

Zoning Board of Appeals

Minutes

(meeting taped)

Monthly meeting: Thursday, January 20, 2011 in the City Hall Aldermanic Chambers.

The meeting was called to order at 6:33 p.m. The chair called for a brief recess to await the arrival of members of the board. The meeting reconvened at 6:35 p.m.

By roll call, members present: Mark Zeck, Richard Bartholomew, John Kowarik, David Manley and Earl Robinson. Angelo Dirienzo was excused.

Corporation Counsel Joseph Coppola and Building Official David Kopjanski were present.

Election of chair:

A motion was made John Kowarik by and second by David Manley. Move to nominate Mark Zeck as Chairman of the Zoning Board of Appeals. Motion carried unanimously.

No other nominations were received. The floor was closed.

Public portion: This public portion is to satisfy section 101 of the Charter of the City of Derby.

Mr. Kopjanski recused himself from application #333 due to a family relationship with the applicant so as to avoid any appearance of impropriety. He stated he receives no financial gain from this application but felt it proper to recognize the relationship. No one else came forward. Public portion was closed.

Approval of minutes: Motion was made by David Manley and second by John Kowarik. Move to accept the minutes of the October 21, 2010 meeting, as written. Motion carried unanimously.

Sam Pollastro, Jr arrived at 6:40 p.m. after roll call. The chair noted that as an alternate, Mr. Pollastro would not be a voting member this evening.

Application No. 333 - Applicant: Kret Home Improvement LLC. Location of affected premises – 16 Ninth Street, Derby, CT 06418 (Lot 56, Tax Map 8-7). Appealing Section 195-13 E (1) and 195-13 E (2) of Derby Zoning Regulations. Requesting a lot area variance of 4,289 square feet and a lot width variance of 23.08 feet in order to split an existing non-conforming lot into one conforming lot and one non-conforming lot.

Atty. Richard Volo, representing the applicant, presented the certified receipts to Corporation Counsel who acknowledged that they appeared in order. Atty. Volo stated that historically these properties were in fact separate as identified in research dating back to July 3, 1894. Records indicate that the parcels were combined as of 1964, likely for tax purposes. As such, the parcel as it now exists dates back prior to the implementation of zoning regulations. As the property presently stands there are a several existing non-conformities. Under the current regulations the maximum dwellings per lot is two, as it exists there are four dwellings (two duplexes). Two parking spaces per unit are required; as it exists there are fewer spaces. Required lot area square footage for the existing dwellings is 20,000 sq. feet, as it exists that that area is less.

The proposal seeks to have two dwelling units per lot and that is a permitted use. Secondly, the proposal seeks to include eight parking spaces which complies with the two spaces/per unit requirement. Thirdly, the proposal will have 5,000 square feet per unit. Atty. Volo indicated that the qualifying hardship would be that the property is being made less non-conforming; noting the action of this board on the application reviewed at the October 21, 2010 meeting. The existing front and side non-conforming setbacks will not change. The proposal will increase the tax base as each parcel will now be appropriately taxed. There will be no new buildings. The proposal will divide the parcel, as stated, create the parking, as stated and involve renovating the existing structures.

Corporation Counsel Coppola indicated that the Board should consider the parking and said proposed parking must be installed prior to filing the variance. Reducing the non-conformity is beneficial to the City.

Deliberations on the application. Mr. Manley concurred that the parking must be accomplished as soon as is reasonable. Members were in agreement that the parking must be accomplished and getting parking off the street would be beneficial. It was noted that the dwellings in the area are very close and are pre-existing to zoning regulations. The buildings being discussed are pre-existing to zoning. It was questioned how the run-off from the new driveway and parking will be addressed. Response was that it would likely be addressed during the permitting process. Corporation Counsel Coppola indicated that a certificate of occupancy would not be given without satisfying the four spaces per lot requirement.

Public comment on this application was opened. No one came forward.

Motion made by John Kowarik and second by David Manley. Move to grant the variances for application #333 Applicant: Kret Home Improvement LLC. Location of affected premises – 16 Ninth Street, Derby, CT 06418 (Lot 56, Tax Map 8-7) to allow a lot area variance of 4,289 square feet and a lot width variance of 23.08 feet in order to split an existing non-conforming lot into one conforming lot and one non-conforming lot with it stipulated that the variances can not be recorded with the City land records until such time that four parking spaces per building are established and approved. Motion carried unanimously.

Meeting Schedule for 2011:

Motion was made by David Manley and second by John Kowarik. Move that the Zoning Board of Appeals will hold their regular monthly meetings on the third Thursday of each month at 6:30 p.m. at the City Hall for the remainder of calendar year 2010 and January 2011. Motion carried unanimously.

The Zoning Board of Appeals meeting schedule for the remainder of 2011 calendar year shall be the third Thursday of each month at 6:30 p.m.:

January 20, 2011	July 21, 2011
February 17, 2011	August 18, 2011
March 17, 2011	September 15, 2011
April 21, 2011	October 20, 2011
May 19, 2011	November 17, 2011
June 16, 2011	December 15, 2011
January 19, 2012	

Motion was made by David Manley and second by John Kowarik. Move to adjourn the meeting at 7:08 p.m. Motion carried unanimously.

Respectfully prepared,

Karen Kemmesies, secretary

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