

Zoning Board of Appeals

Minutes

(meeting taped)

Special meeting: Tuesday, November 24, 2009 in the City Hall Aldermanic Chambers.

The meeting was called to order at 6:40 p.m.

By roll call, members present: Mark Zeck, John Kowarik, David Manley, Alternate Walter Nizgorski and Alternate Earl Robinson. Richard Bartholomew arrived at 6:50 p.m. Angelo Dirienzo was excused.

Building Official David Kopjanski was present.

Request for a Certificate of Location

Applicant: Riverside Motorcars of Derby. Location: 265 Roosevelt Drive, Derby, CT 06418.

The Chair explained that the Board has the opportunity to hold a formal hearing on this request or, by State Statute, they can waive the requirement of a hearing as a request was previously granted for this location.

Motion was made by Walter Nizgorski and second by John Kowarik. Move to waive the requirement of a formal hearing for the request for a certificate of location as this is a subsequent application. Motion carried unanimously.

Public portion:

No one was present and the public portion was closed.

Discussion on the Request:

Mr. Kopjanski explained that State Statute 14-55 requires that the Chair of the Zoning Board of Appeals be granted authorization to sign as the authorized official the State DMV application for a transfer of ownership for a automobile dealer's or repairer's license. The location is currently in the R-5 zone and is an existing non-conforming use prior to the adoption of zoning regulations. He noted that the use can not be expanded or changed without receiving a variance from the City. The applicant is not seeking any expansion but rather a continuation of the existing use under the new entity. The existing use is defined in the map prepared by D'Amico Associates of 9 Park Rd., Oxford, Ct. 06478;

project name: Riverside Motor Cars of Derby, LLC

drawing title: As Built Site Plan

dated: November 11, 2009

At this time the applicant presented the certified receipts from the abutting property owners.

Anthony J Palmer, agent for Riverside Motorcars Of Derby, stated that he is the owner of the property and the current tenant is leaving on November 30th. He is seeking to transfer the license and continue the use as it currently exists. He understands that no changes can be made without approval from the City.

Chairman Zeck reiterated that this request is only for the transfer of the Dealer's and Repairer's License and the approval should be contingent on the filing of the presented map into the City's land records.

At this time Mr. Bartholomew arrived.

Mr. Manley questioned whether there was a defined limit on the number of used vehicles allowed. Mr. Kopjanski stated that the limitation would be that the space defined on the map is the maximum area allowed for said vehicles. The number would be equated to the number of vehicles that could fit within the space. Larger vehicles would take more space and relationally would result in a lesser number of cars than compact vehicles so a set number can not be set.

Mr. Palmer indicated that he would be selling high-end vehicles and much of his business is through e-commerce. Certainly the presentation and appearance of the property will reflect on his potential sales.

Mr. Manley indicated that he did observe the location and it is currently kept very clean. Certainly, as it is in a residential zone, this standard is essential.

The Chair polled the members on their position of his authorization to sign. There was no objection to the chair signing as the authorized official. The Chair stated that his stipulation is that a Mylar map of the presented map dated 11/11/09 be filed with the City's land records. At this time the Chair signed the presented document.

In terms of any restrictions, the Planning Commission approval of May 9, 1995 was presented.

City of Derby Planning Commission - REPORT RESOLUTION - May 9, 1995

Subject: Application for Special Exception Use – Roy Realty, LLC of 1 East Avenue, Bridgeport, CT by James c. Lyons, attorney, for site and building improvements in connection with an existing motor vehicle service station and repair garage and used car sales, and addition of a food mart convenience store at 264-265 Roosevelt Drive, in the business C-3 District.

- Submission a. application for Special Exception Use, dated 4/28/95, signed by attorney James C. Lyons for the applicant.
- b. "Statement of Use" Re. Application for Special Exception Use, Property 263-265 Roosevelt Drive, Derby, Connecticut (2 pages), dated 5/2/95, signed by James C. Lyons, attorney for Roy Realty, LLC
- c. photocopy of Fiduciary deed, Vol. 250, pages 207, 208 and 209, conveyance to Roy Realty, LLC dated 6 February 1995 plus Exhibit A (boundary description).
- d. plan entitled "Site Plan of Land owned by Roy Realty, LLC # 264 & #265 Roosevelt Drive, Derby, Connecticut:", dated 3-29-95, prepared by Meyers Associates P.C., Engineers-Surveyors-Planners.

- Findings:
1. The premises consists of two(2) lots - #263 containing an existing house, the front part of which is to be removed and the rear added to for used car sales and 2-bay garage, and #265 containing an existing motor vehicle service station and repair garage, the front of which is to be removed and the overall building remodeled as a service station with 2-bay service area and a food mart.
 2. The site plan submission fails to include any elevation drawings and plans for signs as required by the Zoning Ordinance.
 3. The existing canopy over pump islands is non-conforming as to setback from Roosevelt Drive, but the canopy addition would be conforming.
 4. The site plan reports that 17 parking spaces are required for the project and 26 are provided, including spaces in garage bays.
 5. Provision should be made for control of spaces for used cars so that none are parked within the D Street or Roosevelt Drive ROWs.
 6. Plans for outdoor illumination should be clarified to assure that illumination is not directed toward or is shielded from adjacent dwellings and that on-site driver and pedestrian safety are protected from disability veiling glare.
 7. Some site landscaping enhancement should be provided.
 8. The site, located at the northwest corner of Roosevelt Drive and D Street, was in recent years rezoned from R-5 to C-3 district.

Report: Recommendation for approval after the site plan deficiencies have been addressed.

Adopted (3 to 0) at a regular meeting of the Derby Municipal Planning Commission on May 9, 1995.

The restrictions set by the Planning and Zoning Commissions in 1995 are to be incorporated into this certificate of location.

Without objection the meeting adjourned at 7:14 p.m.

Respectfully prepared,
Karen Kemmesies, secretary

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