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April 21, 2026

TO: DERBY PLANNING & ZONING COMMISSION

FROM: ATTORNEY DOMINICK THOMAS

RE: RESPONSE TO LETTER FROM ZONING ENFORCEMENT OFFICER CONCERING GRIFFIN HOSPITAL VARIANCE GRANTED FEBRUARY 26, 2025.

The ZEO issued a letter dated April 8 claiming that the setback variance from 20' to 0' along Spring Street issued to Griffin Hospital on February 26, 2025.for the proposed MRI building applies only to that building and not to the entire street setback along Spring Street. Such a claim is not supported by the law or past practice.

The thrust of the opinion seems to be that a variance is only for the item on the required site plan. Since every setback variance application requires the filing of a site plan to show for what the variance is requested, every setback variance would be only for the "building" as shown on the plan submitted as part of the application. Therefore, according to the ZEO, the setback line along Spring Street is as shown in Exhibit A. While, unequivocally, there is no law to support that position, if it were the case any generator or other mechanical equipment on the side of the building would require another variance since any such structure, if considered a building, would be within the 20' required setback. See Exhibit A and Exhibit A-1, the 20' setback on the entire Spring Street side.

In addition, a determination needs to be made if the proposed Combined Heat and Power (CHP) generator is a building. The following definitions are relevant:

- Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.
- Setback: The distance between the street right-of-way line and the front line of a **building or any projection thereof**, excluding uncovered steps. (See Figure 20.)
- Structure: A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water. (COMMENT: By this definition, all buildings are structures; however, not all structures are buildings. See "building.")

If the CHP generator is not a building, it is permitted in the setback area. If a generator is considered a building, that any such item would require a variance if one had not been granted for that setback. As another example, if an addition were granted a setback variance and the owner wished later to add an enclosed porch along the side of the addition that was well within the variance setback, a new variance would be required according to the ZEO letter. Such is, as stated, not supported by statutory or case law. Attached as Exhibit B is section 9.7 from Land Use & Law Practice and the *World Auto Service* case previously submitted to your counsel both of which deal with setback variances. As stated in section 9.7 “Where a setback variance was previously granted, there is no requirement for an additional variance where the use of the property is changed later from one permitted use to another permitted use.” The section cites the Worlds Auto Service case.

The response of your counsel was to cite the *Anatra v. Zoning Board of Appeals of the Town of Madison* case. In that case a variance was granted to build a new house within the existing footprint of the nonconforming building to be demolished. Several variances were needed. The applicant’s representatives made the representation to the ZBA that the new house would be withing the footprint of the existing house. Later the property owner wanted to add a porch that was outside the footprint of the house but within the legal setback. The CT Supreme Court held that the condition did not have to be in the variance but one could look at the *entire* record to see if the condition of “footprint only” was part of the variance. Given the numerous representations, it found that it was a condition of the variance. It did not, however, find it was a condition based *solely* the plan submitted.

In this case, Griffin submitted photos (Exhibit C) of the entire Spring Street area to show the encroachments of the building and other structures into the setback based on the fact that the PZC imposed the Hospital Campus Zone on the exiting hospital building without consideration that it made the building nonconforming as to all street frontage setbacks. There was no discussion whatsoever of limiting the setback variance to only the MRI building.

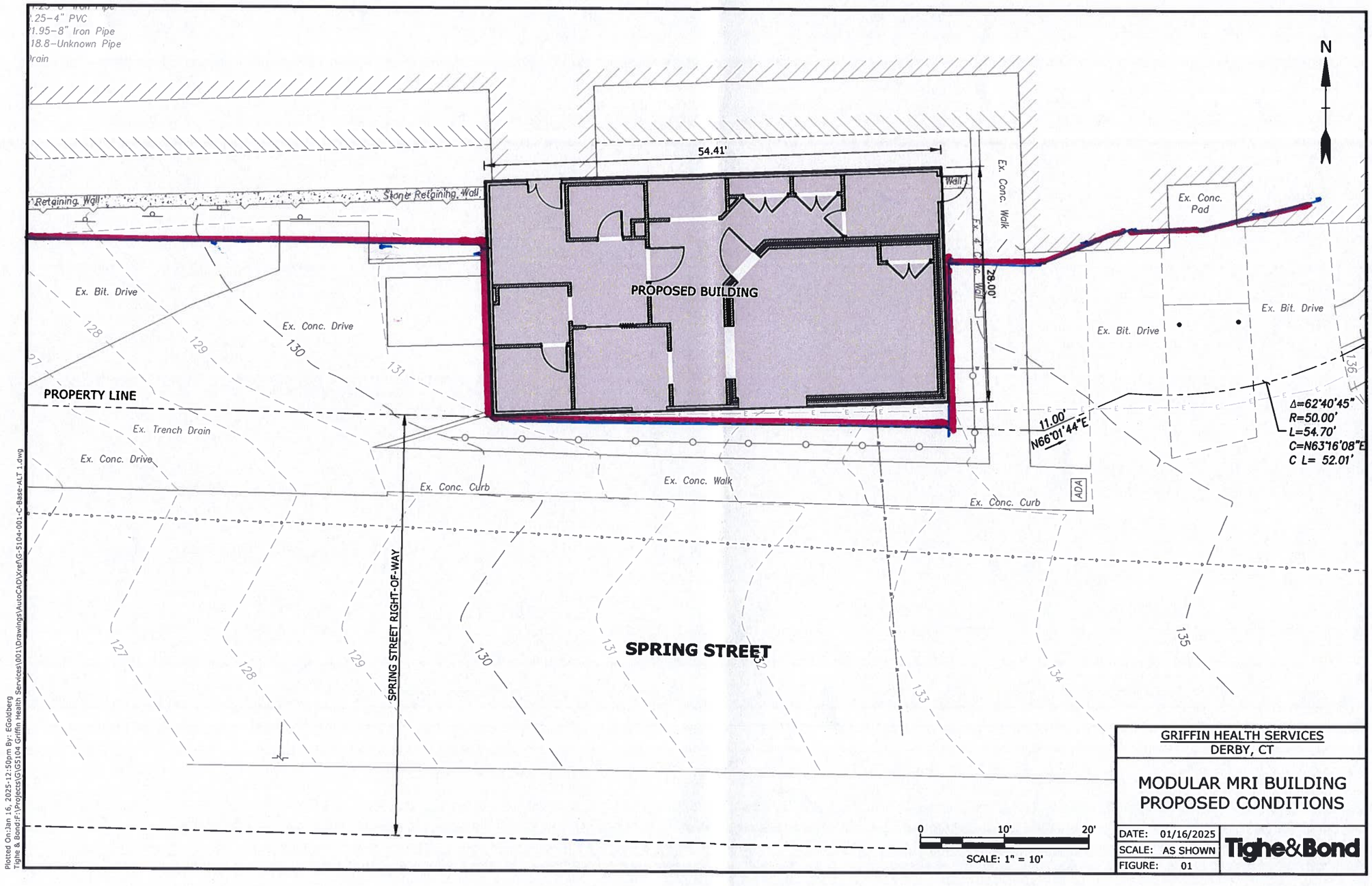
To confirm, please listen to the audio of the meeting.

Nothing whatsoever was discussed as to limiting the variance to the footprint of the proposed MRI building. The exhibits and the discussion centered around the hardship that the imposition of the bulk standards of the Hospital Campus zone made the exiting hospital building nonconforming as to setbacks on the Seymour Avenue, Spring Street and Maple/Division Streets sides. The discussion – and photos showed the building and other incursions into the setback area along Spring Street. One member of the public wrote a letter of support. Finally, the discussion evolved into parking and the ZBA decided to recommend that the PZC hold a public hearing on the site plan application to address parking issues. Nothing was ever said or discussed limiting the variance to the footprint of the proposed MRI building.

In addition, past practice of the ZBA, PZC and Ryan McEvoy P.E. was that a setback variance granted was for the entire length of the property. Attached as Exhibit D is the Dew Drop Inn 2024 variance application for the new addition. A prior variance for the front setback from 20' to 5' for patio addition on the north side of Dew Drop was granted March 10, 2021, for a patio on the north side of the building. In 2024, the attached variance application (Exhibit C) was for a setback variance from **5**' to 2.5' – not from 20' to 2.5 feet. This was the recommendation of Ryan McEvoy and nothing was raised by the ZBA. At the time of the approval, the applicant gave up the variance on the for the patio because the new addition was taking up parking. Later, the PZC approved the site plan and had the variance before it and never raised an issue that the variance from 5' to 2.5' was incorrect.

For the above reasons, the position of the ZEO that another variance is required for the CHP generator is not supported by the law and is illegal and an abuse of discretion.

EXHIBIT A



GRIFFIN HEALTH SERVICES
DERBY, CT

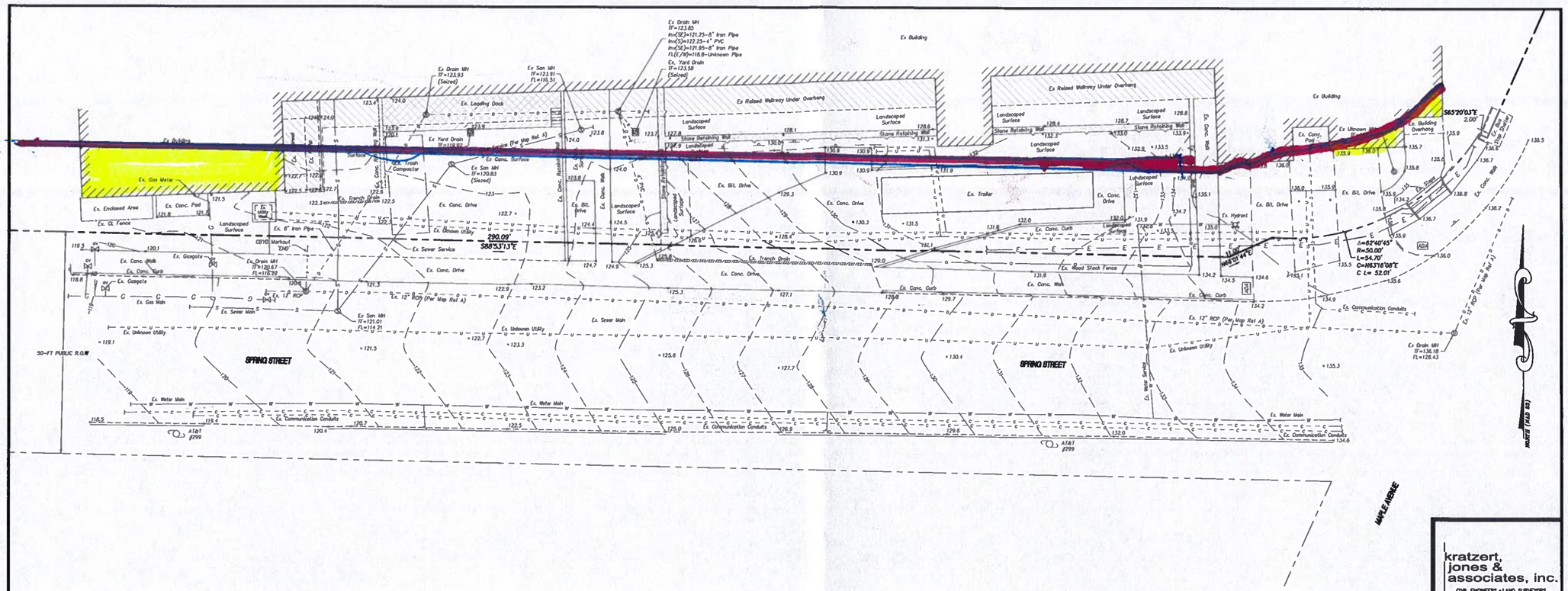
MODULAR MRI BUILDING
PROPOSED CONDITIONS

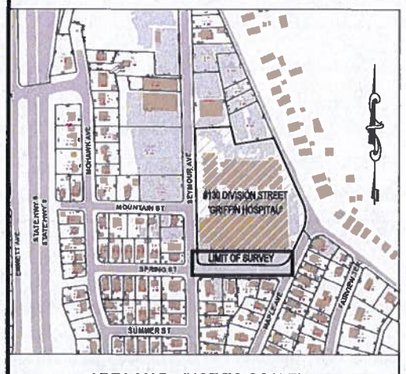
DATE:	01/16/2025
SCALE:	AS SHOWN
FIGURE:	01

Tighe&Bond

Plotted On:Jan 16, 2025-12:50pm By: EGoldberg
Tighe & Bond:F:\Projects\GIS\104 Griffin Health Services\001\Drawings\AutoCAD\XRef\G-5104-001-C-Base-ALT 1.dwg

EXHIBIT A-1





AREA MAP (NOT TO SCALE)

NOTES:

1. PARCEL OWNER: THE GRIFFIN HOSPITAL
   - SEE WARRANTY DEED RECORDED JUNE 16, 1995 IN VOL 252 AT PG 442 OF CITY OF DERBY LAND RECORDS
2. ADDRESS: 130 DIVISION STREET, DERBY, CT
3. ZONE: HOSPITAL/CAMPUS (H/C)
4. THE SUBJECT PARCEL MAY BE SUBJECT TO OR BENEFIT BY THE EASEMENTS, RIGHTS OF WAY, AND/OR AGREEMENTS AS MAY APPEAR ON RECORD:
   A. INGRESS & EGRESS FOR THE PURPOSE OF CONSTRUCTION - SEE WARRANTY DEED RECORDED ON JUNE 16, 1995 IN VOL 252 AT PG 442 OF CITY OF DERBY LAND RECORDS (NOT PLOTTED)
5. BEARINGS ARE REFERENCED TO NORTH AMERICAN DATUM OF 1983 (NAD83).
6. ELEVATIONS ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
   - CONTOUR INTERVAL IS 1-FOOT
7. THIS PLAN REPRESENTS THE LOCATION OF THE BOUNDS AND SITE CONDITIONS DETERMINED BY FIELD SURVEY NOVEMBER 2024. RECORD TITLE AND ADJOINER INFORMATION WAS OBTAINED FROM TAX ASSESSOR AND LAND EVIDENCE RECORDS NOVEMBER 2024.
8. UNDERGROUND UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING AND OTHER DATA SUPPLIED BY RESPECTIVE UTILITY COMPANIES, GOVERNMENTAL AGENCIES, AND/OR OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON SITE. THE EXISTENCE, SIZE, AND LOCATION OF ALL SUCH FEATURES MUST BE DETERMINED AND VERIFIED IN THE FIELD BY THE APPROPRIATE AUTHORITIES PRIOR TO BEGINNING CONSTRUCTION. CALL "CALL BEFORE YOU DIG" AT 811 OR 1-800-922-4455.

MAP REFERENCES:

A. "PROPERTY MAP GRIFFIN HOSPITAL, DIVISION STREET, MAPLE AVENUE, SPRING STREET, MOUNTAIN STREET & SEYMOUR AVENUE, DERBY, CONNECTICUT"; SCALE: 1"=40'; DATE: MAY 1987 REV 3-3-1993; MAP PREPARED BY: ORDNER; SEE MAP NO.: 8-56 OF CITY OF DERBY LAND RECORDS
B. "TOWN OF DERBY MAP SHOWING LAND ACQUIRED FROM THE GRIFFIN HOSPITAL BY THE STATE OF CONNECTICUT INTERSECTION IMPROVEMENTS"; SCALE: 1"=20'; JUNE 1994 REV. 1/18/95; MAP PREPARED BY: DEPARTMENT OF TRANSPORTATION; SEE MAPS NO.: 86, 87 & 88 OF CITY OF DERBY LAND RECORDS
C. "PROPERTY SURVEY ALTA/ACSM LAND TITLE SURVEY PREPARED F THE GRIFFIN HOSPITAL, DIVISION STREET, MAPLE AVENUE, SPRING STREET, SEYMOUR AVENUE & MOUNTAIN STREET, DERBY, CONNECTICUT; SCALE: 1"=40'; MAP PREPARED BY: URS CORPORATION AES; SEE MAP NO.: 10-78 OF CITY OF DERBY LAND RECORDS

LEGEND

- PROPERTY LINE
- PROPERTY CORNER
- EXISTING IRON PIN
- EXISTING MONUMENT
- EXISTING SANITARY MANHOLE
- EXISTING LIGHT
- EXISTING HYDRANT
- EXISTING UTILITY POLE
- EX. EDGE OF ROAD
- EX. EDGE OF CURB
- EX. UG UTILITY - SEWER
- EX. UG UTILITY - UNKNOWN
- EX. UG UTILITY - WATER
- EX. UG UTILITY - COMMUNICATION
- EX. UG UTILITY - GAS
- EX. UG UTILITY - DRAINAGE
- EX. UG UTILITY - ELECTRIC
- EX. RAISED WALKWAY
- EX. STONE RETAINING WALL
- EX. LOADING DOCK
- EX. BUILDING (Ex Building)

Digitally signed by James N Salonchick
DN: c=US, st=Connecticut, l=Milldale, serialNumber=AATL20240604352376, o=KRATZERT, JONES & ASSOCIATES, INC., cn=James N Salonchick, email=salonchick@kratzertjones.com
Date: 2025.04.22 09:06:50 -04'00'

STATE OF CONNECTICUT JAMES N. SALONCHICK 15302 LICENSED LAND SURVEYOR

ZONING TABLE	
RESIDENTIAL HOSPITAL / CAMPUS (H/C) UPDATED TO: FEBRUARY 6, 2022	
	REQUIRED
LOT AREA	5,000 S.F.
FRONT YARD SETBACK	20 FEET
SIDE YARD SETBACK	10 FEET
REAR YARD SETBACK	20 FEET
LOT FRONTAGE	50 FEET

Disclaimer:
The underground utilities shown have been located from limited field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprises all such utilities in the area either in service or abandoned. To meet the requirements of our professional liability insurance, the terms CERTIFICATE, CERTIFY, AND CERTIFICATION mean to the best information, knowledge, and belief of the engineer; and are not an unconditional certification, warranty or guarantee which are not covered under the policy.

REVISIONS TO THESE PLANS BY ANYONE OTHER THAN KJA SHALL MAKE THESE PLANS NULL AND VOID. KJA SHALL TAKE NO RESPONSIBILITY FOR SAID REVISIONS.

REVISION-7:		
REVISION-6:		
REVISION-5:		
REVISION-4:		
REVISION-3:		
REVISION-2:		
REVISION-1:		
PROJECT:		
DR:JG	SR:EF	DR:---

SURVEY NOTES:
THIS MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF ACCURACY, CONTENT AND CERTIFICATION FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS REVISED 2018-10-26 FOR USE BY THE REGULATIONS OF CONNECTICUT STATE AGENCIES. (CT SECTIONS 20-300b-1 TO 20-300b-20).

THE TYPE OF SURVEY PERFORMED IS A LIMITED PROPERTY SURVEY.

BOUNDARY DETERMINATION IS BASED UPON A RESURVEY.

THIS SURVEY CONFORMS TO CLASS A-2/T-2.

TO MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

James N. Salonchick
CT P.E. & L.S. #15302

SEAL: THIS SHALL NOT BE CONSIDERED A SEALED DOCUMENT WITHOUT A LIVE HAND PLACED SEAL AND SIGNATURE.

kratzert, jones & associates, inc.
CIVIL ENGINEERS • LAND SURVEYORS
SITE PLANNERS • BUILDING ENGINEERS
P.O. BOX 337
1755 MIDDLETOWN-WATERBURY RD.
MILLDALE, CT 06467-0337
PHONE: (860) 621-3638
FAX: (860) 621-9609
EMAIL: INFO@KRATZERTJONES.COM

LIMITED PROPERTY SURVEY

for

TIGHE & BOND

PORTION OF SPRING STREET
DERBY, CT

SCALE: 1" = 10'

DATE: DECEMBER 18, 2024

HALF | ONE INCH | TWO INCH
INCHES ON ORIGINAL

KJA FILE NO.: 224-126

DRAWING NO.: E-1

EXHIBIT B

9 Conn. Prac., Land Use Law & Prac. § 9:7 (4th ed.)

Connecticut Practice Series TM | January 2026 Update

Land Use Law & Prac.
Dwight Merriam

Part I. Land Use Agencies and Their Powers and Duties

Chapter 9. Variances

§ 9:7. Limits on variances for conforming lots

If the appeal involves a variance as well as an appeal from the decision of the zoning enforcement officer, the zoning board of appeals is required to decide the appeal prior to deciding the variance by General Statutes § 8-6a. However, the filing of a variance application is not a waiver of rights on the appeal from the decision of the zoning enforcement officer.[1] If a lot qualifies as a building lot, the zoning board of appeals cannot grant a variance.[2]

Where the zoning board of appeals did not consider when acting on a variance application whether a structure of addition was exempted from compliance with the zoning regulations under General Statutes § 8-13a, the trial court could not decide that question on appeal.[3]

Where a setback variance was previously granted, there is no requirement for an additional variance where the use of the property is changed later from one permitted use to another permitted use.[4]

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Footnotes

1 Miniter v. Zoning Bd. of Appeals of Town of Berlin, 20 Conn. App. 302, 306, 566 A.2d 997, 999 (1989).

2 Grillo v. Zoning Bd. of Appeals of City of West Haven, 206 Conn. 362, 372, 537 A.2d 1030, 1035 (1988); Wnuk v. Zoning Board of Appeals of City of New Britain, 225 Conn. 691, 697, 625 A.2d 698 (1993).

3 Chester v. Zoning Bd. of Appeals of the Town of Westport, 46 Conn. App. 148, 698 A.2d 370 (1997) (denial of variance); Whitehead v. East Haven Zoning Bd. of Appeals, 2004 WL 1462829 (Conn. Super. Ct. 2004).

4 World Auto Service LLC v. Zoning Bd. of Appeals, City of Hartford, 24 Conn. L. Rptr. 679, 1999 WL 417369 (Conn. Super. Ct. 1999).

End of Document

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1999 WL 417369

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Superior Court of Connecticut.

WORLD AUTO SERVICE, LLC,
v.
ZONING BOARD OF APPEALS,
CITY OF HARTFORD.

No. CV98-0492237.
|
June 1, 1999.

MALONEY.

MEMORANDUM OF DECISION

***1** Plaintiff World Auto Service, LLC, appeals a decision of the defendant zoning board of appeals of the city of Hartford denying the plaintiff's application for a special exception. The board acted pursuant to General Statutes § 8-6. The plaintiff appeals pursuant to § 8-8. The court finds in favor of the plaintiff.

The facts essential to the court's decision are undisputed and are fully reflected in the record. The plaintiff operates an auto repair business on the property in question. It purchased the business and leases the property from the owner of the property, Manuel Cordeiro.

The plaintiff applied to the defendant board for a special exception to expand its business and operate a used car dealership on the premises in addition to the existing repair business. The property is located in a B-3 zone, where both kinds of businesses are permitted without the necessity of a special exception from the board. The building on the property does not comply with the setback provisions of the zoning regulations, however, and the plaintiff needed some affirmative permission from the board as part of its application to the department of motor vehicles for a license to conduct the car dealership. The plaintiff applied for a special exception, therefore. The board, after a hearing, denied the application.

Based on the facts set forth above, the court finds that the plaintiff is aggrieved by the board's decision. See *Primerica v. Planning & Zoning Commission,* 211 Conn. 85, 558 A.2d 646 (1989); *DiBonaventura v. Zoning Board of Appeals,* 24 Conn.App. 369, 588 A.2d 244 (1991).

Some additional historical facts are relevant at this point. In 1979, the owner of the property, desiring to enlarge the building, obtained from the defendant board a variance from the rear and side yard restrictions, thus allowing the construction of the present building. So, although the building on the property does not, indeed, conform to the setback regulations, that nonconformity was specifically authorized by the board when it granted the variance.

Unquestionably, the board had authority to grant the variance and, once granted, the variance permanently altered the status of the property vis a vis the zoning regulations, in particular those regulations requiring setback. "Setback variances are probably the great majority of applications to the zoning board of appeals." R. Fuller, Land Use Law & Practice, § 4.35, p. 96. "A variance is authority granted to a property owner to use his property in a manner forbidden by the zoning regulations. A variance is granted for the particular piece of property and benefits the present owner and all subsequent owners." *Id*., § 9.2, p. 148. When the owner of the property in question obtained the variance in 1979, the board in effect exempted the property from the setback regulations, at least to the extent that the present building is incompatible with them. The building does not constitute a nonconforming use that preexisted the regulations, therefore; the regulations simply have never applied to it.

***2** It follows that the plaintiff did not need to obtain a special exception to the regulations in order to conduct another permitted business on the premises. It also follows that the board, having granted the variance from the regulations in the past, has no authority now to invoke those regulations to prevent the plaintiff from conducting an otherwise permitted use.

For all of the above reasons, the plaintiff's appeal is sustained.

All Citations

Not Reported in A.2d, 1999 WL 417369, 24 Conn. L. Rptr. 679

End of Document

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EXHIBIT C
C-28
Oak Ridge
Waste & Recycling
203-743-0405
C-22
FedEx



EXHIBIT D

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** 23-25 North Ave. St./Ave. Zoning District MDD
Building Line _____

North East
Side between Roosevelt Drive St./Ave and Park Ave.
South West

II. **Name of Owner** North Forty Holdings LLC Address c/o Atty. Dominick Thomas
315 Main St., Derby, CT 06418
djt@cohen-thomas.com

Date of Purchase June 5, 2006

Name of present ~~proposed~~ tenant Dew Drop Inn
or proposed purchaser _____

Name and Signature
Of Appellant Dominick Thomas Address See Above
Attorney for Owner & Tenant

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
[X] YARDS	[ ] BUILDING HEIGHT	[ ] SIGNS
[ ] SIZE OF COURTS	[ ] USABLE OPEN SPACE	[ ] OTHER – Variance to permit into rear yard

IV. **Section(s)** of zoning ordinance appeal from:

195-17A(E)(4) and Variance granted March 10, 2021, and recorded in the Derby land records on June 8, 2021, in volume 851, page 16.

V. **Precise Variance(s)** sought:

Front setback from five (5') feet per the variance to 2.5' for an addition that will allow code compliant expansion of the existing building and business.

VI. **Lot** Dimensions (width x depth): 550.77' X 89.71' Lot Area 28,186 SF / 0.647 AC

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) The existing restaurant and apartment use is preexisting, legal, nonconforming these uses are
(2) currenty permitted in the MDD zone.

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 proposed expansion of the building is needed for the increase in business. The addition will have code compliant bathrooms and a kitchen expansion that is code compliant. The existing building is only 2.8' from the front property line. The proposed expansion is in the only location on the lot in which is can be accomplished.

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

The unique shape and topography of the lot limits the usable area of the parcel.

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

Site plan approval for the addition will be required. The applicant will comply with all required safety improvements.

X. Would the requested variance be in **harmony** with the general purpose and intent of the Ordinance? Explain: The use is permitted in the MDD zone. The Dew Drop Inn Is a business that has brought positive attention to the City of Derby. As a result of that popularity it need to expand.

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

April 1, 2024
Date

Personally appeared Attorney Dominick Thomas

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

* and Dew Drop Inn, Tenant,

PAMELA A. KICHAR
NOTARY PUBLIC
MY COMMISSION EXPIRES OCT. 31, 2024

Pamela A. Kichar
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:**
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.)**

Variance of front setback to 5' for patio addition on the north side granted March 10, 2021, and recorded in the Derby land records on June 8, 2021, in volume 851, page 16.