CITY OF DERBY
BUILDING DEPARTMENT
1 ELIZABETH STREET
DERBY, CONNECTICUT 06418

Telephone 203-736-1481
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File No._____ Ward No._____
Date of:_____Hearing_____Decision_____

APPEAL TO THE ZONING BOARD OF APPEALS FOR A VARIANCE

I. **Location of Property** 130 Division (Spring St.) St./Ave. Zoning District H/C (Hospital/Campus)
Building Line _____

North East
Side between Seymour Avenue St./Ave and Division St. & Maple Ave
South West

II. **Name of Owner** The Griffin Hospital Address 130 Division St.

Date of Purchase 1909

Name of present proposed tenant N/A
or proposed purchaser _____

Name and Signature
Of Appellant _____ Address 315 Main St.,
Dominick J. Thomas, Jr. Derby, CT 06418
Attorney for Owner / Applicant djt@cohen-thomas.com
203-735-9521

III. THIS APPEAL relates to:

[ ] PRINICPAL BUILDING(S) AND ITS OR THEIR:	[ ] ACCESSORY BUILDING(S)	[ ] LAND
[ ] USE	[ ] LOT AREA	[ ] DISTANCE BETWEEN BUILDINGS
[ ] NO. OF DWELLINGS	[ ] AVERAGE LOT WIDTH	[ ] AMOUNT OF PARKING OR LOADING
[ ] FLOOR AREA	[ ] BUILDING COVERAGE	[ ] LOCATION OF PARKING/LOADING
[ ] YARDS	[ ] BUILDING HEIGHT	[ ] SIGNS
[ ] SIZE OF COURTS	[ ] USABLE OPEN SPACE	[X] OTHER – Variance to permit into rear yard

IV. **Section(s)** of zoning ordinance appeal from:
195-19(E)((5)&(6)

V. **Precise Variance(s)** sought:
Setback from 20' to 0' for a 660+/-SF sound proofing container housing a CHP-1 generator.

VI. **Lot** Dimensions (width x depth): **See Attached GIS** Lot Area **223,898.4+/- 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)
The entire area of the lot is occupied by Griffin Hospital and provides community health services

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:

Griffin Hospital, founded in 1909, seeks to ensure that it is able to sustain hospital operations during grid failures with the use of Combined Heat and Power system, which would integrate its traditional backup generator system alongside an CHP system. It is standard practice for Hospitals in CT and Nationwide to utilize a redundant system to ensure a sustainable and climate resilient health care system. The only location where a CHP unit can be placed is within the setback variance on Spring Street. This is for two reasons: first, there is no space for the unit and its sound dampening container elsewhere on the campus; second, a CHP converts the heat generated by the unit into useful thermal energy, in the form of steam and hot water. Therefore, Griffin Hospital meets the difficult and unreasonable hardship criteria, as without the variance it would not be able to provide this necessary resiliency to its patient population.

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

The hospital was established prior to the zoning code, and, when the hospital zone implemented, it created several non-conforming setbacks as the Hospital campus occupies all available space. The hospital does not have the ability to expand.

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

The location where the CHP unit and its sound dampening container would be located is within the setback variance that had previously been granted on Spring Street for the modular MRI building and "area." The hospital will be placing a fence at the property line, in accordance with that variance. The CHP unit and the sound dampening container encasing it, would be located behind this fencing. The fence will be lined with a sound dampening material. Furthermore, the top of the sound dampening container will also be screened, with additional sound dampening material lining this screening as well. The Hospital, as evidenced by the attached specs, has ensured that all necessary and appropriate conditions will be met for both aesthetics and sound dampening purposes.

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

Yes, the variance to allow the CHP unit and the sound dampening container to be located within the setback variance would allow the Hospital to meet the needs of its community, and, as such, would not only be in harmony with the general purpose and intent of the Ordinance, but would allow the Hospital to continue to operate efficiently and affordably for future generations. The entire area of the main campus and surrounding properties are devoted to providing the community with medical care and services. This variance would support the continuation of those services.

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 I 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 bave 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: N/A

a. Date owner purchased the property:
b. Purchase price:
c. Date and declared value of subsequent building permits:
d. Current assessment:
e. Use(s) to which owner has put the property since purchase:
f. Gross and net income of each of the last 3 years:

XIII. State of Connecticut
City of Derby

May 22, 2026
Date

Personally appeared Dominick J. Thomas, Jr.

Authorized Agent for The Griffin Hospital Owner, who made oath that the statements herein were true and correct before me.

PAMELA A KICHAR
Notary Public, State of Connecticut
My Commission Expires OCT 31, 2029

Notary Public
~~Commissioner of the Superior Court~~

XIV. [X] **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:** N/A
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:

[ ]	[ ] Health Dept.	[ ] Engineering
[ ] Traffic Commission	[ ] Police Dept.	[ ]
[ ]	[ ] Fire Dept.	[ ]

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