

**CITY OF STAMFORD
ZONING BOARD OF APPEALS**

Stamford Government Center
888 Washington Blvd.
P.O. Box 10152
Stamford, CT 06904-2152

Telephone 203.977.4160 - **Fax** 203.977.4100 - **E-mail** mjudge@stamfordct.gov

PLEASE PRINT ALL INFORMATION IN INK

1. I/we hereby apply to the Zoning Board of Appeals for:

- Variance(s) - ~~Modification to App. No. 044-19~~
- Special Permit
- Appeal from Decision of Zoning Enforcement Officer
- Extension of Time
- Gasoline Station Site Approval
- Motor Vehicle Approval:

New Car Dealer () Used Car Dealer () General Repairer () Limited Repairer ()

2. Address of affected premises:

Lot A Myrtle Avenue (aka 909 East Main Street, fka 20 Myrtle Avenue) Stamford, CT 06902 (Parcel ID 004-3073)

_____ street zip code

Property is located on the north () south () east (X) west () side of the street.

Block: 119 Zone: _____ Sewered Property (X) yes () no

C-N

Is the structure 50 years or older (X) yes () No

Corner Lots Only: Intersecting Street: East Main Street
Within 500 feet of another municipality: No (X) Yes () Town of _____

3. Owner of Property: Stamford Realty Partners, LLC

Address of Owner: 909 East Main Street, Stamford, CT Zip 06902

Applicant Name: Stamford Realty Partners, LLC

Address of Applicant: 909 East Main Street, Stamford, CT Zip 06902

Agent Name: Carmody Torrance Sandak & Hennessey, LLP; Attention: Jason A. Klein

Address of Agent: 1055 Washington Blvd., 4th Floor, Stamford, CT Zip 06901

EMAIL ADDRESS: Agent: JKlein@carmodylaw.com
(Must be provided to receive comments from letters of referral)

Telephone # of Agent 203.425.4200 **Telephone # of Owner** N/A

(CONTACT IS MADE WITH AGENT, IF ONE)

4. List all structures and uses presently existing on the affected property:

For the past 50 years the Property has operated as a Toyota car dealership, and is improved with a 8,254 +/- sf building containing showroom, office and auto repair uses. In 2019, the ZBA permitted the construction of a one (1) story addition on the existing dealership building to be used as office and storage space. Additional show room space and replacement repair bays were also approved. A copy of the previously approved Variance is enclosed with these application materials.

5. Describe in detail the proposed use and give pertinent linear and area dimensions:

The Applicant seeks ZBA approval to modify the Variance granted in 2019 to allow a total building height of 29' 2 1/2" in lieu of the previously approved 27'6". No other changes to the previously approved _____ addition are proposed. During the course of pursuing a Building Permit for the addition, it was determined that the existing first floor structure was inadequate to carry the load of the second (2nd) story addition.

The modest increase in Building Height is needed to allow for support systems required to maintain the load of the previously approved second (2nd) story addition.

VARIANCES (complete this section for variance requests only) See a Zoning Enforcement Officer for help in completing this section

Variance(s) of the following section(s) of the Zoning Regulations is requested
(provide detail of what is sought per the applicable section(s) of the Zoning Regulations):

(a) Appendix B, Table IV of the Zoning Regulations to permit a Building Height of twenty-nine feet, two and one half inches (29' 2 1/2") in lieu of the 25' permitted. (Note: 2019 Variance approval permitted Building Height of 27'6" in lieu of the 25' permitted).

(b) Appendix B, Table IV of the Zoning Regulations to allow the proposed second (2nd) story addition to be located 0' from the southerly Side Yard Lot Line in lieu of the 6' required.

(c) Article IV, Section 10-A of the Zoning Regulations to allow for the reasonable modernization of the auto dealership use on the Property.

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Variations of the Zoning Regulations **may** be granted where there is unusual hardship in the way of carrying out the strict letter of the Regulations solely with respect to a parcel of land where conditions especially affect such parcel but do not affect generally the district in which it is situated. In your own words:

A. Describe the unusual hardship in being unable to carry out the strict letter of the Zoning Regulations:

The existing building was constructed in 1969 when the Property was located in the C-I Zone. The C-I Zone allowed for auto dealership uses, Building Heights up to 75' and a 0' Side Yard Setback. The Property became legally nonconforming when it was re-zoned to the C-N Zone. Application of the Building Height and Side Yard Setback standards create the unusual hardship of preventing the construction of a reasonable 2nd story addition to an existing building which backs up to the concrete retaining wall holding up I-95. The modest increase in Building Height is needed to allow for support systems required to maintain the load of the previously approved second (2nd) story addition.

B. Explain why the variance(s) is/are the minimum necessary to afford relief:

The Variances requested are the minimum necessary to afford relief as they will allow the dealership to modernize as originally planned in 2019. The modest increase in Building Height is needed to allow for support systems required to maintain the load of the previously approved second (2nd) story addition, and will allow the dealership to maintain, rather than expand its footprint on the Property. In other words, approval of the Variance will avoid the need to build additional buildings closer to either Myrtle Avenue or East Main Street. Instead, the building will remain where it belongs, and as it has for over 50 years. The Variances will also avoid the need for measures that would have a greater impact on the neighborhood, such as demolition of the existing building and complete redevelopment of the Property.

C. Explain why granting of the variance(s) would not be injurious to the neighborhood.

The granting of the requested Variances will not be injurious to the neighborhood. The modest increase in Building Height is needed to allow for support systems required to maintain the load of the previously approved second (2nd) story addition. Application of the Building Height and Side Yard Setback will require new construction, or partial demolition of the existing building, resulting in greater disturbance to the neighborhood.

SPECIAL PERMIT

(Complete this section **only** for special exceptions)

N/A

SPECIAL EXCEPTION is requested as authorized by Section(s) _____ of the Zoning Regulations. Provide details of what is being sought:

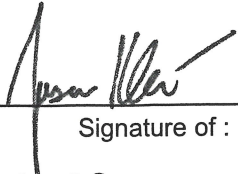
N/A

MOTOR VEHICLE APPLICATIONS

(Complete this section only for Motor Vehicle/Service Dealers Applications) Provide details of what is being sought.

N/A

SIGNATURE REQUIRED FOR ALL APPLICATIONS



Signature of : Agent Applicant Owner

Date Filed: 11.29.22

Zoning Enforcement Officer Comments:

DECISION OF THE ZONING ENFORCEMENT OFFICER

(Complete this section **only** for appeals of zoning enforcement officer decision)

DECISION OF THE ZONING ENFORCEMENT OFFICER dated _____ is appealed because:

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CITY OF STAMFORD
ZONING BOARD OF APPEALS

APPLICATION PACKET

Board Members
Joseph Pigott, Chair
John A. Sedlak
Nino Antonelli
Claire Friedlander
Lauren Jacobson

Alternate
Ernest Matarasso
Matthew Tripolitsiotis
Jeremiah Hourihan

Land Use Administrative Assistant
Mary Judge

ALL APPLICANTS MUST MAKE AN APPOINTMENT WITH THE ZONING ENFORCEMENT OFFICE FOR PLAN REVIEW OF ZBA APPLICATIONS AT LEAST ONE WEEK PRIOR TO THE APPLICATION DEADLINE.

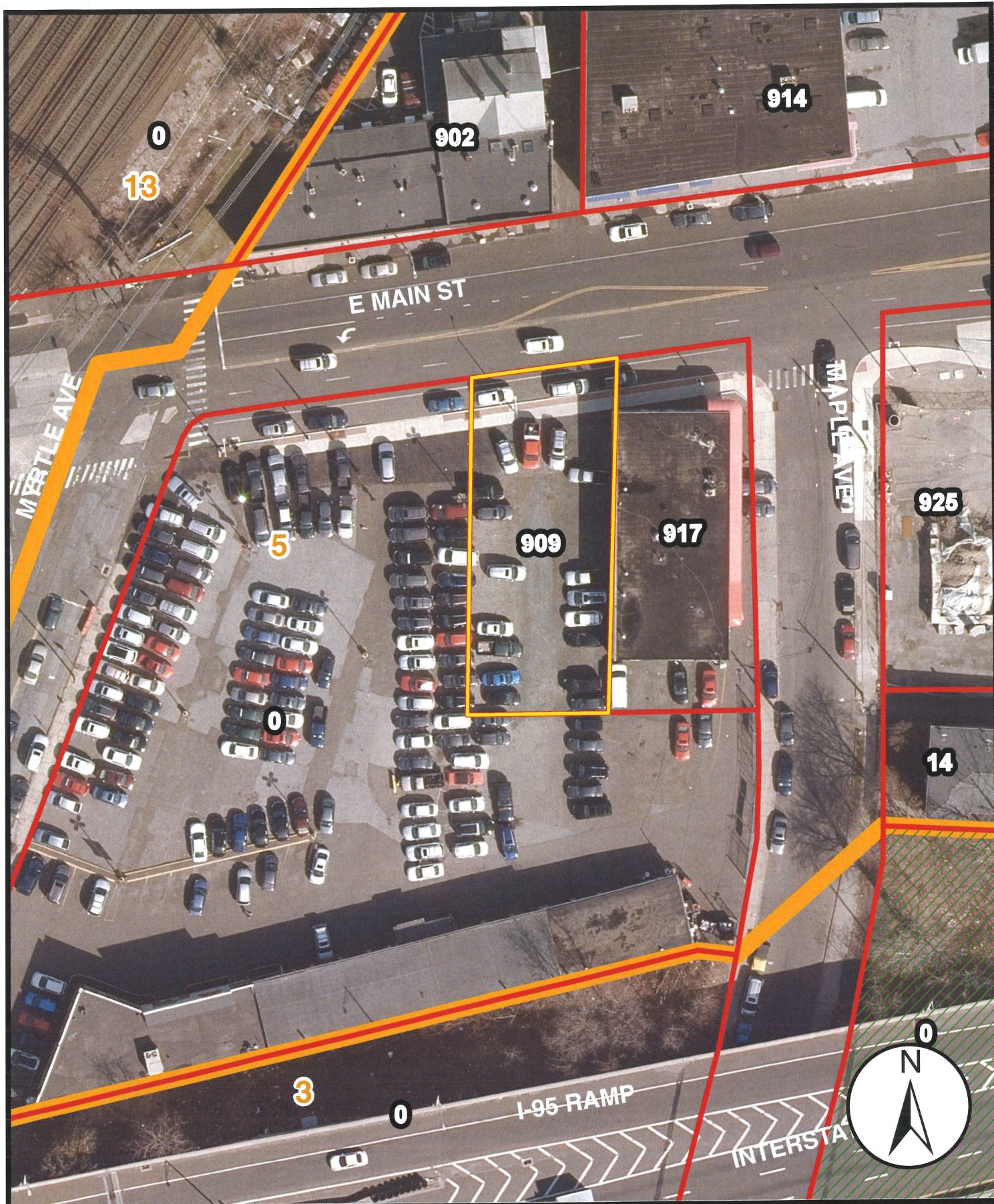
Zoning Enforcement: [Signature] Date: 11/29/22

Is the project situated in the coastal boundary? Yes () No (X)

✓ Is the project exempt from the coastal regulation? Yes () Exemption # _____ No () N/A ()

Environmental Protection: [Signature] Date: 12/5/22

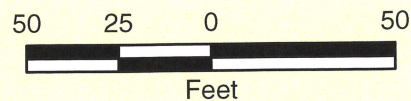
CAM Review by: _____ ZBA



ZBA Application #001-23
909 East Main Street f.k.a. 20 Myrtle Avenue

Date: 12/6/2022

1 inch = 50 feet



Zoning Data Chart – Toyota of Stamford

Zoning Standard	Existing	Proposed
Lot Area = 5,000 SF	53,479 sf	No Change
Frontage = 50'	>50'	No Change
FAR = .3 (16,043.7 sf)	.15 (7,774 sf)	.25 (13,438 sf)
Building Height = 2 Stories/25'	1 stories/16'11"	2 stories/29' 2½" *
Building Area = 30% (16,043.7 sf)	15.4% (8,254 sf)	No Change
Front Yard Setback = 15' Street Line/40' Street Center	East Main St. = >15'/40' Maple Avenue = 16.8'/>40' Myrtle Avenue=40.3'/>40'	No Change
Side Yard Setback = 6'	0'	No Change*

* = Variance required

Parking Summary –Toyota of Stamford

	Floor Area	Parking Ratio	Parking Spaces Required
Showroom	4,196 SF	4 spaces/1000 sf	17 parking spaces
Office	4,088 (1085 1 st floor and 3,003 sf 2 nd floor) SF	3 spaces/1000 sf	13 parking spaces
Storage	1,992 SF	1 spaces/2000 sf	1 parking spaces
Service Area	2,013 SF (6 service bays)	1 parking space for each employee (2 employee spaces min.) and 1 parking spaces for each service bay (service bays shall not be counted as required parking).	6 bays= 6 parking spaces 3 employees = 3 parking spaces
Total Parking Requirement			40 parking spaces
Total Parking Provided			40 parking spaces

Property Description

All that certain real property situated in the City of Stamford, County of Fairfield and State of Connecticut containing 1.2893 acres, more or less, as shown on a certain map entitled "Map Depicting Consolidation of Properties of McKale Enterprises, Stamford, Connecticut" dated June 25, 2004, prepared by Edward J. Frataroli, Inc., which map is on file in the Stamford Town Clerk's office as map 13562.

Excepting and excluding therefrom those parcels described in a Certificate of Taking by the City of Stamford dated July 9, 2012, and recorded in Volume 10471 at Page 305 of the Stamford Land Records and as shown on Map 14468 on file in the Stamford Land Records.

#001-23

**CITY OF STAMFORD
888 WASHINGTON BOULEVARD
STAMFORD, CT 06901
ZONING BOARD OF APPEALS
CERTIFICATE OF DECISION**

I, JAMES J. LUNNEY III, Zoning Enforcement Officer for the City of Stamford, in compliance with Special Act No. 379 of the 1951 General Assembly, hereby certify that on, September 11, 2019, a hearing was held by the Zoning Appeals Board on the application of:

**STAMFORD REALTY PARTNERS, LLL
DBA STAMFORD TOYOTA**

APPL. #044-19

for a variance of Table IV, Appendix B (Special Regulations Requirements) of the Zoning Regulations in order to permit a Building Height of 27.6 feet in lieu of the 25.0 feet permitted; to allow the proposed second story addition to be located 0.0 feet from the southerly side yard property line in lieu of the 6.0 feet required. Article IV, Section 10-A (Special Regulations, Non-Conforming Uses Requirements) of the Zoning Regulations to allow the reasonable modernization of the auto dealership use on the property. Article IV, Section 13-F (Special Regulations, Sign Regulations Requirements) of the Zoning Regulations to allow the construction of a 154 sf ground sign exceeding the 50 sf maximum allowed,

**and that the land affected is owned by and located
on the following streets:**

NAME
Stamford Realty Partners, LLC

LOCATION
Lot A Myrtle Avenue aka 909 East Main
Street fka 20 Myrtle Avenue

**and that the following is a statement of its findings
and approval or rejection:**

September 26, 2019

THE BOARD FINDS:

- 1. That there are no special circumstances or conditions applying to the land for which the variance is sought.*
- 2. That the granting of the variance would not be in harmony with the general purpose and intent of these Regulations.*
- 3. That granting of the variance would be injurious to the neighborhood.*

The Board **DENIES** Application # **044-19** of Stamford Realty Partners, LLC d/b/a Stamford Toyota for a variance Article IV, Section 13-F (Special Regulations, Sign Regulations

**STAMFORD REALTY PARTNERS, LLL
DBA STAMFORD TOYOTA**

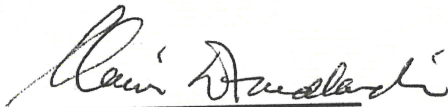
APPL. #044-19

5. **dated April 30, 2019. REVISED 7/28/19, 6/20/19 5/3/19**, copies of which are on file in the office of the Zoning Board of Appeals.

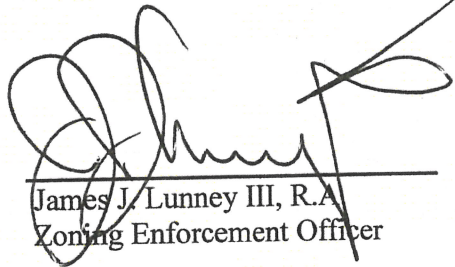
The applicant is allowed one year from the effective date of approval in which to obtain a building permit.

IF A BUILDING PERMIT CANNOT BE OBTAINED PRIOR TO THE EXPIRATION DATE, THE APPLICANT CAN APPLY FOR AN EXTENSION OF TIME. THE APPLICANT MUST APPLY FOR AN EXTENSION OF TIME AT LEAST ONE MONTH PRIOR TO THE EXPIRATION DATE.

Dated at Stamford, Connecticut this 26TH DAY OF SEPTEMBER 2019.



Claire D. Friedlander, Chair
Zoning Board of Appeals



James J. Lunney III, R.A.
Zoning Enforcement Officer

The land hereby affected lies in Block #119
ref. 091119