

Zoning Board of Appeals

Minutes

(meeting taped)

Monthly meeting: Wednesday, October 15, 2009 in the City Hall Aldermanic Chambers.

The meeting was called to order at 6:34 p.m.

By roll call, members present: Mark Zeck, Angelo Dirienzo, John Kowarik and David Manley. Richard Bartholomew and Earl Robinson arrived directly after roll call. Alternate Walter Nizgorski was excused.

Building Official David Kopjanski was present.

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

No one 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 September 23, 2009 meeting, as written. Motion carried unanimously.

Application No. 312 – Applicant: Riverside Properties/Signs Unlimited. Location of affected premises – 155 New Haven Avenue, Derby, CT 06418. Appealing the following section of the Derby Zoning Regulations:

Section 195-69B(1)(a)(1) – Seeking a variance to allow installation of 160 square foot wall sign where 60 square foot is permitted.

The public hearing was opened at 6:36 p.m.

Michael Kline was present representing Riverside Properties. He indicated that a representative from Signs Unlimited was expected.

Motion was made by David Manley and second by John Kowarik. Move to take a recess at 6:39 pm to allow for the arrival of the applicant's representative. Motion carried unanimously.

Motion was made by David Manley and second by John Kowarik. Move to return from recess at 6:45 pm. Motion carried unanimously.

The certified letter receipts were presented to Mr. Kopjanski. He noted that two envelopes were returned undeliverable, the receipts received appeared to be in order.

Mr. Kline stated that the current display is temporary and was placed for their grand opening. The building is located on a corner lot and the placement of the building on the site has much of the building below street level in the rear. The building will be utilized by three businesses and they are seeking the requested signage to advertise the businesses. Traveling Rte 34, the challenge is for drivers to be able to see said advertising and this could be achieved by wrapping the sign across the front and side of the showroom. The design being proposed they felt would improve the fascia of the building and would not be overly intrusive. Their intent certainly would be to comply with the illumination requirements under the code. He thought that as the property was a corner lot, he would be allowed the footage for each side of the building that faces the street.

Mr. Kopjanski explained that the applicant is seeking to increase the square footage for signage on a building that is less than 100 feet from the right of way, 60 square feet is allowed per the calculations. The property is allowed one square foot of sign per linear foot of the building wall facing the address street or wall containing the main entrance. The address is 155 New Haven Avenue although the building does have substantially more frontage on Burtville Avenue. The sign itself can be divided onto the sides of the building but the calculation requires that the total sign footage be no greater than 60 square feet.

Mr. Zeck questioned whether the background could be painted onto the building separate from the sign's design. Mr. Kopjanski indicated that there is a prohibition on painted on signs and the question with this design is whether the red background is part of the design. Per the code, the sign area shall be the area of the smallest rectangle which will encompass the extreme limits of the writing, representation, emblem, logo or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting structure, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the display itself.

Basil Savalos from Riverside Properties understood that applying to the Zoning Board of Appeals is to seek help with a hardship. People drive by and think that the showroom is the scope of the business whereas, there is a significant structure behind. With this enhanced signage, the desire is to be able to bring in business. He feels that a well-designed sign would influence patronage.

Mr. Kopjanski noted that the code also allows two pole signs on a corner lot, each having a maximum square footage of 32 square feet.

Mr. Kline indicated that he started his business in a garage eight years ago and is pleased to move to Derby. He is hopeful that he will be a big employer for the city. He desires to place signage that is effective, well designed and is non-intrusive to the area.

At this time the chair opened the hearing for public comment. No one came forward.

Members weighed the hardship being presented and its application to state statute, the precedence being set if this variance was allowed, the influence of existing establishment signage that was allowed prior to the adoption of the current regulations and the requested signage's impact on the area. They noted that the regulations were adopted in 2000 to reign in the abundance of signage and much time was spent detailing the requirements for said regulations. It was questioned whether effective signage could be achieved with the allowed wall sign and pole signs. It was noted that additional signage was recently granted for the Lowe's development.

Motion was made by John Kowarik and second by Angelo Dirienzo. Move to grant the variance requested by Riverside Designs, application 312. Motion failed.

John Kowarik	yes
Mar Zeck	no
Angelo Dirienzo	no
Richard Bartholomew	no
David Manley	no

Members discussed the need to support business in the City but it was expressed that any language changes were better presented to the Planning and Zoning Commission. Greg Detal from Signs Unlimited spoke of the effectiveness of well designed signage and how their installation can be effectual to the client while not being detrimental to the City's interests.

Motion was made by Angelo Dirienzo and second by David Manley. Move to adjourn the meeting at 7:38 p.m. Motion carried unanimously.

Respectfully prepared,
Karen Kemmesies, secretary

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