

# *Zoning Board of Appeals*

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## **Minutes**

(meeting recorded)

Monthly meeting: Thursday, June 20, 2019 in the City Hall.

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

By roll call, members present: Richard Bartholomew, John Kowarik, Earl Robinson and Jeffrey Bell. Sam Pollastro Jr. and Ray Bowers were excused.

Also present: Atty. Barbara Schellenberg and Building Official Carlo Sarmiento.

**Approval of minutes:** Motion was made by John Kowarik and second by Jeffrey Bell. Move to accept the minutes of the May 16, 2019 meeting, as written. Motion carried unanimously.

Chairman Bartholomew explained to the applicants that an approval requires four affirmative votes. There are four voting members present this evening. This will require a unanimous vote for the variance to be granted. The applicant does have the option to table their application to the next meeting if they so desire.

**Applicant: CT Sign Service, LLC, 60 Pershing Drive**, Derby, CT 06418 Location of affected premises - Same. Appealing determination of Zoning Enforcement Officer denying expansion of a pre-existing, non-conforming pylon sign to add tenant names.

John Morrison of CT Sign Service LLC was present this evening. He indicated that he understood the voting rules and did want to go forward this evening.

Mr. Morrison gave a brief summary of his request and the hardship. He presented pictures of the existing signage for the plaza. He stressed again that the parcel is unique in that it is long and the buildings are close to the road. A patron is likely going to drive by the business prior to seeing the signs. There is an existing pylon that is currently blank. Original intent was for Walgreens to use that sign. The existing frame is 4 ft by 20 ft totaling 80 sq. feet. The request is to add a 4 ft by 20 ft sign totaling 80 sq. feet under that would be divided for each of the tenants.

It was questioned what is the total square footage allowed for the plaza. Mr. Morrison indicated that he did calculate the allowed amount and determined that the existing is within the allowed amount and the 80 sq. ft would be over the allowed and that is the purpose of the variance request.

Public portion for this application: The Chair asked if there was anyone wishing to speak on this application. No one came forward.

MOTION made by Jeffrey Bell and second by John Kowarik. Move to close the public portion for this application. Motion carried unanimously.

Discussion on the application. Members pointed to the parcel dimensions and the safety issue of vehicles not visually able to locate the business until after passing the entrance when traveling toward the Route 8 entrance.

MOTION made by Richard Bartholomew and second by John Kowarik. Move to grant the variance for CT Sign Service, LLC, 60 Pershing Drive for an additional eighty feet (80 ft) of signage based on the location of the entrance of the driveway in relation to the stores, that a hardship exists due to the unique frontage length of the parcel and safety concern for vehicles doing u-turns to return to the driveway. Motion carried unanimously.

**Applicant: Sarita Deli and Grocery, 78 Hawkins Street**, Derby, CT 06418 Location of affected premises - Same. Appealing determination of Zoning Enforcement Officer denying a zoning permit variance for a permit to sell beer.

Atty. Schellenberg and Building Official Sarmiento advised that it was clarified that the permit had not been abandoned and as such the variance was not needed.

MOTION made by Richard Bartholomew and second by John Kowarik. Move to accept the withdrawal of the application for Sarita Deli and Grocery, 78 Hawkins Street Motion carried unanimously.

**Applicant: Bradley Argaves, 5-7 Prospect Street**, Derby, CT 06418 Location of affected premises - Same. Appealing determination of Zoning Enforcement Officer denying a zoning permit variance to convert a commercial use into a one bedroom residential apartment.

Atty. Dominick Thomas was present representing the applicant. He noted that there was a previous cease and desist issued by the Building Official and he verified that this was not pertaining to that cease and desist. This is an application for a variance. The chair stated that this pertains to a variance. Atty. Thomas questioned whether additional letters need to be sent. Atty. Schellenberg indicated that there may be some confusion on the date of the mailing and it was decided that with an abundance of caution that mailing out letters for the July meeting was encouraged. Atty. Thomas requested that he be allowed to wait for the five member vote.

Without objection, this application will be presented to the July 18, 2019 meeting.

Motion was made by John Kowarik and second by Earl Robinson. Move to adjourn the meeting at 7:10 p.m. Motion carried unanimously.

Respectfully prepared,

*Karen Kemmesies*

Karen Kemmesies, secretary

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