

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 746 ORCHARD STREET, Special Exception to permit a nonconforming use (boxing gym) of lesser intensity than the previous nonconforming use (gasoline station) and front yard parking for 4 parking spaces in a RM-2 zone (Owner: Garfield Reid. Applicant: Devonne Canady), [BZA 10-54-S].

REPORT: 1441-12

ADVICE: Approve the less intensive boxing gym and
Approve front yard parking along Orchard and Henry Street with conditions

BACKGROUND:

Ms. Devonne Canady seeks Special Exception to permit a nonconforming use (boxing gym) of lesser intensity than the previous nonconforming use (gasoline station) and front yard parking for 4 parking spaces; in a RM-2 zone, 746 Orchard Street in an RM-2 zone. A recent site visit shows the former gasoline station current vacant at the corner of Henry and Orchard Streets. The site is bounded by multi-family dwellings and 300' from the nearest BA (general Business) zone at Dixwell Avenue. There are no prior BZA actions on file.

Prior CPC Action:

Granted with Conditions (CPC file# 969-14) Land Disposition Agreement for Commercial Use (Reid). The conditions are as follows:

1. *Site Plans and elevations shall be submitted to the City Plan Commission for review and approval prior to closing the Land Disposition Agreement (LDA)*
2. *All necessary zoning relief for the proposed reuse shall be obtained prior to closing the (LDA).*
3. *That the LDA order be amended to specify that the permitted reuse of the property is limited to neighborhood convenience uses and a used furniture store, subject to any operational conditions or standards imposed by the Board of Zoning Appeals at the time zoning relief may be granted.*

At the June 8th Board of Zoning Appeals hearing Ms. Canady presented the applications and noted her proposed boxing gym would serve children ranging in age from five to eighteen. Ms. Canady is a 2001 U.S. National silver medallist and won the 2000 National Golden Gloves competition. She added she is experienced in teaching the sport and is working with the Yale Law School to raise funding for the gym. Lastly, she explained that the front yard parking is due to the corner lot configuration.

Testimony:

Six people spoke in favor of the application. Mr. Alejandro Defrutos noted the applicant does not cause the problems in the neighborhood. Ms. Dixon noted kids need structure and good role models. The others echoed the former comments.

Seven spoke in opposition lead by Ms. Melanie Moore who said she watched the subject property deteriorate over the years and she believes the gym will attract the wrong people. Others noted there are too many businesses in the area; in addition to bad activity at this intersection.

PLANNING CONSIDERATIONS

Office records show 746 Orchard Street is the former Roswig's Service Station in the late fifties and throughout the sixties. Subsequently the site became Tyson's Motors an automotive repair garage until 1984. Later, in 1984, the City sold the property to the Reids through a Land Disposition Agreement (LDA) for redevelopment.

However the lot remains in disrepair and vacant today. Submitted information includes excerpts from a Quit Claim Deed regarding an LDA between the City of New Haven and Garfield and Ovril Read concerning Reuse Parcel AP-9 (a.k.a. 746 Orchard Street); and scaled Site Plan and Location Map showing the proposed parking spaces along Henry and Orchard Street. Review of the site plan shows seven delineated parking spaces and access from Henry and Orchard Streets.

Proposed Use:

Because the commercial structure pre-dates current residential zoning all business uses require zoning relief by means of a use variance or special exception as noted in table 1 (residential use table) of the New Haven Zoning Ordinance (NHZO). The applicant however has chosen to pursue a change from one nonconforming use to another that is different in nature and purpose, per sections 67 C.3.a, which requires a special exception. In doing so, the applicant must demonstrate that the proposed use is less intensive than the former use. In this instance the former use is an automotive garage or service station.

The applicant asserts that the proposed boxing gym is less intensive because the planned business hours are 4 hours per day verses several hours of a gasoline station. Her proposed hours of operation are 4:00 p.m. to 8:00 p.m. Monday through Friday, and 12:00 p.m. to 4:00 p.m. Saturday. In addition, Ms. Canandy notes the use will serve school age children, thus the volume of on site parking is reduced. Moreover, she notes the proposed gym will provide a recreational center for children within the Newhallville/Dixwell Avenue area and also serve as a platform to the Olympic Games for those who wish to complete on the amateur circuit.

The Commission concurs that the scope of a boxing gym is far less intensive then a gasoline station given that many service stations are mixed use facilities combining a convenience store in conjunction gasoline sales. The propensity for frequent visits is enhanced when a convenience store is joined with a gasoline station. Still, the expanded hours are the greater impact on the neighborhood. Therefore the proposed use is in keeping with Section 67.C3.a. of the New Haven Zoning Ordinance concerning non-conforming uses. Still, as the parking capacity is 7 spaces the Commission notes that 4-spaces are within the front yard setback.

Front Yard Parking:


Due to the fact the entire site is within the RM-2 zone, the lot is subject to bulk and yard requirements of said zone in addition to Section 29.C that prohibits front yard parking in residential zones. Staff notes the dual front yard aspect effectively precludes parking within the 17' setback of Both Henry Street and Orchard Streets burdens the subject lot. In order to utilize all 7 parking spaces, the applicant has filed a special exception for front yard parking along Henry and Orchard Street. Review of the site plan shows spaces 1, 2, 3, and 7 are within the front yard setback. To soften the impact of the parking lot a 10.5' landscape buffer along Orchard Street and a 4' area long Henry Street is planned. Staff notes the spirit of section 29.C is to prohibit accumulation of motor vehicles within the front yard of residential structures. In contrast, the subject parcel is a vacant commercial space where the parking spaces are necessary to the use.

ADVICE:



Because the proposed use will have a lesser impact upon the surrounding area than the former automotive uses given that the propensity for motor vehicle traffic is reduced and shorter hours of operation are proposed; and as the planned front yard parking is necessary to the proposed use and will not negatively impact the adjoining neighborhood; and as the proposed use will eliminate a blighted structure from the neighborhood in keeping with the former LDA; the Commission recommends approval of the boxing gym use and the planned front yard parking, with conditions:

1. A site plan application shall be submitted to the City Plan Commission in accord with section 64.E for detailed site plan review and approval prior to issuance of a building permit.
2. The hours of operation shall be 4:00 p.m. to 8:00 p.m. Monday through Friday, and 12:00 p.m. to 4:00 p.m. Saturday.

ADOPTED: June 16, 2010
Edward Mattison
Chair

ATTEST: 
Karyn M. Givarg A.I.A.
Executive Director




 City of New Haven, Connecticut
 John DeStefano Jr., Mayor


746 Orchard Street

Produced by the
Office of Information Technology
Geographic Data Viewer

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| <ul style="list-style-type: none"> Waterway <all other values> Drainage-Ditch Lake-Pond River Shoreline Stream Wetland | <ul style="list-style-type: none"> Parcel City Boundary Line Schools Administration Food Service Private School Public School Fire Station Police Station PD Headquarters Substation Health Centers | <ul style="list-style-type: none"> Hospital Library Railroad Railroad Track Abandoned Railroad Track Airport Runway Parcel Line_2005 Parks Park Triangle Golf Course Land Trust Preserves Airport boundary Shoreline |
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Scale: 1" = 30 ft

Created: June 10, 2010

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