

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **1089 WHALLEY AVENUE** Coastal site plan review for a variance application to allow for side yards of 1.1ft where 8ft is required and 1.1ft where 8.75ft is required. Zone: BA. (Owner: LG Partners LLC; Applicant: Benjamin Trachten)

REPORT: **1575-06**

ADVICE: **Coastal Site Plan: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 63(c)(1) Variances:

Where there is difficulty or unreasonable hardship in the way of carrying out the strict letter of the zoning ordinance, the Board of Zoning Appeals shall have power in a specific case to vary the application of any provision of the ordinance, if such variance will be in harmony with the general purpose and intent of the ordinance and if the public health, safety and general welfare will be served and substantial justice done.

Section 43(g)(2):

Side yards: There shall be no side yard required in any business or industrial district, except that in any case where a side yard is actually provided such side yard shall be required to be not less than five feet for a building wall having an average height of 20 feet or less, and not less than one foot for each four feet of average height for a building wall having an average height of more than 20 feet.

Section 47(a)(2)a.:

Where a lot in a business district or industrial district abuts a residence district along a side lot line of such lot, all of the regulations of such residence district for side yards shall apply to such lot along such side lot line.

Section 13(a)(1)f.

Minimum side yard – One at least eight ft. and the other atleast 12ft; in the case of a corner lot, atleast eight ft. for the one side yard.

Section 55: Coastal Management District

BACKGROUND

The applicant is seeking variances to allow for side yards of 1.1ft where 8ft is required and 1.1ft where 8.75ft is required for the creation of a 3rd floor addition to create 2 new dwelling units.

OCTOBER 13 PUBLIC HEARING

Attorney Benjamin Trachten presented the application stating that construction to the site is limited due to the elevation of the parcel and therefor the proposal is seeking to build within the existing footprint by adding an additional story. The coastal resources identified are shorelands with no negative impacts proposed. This proposal will result in an improvement in stormwater management with storm water being filtered on-site.

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

PLANNING CONSIDERATIONS:

COASTAL SITE PLAN REVIEW

The Board's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development

opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

Coastal Flood Hazard Area (Flood Zone): The property is within Flood Zone AE Special Flood Hazard Area and X Areas determined to be inside of the 0.2% annual chance (100-year) floodplain and located within the LOMR 18-01-0359P effective 6/22/2018. Map# 09009C0429J (July 8, 2013).

Nearshore Waters: The site is approximately 34ft to the South of the West River.

Shorelands: The site is within the coastal boundary on a previously developed non-waterfront or waterfront-adjacent site consisting of a paved parking lot and one building.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	None
2. Potential beneficial impacts	The project plans to improve the water quality treatment of the storm water runoff from the proposed development. A proposed drainage system is designed to treat the “first flush” of storm water run-off.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	Not waterfront
5. Have efforts been made to preserve opportunities for future water-dependent development?	Not waterfront
6. Is public access provided to the adjacent waterbody or watercourse?	Not waterfront
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6’.	No

An Elevation Certificate from FEMA was submitted with the application and states that the Base Flood Elevation is 30.8ft with the building being approximately 25ft above the base flood elevation.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Coastal Site Plan 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: October 21, 2020
Ed Mattison
Chair

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