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By Marc J. Garofalo, MPA, MCC, MCTC at 12:56 pm, Sep 12, 2025



**CITY OF DERBY  
BUILDING DEPARTMENT  
1 ELIZABETH STREET  
DERBY, CONNECTICUT 06418  
Telephone 203-736-1481  
Facsimile 203-736-1480**

File No. \_\_\_\_\_ Ward No. \_\_\_\_\_  
Date of: \_\_\_\_\_ Hearing \_\_\_\_\_ Decision \_\_\_\_\_

**APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE**

I. Location of Property 552 New Haven Avenue Ave. Zoning District Business 1 (B-1)  
Building Line 20'

North East

Side between Sodom Lane St./Ave and New Haven Avenue (Route 34)

South West

II. Name of Owner Opuszynski Charles S Trust Address 151 Irving Place, Woodmere, NY 11598

Date of Purchase 1977

Name of present <sup>current</sup> ~~proposed~~ tenant Basser-Kaufman of Derby, LLC  
~~or proposed purchaser~~ Proposed Sub-Tenant: Chase Bank

Name and Signature of Appellant Basser-Kaufman of Derby, LLC  
By: Steven Kaufman, Member Address 151 Irving Place, Woodmere, New York 11598

III. THIS APPEAL relates to:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> PRINCIPAL BUILDING(S) AND ITS OR THEIR USE | <input type="checkbox"/> ACCESSORY BUILDING(S) | <input type="checkbox"/> LAND                                      |
| <input type="checkbox"/> NO. OF DWELLINGS                           | <input type="checkbox"/> LOT AREA              | <input type="checkbox"/> DISTANCE BETWEEN BUILDINGS                |
| <input type="checkbox"/> FLOOR AREA                                 | <input type="checkbox"/> AVERAGE LOT WIDTH     | <input type="checkbox"/> AMOUNT OF PARKING OR LOADING              |
| <input checked="" type="checkbox"/> <u>30</u> YARDS                 | <input type="checkbox"/> BUILDING COVERAGE     | <input type="checkbox"/> LOCATION OF PARKING/LOADING               |
| <input type="checkbox"/> SIZE OF COURTS                             | <input type="checkbox"/> BUILDING HEIGHT       | <input type="checkbox"/> SIGNS                                     |
|   | <input type="checkbox"/> USABLE OPEN SPACE     | <input type="checkbox"/> OTHER - Variance to permit into rear yard |

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IV. Section(s) of zoning ordinance appeal from:  
195-15 E (6)

V. Precise Variance(s) sought:

Relief for the building within the side yard setback, building corner is 1' off of the property line

VI. Lot Dimensions (width x depth): 115 FT (width) x 274 FT (depth) Lot  
Area 78,110 SF

List all existing Building(s) and Use(s) on this lot, giving symbol for legal basis of each. (PR – permitted as of right; PS – permitted by special exception; PV – previous variance; NCU – nonconforming use existing at effective date of ordinance or amendment, CAL – previous certificate of approval of location – motor vehicle uses):

(1)  
(2)

SEE ATTACHED

VII. Describe in detail the difficulty and unreasonable hardship asserted to be in the way of carrying out the strict letter of the zoning ordinance:

SEE ATTACHED

VIII. What circumstances concerning this property are peculiar to it and not applicable to the area as a whole? Explain:

SEE ATTACHED

IX. Would the requested variance be subject to appropriate conditions and safeguards? Explain:

SEE ATTACHED

X. Would the requested variance be in harmony with the general purpose and intent of the Ordinance? Explain:

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XI. If the requested variance is a use variance, answer each of the following: N/A

1. Do the zoning regulations allow **no reasonable use** of the property in question for reasons **peculiar** to the property and not applicable to the area as a whole? Explain
2. Is the use proposed the **minimum** variance necessary in order to allow a **reasonable use** of the property? Explain:
3. Will the use impair the **essential character** of the area or the **objectives** of the **comprehensive plan** of the City? Explain:
4. If any attempts have been made to **Sell** the property for use in accordance with the purposes for which it is zoned supply the following information:
  - a. Period(s) in which placed on market and agent(s) in each period:
  - b. Period(s) listed with Real Estate Board:
  - c. Period(s) advertised in newspaper (attach copy of one or more of such ads, if any):
  - d. Other sales efforts during each period:
  - e. Asking price during each period:

XII. Value Date:

- a. Date owner purchased the property: 1977
- b. Purchase price: The property is leased
- c. Date and declared value of subsequent building permits: 1971: \$50,000; 2007: \$100,000
- d. Current assessment: \$678,353
- e. Use(s) to which owner has put the property since purchase: Pearle Vision Center 1977-2007, Starbucks 2007-2023
- f. Gross and net income of each of the last 3 years: N/A

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XIII. State of New York  
City of Nassau

August 27, 2025

Date

Personally appeared Steven Kaufman

Authorized Agent for Basser-Kaufman of Derby, LLC Owner, who made  
oath that the statements herein were true and correct before me.

Leah Sobel  
Notary Public, State of New York  
Registration No. 01SO8402885  
Qualified in Nassau County  
Commission Expires January 13, 2028

  
Notary Public  
Commissioner of the Superior Court

XIV.  Hearing Fee to be paid upon filing of this application -- see Fee List attached.

- Bulk Variances  
 Use Variance  
 Use and Bulk Variance

Required plans filed with Appeal as follows:

- a) 8 Copies of a scaled Plot Plan, with North arrow, showing the lot in question and the following (if any):
1. Existing building,
  2. Proposed construction and use outdoor areas,
  3. Existing and proposed curb cut, driveways, and parking and loading facilities,
  4. Existing and proposed fences, walls, landscaping and signs,
  5. That part of any building on adjoining lots that are located within 20 feet of the lot in question and
  6. Such other information as may be required to define clearly the question involved.
- b) 7 Copies of scaled Floor Plans and Elevations:  
For each floor and each side of proposed construction, including use of all floor areas.

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**BELOW THIS LINE FOR BOARD USE ONLY**

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XV. Communication with regard to this Appeal received from:

- |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Health Dept.             | Engineering              |
| <input type="checkbox"/> | Traffic Commission       | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Police Dept.             |
| <input type="checkbox"/> | <input type="checkbox"/> | Fire Dept.               |

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XVI. Previous Zoning Board of Appeals cases at this location (file number, year, proposed construction and/or Board Decisions and Court decisions where applicable.)