends approval.

**ADOPTED:** March 18, 2015  
Edward Mattison  
Chair

**ATTEST:**

  
Karyn M. Gilvarg, AIA  
Executive Director