

Zoning Board of Appeals

Minutes

(meeting taped)

Special meeting: Thursday, September 22, 2008 in the City Hall Aldermanic Chambers.

The meeting was called to order at 6:32 p.m.

By roll call, members present: Mark Zeck, Angelo Dirienzo, Richard Bartholomew, David Manley and alternate Walter Nizgorski. John Kowarik was excused. Alternate Michael Dellinger was absent.

Mayor Anthony Staffieri and Building Official David Kopjanski were present.

Without objection application #284 will be heard first as the other applicant is awaiting arrival of their engineer.

Public portion: The Chair noted that there would be a public portion for the applications. This public portion is to satisfy section 101 of the Charter of the City of Derby.

Daniel R. Waleski of 23 Elm Street, Derby, CT. reserved time to speak during the applications.

Nancy Alshuk of 15 Anson Street, Derby, CT indicated that she spoke last month on the Housing Authority application on behalf of many of the tenants of Cicia Manor who had not been made aware of the application. She asked the members if any of them had visited the location of the proposed building since the last meeting. Members indicated that they had all toured the site.

Approval of minutes: Motion was made by David Manley and second by Richard Bartholomew. Move to accept the minutes of the August 21, 2008 meeting, as written. Motion carried unanimously.

Application No. 284 – Applicant: City of Derby Housing Authority. Location of affected premises – Lot 6, Map 8-5 Cicia Manor, Derby, CT 06418. Requesting a variance to construct a 2,100 square foot office building on a non-conforming lot.

Keith Buda from Rotundo Engineering and Housing Authority Director Steven Nakano were present to speak on the application. Mr. Buda presented the certified letter return receipts to the Building Official. The parcel is located in proximity to West Fourth Street, Anson Street, Fifth Street and a private development. The parcel is approximately two acres and is in a CDD

zone. Mr. Buda explained that the application being presented this evening is similar to the application that was denied last month in that he is seeking to construction an office building with associated parking. To address the concerns voiced last month regarding parking and the difficulties in traversing West Fourth Street minor revisions were made. He explained that the existing eleven parking spaces are located in the northeast corner of the parcel and they are accessed from Fifth Street. The existing development is non-conforming as sixty (60) spaces are required to satisfy code whereas only eleven spaces actually exist for this development. There is insufficient space within the parcel to create additional parking spaces to satisfy the requirements.

The location of the proposed construction is currently a lawn area on the northwest corner of the site. The proposal is to construct a 2,110 sq. ft office building with eight (8) parking spaces located off of West Fourth Street. The current office on Minerva Street is approximately 800 sq. ft. and the Authority has outgrown the office. The Authority employs five people who will be working from the proposed office. The proposed construction has provided sufficient parking spaces, as per the regulations, to satisfy the requirements of this proposal. It does not increase the non-conformity of the existing parcel. The benefits to constructing this building are that it will provide easier access for the tenants, will eliminate the parking issue that now exists at the current office and will provide larger space for the operations.

Mr. Buda explained that all construction vehicles will enter and exit at the end of West Fourth Street. To satisfy the concerns voiced at the last meeting, the proposal does specify that construction fencing will be installed around the entire perimeter of the construction area and all construction activity will occur within this fencing. A temporary paved sidewalk will be constructed giving access to the tenants in buildings 90, 92, 94 and 96 to reach the street. A safety officer is to be on-site during all construction. The new application proposes widening the north side of the paved portion of West Fourth Street to better accommodate parallel parking on the street. Previously, the narrowness of the street was raised with concern that the construction vehicles would not easily traverse the road and would be unable to turn; this widening will relieve that concern.

The applicant is appealing Section 195-20H which would require one and one half spaces per dwelling unit (sixty parking spaces) for the existing structures and Section 195-87A which states that no building which is non-conforming with respect to any provisions of this regulation shall be altered or enlarged in such manner as to increase such non-conformance. The existing non-conformity will not be increased by this construction.

Mr. Dirienzo asked Mr. Buda to review the changes in this application in comparison to the previous application. Mr. Buda indicated that the change is the widening of West Fourth Street.

- 1.
2. **Public Comment – Application No. 284.**
3. **Nancy Alshuk of 15 Anson Street noted that there are approximately 60 people effected by this construction. Currently eight or nine cars park on West Fourth Street on a daily basis. These are residents from Cicia Manor and Hilltop Apartments. She felt it is going to be tough to park on West Fourth Street during construction. She questioned where the construction workers would be parking. She understood the Housing Authority’s need for the building but did not think this was the appropriate place. She was concerned for the people’s safety and their quality of day to day living. Mr. Buda indicated that the widening will provide the same number of spaces and improve the ease of parking. Mr. Manley indicated that he did visit the area and was confident that there would be minimal inconvenience with the construction traffic and he was satisfied that there would be a safety officer present. Ms. Alshuk indicated that her concerns were somewhat satisfied with the changes that have been proposed but she was still concerned for the resident’s safety during the construction, especially those residents that live very close to the construction area. Also, she was still concerned that the residents still have not been informed as to what is being proposed. Mr. Zeck noted that the requisite number of notices has been sent. Mr. Nizgorski asked if she was satisfied being that his action last month was in response to her raised concerns. Ms. Alshuk felt efforts were made and she felt that the road work should be completed prior to starting the construction. She stressed again the parking difficulties in the area and her concerns for safety. She indicated that part of the parking issues concern the fact that the vehicles being parked are not by residents in the vicinity. Mr. Nizgorski indicated that he was well aware of the parking difficulties as he served previously on the Parking Authority. Mr. Dirienzo suggested that the Housing Authority approach the Board of Alderman to see if the street could be posted as for resident parking only.**
- 4.
5. **Mayor Staffieri noted that the Police Department has been identifying problem parking areas; they are currently addressing the area around the hospital. From speaking to the senior residents, he understands that the parking issues are greatly due to people parking and going to the Court House. He indicated that free parking is provided in the parking garage as per an arrangement with the Court House but they apparently are looking for something closer. He does not understand why the residents of Hilltop Apartments are parking on the street when they have ample parking in their location. He stressed that this**

proposed facility is greatly needed. One thing he has heard is that the seniors in Cicia Manor have expressed safety concerns and he felt the Authority's staff being on site and visible is a positive for the neighborhood.

6.

7. Daniel R. Waleski of 23 Elm Street, Derby, CT. noted that the Housing Authority has been moved from many locations and this is the first attempt to give them a permanent home. It is advantageous to have someone close by looking after the senior's interests. He felt the benefits outweigh the disadvantages. He asked for comments from the Zoning Enforcement Officer on this application.

8.

9. Mr. Kopjanski indicated that he has reviewed the plan. He noted that there is a minor error in the parking table; they apparently used 85% of the gross area. He indicated that the required number of spaces is eight (8), not six (6) as noted on the drawing. Also, because the existing development is a senior housing complex, the ratio is one to one so there is a need for forty (40) spaces to bring the existing into compliance.

As no one further came forward, the public portion was closed.

Members deliberated on this application. Mr. Bartholomew asked if the widening of the street effected the property line setbacks. Mr. Kopjanski indicated that it is city property and there is no change in the property lines. Mr. Zeck indicated that he had reviewed the August minutes and recognized the concerns. He believed that the concerns have been satisfied with the changes to the plan. Mr. Bartholomew and Mr. Manley concurred.

Mr. Kopjanski indicated that the proposal still will have to go before the Planning and Zoning Commission. The Commission will be looking at many of the logistics raised this evening. That commission is best to be dealing with the site plan review and they will certainly discuss the safety officer.

Motion was made by Angelo Dirienzo and second by Walter Nizgorski. Move to grant the variance requested for application #284 - Derby Housing Authority for the building of a 2,110 sq. foot one-story office building with eight parking spaces appealing sections 195-20H and 195-87A of the Zoning regulations. Motion carried unanimously.

Application No. 278 – Applicant: Waldemar Falkowski. Location of affected premises – 3 Prindle Avenue, Derby, CT 06418. Requesting a five foot side yard setback variance for construction of a two story addition (14 ft. by 22 ft.) to the south side of house.

Fred D’Amico, agent for the applicant presented the certified receipts to the Building Official. He explained that there is a dwelling on the parcel with a partial second floor in the center portion of the structure. The proposal is to add the second floor to the remaining portions of the structure on either side of this center area. The footprint of the structure will not change; the construction is to raise the structure’s height only. The existing structure is non-conforming in that it does not satisfy the side yard setback on the south side of the structure. The hardship is that the shape of the lot is unique in that it angles back to the reservoir, the property abuts Witek Park and that the existing structure is grandfathered as it became non-conforming with changes in the zoning regulations. The owners did look for alternatives such as constructing onto the rear of the structure but this would also have setback difficulties and would also place the structure in closer proximity to the reservoir.

Mr. D’Amico understood that the neighbors have expressed no objection to the project and he had hoped that he could provide letters but he did not have them this evening. The increased elevation would not create any additional problem to the neighbors. There would likely be no issue with blocking views.

Mr. Bartholomew questioned if the structure would be over the allowed height. Mr. D’Amico indicated that the new addition would be the same elevation as the existing second floor.

Mr. Kopjanski indicated that the requested action is something that the Zoning Board of Appeals regulations speak to in that the original addition was done in 1964. The construction was conforming at that time. Now, due to changes in the zoning regulations, the property owners have a hardship. The proposed addition is no where near the 50% maximum threshold allowed for increasing the value of the appraised existing structure. The proposed addition is not increasing the non-conformity horizontally but rather it is vertically.

Members discussed the various scenarios noting that if they were to go to the back of the house, they would likely need a greater variance. This application is similar to an application approved a few months ago in that there are existing structures constructed prior to the current regulations.

The public comment was opened at this time. Daniel R. Waleski of 23 Elm Street, Derby, CT. noted that this building was indeed constructed prior to zoning. He asked what the intended use will be. He was told it would be a master bedroom. Mr. Waleski felt that the proposed addition would enhance the building and he had no objection to their request.

No one else came forward and the public comment was closed.

Members deliberated. They identified the hardships as the unique shape of the lot and that the house was built prior to the zoning regulations.

Motion was made by Richard Bartholomew and second by David Manley. Move to grant the variance requested for application #278 - Applicant: Waldemar Falkowski. Location of affected premises – 3 Prindle Avenue, Derby, CT 06418. Requesting a five foot side yard setback variance for construction of a two story addition (14 ft. by 22 ft.) to the south side of house. Motion carried unanimously.

Executive Session: No session was needed.

Motion was made by Angelo Dirienzo and second by Walter Nizgorski. Move to adjourn the meeting at 7:28 p.m. Motion carried unanimously.

Respectfully prepared,

Karen Kemmesies, secretary

These minutes are subject to Board approval at their next scheduled meeting.