



ZONING BOARD OF APPEALS
OCTOBER 14, 2014
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
(203) 576-7217 Phone
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ATTENDANCE: Linda Grace, Acting Chair; Robert Russo, Acting Secretary;
John Carolan, Robin Shepard, Jack Calcutt

STAFF: Dennis Buckley, Zoning Official; Paul Boucher, Assistant Zoning
Official, Atty. Ed Schmidt, Associate City Attorney

CALL TO ORDER.

Acting Chairman Grace called the meeting to order at 6:07 p.m. A quorum was present.

ROLL CALL.

Acting Chairman Grace introduced the members seated. She reviewed the process for the hearing for the public.

PUBLIC HEARING.

Continued Business.

There was no continued business to consider at this time.

Deferred Business.

There was no deferred business to consider at this time.

NEW BUSINESS.

ITEM #3 RE: 113 – 115 WASHINGTON TERRACE – Seeking a use variance of Sec. 5-1-2 and also seeking to waive 6 of the 8 required off-street parking spaces of Sec. 11-1-2 to permit the conversion of the existing illegal 3-family dwelling into a group home in an R-B zone.

Mr. Buckley came forward and explained that there had been a complaint about a single family residence being converted to a three family. The Zoning Department inspected and a decision was rendered. This decision was challenged and then a withdrawal was requested. He outlined the events on the time line. Mr. Buckley said that a letter was

submitted requesting a continuance but the case was never opened. He then requested that this be deferred.

Mr. Buckley then reviewed the details of a letter from the Fire Marshal regarding the residence being used as a group home.

Atty. Rizio said that his client had purchased a property thinking it was a three family and paid taxes on a three family. The client is a social service provider for clients with mental illnesses who have been discharged from the hospital. Once the client discovered that the residence has an illegal apartment, the kitchen on the third floor. Now the client wants approval for a group home. He then requested a deferment to next month's meeting.

ITEM #1 RE: 1020 FAIRFIELD AVENUE – Seeking a variance of Sec. 11-1-2 to permit the establishment of a catering/banquet hall use on the 2nd floor of the existing retail center having 53 of the required 139 on-site parking spaces in an OR-G zone.

Mr. Pat Rose of Rose-Tiso came forward and turned in the green mailing receipts. He then distributed a packet of information showing the plans for 1020 Fairfield Avenue. He reviewed the details of the hall size and said that it would hold about 270 people. He said that there was a letter included in the information packet confirming the group would have use of the Klein parking lot at night. He indicated where the parking lot and the subject properties were located on an aerial photograph.

Commissioner Grace pointed out that the Klein Auditorium events happen on nights and week-ends. Mr. Rose explained that the applicant would not be in conflict with the Klein events.

Mr. Fischel came forward and spoke about the various projects his company had been involved in. The subject parcel had been a car dealership, but was converted by his company into a small shopping center. He said that he was one of the members of the Klein Board of Directors and the Board will be monitoring the events of the entertainment venue. He said that the Klein had similar agreements with two other neighboring locations. A nearby church that is no longer open, used to have their parishioners park in the Klein lot. Discussion followed.

Commissioner Grace said that in the past when there have been arrangements like this have arisen, the Board has required a lease from the parking lot owners and the lessee.

Commissioner Grace asked how many parking spaces would be available. Mr. Rose said that there were about 280 spaces. She pointed out that Board members and Executive Directors today might not be on the Board or Directors tomorrow. Mr. Rose said that his client would accept a lease as a condition of approval.

Commissioner Carolan asked if there was a kitchen. Mr. Rose said that there was not. John also pointed out that there was no elevator. Mr. Rose agreed and said that they would be applying for that in the future.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application. No one came forward. Commissioner Grace then asked if there was anyone who wished to speak against the application. Hearing none, Commissioner Grace then closed the public hearing on 1020 Fairfield Avenue.

Commissioner Calcutt recused himself at 6:32 p.m. Commissioner Grace pointed out that there were only four Commissioners and any application would require all four votes to be in favor in order to grant an application.

ITEM #2 RE: 210 WASHINGTON AVENUE – Seeking variances of the residential density requirement of 2,700 sq. ft. of property to 725 sq. ft; waive 9’ of the required side yard setback; waive 30’ of the required rear yard setback; waive 3’ of the maximum height requirement of 45’ under Sec. 5-1-3, and also seeking to waive 69 of the 149 required on-site parking spaces under Sec. 11-1-2 to permit the construction of a 3-story 48 feet high 9-residential unit addition to the existing 81-residential unit apartment building in an R-C zone.

Atty. Rizio said that this was one of the most historic sites in the City. He submitted the green mailing cards for the record and then gave a brief overview of the history of the parcel. Judge Zampano was the judge who handled the claims and provided partnerships for the families of the L'Ambiance Plaza tragedy. In 1981, the new plans for Renaissance Plaza were approved for 82 units. He said that the Bridgeport Neighborhood Trust was involved and said that there were questions about parking for the additional 9 units. If the application is approved, the developer will be able to apply for a C.H.A.F.A. loan and tax credits to renovate the existing units and common areas.

Atty. Rizio said that during the past years, there have never been more than 40 parking stickers issued because the residents are elderly or use the public transportation. The type of development would require a parking variance that they would never use.

The current building is four stories high. The new addition would be 3 stories high. He reviewed the residential density requirements. He said that there was already adequate property for the addition since it will not increase the building's footprint. The entrance ramp for Route 25 borders one portion of the property and one of the abutting properties is the old AT&T building.

Atty. Rizio explained that the new addition would not be any closer to the rear yard since they do not extend beyond the end of the building. There is a currently a concrete courtyard that is the roof of the existing parking lot. This will be landscaped.

The applicant will only need the side yard waiver and the height waiver. The new addition will only be 31 feet, but the existing roof is 48 feet.

Atty. Rizio then reviewed the parking space requirements. He then handed out a few newspaper articles from various newspapers about Renaissance Plaza. Most of the units are one bedroom units, so a requirement to provide more parking spaces per unit is unrealistic for this residence. He then distributed photos of the parking area taken at various times during the week. There are permits issues for the residents to use the garage. There are 75 spaces and most of the last 22 years, at least 50% of the spaces are not in use.

Ms. Maria Rivera, the property manager, came forward and explained that the parking was not done by assigning spaces. Visitors are not allowed to park there.

Commissioner Grace asked for clarification on the details of where the units would be constructed. Atty. Rizio then reviewed the details on the site plans. Approximately half of the current courtyard will be used, but the remaining area will be landscape. It is about 70'x85' Once the additions are constructed, the residents will be able to use the courtyard.

Atty. Rizio said that he had met with the Fire Marshal and found out that the Fire Marshal explained that until the application had been made through the Building Department and he has the actual construction plans.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application.

Mr. Bill Crosby came forward and said that he was the architect for the project. He reviewed the size of the units with the Commissioners.

Atty. Rizio said that he would like to submit a petition signed by the residents of the building in support of the addition.

Another resident came forward and said that she was in favor of the project and hoped that they would be able to renovate her unit.

Ms. Mary Jones came forward and said that she had lived in the residence for 22 years and hoped that they would renovate the building.

Commissioner Grace asked for a show of hands of those present to support the application. 17 people raised their hands.

Commissioner Grace then asked if there was anyone who wished to speak against the application. Hearing none, Commissioner Riley then closed the public hearing on 210 Washington Avenue.

Commissioner Grace then closed Public Hearing portion of the meeting at 7:07 p.m.

RECESS.

Commissioner Grace announced a recess at 7:07 p.m. She reconvened the meeting at 7:13 p.m. Commissioner Calcutt rejoined the meeting at this time.

DECISION SESSION.

ITEM #1 RE: 1020 FAIRFIELD AVENUE – Seeking a variance of Sec. 11-1-2 to permit the establishment of a catering/banquet hall use on the 2nd floor of the existing retail center having 53 of the required 139 on-site parking spaces in an OR-G zone.

**** COMMISSIONER RUSSO MOVED TO DENY ITEM #1 RE: 1020 FAIRFIELD AVENUE – SEEKING A VARIANCE OF SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF A CATERING/BANQUET HALL USE ON THE 2ND FLOOR OF THE EXISTING RETAIL CENTER HAVING 53 OF THE REQUIRED 139 ON-SITE PARKING SPACES IN AN OR-G ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO ESTABLISH ANY HARDSHIP RELATING TO THIS VARIANCE REQUEST.**
- 2. THE PROJECT, AS PRESENTED, WOULD BE AN OVER USE OF THE SUBJECT PREMISES.**
- 3. AS THE SUBJECT PREMISES IS LOCATED DIRECTLY ACROSS FROM AN APARTMENT COMPLEX AND ALSO ABUTS A RESIDENTIAL ZONE, THE PROPOSED ACTIVITY WOULD RESULT IN A NEGATIVE IMPACT ON AREA RESIDENTS.**
- 4. THE PROPOSED “PARKING AGREEMENT” WAS NOT PRACTICABLE AND UNACCEPTABLE TO THE BOARD.**

**** COMMISSIONER CALCUTT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Commissioner Calcutt recused himself at 7:16 p.m.

ITEM #2 RE: 210 WASHINGTON AVENUE – Seeking variances of the residential density requirement of 2,700 sq. ft. of property to 725 sq. ft; waive 9’ of the required side yard setback; waive 30’ of the required rear yard setback; waive 3’ of the

maximum height requirement of 45' under Sec. 5-1-3, and also seeking to waive 69 of the 149 required on-site parking spaces under Sec. 11-1-2 to permit the construction of a 3-story 48 feet high 9-residential unit addition to the existing 81-residential unit apartment building in an R-C zone.

Atty. Schmitt pointed out that several of the variances that were included in the notes were not needed. He said that he had never heard of a situation where there were 80 parking spaces but only 40 spaces being used. This was still fully within the range of the parking needed. Atty. Schmidt said that the topography was actually a hardship since it was bordered on two sides by highways.

**** COMMISSIONER CAROLAN MOVED TO GRANT ITEM #2 RE: 210 WASHINGTON AVENUE – SEEKING VARIANCES OF THE RESIDENTIAL DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY TO 725 SQ. FT; WAIVE 9' OF THE REQUIRED SIDE YARD SETBACK; WAIVE 30' OF THE REQUIRED REAR YARD SETBACK; WAIVE 3' OF THE MAXIMUM HEIGHT REQUIREMENT OF 45' UNDER SEC. 5-1-3, AND ALSO SEEKING TO WAIVE 69 OF THE 149 REQUIRED ON-SITE PARKING SPACES UNDER SEC. 11-1-2 TO PERMIT THE CONSTRUCTION OF A 3-STORY 48 FEET HIGH 9-RESIDENTIAL UNIT ADDITION TO THE EXISTING 81-RESIDENTIAL UNIT APARTMENT BUILDING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

1. THE PARKING LOT SHALL BE CLEANED OUT AND RE-STRIPED IN ACCORDANCE WITH SEC. 11-1-12 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT.
2. THE DEVELOPER SHALL SUBMIT A LANDSCAPING PLAN FOR THE COURT YARD/PATIO AREA TO THE CITY'S DESIGN REVIEW COORDINATOR FOR REVIEW AND RECOMMENDATION.

FOR THE FOLLOWING REASONS:

1. OF THE 80 (+/-) ON-SITE PARKING SPACES 40 ARE USED ON A REGULAR BASIS; THEREFORE AN ADDITIONAL 9-UNITS IN NEED FOR OFF-STREET PARKING CAN BE ABSORBED BY THE EXISTING PARKING AREAS.
2. TWO (2) OF THE REQUIRED VARIANCES ARE TECHNICAL, AS THE PROPOSED ADDITION WILL BE CONSTRUCTED OVER AN EXISTING PORTION OF THE BUILDING.
3. THE ADDITIONAL UNITS WILL COMPLY WITH C.H.A.F.A. REQUIREMENTS FOR FUNDING AND AFFORDABLE HOUSING.
4. THE CONFIGURATION OF THE SITE IS UNIQUE AND CONTRIBUTES TO THE HARDSHIP OF THIS APPLICATION.

5. THE GRANTING OF THIS PETITION WILL HAVE NO UNACCEPTABLE IMPACT ON THE NEIGHBORHOOD.

- ** COMMISSIONER SHEPARD SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Commissioner Calcutt rejoined the meeting at 7:21 p.m.

ITEM #3 RE: 113 – 115 WASHINGTON TERRACE – Seeking a use variance of Sec. 5-1-2 and also seeking to waive 6 of the 8 required off-street parking spaces of Sec. 11-1-2 to permit the conversion of the existing illegal 3-family dwelling into a group home in an R-B zone.

- ** COMMISSIONER CAROLAN MOVED TO DEFER ITEM #3 RE: 113 – 115 WASHINGTON TERRACE – SEEKING A USE VARIANCE OF SEC. 5-1-2 AND ALSO SEEKING TO WAIVE 6 OF THE 8 REQUIRED OFF-STREET PARKING SPACES OF SEC. 11-1-2 TO PERMIT THE CONVERSION OF THE EXISTING ILLEGAL 3-FAMILY DWELLING INTO A GROUP HOME IN AN R-B ZONE TO WEDNESDAY, NOVEMBER 12, 2014.**
- ** COMMISSIONER CALCUTT SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF ZBA MINUTES.

September 9, 2014.

- ** COMMISSIONER CALCUTT MOVED TO TABLE THE MINUTES OF SEPTEMBER 9, 2014.**
- ** COMMISSIONER GRACE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT.

- ** COMMISSIONER CAROLAN MOVED TO ADJOURN.**
- ** COMMISSIONER CALCUTT SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services.

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
October 14, 2014