

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** 88 CONCORD STREET, Special Exception to permit 2 front yard parking spaces, yard and coverage variances for the construction of a single-family dwelling in a RS-2 zone (Owner: SKP Developers, LLC; Applicant: Gerald Poprocki, 10-83-V, 10-100-S)

**REPORT:** 1444-26

**ADVICE:** Special Exception: Approval with Condition  
Variances: Approval

### BACKGROUND

Gerald Poprocki seeks a Special Exception to permit 2 front yard parking spaces, yard and coverage variances for the construction of a single-family dwelling in a RS-2 zone.

This proposal has been through two different iterations involving different site plans. In the intervening time frame approvals expired. This applicant is re-applying to construct the project as presented in the first iteration.

#### Previous History:

09-74-V. Granted. Variances to permit a single family dwelling.

00-69-V. Granted. Variances to permit a single-family dwelling.

#### Required Materials:

1. Signed and notarized original application: Yes
2. Scaled Site Plan: Yes
3. A-2 survey (if required): Not required.
4. Scaled floor plans and elevations: Yes

#### BZA Testimony:

At the BZA hearing on September 14, 2010, Mr. Poprocki gave a brief overview of the chronology of events stating that the site plan as presented for this meeting was scrutinized and approved by various city officials and that he was before the Board in a fresh appeal to finally move the project forward. No person spoke in favor or in opposition.

### PLANNING CONSIDERATIONS

#### Regulatory Considerations:

Section 12(a)(1)c. Maximum building coverage. The proposed structure combines the house and garage as a unit to save space. At 32% lot coverage the building is only fractionally over the permitted limit. The developer has made a good effort to restrict the size of the building. The proposed lot coverage is well within the spirit of the ordinance.

Section 12(a)(1)e. Front yard setback. The Concord St. side of the building is setback 20'. If it were set back further to the west it would encroach upon the rear yard setback. The Commission feels it is better to encroach upon the front yard setback than to push the house closer to a neighbor's yard. The Kirkham St. side of the lot has a front yard setback of 7'. If the building were moved to the north it would encroach upon the side yard setback. The only other house along the Kirkham St. frontage has a front yard setback of approximately 3'. The "75%" rule of Section 12(a)(1)e makes the Kirkham setback request unnecessary.

Section 29(c). Front yard parking. The plans call for a 2-car garage integrated into the building. The driveway and garage face Concord St. The parking spaces are within both the Concord and Kirkham front yard setbacks. The regulation has several criteria in considering front yard parking.

- First is that the spaces are necessary to the use. Two parking spaces are required because the house has three bedrooms (1 space for the first bedroom and ½ space for each additional bedroom).
- Second, these spaces cannot be practically located elsewhere on the lot. Due to the existing nonconforming nature of the lot the spaces cannot be located anywhere on the lot without zoning relief.

- Third, the location will not depreciate property values, cause pedestrian or traffic hazards or decrease the open aspect of the street. The proposed development is very much like area development patterns. Property values of the wider neighborhood should not be reduced by this proposal. The driveway at this address is very much like the driveways elsewhere on Concord and these driveways do not pose an unusual danger to pedestrians or traffic. However the proposed drive for #88 Concord is in extremely close proximity to the intersection with Kirkham Street and provides for unsafe sight lines. If driveway access is moved to Kirkham Street to a location away from the intersection with Concord, it will not pose any unusual danger to pedestrians or traffic. The open aspect of the street will not be negatively affected because the parking spaces are housed in a garage, out of view.
- Lastly, the spaces need to be properly screened. The spaces are enclosed in a garage so they will not be visible to passersby.

Section 67(e)(2).Single-family dwelling permitted. The plan is to build a single-family dwelling as permitted with only minimal variances required.

#### **Variance Considerations:**

- Difficulty or Unreasonable Hardship: This lot of record is nonconforming as to minimum size and average width (4,488 sq. ft., 39'). The pre-existing nature of the lot together with the double front yard setback requirement make zoning relief necessary. The Commission advises a hardship has been demonstrated due to the pre-existing nature of the lot.
- Harmony with General Purpose and Intent of Ordinance: The general purpose of the ordinance in this instance is to ensure uniformity across the zone in building setback, lot coverage and parking location. This plan harmonizes with the ordinance in that the relief for setbacks, lot coverage and parking location result in a project that largely mirrors that of the wider neighborhood.
- Public Health, Safety, and General Welfare: Currently the lot is vacant. The proposal to construct a single-family dwelling of comparable size to the neighborhood is an asset to the city.

#### **Special Exceptions Considerations:**

- Nature of the Proposed Site: The lot is nonconforming as to minimum size and average width (4,488 sq.ft./39'). The parking spaces cannot be located anywhere on the parcel without zoning relief.
- Resulting Traffic Patterns: Off-street parking for two cars is in keeping with the wider neighborhood.
- Nature of the Surrounding Area: The majority of the lots in area are also nonconforming. In this respect the subject lot fits the character of the neighborhood.
- Proximity to Public Buildings: There are no nearby public buildings.
- The Comprehensive Plan: The proposal respects the advice of the Comprehensive Plan which advises this area to be single-family residential.

#### **ADVICE:**

#### **Variance Findings:**

- Section 12(a)(1)c. The requested variance is very minimal, only 2% over what is permitted. The proposed lot coverage is well within the intent of the regulation.
- Section 12(a)(1)e. The building will be setback from Concord St. in a way that doesn't encroach upon either the side or rear setback. The Kirkham St. setback is not necessary because it meets the "75%" rule of the front yard setback regulation.
- Section 29(c). The front yard parking spaces are 1) necessary to the use, 2) cannot be practically located elsewhere on the lot, 3) they will not depreciate property values or impede pedestrian or vehicular traffic, and , 4) they will be screened from view because the vehicles will housed in a garage.
- A hardship has been demonstrated due to the pre-existing nature of the lot.
- The proposal harmonizes with the intent of the ordinance because the relief requested is minimal.
- The public welfare is protected because a vacant lot will be put to productive use.

**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 advises:


- Nature of the Proposed Site: The lot can support two off street parking spaces.
- Resulting Traffic Patterns: Off street parking spaces pose no harm to area traffic patterns.
- Nature of the Surrounding Area: The plan in its entirety harmonizes with the surrounding area.
- 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 with Condition:

1. Driveway access shall be from Kirkham Street.

**ADOPTED:** September 22, 2010  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvag AIA  
Executive Director