

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **1471-1475 CHAPEL STREET.** Special Exception to allow for off-street parking spaces located in the front yard. Zone: RO. (20-04-S) (Owner: 1471-1475 Chapel Street, LLC. Applicant: Menahem Edelkopf.)  
REPORT: **1566-08**  
ADVICE: **Special Exception: Approve**

### PRINCIPAL APPLICABLE REGULATIONS

**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 of parking and loading requirements: §29.C; §29.H.2; §29.I; §45.A.6.b; §45.A.7.

**Section 29(c)**: No parking space shall be located within any required front yard, except that: parking spaces (whether enclosed or not) may be permitted to be located within a required front yard by special exception under subsection 63(d) of this ordinance upon finding, among other things, that such parking spaces are necessary to the use with which they are connected, that they cannot be practically located elsewhere on the lot, that their location within a required front yard will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street, and that such parking spaces are properly screened and otherwise arranged in accordance with the requirements of this ordinance.

### BACKGROUND

The applicant is proposing 7 off-street parking spaces to be located in the front yard of the lot. The subject property is a corner lot located on the North-West corner Chapel Street and Sherman Avenue. The proposal seeks to use the parcel at 1471 Chapel Street as surface parking consisting of 15 total spaces to be used for the 12 dwelling units at 1475 Chapel Street. Access to the lot will be where the existing curb-cut is along Sherman Avenue.

### FEBRUARY 11 PUBLIC HEARING

The attorney representing the applicant presented the application stating that the lot is a corner lot and therefore has to abide by two front yard setbacks. Given this approximately half the lot would be unusable. The proposal will take 15 cars off the street and will be used by the residents at 1475 Chapel Street (common ownership). This proposed parking area will bring the existing 12 dwelling units at 1475 Chapel Street into compliance with the parking regulations and since the lot at 1471 cannot be rebuilt to the previous density, this is the best utilization of the property and will benefit the neighborhood as a whole.

One member of the public spoke in opposition of this application stating that the proposal would take away from the front-yard buffer and would prefer to see the lot developed.

### PLANNING CONSIDERATIONS:

#### Special Exception Considerations

Section 63(d) of the New Haven Zoning Ordinance review in relation to the applicable criteria of this section results in the following comments:

Nature of the Proposed Site: The subject 6,775sf lot (1471 Chapel Street) is currently vacant but previously consisted of a 4 dwelling-unit residential structure until it was destroyed by a fire in December 2016. Since the structure was non-conforming it could not be rebuilt to the prior density and therefore the applicant, who also owns the abutting parcel at 1475 Chapel Street, is proposing to utilize the lot for parking.

Resulting Traffic Patterns: The proposed Special Exception provides off-street parking for an existing 12 dwelling unit structure that does not currently provide parking. With 1471 Chapel Street no longer consisting of the 4-dwelling unit structure, using the lot for surface parking lessens the burden of on-street parking and therefore staff feel there will be a decrease in traffic patterns.

Nature of the Surrounding Area: The neighboring properties consist mainly of multi-family structures, multi-use and office buildings as well as the former St. Raphaels hospital campus. The property abuts a RM-2 (middle-high density residential) zoning district to the North as well as to the West along Winthrop Avenue which consists of multi-family dwellings.

Consistency with Comprehensive Plan: There is nothing in this proposal that is substantially at odds with any language found in New Haven Vision 2025, and in fact brings the property at 1475 Chapel Street into compliance with the parking regulations set forth in the NHZO.

### **Additional Planning Considerations**

Parking space(s) are necessary to the use with which they are connected: The NHZO requires there to be one off-street parking space per dwelling unit. The proposed parking spaces are to be allocated to the existing 12 dwelling units at 1475 Chapel Street which are necessary to comply with the parking requirement.

The parking space(s) cannot be practically located elsewhere on the lot: The lot is to be used completely for parking, in order to maximize the functionality of this purpose, and given that the property is located on a corner lot with two 20ft front yard setbacks, it is necessary to have some of the spaces located within the front yard.

The location within a required front yard will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street: The long façade of the structure at 1475 Chapel Street is now viewable from the public right of way which is more aesthetically beneficial than the building that used to be located at 1471 Chapel. The otherwise vacant lot provides much needed, and required parking to 1475 Chapel Street and utilizes an existing curbcut which lessens the burden of on-street parking resulting in a decrease in vehicular/pedestrian traffic hazards, increases the open aspect of the street and curb appeal which in turn increases property value of the subject lot as well as neighboring lots.

Such parking spaces are properly screened and otherwise arranged in accordance with the requirements of this ordinance. The application does not specifically address this, however, the NHZO requires a fence, wall, or evergreen planting atleast 5ft in height where 3 or more parking spaces are involved. Given that this is a corner lot, the NHZO requires there to be 25ft free of obstructions along the property/street line, therefore as shown below, a condition of approval will be to provide this screening on the northern most part of the property where the subject lot abuts 170 Sherman Avenue.

### **FINDINGS AND RECOMMENDATIONS**

Based on considerations discussed above, the Commission views the Special Exception to be essentially in harmony with the general purpose and intent of the ordinance and that the public health, safety, and general welfare will be served, and substantial justice done by its approval. Therefore, the Commission recommends approval.

**ADOPTED:** February 19, 2020  
Ed Mattison  
Chair

**ATTEST:** Aicha Woods  
Aicha Woods  
Executive Director, City Plan Department