

**CITY OF NEW HAVEN  
BOARD OF ZONING APPEALS  
MINUTES  
February 13, 2024 6:30  
Web-Based Meeting held on Zoom**

Start: 6:34pm End: 8:39pm

**Attendance:** Mildred Malendez, Al Paolillo, Errol Sanders, Gemini Rorie, Adam Waters

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

**I. Call to Order**

**II. New Public Hearings**

**RE: 24-7-S. 45 Church Street.** Special Exception to allow for the expansion of a previously approved Bar/Café/Nightclub from 4,992sf to 12,543 sf. Zone: BD-1. Owner: 45 Cooper Associates LLC, Applicant: Alexandra Arpi c/o The Vault NH LLC.

**ACTION: No Action requested:**

**RE: 24-11-V, 24-12-S. 410 Orchard Street.** Variances to permit 405.33sf of lot area per dwelling unit where 2,000sf is required, a maximum building coverage of 85% where 30% is permitted, front yard setbacks of 2ft and 5ft where 17ft is required, a rear yard setback of 5ft where 25ft is required, a side yard setback of 1.86ft where 8ft is required, a building wall height of 44ft 10in where 3ft 10in (side) and 10ft (rear) is permitted, to allow projections to be 0ft from the rear, side and front property lines where a minimum of 5ft is required, to allow projections to extend more than 1/3 the width into the required setback, to allow a structure to be located within the 25ft triangular area bounded on two sides by two street lines, to allow for the creation of 9 dwelling units where 1 is permitted on a nonconforming lot. Special Exception to permit 0 off-street parking spaces where 35 are required. Zone: RM-2. Owner: 410 Orchard Street LLC., Applicant: Attorney Carolyn W. Kone

**ACTION: REFERRED TO CITY PLAN COMMISSION:** 410 Orchard LLC is a subsidiary of nonprofit Great Dwight Development Cooperation which increases economic development in Dwight neighborhood. They plan to develop mixed use affordable housing and offer a headquarters for the New Haven Firebirds—a Black/Hispanic firefighter organization. The parcel has been nonconforming for some time and is located on an irregular lot that doesn't lend many options for off-street parking and development that doesn't require zoning relief. The Director of GDDC as well as the architect mentioned:

- The site was previously barbershop that was pillar in community. Zoning approval is necessary for shovel ready status applications with the state.

- The organization’s mission is to promote education, job training, affordable housing opportunities. 238 Edgewood is location of office and Montessori
- Townsend states that their 10-year housing plan proposed to dev 25 affordable units starting with 410 because of location.

**Letters:** 2 favor, 0 opposition

One member of the public spoke in favor of the item: Alder Frank Douglas

Topics raised in public testimony:

- Good for community
- Vibrant in the community

**This item was referred to the City Plan Commission and will be voted on at the next regularly scheduled meeting.**

**RE:** **24-13-S. 609 Howard Avenue.** Special Exception to allow 0 off-street parking spaces where 2 are required. Zone: RM-2. Owner: Howard Plaza LLC: Rajendra P. Appalaneni, Applicant: Rajendra P. Appalaneni.

**ACTION:** **REFERRED TO CITY PLAN COMMISSION:** The proposed as-of-right conversion will add two additional units to a four-unit mixed use structure that provides retail space on the first level. The parcel has four existing parking spaces in the rear, which leaves limited space for a fifth and sixth car to park. Site Plan shows a driveway leading to the parking lot located in the rear of the structure; however, it is located on another parcel and there is no recorded easement. Pedro, the contractor/applicant stated:

- The request for 0 parking where two are required was requested because the City’s Transportation, Traffic, and Parking department informed him that the site plan with two compact parking spaces he added next to the four spaces were not compliant.
- Bike racks will be added for residents that don’t drive motor vehicles.

No members of the public spoke in favor and none in opposition.

**This item was referred to the City Plan Commission and will be voted on at the next regularly scheduled meeting.**

**RE:** **24-14-S. 631 Middletown Avenue.** Special Exception to allow live entertainment and extend the closing hours of operation to 12:45am Sunday thru Thursday and 1:45am on Friday and Saturday set forth in a prior approval for an existing restaurant. Zone: RM-1. Owner: Jonah Schwartz, Applicant: Yara A Narvaez.

**ACTION:** **DENY:** The Owner and Applicant presented material to the Commission. The materials emphasized that the request for extended hours is because of the limited

closing hours that were granted in June 2022 and its negative impact on the business. As stated before, the Applicant claimed that the early closing time of 11pm prevented them from keeping their doors open during peak hours of 11pm-1:45am. Those peak hours are when bars generate the most income and the Applicant reported that they've been struggling economically because they are not allowed to stay open later. The applicant stated that they've followed the rules thus far except for one gathering where the Liquor Control violations occurred. The Owner reported:

- That they felt like victims of being blamed for violations that happened with the previous owner and should not be penalized.
- Both Owner and Applicant urged the board to consider the new information, support from community, and documentation of a well-ran establishment with no reports of violence while deciding to grant this zoning relief.

There were 66 Letter of Signatures supporting the establishment:

Three members of the public spoke in favor and six in opposition of this item.

Topics raised in public testimony included:

- Positive owners
- Well established business
- No complaint from tenants living above establishment
- No shootings or violence
- Noise and loitering disturbances
- Claims of drug activity
- One-time Liquor Permit violation
- Zoning violation warning
- Loud motor bikes late night.

**Chair Malendez moved to Deny; Commissioner Paolillo second; 5-0**

**RE:** **24-15-S. 809 State Street.** Special Exception to permit 0 off-street parking spaces where 1 is required. Zone: BA. Owner: 809 State Street, LLC. Application Timothy J Lee.

**ACTION:** **REFERRED TO CITY PLAN COMMISSION:** Applicant, Timothy Lee presented this item to the Commission and stated \_\_\_\_\_

No member of the public spoke in favor of the item:

**RE:** 24-16-S. 77 4<sup>th</sup> Street. Special Exception to permit 0 off-street parking where 1 is required. Zone: RM-2. Owner: SZE Realty LLC, Applicant: Attorney Benjamin Trachten, Trachten Law Firm.

**ACTION:** **REFERRED TO CITY PLAN COMMISSION:** Attorney Ben Trachten presented to the Commission and stated that this is a standard special exception relief for 0 parking where one is required for an apartment conversion.

**This item was referred to the City Plan Commission and will be voted on at the next regularly scheduled meeting.**

**RE:** 24-17-V, 24-18-S. 204 Wooster Street. Variance to permit 645sf of gross floor area per dwelling unit where 1,000sf is required. Special Exception to permit 0 off-street parking spaces where 1 is required for an additional dwelling unit within an existing structure. Zone: RM-2 Owner: 204 Wooster Street LLC. Applicant: Ahna Johnson.

**ACTION:** **WITHDRAWN**

**RE:** 24-10-V. 203, 207 Rosette Street. Use Variance to permit detached single-room occupancy structures. Variances to permit a side yard setback of 5ft where 8ft is required, a rear yard setback of 5ft where 25ft is required, a maximum building coverage of 32% where 30% is permitted, and a minimum distance between buildings of 3ft where 7ft is required. Zone: RM-2. Owner: Jacob Miller & Amistad Catholic Worker LLC. Applicant: Jacob Miller.

**ACTION:** **NO ACTION REQUESTED**

No members from the public spoke in favor or opposition of this item.

**This item was referred to the City Plan Commission and will be voted on at the next regularly scheduled meeting.**

### **III. Deliberations.**

#### *Referral Reports from City Plan Commission*

**RE:** 23-102-V, 23-91-S. 693 Orchard Street. Variance to permit 992 sq ft of gross floor area per dwelling where 1,000 sq ft is required to convert a 1-family into a 2-family dwelling. Special Exception to allow 0 parking where 1 is required. Zone: RM-2. Owner: Beulah Land Development Corporation, Applicant: Darrell Brooks.

**ACTION:** **APPROVED:** Variance: Acting Chair Martinez moves to approve, Commissioner Paolillo second. Vote: 5-0

**APPROVED:** Special Exception: Acting Chair Martinez moves to approve, Commissioner Paolillo second. Vote: 5-0

**RE:** **23-106-V, 23-92-S, 23-82-CAM. 62 Miller Street.** Variance to permit 926sf of gross floor area per dwelling where 1,000 sq ft is required. Special Exception to permit 0 off-street parking spaces where 1 is required and Coastal Site Plan Review to allow for an additional dwelling unit within an existing 2-family structure. Zone: RM-1. Owner: Light Investments LLC. Applicant: Benjamin Trachten, Trachten Law Firm.

**ACTION:** **APPROVED:** Variance: Acting Chair Martinez moves to approve, Commissioner Waters second. Vote: 5-0  
**APPROVED:** Special Exception: Acting Chair Martinez moves to approve, Commissioner Waters second. Vote: 5-0  
**APPROVED:** CAM: Acting Chair Martinez moves to approve, Commissioner Waters second. Vote: 5-0

**RE:** **24-2-V, 24-3-S. 252 Davenport Avenue.** Variances to permit a rear yard of 12 ft where 25 ft is required and a lot area per dwelling unit of 1,635.5 sf where 2,000 sf is required. Special Exception to allow 4 off-street parking spaces within the front yard to allow for the construction of 4 dwelling units. Zone: RM-2. Owner: National Veterans Council for Legal Redress, Applicant: Carl Bordeaux, Agent.

**ACTION:** **DENIED:** Variance: Acting Chair Martinez moves to approve, Commissioner Sanders second. Vote: 5-0  
**DENIED:** Special Exception: Acting Chair Martinez moves to approve, Commissioner Sanders second. Vote: 5-0

**RE:** **24-4-V, 24-5-S. 280 Blake Street.** Variance to permit a side yard of 1.5 ft where 8 ft is required for an addition to an existing structure. Special Exception to allow 17 off-street parking spaces where 38 are required and permit a full liquor license, including accessory entertainment. Zone: BA. Owner: Peachy and Lala Productions LLC., Applicant: Ian Alderman, Manager

**ACTION:** **APPROVED:** Variance: Acting Chair Martinez moves to approve, Commissioner Waters second. Vote: 5-0  
**APPROVED:** Special Exception: Acting Chair Martinez moves to approve, Commissioner Waters second. Vote: 5-0

**RE:** **24-6-S. 78 Cove Street.** Special Exception to allow 3 off-street parking spaces to be located within the required front yard. Zone: RS-2 Owner: S. Acacia LLC, Applicant: Agatha Slivkova-Agent/Manager.

**ACTION:** **APPROVED:** Special Exception: Acting Chair Martinez moves to approve, Commissioner Paolillo second. Vote: 3-2

**RE:** **24-8-S. 2 Thorn Street.** Special Exception to allow 78 off-street parking spaces where 150 are required for a nursing/rehabilitation facility. Zone: BA. Owner: New Haven Dream LLC, Applicant: Agent and Attorney, Sara Sharp

**APPROVED:** Special Exception: Acting Chair Martinez moves to approve, Commissioner Waters second. Vote: 5-0

**Item 4. New Business**

**4.1** Approval of Meeting Minutes – January 9, 2023

**ACTION: APPROVED:** Acting Chair Martinez Moves to approve, Vote: 4-0 (Commissioner Sanders was not present during this meeting)

**4.2** Approval of Meeting Minutes – January 30, 2023

**ACTION: APPROVED:** Acting Chair Martinez Moves to approve, Vote: 5-0