

**NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT**

RE: **813 Chapel Street.** Special Exception to allow 0 off-street parking spaces where 5 are required and 0 loading spaces where 1 is required for the creation of 5 dwelling units in an existing structure. Zone: BD-1. Owner: 813 Chapel LLC. Applicant: Benjamin Trachten. (22-79-S)

REPORT: **1621-07**

ADVICE: **Special Exception: Approve**

**PRINCIPAL APPLICABLE REGULATIONS**

**Section 31. 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:(1)Convenience stores, groceries and related goods, including incidental seating for a maximum of six people. No additional parking shall be required for incidental seating.

**Section 45(a)(1). Off-street parking**

c) Dwelling, Unit One-half per dwelling unit, except for one per dwelling unit in BA and BA-1 Districts

**Section 45(b) Loading Spaces**

y) Use which is not primarily concerned with handling goods 2,400-75,000 1

**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.

b. Convenience stores in residence districts: section 31, as provided for in the district regulations.

**BACKGROUND**

The applicant seeks to serve the neighborhood by providing good including but not limited to: non-alcoholic beverages, canned goods, snacks, etc. The applicant is seeking to convert the second floor of an existing structure from vacant commercial space to five residential dwelling units. The site had previously obtained approval for eight residential units on the second and third floors. Prior to the expiration of all approvals, the applicant constructed the third floor as 4 residential units but did not convert the second floor.

**ZONING HISTORY**

**1490-04 (CPC):** Site Plan Review for conversion of vacant space to residential units. **Granted: 3.19.14**  
**12-35-V:** Variance to allow required usable open space to be located on a roof/balcony where a maximum of 50% of required open space may be so located in a BD-1 Zone. **Granted: 7.10.12**  
**12-21-S:** Special Exception to allow 0 off-street spaces where 8 spaces are required for 8 new dwelling units. **Granted: 5.8.2012**

**THE BOARD OF ZONING APPEALS NOVEMBER 15, 2022 PUBLIC HEARING**

Attorney Benjamin Trachten presented the application stating that the existing structure takes up the lot in its entirety and therefore the off-street parking and loading spaces cannot be allocated on-site. The Board of Zoning Appeals and City Plan Commission has historically granted greater relief at this site and that the considerations for Special Exception are satisfied. Furthermore, if approved the proposal will have to go back before the City Plan Commission for Site Plan Review prior to obtaining any building permits.

No members of the public spoke either in favor or in opposition of this proposal.

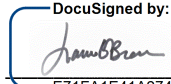
**PLANNING CONSIDERATIONS:****Special Exception Considerations**

- Nature of the Proposed Site: The existing three-story structure consists of approximately 25,500sf with the building taking up the parcel in its entirety. There is currently no off-street parking or loading spaces located on-site due to the placement of the existing structure and providing these spaces as part of this proposal is not feasible.
- Resulting Traffic Patterns: The proposal will not have an adverse effect on future traffic patterns as this is a highly walkable and bikeable area and the area is served by public transportation.
- Nature of the Surrounding Area: The surrounding area is comprised of diverse uses, both residential and commercial with the majority of the structures being comprised of mixed-use structures.
- The Comprehensive Plan: The portion of the Comprehensive Plan, Vision 2025 encourages greater residential densities especially in areas within proximity to public transportation or “transit oriented” areas as well as encourages the adaptive reuse of structures like this property for new uses as demand changes.

**FINDINGS AND RECOMMENDATIONS**

Based on considerations discussed above, the Commission views the Special Exception is essentially in harmony with the general purpose and intent of the ordinance, the City’s Comprehensive Plan and that the public health, safety, and general welfare will be served based on the location of this site and the surrounding infrastructure to support the granting of the special exception. Accordingly, the Commission recommends approval.

**ADOPTED:** November 16, 2022  
 Leslie Radcliffe  
 Chair

**ATTEST:**  November 22, 2022 | 12:4  
 Laura E. Brown  
 Executive Director, City Plan Department