

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **351 McKinley Avenue.** Special Exception to permit 8 off-street parking spaces where 9 are required. Zone: RM-1. Owner: Klugkatz, LLC. Applicant: Fernando Pastor. (22-86-S)

REPORT: **1623-07**

ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 13(a)(1)(g). Minimum parking: One parking space per dwelling unit (except that only one parking space shall be required for each two elderly housing units) located either on the same lot as the principal building or within 300 feet walking distance of an outside entrance to the dwelling unit to which such parking space is assigned, and conforming to section 29 and the remainder of the General Provisions for Residence Districts in Article IV.

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

BACKGROUND

The applicant is seeking a Special Exception to allow for 8 off-street parking spaces where 9 are required. As noted below, the application received BZA approval to allow for the structure to be converted to 10 dwelling units, however upon going through the Site Plan Review process it was determined that the parking plan was not sufficient. The applicant is therefore, going back before this board to rectify these issues by reducing the total number of parking spaces on site and adding additional bicycle parking.

ZONING HISTORY

22-73-V, 22-74-S. Variance to allow for a projection to be located 1ft 3in from the side property line where a minimum of 5.6ft is required and a Special Exception to permit the conversion of an existing structure into 10 dwelling units. **Granted 10.18.22.**

THE BOARD OF ZONING APPEALS DECEMBER 13, 2022, PUBLIC HEARING

The applicant Fernando Pastor presented the item stating that the conversion of the structure to 10 dwelling units was previously approved but when they went to City Plan Commission for Site Plan Review, they received comments from TTP that the parking lay out, which has 4 parking spaces located

in the driveway, was not permitted. As a result, they are removing those spaces so there are now 8 off-street parking spaces on site and adding additional bicycle parking spaces. This application will only eliminate one parking space and addresses the concerns brought forth by TTP.

One member of the public spoke in favor of the application. One member of the public spoke with respect to concerns over the access to the neighboring church and the easement agreement to which the owner of the structure responded that they would work with the church to ensure there are no issues.

PLANNING CONSIDERATIONS:

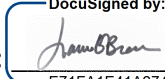
Special Exception Considerations

- Nature of the Proposed Site: The existing 11,822sf structure has been approved to allow for the conversion of 10 dwelling units. The previous design showed 10 spaces on the site but due to comments from TTP, the parking layout had to be revised with the applicant proposing to reduce the total number of spaces.
- Resulting Traffic Patterns: The proposal will not have an adverse effect on future traffic patterns as the proposal seeks to eliminate 1 of the required spaces, staff feels that this change will not negatively affect the needs of the future tenants or traffic in the surrounding area.
- Nature of the Surrounding Area: The surrounding area is comprised mainly of residential uses with a religious institution abutting the parcel directly to the north.
- The Comprehensive Plan: The portion of the Comprehensive Plan, Vision 2025 encourages greater residential densities especially in areas within proximity to public transportation or “transit oriented” areas as well as encourages the adaptive reuse of structures like this property for new uses as demand changes.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception is essentially 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 be served based on the location of this site and the surrounding infrastructure to support the granting of the special exception. Accordingly, the Commission recommends approval.

ADOPTED: January 18, 2023
Leslie Radcliffe
Chair

ATTEST:  January 19, 2023 | 12:55 PM EST
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Laura E. Brown
Executive Director, City Plan Department