

# NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** 190 Osborn Avenue, Variance to permit front yard setback of 11' where 25' is required; height of Accessory Building of 12'-9.75" where 12' is permitted; Special Exception to permit front yard parking space, all to permit construction of a two-car garage with mud room in an RS-2 zone [Owner/Applicant: Pat Wiener, BZA, 10-08-V; 10-09-S.].

**REPORT:** 1437-22

**ADVICE:** Approval

## BACKGROUND

Ms. Pat Wiener seeks a Variances to permit Front Yard setback of 11' where 25' is required; Height of Accessory Building of 12'-9.75" where 12' is permitted; and a Special Exception to permit Front Yard parking space, all to permit construction of a two-car garage with mud room in an RS-2 zone. No prior BZA history on file.

At the Board of Zoning Appeals February 9<sup>th</sup> hearing Ms. Pat Wiener presented the matter and noted her intent is to add the garage as an extension of the existing house. Her hardship is the corner lot configuration. No one endorsed or opposed the application.

## PLANNING CONSIDERATIONS

Submitted plans include a Basement Plan Demolition & New Garage Footings: page A 0.01; first floor Demo Garage Level Plan: page A 0.02; New Floor & Roof plan: page A 0.03; Building Elevations: pages A 1.01, A 1.02 & A 1.03 and 3-D Sketches: page A 5.01. Additional plans include Topographic Map prepared by Lewis Associates Monroe, Connecticut, Existing Site Plan: page S 0.01, Demolition Site Plan: page S 0.02; and a Grading, Sediment & Erosion Control Plan: page S 0.03.. All plans excluding the Topo map were prepared by Architect Kathryn C. French with Correll tech. LLC Madison, Connecticut.

Review of the site shows 190 Osborn Avenue is a corner lot bounded by Wellington Road and Osborn Avenue neighboring comparable sized 10,000 S.F. lots. The corner lot shows a driveway accessed from Wellington Avenue into the rear yard where the former garage concrete pad is still located. Staff observes a large tree is located at the proposed garage site. The existing house is a U-shaped single family dwelling fronting on Osborn Avenue.

Review of the proposed site plans shows the planned garage is an extension of the existing house and will thus follow the pre-existing front yard setback along Wellington Road. The house is setback 17' from the property line; however, the proposed garage will encroach 6' into the front yard. As a result, an 11' front yard setback will remain. In this instance the prevailing 75% front yard setback rule does not apply as the homes along Wellington Road are on average setback of 22 feet. The complexity in this case is the dual front yard requirement of a corner lot. Staff notes the house is in compliance along Osborn Street; therefore, it is simply the Wellington Road setback that requires the variance.

Section 25 notes the height of an accessory structure shall not exceed and average height of 12 feet. However the proposed garage is not a stand-alone accessory structure. The garage is a building addition to the existing house. In the RS-2 zone the maximum height requirement is 35 feet or not to exceed 3 stories. Therefore the roof elevation of 117', as shown on the plans, reflects the topography of the Wellington Road hillside. The existing house is a ranch style single story dwelling that does not exceed the maximum height restriction. Hence the Department notes the height variance is not applicable in this instance.

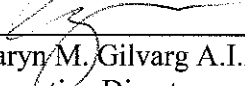
Section 29 C notes that a Special Exception for front yard parking is required whether said parking spaces are enclosed or not. As the planned 2-bay garage will house the vehicles, the front yard parking requirement is still applicable. Nonetheless, the Commission notes said parking could be located elsewhere on the 12,000 S.F. lot away from the front yard setback.

However rather than meet the accessory structure requirements of Section 25, the applicant has chosen to pursue the subject special exception for front yard parking as a matter of convenience. In doing so she maximizes usable open space on site as unobstructed rear yard. Although the 36" caliper Oak tree will be removed, the proposed garage is an elegant house addition to the distinctive U-shaped dwelling.

**ADVICE:**

Because the proposed garage will not depreciate property values and not cause vehicle or pedestrian traffic hazards or substantially decrease the open space aspect of Osborn Avenue and Wellington Road, the Commission recommends approval.

**ADOPTED:** February 17, 2010  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg A.I.A.  
Executive Director