



Derby Connecticut

**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: 80 Stelmack Rd. Zoning District R3.
Building Line "As per Town of Derby records"

North East between _____
Side between Homesteads Avenue St/Ave and Sentinel Hill Road
South West _____

II. Name of Owner: Johnnie M. Hudson Address 80 Stelmack Rd.

Date of Purchase: November 12, 2021

Name of present proposed tenant N/A

Or proposed purchaser N/A

Name and signature

Of Appellant _____ Address: _____

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 type="checkbox"/> Floor Area | <input type="checkbox"/> Building Coverage | <input type="checkbox"/> Location of Parking/Loading |
| <input type="checkbox"/> Yards | <input type="checkbox"/> Building Height | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Size of Courts | <input type="checkbox"/> Usable Open Space | <input type="checkbox"/> Other – Variance to permit into rear yard |

- IV. **Section(s) of zoning ordinance appeal from:** Appealing from §195-7 (Definitions — *Airbnb*), §195-54 (Parking requirements referencing hotel/motel/B&B), and the residential use restrictions in §195-9 through §195-13 (see §195-12.D(8), listing *Airbnb (short-term rental)* as a special exception).
- V. **Precise Variance(s) sought:** Variance to permit operation of an *Airbnb (short-term-rental)* within a single-family residence in the R-3 District.
- VI. **Lot Dimensions (width x depth):** 150 ft. x 435 ft.
 Lot Area: 1.50 acres (65,340 sq. ft.)

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).

- **Main building:** single-family dwelling — PR (Permitted as of right)

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:

The hardship arises from the inability to make reasonable use of the property given its unique size, location, and physical characteristics. At 1.5 acres at the end of a quiet dead-end street, the property offers separation and buffering uncommon in the area. However, current restrictions limit its use to a single-family residence, preventing the property from being utilized in a manner consistent with its attributes and potential, despite its suitability to accommodate a low-impact, well-managed *Airbnb (short-term rental)* without disturbing neighbors. The hardship results directly from applying a uniform restriction to a property that presents exceptional conditions.

Approval of this variance would allow the reasonable use of a uniquely situated property while providing benefits to the City of Derby. Derby currently lacks Airbnb accommodations, meaning visitors and business representatives often stay in neighboring towns. This property could fill that gap, offering short-term lodging that supports tourism and business travel, enhances Derby’s visibility, and increases patronage to local establishments.

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

The property at 80 Stelmack Road presents circumstances that are unique within the R-3 District. Its size — 1.5 acres — combined with its location at the end of a quiet dead-end street with only three neighboring homes, provides a level of separation, privacy, and natural buffering that is not found in the surrounding area. These characteristics create a setting distinctly different from typical residential lots in the district, enabling uses that would otherwise be impractical. The configuration of the lot allows for safe, unobtrusive off-street parking and guest accommodations without disrupting the neighborhood. Such attributes create a condition of peculiarity that distinguishes this property and justifies consideration for a variance to permit a low-impact Airbnb use.

IX. Would the requested variance be subject to appropriate conditions and safe guard?

Yes. The variance can be granted with reasonable conditions, including limits on guest occupancy, parking, signage, and compliance with all safety and health regulations.

X. Would the requested variance be in harmony with the general purpose and intent of the Ordinance? Explain: Yes. The variance supports the ordinance’s purpose by enabling a use that is consistent with the property’s scale, location, and residential context, while protecting neighborhood integrity and safety.

XI If the requested variance is a use variance, answer each of the following:

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? Yes. The property’s size, location at the end of a quiet street, and natural buffering make it uniquely suited for an *Airbnb (short-term-rental)*. Current zoning restricts such use, preventing a reasonable, low-impact use consistent with the property’s character.

2. Is the use proposed the minimum variance necessary in order to allow a reasonable use of the property? Explain: Yes. The variance requested is the minimum necessary to allow reasonable use of the property as an *Airbnb (short-term rental)*, providing a viable option consistent with the property’s size, location, and character.

3. Will the use impair the essential character of the area or the objectives of the comprehensive plan of the City? Explain: No. The use as an *Airbnb (short-term rental)* preserves the residential character of the area while supporting the City’s objective of sustainable, low-impact tourism.

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: N/A

- a. Period(s) in which placed on market and agent(s) in each period: N/A
- b. Period(s) listed with Real Estate Board: N/A
- c. Period(s) advertised in newspaper (attach copy of one or more of such ads, if any)
N/A
- d. Other sales efforts during each period: N/A
- e. Asking price during each period: N/A

XII. Value Date

- a. **Date owner purchased property:** November 12, 2021
- b. **Purchase price:** \$500,000
- c. **Date and declared value of subsequent building permits:** N/A
- d. **Current assessment:** \$310,450 (2024 assessment)
- e. **Use(s) to which owner has put the property since purchase:** Maintained and used as a single-family residential dwelling since purchase.
- f. **Gross and net income of each of the last 3 years:** \$0 — no income generated.

XIII. State of Connecticut
City of Derby

_____ **Date**

Personally appeared: _____

Authorized Agent for _____ **Owner, who made oath that the statements herein were true and correct before me.**

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): N/A — no structural changes proposed.
 - 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.

BELOW THIS LINE FOR BOARD USE ONLY

XV. Communication with regard to this Appeal received from:

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

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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.)