

City of Derby

Zoning Board of Appeals

Per certified letter 7015 3010 0000 0188 6848

July 1, 2016

Pershing Partner, LLC for Popeye's Louisiana Kitchen
153 Main St.
Ansonia, CT 06401

RE: Written notification on your application

Popeye's Louisiana Kitchen – 76 Pershing Dr, Derby, CT 06418

The City of Derby Zoning Board of Appeals held a special meeting on Wednesday June 29, 2016. The following application was acted upon as per the minutes of June 29, 2016:

Application – Applicant: Pershing Partner, LLC for Popeye's Louisiana Kitchen. Location of affected premises – 76 Pershing Dr., Derby, CT 06418. Appealing Section 195-67 H of the Derby Zoning Regulations, requesting a variance to sign requirements to add a free standing pylon sign

Jerry A Nocerino and construction contractor James Farrel were present. Mr. Sarmiento received certified letter receipts. Mr. Nocerino noted the uniqueness of the parcel. The main pylon sign at entrance will have the names of all the businesses in the complex. The Popeye's building is approximately one thousand feet from this sign. A patron would be entering the complex and turning right to go to the building and directional signs could be displayed but the distance still provides a visual deficiency for the tenant. Further, the parcel runs parallel to the ramp to Route 8 and the building would be seen as you are already on the ramp with no opportunity to turn around. The customary signage for the building is not a part of this request as all signage for the building will conform to the regulations. What is being requested is the placement of a pylon sign at the entrance to the Popeye pad. The building elevation itself will be approximately 22 feet. The requested sign would 30 feet in height. It was noted that the Italian Pavilion sign is approximately 60 feet in height. The sign includes a 9' 3" height for "Louisiana Kitchen" insignia and 3' 113/8" height "POPEYES" sign and a reader board sign displaying "DRIVE-THRU". The calculation for the sign = 140.2 sq. ft. as the reader board would only have the line stating Drive-Thru. A representation of the sign was presented for review. The drawing was prepared by Sign Services Group of Nashville Tennessee prepared on December 1, 2008 for Popeye's Louisiana Kitchen titled P-130 pylon sign with readerboard design titled HRB-48.

Motion made by John Kowarik and second by Ray Bowers. Move to approve the variance to allow for placement of a pylon sign at the entrance of the pad for Popeye's Louisiana Kitchen with the square footage of the sign to be no greater than 140.2 square feet and will be as described. Discussion on motion. Mr. Pollastro recalled concerns expressed by the owners of the ShopRite plaza regarding signage when the complex was before the Planning and Zoning Commission. It was noted that a certified letter sent to the owners of ShopRite had been received and additionally, Mr. Nocerino had a letter from them indicating that they were favorable to the requested variance. There was no public comment at the meeting either for or against this application. The hardship presented is that there are visual and safety concerns due to the location on the parcel. As Ms. Sochrin arrived after the start of the application she was not included in the vote and the two alternates continued to be voting members. Motion carried with Sam Pollastro Jr. opposed.

Cc: Marc Garofalo – City/Town Clerk