

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **337 Saint John Street.** Special Exception to allow 0 off-street parking spaces where 1 is required to legally establish the current density of four dwelling units. Zone: RM-2. Owner: Alpha Acquisitions LLC. Applicant: Benjamin Trachten. (23-25-S)

REPORT: **1630-21**

ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 14(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 29(i): The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of parking spaces required and/or increase the maximum allowable walking distance to such parking spaces, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access. Mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph shall be considered as special exceptions under subsection 63(d) of this ordinance. In the case of any religious or educational institution or any hospital, which has an overall parking plan for all of its facilities which has been approved by the Board of Zoning Appeals, the limit of 300 feet walking distance shall not apply. Amendments to a parking plan that covers an area which include a planned development must be submitted for approval per section 65 of this ordinance. All deviations from normal requirements by means of this subsection 29(i) shall be considered special exceptions under subsection 63(d) of this ordinance, and the Board of Zoning Appeals may impose time limits where it finds that the continued adequacy of such other parking standards cannot be fairly predicted.

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 Variance to permit 584sf of gross floor area per dwelling unit where 1,000sf is required and a Special Exception to allow 0 off-street parking spaces where 1 is required to legally establish the current density of four dwelling units within the existing structure. The structure has been utilized as 4 dwelling units for over 50 years with the hardship being related to the inconsistency between building department and assessors records. The lot is non-conforming with respect to minimum lot width and area and the structure is non-conforming with respect to front yard setback, side yard setbacks, building wall height to setback ratio, and lot coverage.

THE BOARD OF ZONING APPEALS MARCH 28, 2023 PUBLIC HEARING

Attorney Trachten presented the item stating that the structure has been utilized and operating as four residential dwelling units for several years and the applicant seeks to legally codify this density as there is an inconsistency between the building department and the assessors field card. No changes are proposed to the structure or the parcel as a whole. No off-street parking is currently provided on the parcel and given the pre-existing location of the structure and non-conformities, no off-street parking can be adequately provided.

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

PLANNING CONSIDERATIONS:**Special Exception Considerations**

Nature of the Proposed Site: The 1,307sf parcel consists of a 1,696sf 4-family structure. There is currently no off-street parking located on-site due to the structure's proximity to the side property lines.

Resulting Traffic Patterns: The proposal will not have an adverse effect on future traffic patterns.

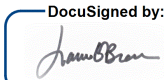
Nature of the Surrounding Area: The surrounding properties consist of residential structures with varying densities including the abutting property which consists of 4 dwelling units and is of similar size. The neighboring properties do not have off-street parking which is consistent with the proposal.

The Comprehensive Plan: The portion of the Comprehensive Plan, Vision 2025 encourages greater residential densities especially in areas within close proximity to public transportation or "transit oriented" areas.

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: April 19, 2023
Leslie Radcliffe
Chair

ATTEST:  April 24, 2023 | 9:31 AM EDT
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Laura E. Brown
Executive Director, City Plan Department