

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **86 CHESTNUT STREET.** Special Exception to permit a Barbershop in a residential zone and to allow 0 off-street parking spaces where 1 is required. Zone: RM-2. (21-15-S) (Owner/Applicant: Gena Ruocco-Lockery.)
REPORT: **1582-10**
ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 31(b): Uses provided for. Where provided for in the District Regulations, the supplying of any of the following convenience goods and services, entirely at retail, shall be considered a use which may be permitted by special exception under the conditions of this section 31:

(5): Barbering

Section 41(a)(1).

General office, including Research Labs and High Technology Services	One per 750 sq. ft. of gross floor area
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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 a Use Variance to allow for an office in a residential zone, a Variance to allow for less than the required 50% non-opaque visible windows for the ground floor storefront and Special Exceptions to allow for a single-chair barbershop in a residential zone and to allow 0 off-street parking spaces where 1 is required (office use).

MARCH 16 PUBLIC HEARING

Gena Lockery, the applicant, presented the application to the board stating that the property is currently vacant and has become an isolated accessory structure with no reasonable way to convert to residential use. The property also has a commercial use code and therefor the electric meter and garbage are commercial in nature.

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

PLANNING CONSIDERATIONS:

Reviewed in respect to applicable standards of Section 31(d) of the New Haven Zoning Ordinance staff offers the following (bold):

(1) There must be a finding by the City Plan Commission that space for such a use is not available in nearby areas which are zoned for business, and that such new use or expansion of an existing use is necessary to serve the immediate neighborhood adequately with convenience goods or services, giving due consideration, among other things, to the character of the neighborhood, the density of development, the shopping habits of neighborhood residents, and the availability of public and private transportation.

The subject property is located within the Wooster Square Historic District which is an area of the city that is largely residential. There is a BA (General Business) zone located to the South with structures consisting of larger commercial uses such as retail, office, grocery and box-store establishments. Given the minimal size and lack of the proposed use within proximity, staff finds that the use is adequate, keeping to the character of the neighborhood and shopping habits of its residents.

(2) The net floor area used for sales or other business purposes in any establishment (excluding space used for storage and similar purposes) shall not exceed 1,500 square feet.

The overall size of the proposed use does not exceed the allowable 1,500sf.

(3) No business shall be conducted, and no goods, materials or equipment shall be stored, except in a fully enclosed building.

No outside use of the property is proposed.

(4) The exterior presentation and design of storefront(s) shall be submitted as part of the special exception review. The following shall not be allowed on the exterior of a building or grounds: telephones; on-premises or off-premises signs, banners, or temporary advertising materials except those permitted pursuant to section 29(a)(9) [these regulations]; security gates covering window and door openings; and vending machines.

The exterior of the building is to remain the same at this time.

(5) The ground-floor storefront shall consist, at a minimum, of 50% non-opaque visible windows. The existing storefront does not meet and cannot adequately provide a minimum of 50% non-opaque windows. This applicant is seeking relief from this requirement within this application (see above).

Special Exception Considerations (Parking):

- Nature of the Proposed Site: The commercial use of this location does not appear to be disruptive of the neighborhood and provides a compatible use with surrounding residential and multi-use properties conditional upon largely daytime hours of operation and anticipated patterns of activity and customer access.
- Resulting Traffic Patterns: Given the availability of on-street parking in the area, the pedestrian-orientation of the surrounding neighborhood, and access to public transportation staff does not anticipate traffic or parking issues associated with this use.
- Nature of the Surrounding Area: The surrounding area is largely residential with a mix of single-family and multi-family homes within the subject RM-2 zone. The neighboring BA zone is largely commercial as mentioned previously.
- The Comprehensive Plan: The portion of the Comprehensive Plan, Vision 2025 that deals with Neighborhood Development encourages an appropriate mix of uses that would facilitate a high quality of life in the city's residential areas. The proposed use appears to be a good complement to the area.

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: March 17, 2021
Leslie Radcliffe
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department