

**NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT**

RE: **114 Sylvan Avenue.** Special Exception to permit a neighborhood convenience use (grocery and related goods) in a residential zoning district. Zone: RM-2. Owner: Jasim Uddin.  
Applicant: Benjamin Trachten. (22-65-S)

REPORT: **1620-02**

ADVICE: **Special Exception: Deny**

**PRINCIPAL APPLICABLE REGULATIONS**

**Section 31. Uses provided for.** Where provided for in the District Regulations, the supplying of any of the following convenience goods and services, entirely at retail, shall be considered a use which may be permitted by special exception under the conditions of this section 31:(1)Convenience stores, groceries and related goods, including incidental seating for a maximum of six people. No additional parking shall be required for incidental seating.

**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.

b.Convenience stores in residence districts: section 31, as provided for in the district regulations.

**BACKGROUND**

The applicant is seeking to reuse an existing but unused 680sf portion of the structure which has a history as a grocery store going back to 1963, for the sale of groceries and related convenience goods in a residential zone. The applicant seeks to serve the neighborhood by providing good including but not limited to: non-alcoholic beverages, canned goods, snacks, etc.

**THE BOARD OF ZONING APPEALS OCTOBER 18, 2022 PUBLIC HEARING**

Attorney Benjamin Trachten presented the application stating that the proposal is in harmony with the Special Exception considerations for approval. The proposal seeks to utilize a 680sf portion of the structure which had been used as a similar use dating back to 1963. It is anticipated that patrons visiting the establishment will not be using a vehicle and instead will walk, ride their bike, or use alternative means of transportation and therefore the parking situation and will not have an adverse effect on traffic patterns.

Three people spoke in opposition of this application stating that there are too many stores within the area (300ft) and there is no need for more.

**PLANNING CONSIDERATIONS:****Special Exception Considerations**

- Nature of the Proposed Site: The structure currently consists of 2,358sf and 2 dwelling units situated on a 5,227sf parcel with no off-street parking. As mentioned above, the portion of the structure (680sf) which the applicant is proposing to utilize was previously used for a similar use dating back to 1963. The City Plan Commission notes that there may be other uses more suitable for this location.
- Resulting Traffic Patterns: The proposal will not have an adverse effect on future traffic patterns as it is anticipated that the customers served will be those that reside in the neighborhood and will most likely walk.
- Nature of the Surrounding Area: The surrounding area is comprised largely of residential structures utilized as student housing.
- The Comprehensive Plan: The portion of the Comprehensive Plan, Vision 2025 encourages small neighborhood convenience stores and uses meeting the needs of the residents therein.

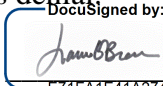
**Additional Considerations:**

- While the area is poorly served by large grocery stores with residents relying on smaller purveyors for staple goods with the nearest commercial zone (BA) being approximately 700ft away to the north, the City Plan Commission notes that there are several other convenience stores in the proximate vicinity of the proposed location. These stores typically provide a small selection of unhealthful food options that do not meet the needs for a full-service grocery.  
The clustering of two or more uses of diverse types, rather than scattering of such uses, shall generally be regarded as an advantage, but the existence nearby of a use of the same type as one which is proposed shall require a more extensive showing of necessity for the proposed use. As a general rule, clustering of uses shall not exceed 10,000 square feet of net floor area for all uses in a cluster.

**FINDINGS AND RECOMMENDATIONS**

Based on considerations discussed above, the Commission views the Special Exception is not in harmony with the general purpose and intent of the ordinance, the City's Comprehensive Plan and that the public health, safety, and general welfare will not be served based on the location of this site and the surrounding infrastructure. Accordingly, the Commission recommends denial.

**ADOPTED:** November 2, 2022  
Leslie Radcliffe  
Chair

**ATTEST:**  November 9, 2022 | 4:1  
Laura E. Brown  
Executive Director, City Plan Department