

**CITY OF NEW HAVEN
BOARD OF ZONING APPEALS
MINUTES
April 9, 2024 6:30
Web-Based Meeting held on Zoom**

Start: 6:40pm End: 9:40pm

Attendance: Mildred Melendez, Al Paolillo, Gemini Rorie, Adam Waters, Chris Peralta, Errol Sanders

Staff Present: Laura Brown, Donnell Hilton, Roderick Williams

I. Call to Order

II. New Public Hearings

RE: 24-22-S. 149 Legion Avenue. Special Exception to allow 0 off-street parking spaces where 63 are required for a medical office building. Zone: BA/BD-2. Owner: LPRI MLK New Haven, LLC. Applicant: Emilia Perez.

ACTION: Public Portion left open.

RE: 24-21-V. 124 Oakley Street. Variance to allow a 6ft fence to be placed within the 25ft area to be free of obstructions on a corner lot. Zone: RM-1. Owner/Applicant: Tanya Ballard.

ACTION: APPROVED: Tanya Ballard, Applicant residing at the residence presented to the Commissioners and stated that in order to secure her property, she wanted to have a 6ft fence built.

- The house is situated on a corner lot without a sidewalk.
- Pedestrians always walk on the Applicant's property.
- The fence adds beauty to the property.
- The street is a one way and would not cause any visibility issues.

Questions regarding the proposal:

Letters: 0 in favor; 0 in opposition

1 members of the public spoke in favor and 0 in opposition:

Chairwoman Melendez moved to approve, Commissioner Paolillo second.

Vote: 5-0

RE: 24-20-V, 24-36- CAM. 314 Lenox Street. Variance to allow for 922sf of gross floor area per dwelling unit where 1,000sf is required. Coastal Site Plan review for an additional dwelling unit in an existing structure. Zone: RM-1. Owner/Applicant: Elien Olmos, ERO Enterprises.

TABLED: Applicant was not available to present this item.

ACTION: **Letters:** 0 in favor; 0 in opposition
No members of the public spoke in favor or opposition of the item:

Chairwoman Melendez moved to skip the item.

RE: **24-23-V. 67 Kimberly Avenue.** Variances to allow a side yard setback of 2ft where 8ft is required and a building wall height of 19ft where 4ft is permitted for an addition on an existing structure. Zone: RM-2. Owner: Jose Castro. Applicant: Thomas Juliano.

ACTION: **APPROVED:** Thomas Juliana presented to the Commissioners and stated that the owners of the property wanted to expand the space for their growing family and needed to build an addition, but the lot area was limiting the location. So, they decided to have the addition built on the existing structure.

Letters: 0 in favor; 0 in opposition
No members of the public spoke in favor or opposition of the item.

**Chairwoman Melendez moved to approve, Commissioner Paolillo second.
Vote: 5-0**

RE: **24-24-V. 274 Quinnipiac Avenue.** Variance to permit a side yard setback of 0ft where 5.6ft is required for a projection on an existing structure. Zone: RM-1. Owner/Applicant: Rosendo Pena.

ACTION: **APPROVED:** Jelitza Pena, a representative of the Applicant, Rosendo Pena presented to the Commissioners and stated that the emergency exit leading to a dilapidated deck was in desperate need of repair and was replaced without building permits. They received a stop-work order from the building department and had to request zoning relief.

Letters: 0 in favor; 0 in opposition
One members of the public spoke in favor and 0 opposition of the item.

**Chairwoman Melendez moved to Approve, Commissioner Paolillo second.
Vote: 5-0**

RE: **24-25-V. 1089 Whalley Avenue.** Variance to allow 840sf of gross floor area per dwelling unit where 1,000sf is required. Zone: BA. Owner: LG Partners LLC. Applicant: Benjamin Trachten.

ACTION: **APPROVED:** Attorney Benjamin Trachten presented to the Commissioners and stated that the application did not require a coastal site plan because it was slightly behind the coastal jurisdiction line. The item has come before the board before.

- The property is located on a lot that has notably sloping topography in the rear making it difficult to build additional dwelling units

- The unused commercial space will be utilized to convert into an ADA compliant dwelling unit.

Letters: 0 in favor; 0 in opposition

No members of the public spoke in favor or opposition of the item.

Chairwoman Melendez moved to Approve, Commissioner Peralta second.

Vote: 5-0

RE: 24-26-V, 24-37-CAM. 12 Ferry Street. Variance to allow for a building wall height of 27ft 7in where a maximum of 16ft (west) and 20ft(east) is permitted. Coastal Site Plan review for the construction of a structure consisting of 7 dwelling units. Zone: RM-2. Owner: East Ferry Street, LLC. Applicant: Benjamin Trachten.

ACTION: REFERRAL TO CITY PLAN COMMISSION

Letters: 0 in favor; 0 in opposition

No members of the public spoke in favor or opposition of the item.

RE: 24-27-V. 47 Foxon Street. Variances to allow a front yard setback of 11ft where 20ft is required, a building wall height of 24ft where a maximum of 20ft is permitted, and a minimum average lot width of 42ft where 50ft is required for the subdivision of a parcel and construction of a single-family structure. Zone: RM-1. Owner: City of New Haven. Applicant: Habitat for Humanity of Greater New Haven, LLC. Attorney: Benjamin Trachten.

ACTION: APPROVED: Attorney Benjamin Trachten represented Habitat for Humanity and presented to the Commissioners. He stated that the lot line that has been created by the city of New Haven Subdivision.

- City in New Haven is the current owner. Habitat is selected to buy the parcel, develop it as a single-family house.
- Footprint of the house to be constructed, and one side yard along the westerly side, and the rest of this is a front yard.
- This zone must have a substantial 20-foot front yard setback, so that that is this entire, the entirety of this area.
- The Applicant is seeking a variance to allow a smaller front yard setback because it is difficult to build with the required setback.

Letters: 0 in favor; 0 in opposition

One member of the public spoke in favor and 0 in opposition.

Chairwoman Melendez moved to Approve, Commissioner Sanders second.

Vote: 5-0

RE: **24-28-S, 24-29-CAM. 51 Maltby Place.** Special Exception to permit 0 off-street parking spaces where 1 is required. Coastal Site Plan review for the creation of an additional dwelling unit in an existing 2-family structure. Zone: RM-2. Owner: Ramon Gonzalez. Applicant: Benjamin Trachten.

ACTION: **REFERRAL TO CITY PLAN COMMISSION**

Letters: 0 in favor; 0 in opposition

No members of the public spoke in favor or opposition of the item.

RE: **24-30-V, 24-31-S, 24-32-CAM. 63 Hamilton Street.** Use Variance to permit residential use in the Light Industrial zone. Special Exception to allow 0 loading spaces where 1 is required. Coastal Site Plan review for the construction of a structure consisting of up to 64 residential dwelling units. Zone: IL. Owner: Wooster Lofts LLC. Applicant: Benjamin Trachten.

ACTION: **REFERRAL TO CITY PLAN COMMISSION:**

Attorney Benjamin Trachten presented to the Commissioners and stated that the site is in the light industrial and is requesting residential use on this parcel.

- If relief is obtained, the applicant proposes to construct up to 64 units consistent with the New Haven Inclusionary Zoning Ordinance
- The development is similar to others in the area with the exception that this development is on a vacant lot as opposed to an industrial structure.
- This site is in the coastal zone but remote from the waterfront and fully paved.
- Parking will be of abundance in on the site.
- Hardship is in the Ordinance's inability to allow the development of underutilize IL lots in the city.

Letters: 0 in favor; 0 in opposition

One member of the public spoke in favor and 1 in opposition.

Topics raised during testimony:

- Limited parking for neighboring residents using site for parking.
- Increase in safety concerns.
- Fear of loosing gated parking
- Create more housing opportunities in the area

RE: **24-33-S. 100 Atwater Street.** Special Exception to permit 0 off-street parking spaces where 1 is required to allow for an additional dwelling unit within an existing 2-family structure. Zone: RM-2. Owner: DVASH CT LLC. Applicant: Benjamin Trachten.

ACTION: REFERRAL TO CITY PLAN COMMISSION
Letters: 0 in favor; 0 in opposition
No member of the public spoke in favor and 0 in opposition.

RE: 24-34-V. 203 Alden Avenue. Variance to permit 2,388sf of lot area per dwelling unit where 3,500sf is required for the construction of structure consisting of 6 residential dwelling units. Zone: RM-1. Owner: 203 Alden LLC. Applicant: Benjamin Trachten.

ACTION: **APPROVED:** Attorney Benjamin Trachten presented to the Board and stated that the plan of building a residential/business structure changed due to feedback from residents. The team decided to bring something that the neighborhood wanted. So, an all-residential development is the more appropriate way to go. All bulk variance from perilously approved variance will remain unchanged just the lot area will change slightly. Parking will be provided for each dwelling. One of the neighborhood residents, who is also the applicant will occupy the new dwelling units.
Chairwoman Melendez moved to Approve, Commissioner Sanders second.
Vote: 5-0

Letters: 14 in favor; 2 in opposition
Two members of the public asked questions about the proposed development.

Topics raised during testimony:

- Limited parking for neighboring residents
- Environmental cleanup and remediation
- Renderings of the proposed site
- Issues with Zoning granting Variances to development that shouldn't get variances.
- Hardships are not sufficient enough

RE: 24-35-V. 256 & 264 Russell Street. Variance to permit a front yard setback of 15ft where 25ft is required for the construction of a single-family structure. Zone: RS-2. Owner: Habitat for Humanity of Greater New Haven Inc. Applicant: Benjamin Trachten.

ACTION: **APPROVED:** Attorney Benjamin Trachten represented Habitat for Humanity to the Board and stated that the site is burdened by a very substantial slope and there is a lot of rock and ledge that prevents the sighting of a house any further back.

- Hardship steep sloped topography changes
- Many houses share this topography.

Chairwoman Melendez moved to Approve, Commissioner Sanders second.

Vote: 5-0

Letters: 0 in favor; 0 in opposition

No member of the public spoke in favor and 0 in opposition.

III. Deliberations.

Referral Reports from City Plan Commission

RE: 24-11-V, 24-12-S. 410 Orchard Street. Variances to permit 405.33sf of lot area per dwelling unit where 2,000sf is required, a maximum building coverage of 85% where 30% is permitted, front yard setbacks of 2ft and 5ft where 17ft is required, a rear yard setback of 5ft where 25ft is required, a side yard setback of 1.86ft where 8ft is required, a building wall height of 44ft 10in where 3ft 10in (side) and 10ft (rear) is permitted, to allow projections to be 0ft from the rear, side and front property lines where a minimum of 5ft is required, to allow projections to extend more than 1/3 the width into the required setback, to allow a structure to be located within the 25ft triangular area bounded on two sides by two street lines, to allow for the creation of 9 dwelling units where 1 is permitted on a nonconforming lot. Special Exception to permit 0 off-street parking spaces where 35 are required. Zone: RM-2. Owner: 410 Orchard Street LLC., Applicant: Attorney Carolyn W. Kone

ACTION: APPROVED

Chairwoman Melendez moved to Approve, Commissioner Waters second.

Vote: 5-0

RE: 24-13-S. 609 Howard Avenue. Special Exception to allow 0 off-street parking spaces where 2 are required. Zone: RM-2. Owner: Howard Plaza LLC: Rajendra P. Appalaneni, Applicant: Rajendra P. Appalaneni.

ACTION: APPROVED

Chairwoman Melendez moved to Approve, Commissioner Sanders second.

Vote: 5-0

RE: 24-15-S. 809 State Street. Special Exception to permit 0 off-street parking spaces where 1 is required. Zone: BA. Owner: 809 State Street, LLC. Application Timothy J Lee.

ACTION: APPROVED

Chairwoman Melendez moved to Approve, Commissioner Waters second.

Vote: 5-0

RE: 24-16-S. 77 4th Street. Special Exception to permit 0 off-street parking where 1 is required. Zone: RM-2. Owner: SZE Realty LLC, Applicant: Attorney Benjamin Trachten, Trachten Law Firm.

ACTION: APPROVED
Chairwoman Melendez moved to Approve, Commissioner Sanders second.
Vote: 5-0

Item 4. New Business

4.1 Approval of Meeting Minutes – March 12, 2024

ACTION: APPROVED: Chairwoman Melendez Moves to approve, Commissioner Rorie
Vote: 3-0