

VARIANCE APPLICATION OF BASSER-KAUFMAN OF DERBY, LLC

A. Introduction

The Applicant, Basser-Kaufman of Derby, LLC, is the long-time tenant of the property located at 552 New Haven Avenue (the “Property”). The Property is currently improved with a Starbucks coffee shop. The Starbucks is nonconforming as to the same side yard setback that is the subject of the requested variance.

The Applicant is also the owner of the abutting parcel located at 600 New Haven Avenue, and the adjacent parcel located at Sodom Lane (the “B-K Parcels”). The B-K Parcels are currently improved with an Edge Fitness Club, a Big Lots retail store (vacant due to tenant bankruptcy), and an optician. While the Property is its own parcel, it is functionally a part of the overall retail center located on the Property and the B-K Parcels. Indeed, a large portion of the Property supplies required parking for the retail center. The Property and the B-K Parcels are all located in the Business 1 (B-1) zone.

The Applicant seeks a variance as to the side yard setback along the lot line between the Property and the B-K Parcels for the construction of an attractive Chase Bank. A setback of 1’ is proposed where 20’ is required. The location of the building 1’ from the lot line between the Property and the B-K Parcels will be impossible to discern because the three properties will continue to act as a unified whole under the complete control of the Applicant.

In addition to the new bank, the Applicant proposes a number of other improvements to both the Property and the overall retail center:

- Create internal site driveways between the Property and the B-K parcels to create a more-integrated plaza and reduce vehicular traffic on the street;
- Close the existing curb cut on Sodom Lane, which is located in close proximity to New Haven Avenue, to create a safer and more efficient traffic pattern for those turning into Sodom Lane from New Haven Avenue;
- Modify the curb cut from New Haven Avenue into the Property to be a better-defined right-in only;
- Replace large areas of pavement along both New Haven Avenue and Sodom Lane with landscaping to create a far more attractive streetscape.

The result will be to (1) bring a much-needed financial institution to the City of Derby, and (2) create a far more attractive, safer, and better-integrated retail center on the highly-traveled main corridor into the heart of the City of Derby.

B. Responses to Variance Application Questions

VI. The Property is currently improved with a Starbucks coffee shop, and a Chase Bank is proposed to replace it. Both restaurants and banks are permitted uses within the B-1 zone. The Starbucks building is nonconforming as to the side yard setback because it is located 14.3' from the lot line where 20' is required. The proposed bank will be located 1' away from the same lot line.

VII. The strict application of the Regulations will result in unusual difficulty or unreasonable hardship because the lot is nonconforming as to lot width in that it is only 115' wide where 200' is required. As a result, after applying the front and side yard setbacks of 20' each, only an extremely small building can be located on the Property together with the required parking, as evidenced by the existing nonconforming building.

VIII. The circumstances concerning the Property are peculiar to it and not applicable to the area as a whole because it is part of a retail center that operates as a whole. The requested side yard setback only impacts the Applicant as the owner of the abutting parcel, and no other property owner. The granting of the variance will result in a far more efficient, safe, and attractive development.

IX. As noted, the requested variance applies only to a property line where the Applicant is the long-term leaseholder of one property and is the owner of the other. The addition of the bank will also require site plan approval from the Planning & Zoning Commission which will approve all site improvements to ensure that the retail center operates as a whole.

X. The requested variance will be in harmony with the general purpose and intent of the Ordinance as found in Section 195-2 in that it:

- Will facilitate efficient provision of public services;
- Will provide assurance of necessary site for commerce;
- Will not impact privacy for families in any way;
- Will facilitate the reduction in traffic congestion and promotes efficient circulation of vehicles;
- Will enhance the appearance of the City of Derby on an important corridor;
- Is consistent with the goal of flexibility in the design and development of land.