

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 87 COVE STREET, Special Exception to permit one front yard parking space and Variances to permit the construction of a single-family dwelling in a RS-2 zone (Owner: 87 Cove, LLC. Applicant: Chris Goetsch, 10-96-V; 10-97-S).

REPORT: 1444-23

ADVICE: Special Exception: Approval
Variances: Approval

BACKGROUND

Chris Goetsch seeks a Special Exception to permit one front yard parking space and Variances to permit the construction of a single-family dwelling in a RS-2 zone.

The Commission notes this application represents the proposal as previously approved in 2008. There is no change to the size and disposition of the proposed dwelling and parking area.

BZA Testimony:

At the BZA hearing on September 14, 2010, Chris Goetsch explained that this was a re-application of the same proposal that was approved in 2008. The plan is to remove the roof while keeping the four walls. The building will then be finished with an upper portion with a flat roof. He said that the construction plan would involve minimal activity and no lot re-grading.

One person was in favor, 17 were in opposition. Alderwomen DePino claimed the property had always been used for parking and that the proposal was a bad fit for the neighborhood. Ms. Buchman, who lives across the street, and other area residents also said the lot had always been used for parking. The neighbor to the rear worried that she may lose here view of the water, that the proposal was a violation of zoning laws and that she tried to buy the property but the deal fell through. She also submitted a petition with 27 names against the proposal.

A gentleman with an address of 132 Highland Park Road, North Haven spoke in favor. He also claimed that a neighbor's deck wasn't in zoning compliance and that those in opposition shouldn't "throw stones".

As rebuttal, Mr. Goetsch said the plans for the previous approval were tailored to meet the concerns the neighbors had at that time and that this proposal was the same in every detail.

Previous History:

08-89-V; 08-90-S. Granted. Variances and a Special Exception for front yard parking to permit the construction of a single-family dwelling.

Required Materials:

1. Signed and notarized original application: Yes
2. Scaled Site Plan: Yes
3. A-2 survey (if required): Yes, required.
4. Scaled floor plans and elevations: Yes

PLANNING CONSIDERATIONS

Regulatory Considerations

Section 12(a)(1)e. Side yards of 8' and 12' are required. The applicant plans to build a single-family dwelling on the same footprint as the existing garage. The side lot lines are not perpendicular to the street but the garage is. This creates an unusual lot/building configuration. The applicant is taking advantage of an existing condition rather than creating new a new nonconformity.

Section 25(b). The steps to the proposed house project into the side yard beyond what is permitted. This too is a pre-existing condition. The steps for the new house will be located in the same place as the existing garage steps. Again, the applicant is taking advantage of an existing condition rather than creating a new nonconformity.

Section 12(a)(1)d. The height of the existing garage to the peak is 19'. The new structure will be no higher. However, while the garage has a gable roof the new building will have a flat roof, thus a variance for building wall height is required. In order to have reasonably sized living space and not increase the overall height a flat roof is required. This is the least variance necessary in order to build a house of a reasonable size.

Section 29(c). This regulation lists several criteria when considering front yard parking. These are:

- *Necessity of the space to the use:* The space is necessary because the regulations require one parking space for this one bedroom home.
- *Location on the lot:* The only place to put the parking space is in the front yard because the unusual lot/building configuration makes it impossible to access the rear yard.
- *Property values:* The present use is a vacant building. It is hard to imagine that front yard parking for a new home would depreciate property values.
- *Vehicular and pedestrian hazards:* There is a sidewalk along the entire north side of Cove St. and a partial sidewalk along the south side, although there is a dedicated sidewalk right-of-way. The proposed parking space is behind the sidewalk right-of-way, therefore pedestrians will not be impeded from walking up or down this side of the street should the sidewalk ever be completed. As it stands today though, pedestrians can use the sidewalk on the north side. As to vehicular traffic, staff notes four parcels, 30, 74, 78 and 82 do not have off street parking. Persons living there, if they own cars, must park on the street unlike the proposed home at #87. Also, Amarante's club has 94 parking spaces. When there are functions here traffic up and down Cove Street would pose a far greater hazard than one front yard parking space at #87 Cove St.
- *Open aspect of the street:* As to the open aspect of the street, as noted above, four parcels do not have off street parking. That situation harms the open aspect of the street much more than one front yard parking space.

Variance Considerations:

- Difficulty or Unreasonable Hardship: In order to construct a new home with the least possible disturbance the applicant is using the existing building walls, only removing the roof and adding living space and a flat roof. The unusual lot and building configuration create a hardship concerning side yard setbacks and building wall height.

Harmony with General Purpose and Intent of Ordinance: The general purpose of the ordinance is to protect areas that have been developed predominantly for single-family dwellings. On a block that has six duplex or multi-family dwellings, the applicant is proposing what is permitted; a single-family dwelling.

This proposal requires the minimal number of variances in order bring it to fruition. The house is small, only 1,008 square feet on a building footprint of 504 square feet. This would make it the smallest house on the block.

The subject lot is nonconforming at 38' wide. House #'s 20, 30 & 34 are narrower; #74 has the same width and #'s 78 & 82 are only one foot wider at 39'. The subject lot has greater width compliance than three others, the same compliance as one, and is only one foot narrower than two others.

All together there are 18 parcels on the block in addition to the applicant's that are nonconforming as to either width or size. The applicant's property is not an outlier with respect to the ordinance.

The Commission notes that #'s 30, 74, 78, & 82 do not have off street parking while the applicant proposes the one space needed. Again, the subject parcel is in greater conformance to the regulations than those houses.

- Public Health, Safety, and General Welfare: Presently, the lot has a vacant building. If left as it is, this building will continue to deteriorate and possibly become infested with rodents, feral cats or other pests. Developing the lot with a new home will cure a blighting situation and improve the neighborhood.

Special Exception Considerations

- Nature of the Proposed Site: The rear yard cannot be accessed for parking due to the unusual lot/building configuration. The existing building footprint, upon which the new home will be built, is approximately 20' behind the front lot line or 5' inside the front yard setback. However there is enough room to create a parking space.
- Resulting Traffic Patterns: Since the parking space for #87 Cove St. is off street there will not be any negative impact on local traffic. What does impact traffic is Amarante's which has a capacity of 94 parking spaces.

- Nature of the Surrounding Area: As noted above, 4 lots do not have off street parking. The applicant proposes off street parking.
- Proximity to Public Buildings: There are no nearby public buildings.
- The Comprehensive Plan: The proposal respects the plan's advice.

FINDING & ADVICE:

Variance Findings:

- Section 12(a)(1)e. The applicant is using the same side yard setbacks as the existing building. An additional nonconformity will not be created.
- Section 25(b). The proposed steps will be located in the same space as those currently existing. Again additional nonconformity will not be created.
- Section 12(a)(1)d. The height of the new dwelling will not exceed the height of the existing building. However, because a flat roof is needed in order to create more livable space, the requested variance is minimal and reasonable.
- Section 29(c). The parking space is required, there is no other location on the lot to put it, front yard parking will not depreciate property values, there will be no danger to pedestrians or vehicles, and the open aspect of the street will not be adversely affected.
- A hardship has been demonstrated due to the unusual lot and building configuration.
- The project harmonizes with the intent of the ordinance.
- The general welfare of the public is protected.

Variance Advice:

The Commission advises the request satisfies the Variance requirements of Section 63(c)(1) and recommends approval.

Special Exception Findings:

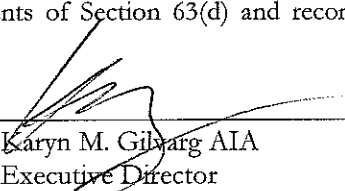
In accordance with the Special Exception criteria of Section 63(d)(3) the Commission finds:

- Nature of the Proposed Site: The site can accommodate a front yard parking space in conformance with the standards in Section 29(c).
- Resulting Traffic Patterns: There will be no negative traffic impact because pedestrian and vehicular traffic will not be impeded.
- Nature of the Surrounding Area: The parking space is off street, unlike some other parking on the block.
- Proximity to Public Buildings: There are no nearby public buildings.
- The Comprehensive Plan: The proposal respects the Comprehensive Plan.

Special Exception Advice:

The Commission advises the request satisfies the Special Exception requirements of Section 63(d) and recommends approval.

ADOPTED: September 22, 2010
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilberg AIA
Executive Director