

**CITY OF NEW HAVEN
BOARD OF ZONING APPEALS
MINUTES
July 9, 2024 6:30
Hybrid-Based Meeting**

Start: 6:36pm End: 8:25pm

Attendance: Michael Martinez, Al Paolillo, Chris Peralta, Gemini Rori, Adam Waters

Staff Present: Laura Brown, Donnell Hilton, Nathaniel Hougrand, Roderick Williams,

I. Call to Order

II. New Public Hearings

RE: **24-58-S. 74 Kimberly Avenue.** Special Exception to permit a poultry market, including the slaughtering of poultry for sale on the premises. Zone: BA. Owner: Richard Mongillo. Applicant: Benjamin Trachten.

ACTION: TABLED:

RE: **24-59-V. 67 Winchester Avenue.** Variances to allow a side yard setback of 2.8ft where 8ft is required, a building wall height of 17ft where 5.6ft is permitted, and a building coverage of 37% where 30% is permitted for an addition to an existing structure. Zone: RM-2. Owner: 67 Winchester LLC. Applicant: Benjamin Trachten.

ACTION: DENIED:

Letters: 0 in favor; 3 in opposition

Testimony: 0 members of the public spoke in favor and 3 in opposition.

Acting Chair Martinez moved to approve, Commissioner Waters second.

Vote: 3-2

Note the number of letters in opposition and members of public speaking in opposition was updated after viewing and evaluating meeting recordings of this meeting.

RE: **24-60-V. 147 Fillmore Street.** Variance to permit 1,161sf of lot area per dwelling unit where 1,200sf is required utilizing the Inclusionary Zoning bonuses for an additional dwelling unit within an existing 2-family structure. Zone: RM-2. Owner: Loukania LLC. Applicant: Benjamin Trachten.

ACTION: APPROVED WITH CONDITIONS:

Letters: 0 in favor; 0 in opposition.

Testimony: 0 of the public spoke in favor and 0 in opposition.

Acting Chair Martinez moved to approve with conditions, Commissioner Rorie second.

Vote: 5-0

RE: 24-61-V. 172 Dover Street. Variances to allow 828sf of gross floor area per dwelling unit where 1,000sf is required and a side building wall height of 32ft where 10ft is permitted (existing 5ft side yard setback) for an addition to allow for an additional dwelling unit within an existing 2-family structure. Zone: RM-2. Owner: Invest New Haven, LLC.

ACTION: APPROVED WITH CONDITION:

Letters: 0 in favor; 0 in opposition.

Testimony: 0 members of the public spoke in favor and 0 in opposition.

Acting Chair Matinez moved to approve with Conditions, Commissioner Peralta second.

Vote: 5-0

RE: 24-62-V. 47 Trumbull Street. Variances to permit 765sf of gross floor area per dwelling unit where 1,000sf is required for the conversion of an existing structure from office space to five residential dwelling units. Zone: RO. Owner: Trumbull 47, LLC. Applicant: Benjamin Trachten.

ACTION: APPROVED:

Letters: 0 in favor; 0 in opposition

Testimony: 0 members of the public spoke in favor and 0 in opposition.

Acting Chair Martinez moved to approve, Commissioner Rorie second.

Vote: 5-0

RE: 24-63-S. 1946 Chapel Street. Special Exceptions to permit the extension of a non-conforming use (General Law Offices) previously permitted by Special Exception, to permit 0 off-street parking spaces where 4 are required, and for the modification of a condition of approval permitting 2 attorneys and 4 staff set forth in a prior decision to allow 4 attorneys and 4 staff. Zone: RS-1. Owner: 1948 Chapel Street LLC. Applicant: Benjamin Trachten.

ACTION: REFERRAL TO CITY PLAN COMMISSION:

Letters: 0 in favor; 0 in opposition

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

The Applicant, Attorney Ben Trachten presented to the board and stated that the property located on the corner of Central Avenue and Chapel Street has been the location for light commercial use (real estate or similar office) for over 45-years. The occupants, Attorney Paul M. Kaplan and his team of attorney's establishment is the only commercial establishment in the area and many of its services help the surrounding communities. The requested proposal would allow for the extension of

office space into a rear one-level, two-car garage. Trachten claimed that this change from one non-conforming use to another is one of the lowest reliefs required. Although the requested relief eliminates two off-street parking spaces, Trachten stated that the request for a special exception will not have impact on traffic and parking patterns in the surrounding area due to the ample availability of on-street parking directly in front of and near the property. Located to the southerly side of 1946 Chapel Street is 213 Central Avenue, a single-family parcel with its own driveway, and the Yale Bowl Stadium (165 Central Avenue), which creates a large section of vacant on-street parking in close proximity to the subject parcel during the off-season due to seasonal game schedules. Aerial satellite and street imaging also shows available on-street parking along Central Avenue within 300ft of the site. The Transportation, Traffic, and Parking (TTP) department reports no anticipated impact due to the proposed special exception.

No members from the public spoke in favor or opposition to this proposal. Acting Chair of BZA, Michael Martinez reported that he is familiar with the area and the is always available on-street parking during the day. However, available on-street parking spaces can be limited during active Yale Bowl games, but most games occur during the real estate office's non-operating hours.

RE: **24-64-V, 24-65-S. 945 Elm Street.** Variance to permit 814.25sf of gross floor area per dwelling unit where 1,000sf is required. Special Exception to allow 3 off-street parking spaces where 4 are required to legally establish an existing 4-family structure. Zone: RM-2. Owner: City Restorations LLC. Applicant: Benjamin Trachten.

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

Letters: 0 in favor; 0 in opposition

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

The Applicant, Attorney Ben Trachten presented to the board and stated that after the purchase of 945 Elm Street under the impression that the principal structure consists of four legal units, the owner discovered that there was an illegal fourth dwelling unit in the basement. The city's property card showed the unit existing; however, building records had the principal structure listed as a three-family. Trachten claimed that due to the recent pandemic, it was difficult to obtain building department records, so the owner had to rely solely on the accessor's card for property information. Trachten stated that the relief calls variance to legalize the unit. Staff recognized that this circumstance is common. Trachten requested three parking spaces where four are required because the fourth parking space would trigger a greater relief in the form of front yard parking. The rear of the property is built-out with impervious surface that accommodates three full sized parking spaces and has enough space for a fourth. However, the parcel is a corner lot (with two front yards: Pendleton Street located West and Elm Street located South) so the fourth space would be situated in the front yard facing Pendleton Street. Due to the ample available on-street parking in the area, Trachten's relief will eliminate the need for front yard parking and instead take advantage of the on-street parking along Pendleton Street. Trachten concluded by stating that the requested parking relief is minimal and will not cause any traffic and/or

parking impacts. The Transportation, Traffic, and Parking Department supported that claim.

No members from the public spoke in favor or opposition to this proposal. However, a member of the public residing on Elm Street suggested non-impervious buffers and/or fences between the property line and parking space to consider safety of pedestrians in addition to aesthetic improvement. Trachten replied by stating that the legal parking spaces on the Easterly side have buffers and if granted parking relief, an additional parking space would not be situated within the front yard facing Pendleton Street, and the fourth vehicle will be parked along Pendleton Street or Elm Street.

Letters: 0 in favor; 0 in opposition

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

III. Deliberations.

Referral Reports from City Plan Commission

RE: **24-53-S. 50 Arthur Street.** Special Exceptions to permit a group daycare home for up to 12 children and to permit 0 off-street parking space where 2 are required. Zone: RM-2. Owner/Applicant: Vincenta Ascencio Brito.

ACTION: **APPROVED:**

**Acting Chair Martinez moved to approve, Commissioner Peralta second.
Vote: 5-0,**

RE: **24-56-V, 24-57-CAM. 26 Water Street.** Use Variance and Coastal Site Plan Review to permit an 884sf two-sided Off-Premise sign on property not located within the limits of the Bulletin and Spectacular Zoning Map Overlay District and bulk Variances to allow for a maximum sign area of 1,768sf where 900sf is permitted and a maximum height of 63ft where 30ft is permitted. Zone: IH. Owner: Kenneth Mackenzie. Applicant: John Kirirah.

ACTION: **Variance: DENIED:**
Acting Chair Martinez moved to deny, Commissioner Waters second.
Vote: 3-2

CAM: APPROVED:
Acting Chair Martinez moved to deny, Commissioner Waters second.
Vote: 4-1

VI. New Business

4.1 Approval of Meeting Minutes – June 18, 2024

ACTION: **APPROVED:**
**Acting Chair Martinez moved to approve.
Vote: 4-0 (commissioner Waters abstained)**

