



ZONING BOARD OF APPEALS
SEPTEMBER 9, 2013
MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace, Room
210
Bridgeport, CT 06604
(203) 576-7217 Phone
(203) 576-7213 Fax

ATTENDANCE: Michael Piccirillo, Chair; Commissioners: Linda Grace; John Carolan; James Eagen; Robin Shepard

STAFF: Dennis Buckley, Zoning Administrator; Paul Boucher, Assistant Zoning Clerk; Diego Guevara, Design Review Coordinator; Neil Bonney, ZEO; Mark Anastasi, City Attorney

CALL TO ORDER

Chair Michael Piccirillo called the meeting to order at 6:10 p.m. and introduced the five (5) commission members present. There was a quorum.

CONTINUED ITEMS

There were no continued items.

DEFERRED ITEMS

D-1 840 Grand St. – Petition of Dan Epifano (Esplanade, LLC) – Seeking a variance of Sec. 4-12-3 and Sec. 4-12-4 which prohibits the extension and enlargement of a non-conforming building and use, and also seeking to waive the minimum landscaping requirements the maximum site coverage requirement; and the minimum side setback requirements of Sec. 5-1-3 to permit a 2nd story addition and a ground level addition to the existing remains of a contractor’s garage in a R-C zone.

The Secretary called the item and no one came forward.

D-2 (#1) 3257 Fairfield Ave. – Petition of TCM Realty Company, LLC – Seeking a use variance of Sec. 6-1-2, and also seeking a variance of the prohibition of enlarging a nonconforming use under Sec. 4-12-3a; the minimum landscaping buffer of 5’ to the L-3 standard, as well as the minimum landscaping requirement of Sec. 6-1-3 to permit the establishment of a licensed motor vehicle repair facility in a portion of the existing contractor facility in an OR zone.

Atty. Ray Rizio came forward to present on behalf of the applicant and prospective tenant. He furnished proof of mailings for both scheduled hearings.

Atty. Rizio said Mr. Candy owns this property, purchased a number of years ago. The front of the building is retail, and the rear of the property has historically been a contractor storage yard with repair bays. The Arnold Company repaired their fleet of vehicles including construction equipment. They no longer use the repair areas in the rear of the property.

MK Auto Body, presently on Hanover Street, would like to move their auto body business to this location, having outgrown their current location. A letter of support from BMW of Bridgeport was read in to the record. BMW is one of MK Auto Body’s largest customers.

Over the years the use restriction has changed and no longer allow auto repair here. He said they would be willing to agree to the following conditions of approval: no more than 10 cars awaiting repair, and they would be parked along the northern boundary behind existing landscaping. The 6 existing bays will keep as many cars as possible inside the building overnight.

He added the hardship is the front is still retail in an OR Zone, and the lower level was previously used as vehicle/heavy equipment repair area. The landscaping barrier is already there.

Mr. Piccirillo asked the hours of operation. Mr. Shapiro, owner of MK Auto Body came forward. He stated his hours will be M-F, 8 am – 5 pm, and Saturday 9 am – 12 noon for estimates only. He agreed to no truck repair, only non-commercial vehicles, and said it will be auto body repair only, no auto sales and no general repairs or service.

Ms. Grace asked if there will be spare parts stored and Mr. Shapiro replied no, and no towing or buying cars for spare parts.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application.

Seeing none the public hearing was closed.

Chairman Piccirillo said they would next hear New Business, item #8, out of order, due to the large number of people in attendance appearing in support of the application.

NEW BUSINESS

8 729 Union Avenue – Petition of Prayer Tabernacle Church of Love, Inc. - Seeking a modification of the approved plan of development on a petition granted with conditions by the Zoning Board of Appeals on 04/18/2006 pertaining to the construction of a house of worship in an R-C zone.

Kenneth H. Moales, Jr., Sr. Pastor of the Cathedral of the Holy Spirit, f/k/a Prayer Tabernacle Church of Love, Inc. appeared to present the application.

He gave a brief overview of the 44 year history of the Church located in the east end of Bridgeport. In 2006 they were granted approval for a development plan for the construction of a house of worship. He said the plan was to build it in 3 phases. Phase 1 has been completed and includes a full sanctuary, Classrooms for K-8 and a day care facility. They employ 37 employees, 92% are Bridgeport residents.

It has recently come to their attention that the proper final paperwork, including construction documents, was never filed with the City to complete the project, and consequently no final Certificate of Occupancy was ever issued. He stated that all paperwork has now been provided to the City and reviewed. Additional landscaping and changes to the parking lot will be required and they have every intention of completing that to the City's satisfaction.

He further stated that it is their intention to move forward with Phase 2 and assured the Commission they will be filing all necessary paperwork from this time forward.

Chair Piccirillo asked if anyone wished to speak in favor of this application. He asked that all supporters stand to be counted. 100 people in total appeared.

Chair Piccirillo asked if anyone wished to speak against this application.

Seeing none the public hearing was closed.

DEFERRED BUSINESS, CONTINUED

D-3 (#3) 158 Alice St. – Petition of Joaquim Fereira – Seeking variances of the minimum side yard and rear yard setback requirements under Sec. 5-1-3 to construct a 2nd floor addition to the existing three-car garage to be utilized as a single-family residence with no useable rear yard in an R-C zone.

Atty. Ray Rizio appeared on behalf of the applicant. He furnished proof of mailings for both scheduled hearings.

Atty. Rizio indicated Mr. Fereira purchased this lot with a 3-car garage and now wishes to convert it to a single family home. He distributed pictures of the lot and existing building. The proposed building would have a 2 car garage, eat in kitchen and living room on the first floor, 2 bedrooms and a family room on the second floor.

The owner would like to add dormers to the 2nd floor to create more living space. The footprint will stay the same; however the building is 1 foot from the property line.

The neighborhood has a variety of land uses. The back property is industrial/commercial use. Adjacent to this lot are a 2 family house with adequate parking, and a 16 unit apartment building with 16 parking spaces.

Across the street is a 2 family with a carpentry business in the back, which is next door to a commercial garage selling building supplies.

He added this lot has adequate landscaping but the issues are the 1 foot rear setback. However the building faces concrete walls of the commercial building to the rear.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application.

Seeing none the public hearing was closed.

NEW BUSINESS, CONTINUED

#1 169 LAKEVIEW AVENUE – Petition of IWA Construction - Seeking a variance of Sec. 4.2.2 which prohibits a subdivision of property that creates a nonconforming lot in an R-A zone.

Atty. Ray Rizio appeared on behalf of the applicant. He furnished proof of mailings.

He said this application concerns a lot that previously was divided and had a house that has since been demolished. The applicant is asking to divide the property in to two lots, one with 9001 square feet and the other with 8,740 sq. ft. The hardship is the unique shape of the property.

The variance is in regards to size due to the unique shape of the lot. This is complimentary to the neighborhood, and the applicant would like to get houses up as soon as possible to improve the neighborhood.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application.

Natasha Marks, neighbor to this property, asked what kind of home will be built on the property.

Chair Piccirillo answered this application is just to divide the property, and they are not addressing the type of houses going on the property.

Nick Mikis, neighbor expressed concern about parking and additional multifamily homes being built on the street. Chair Piccirillo restated this application does not address the building plans, just the division of the lot.

The Public Hearing was closed.

2 4108 MAIN STREET – Petition of Tony Makari - Seeking a variance of Sec. 12-10a to permit a package store use and the issuance of a package store liquor permit in the existing storefront located within 1500’ of other package stores in an OR-R zone.

Atty. Patrick Henry appeared on behalf of the applicant. He provided proof of mailings and submitted photos of the site.

Asked to correct the call to reflect “1500 feet of a school” rather than “1500 feet of other liquor store”.

He said the applicant proposes an upscale liquor store with focus on wine, a wine boutique with international wines, craft beers, a wine school and wine tasting. They will not cater to college students with kegs, etc. They intend this to be an upscale store.

The interior and exterior will have a complete makeover, with a new relocated entrance. The interior drawings submitted were prepared by local architect Kaz Oda.

The store will create up to 6 new jobs, the employees will wear uniform type clothing and the operating hours will be M-W 9 am – 8 pm, Th.-Sat 9am – 9 pm., Sun 11 – 4 pm.

Atty. Henry stated that the distance from the proposed store to the nearest package store was an issue at the last hearing. They have since had a licensed surveyor calculate the distance at 1,504.5 ft. Mr. Henry indicated the commissioners had a copy of the report from the surveyor.

He said Sheridan School is less than 1,500 feet as the crow flies. Walking distance from the school to the proposed site is approximately 2,000 ft. (using Mapquest).

Atty. Henry submitted copies of petitions in support of the application, solely Bridgeport residents. He stated the petition had 109 signatures.

He said this application does not affect the comprehensive plan of the city and does not create an unnatural hardship. He also felt that walking distance between the school and the liquor store is a more logical approach.

He noted that there is an existing liquor store at 3805 Main Street that is 631.9 feet from Sheridan School.

Chair Piccirillo said he did not know which – school or liquor store - came first.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application.

1. Diane Lord, representing the owner of Main Wine, 3805 Main Street and several (18) other owners of liquor stores. She addressed the surveyors report and said it appeared to be a copy of the GIS system the City uses. Her client hired a licensed surveying firm, Cabezas & DeAngelis and she submitted a signed and sealed report. The report indicated a distance of 1,487 feet from proposed liquor store door to door at Main Wine, and 1,448 feet from proposed store door to the property line at Main Wine.
2. Richard Ledger – owner of Brookside Liquor, reviewed city regulations and wanted to make commission aware of a daycare center, next to Walgreens, in the vicinity of the proposed store.

3. Lee DaSilva - North End resident, felt that they already have enough liquor stores in the area.
4. Y. Brantley – 132nd District Councilperson, opposed because it is close to a school. Children deserve to go to school without dealing with people hanging out.
5. Rene Reid – live in neighborhood, lots of children, bus stop right near proposed store.
6. Scott Rutland – within 5 minute drive of proposed site there are 8 liquor stores.
7. Terry Wilcox – Ex. Dir. Rescue Mission, runs an addiction program, and questions whether the city needs another liquor store.

Atty. Henry responded and said the survey issue is a matter of semantics, and the report he submitted was signed and sealed by a licensed surveyor. He reviewed the wording of Sec. 12-10a regarding the measurement parameters.

He said he does not know of any daycare in the direct area, and feels that the idea of free enterprise supports the approval of this application.

The Public Hearing was closed.

The Commission took a break at 7:43 pm. and returned at 7:54 pm.

#3 267 JAMES STREET & 68 JONES AVENUE – Petition of Claudio Abelardo Cuji Sarmiento - Seeking a use variance under Sec. 5-1-2, and also seeking to waive of the maximum site coverage requirement, the maximum height requirement and the minimum landscaping requirement under Sec. 5-1-3; and also seeking to waive the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13 to permit the construction of a 1,080 sq. ft. garage structure and the legalization of the existing contractor storage yard in an R-C zone.

Mark (?), of John Guedes/Primrose Construction, appeared for the applicant. He submitted proof of mailings.

He stated Mr. Sarmiento purchased this property 4 years ago, and he owns and operates a landscape business to support his family. He purchased 267 James St., adjacent to his home, to store his landscaping equipment, not knowing the restrictions in the area.

He said Mr. Sarmiento would like to build a 3 car detached garage on James Street to store his equipment. The proposed plans were reviewed with the commission.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application. Hearing none the public hearing was closed.

4 30 BEACHVIEW AVENUE – Petition of David Raymond (Owner) - Seeking a variance of the minimum lot area and width under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-B zone and coastal area.

Mr. Raymond appeared to present his application. He provided proof of mailings.

He stated he purchased two lots 27 years ago and has been paying taxes on both lots for those years. He is requesting a variance on lot size.

The design of the home for 30 Beachview is in keeping with the neighborhood, and is not of a size that overwhelms the property. It will be a single family, 900 sq. ft. home. The neighborhood has a variety of different style homes, some 2 family, on the same size lots 50' wide.

He said when he bought the property minimum size was not an issue but now the laws have changed.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application. Hearing none the public hearing was closed.

5 853 FAIRFIELD AVENUE – Petition of Firetree, LTD - Seeking a modification of the approved plan of development for the use applicable to the granting of variances by the Zoning Board of Appeals on 07/10/2012, which permitted a 12-bed group home (social service provider) to now be a 15-bed half-way house for convicted felons in an OR-G zone.

Atty. Ray Rizio appeared on behalf of the applicant.

He indicated this is a very interesting application and suggested this commission might want input from the City Council before making their decision.

He said he represented the Bridgeport Rescue Mission about 1 year ago in front of this commission for approval of a group home for homeless battered women. He wanted to

correct the record that this commission granted a home with 15 beds, not 12 as indicated in the paperwork.

Atty. Rizio said there has been no change in size, layout, demand, parking or # of beds requested. He said the problem lies in that this change in use is not a modification of what was granted.

He said that the proposed new use is considered the same as group living, as previously approved, in the zoning regulations. The regulations do not treat a battered women group home and a half-way house for convicted felons any differently.

Atty. Rizio said the Bridgeport Rescue Mission legally purchased this property with the purpose of establishing it as a home for battered women. He suggested the Commission request an opinion from the City Attorney to see if a variance is needed for this new proposal. He asked Terry Wilcox, Bridgeport Rescue Mission to come forward and explain how and why we are here tonight with this new proposal.

Chair Piccirillo asked Atty. Rizio to explain exactly what they want to do.

Atty. Rizio answered they want to use the same plan as approved and use it for a hallway house for convicted felons. The Bureau of Prisons has similar homes in Hartford and Waterbury and they want one in Bridgeport, and there is an RFP out for this purpose.

Prisoners ready to leave will live here from 60 days to 6 months. There will be no secured, sworn officers in charge of the residents. There will be program monitors and case workers offering support services, a cook to prepare meals.

They must secure work within 10 days or return to prison. The residents are 89% male, 11% female.

Atty. Rizio respectfully requested the Commission refer this request to the City Attorney to confirm if a modification is needed to the previous approval.

Mr. Terry Wilcox, Executive Director of the Bridgeport Rescue Mission came forward. He reviewed the history of 853 Fairfield Avenue from the time they acquired it to today.

He said it has been suggested to him that the Bridgeport Rescue Mission went through the zoning approval process to establish a group home for battered women at this location in order to make way for a modification to allow the application that is before them now. He said this was not true.

When they acquired the building at 853 Fairfield Avenue they knew they had asbestos and lead abatement issues along with costs to remodel. The actual costs exceeded their

budget and the process slowed. They subsequently merged with the former Bethel Recovery Center and now utilize their building on Sylvan Avenue for homeless women and children.

Bridgeport Rescue Mission no longer had the budget to continue the remodel efforts and have sold 853 Fairfield Avenue.

Chair Piccirillo asked if representatives from Firetree Ltd. were here to speak. Atty. Rizio said they were unable to attend. Chair Piccirillo said this will be continued until they can attend and speak about their proposal.

6 697 MADISON AVENUE – Petition of Brasas Grill, LLC - Seeking changes in conditions applicable to the granting of a beer/wine liquor variance by the Zoning Board of Appeals on 07/14/1980 to now allow a café liquor permit with a consumer bar and live entertainment in the existing mixed-use commercial building in an OR zone.

Maricela Marin, owner along with father and sister appeared and provided proof of mailings.

Ms. Marin said they would like to add a consumer bar, live entertainment such as Saturday night DJ and acoustic music along with an outside patio in their establishment.

Chair Piccirillo asked if they understood that any outside patio must be accessed only through the restaurant. She confirmed yes she understood.

Chair Piccirillo asked her how many seats would be at the bar and she said 8-10 seats.

Mr. Eagen asked how long they had owned the bar. She replied they purchased the restaurant June 16, 2013 and this is their 1st time owning. They all previously managed/worked in bars.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application.

1. Lucille Piccirillo – she is a neighbor for 46 years, a bar across the street was granted a service bar with no entertainment. Since that time they are running a full bar with entertainment, mariachi music, police have been there many times. She is not opposed to a restaurant but they all turn in to nuisance bars. There are

beer cans, bottles all over the sidewalks, etc. She said they do not need another bar in that area.

2. Angelo (?) - he fears additional ongoing problems with intoxicated individuals, broken bottles, loud music, if this is allowed to happen. Continual disrespect of their properties.

Jessica Gonzalez, co-owner said they will have security personnel on site and will not allow loud and crazy music.

Public hearing was closed.

#7 94 – 96 BUNNELL STREET – Petition of Tom McMillian - Seeking a variance of the regulations prohibiting the expansion of a nonconforming structure under Sec. 4-12-4a and also seeking to waive the parking space size and maneuvering space under Sec. 11-1-10 and the front and side setback requirements of Sec. 5-1-3 to permit the construction of a 2-story rear addition, including deck and stairs and 2 full dormers on the existing 2-family dwelling in an R-C zone.

Mr. McMillian appeared to present his application and submit proof of mailings. He provided plans and pictures to the commissioners.

He stated he wishes to add a 2 story addition to a 3 floor house. The addition will be a master bedroom and bathroom on the first floor, 3 bedrooms and bath on 2nd floor, and 3 bedrooms and a bathroom on the 3rd floor. He feels this will add to the residential quality of the home and improve the neighborhood.

He has removed the existing front porch and proposes replacing it with new construction.

He also plans to add dormers to the 3rd floor to add living space. He added there are 4 off street parking spaces for the home and said most neighboring homes have no off street parking.

Kathy Porier, Registered Architect in the State of CT, appeared along with the applicant to answer questions. She said they are not proposing to go beyond the widths that are there already. The proposed ADA ramps are planned when/if they are required for the homeowner. They are proposing 4 parking spaces, 1 more than the required 3.

Chair Piccirillo asked if anyone wished to speak in favor of this application.

None appeared.

Chair Piccirillo asked if anyone wished to speak against this application.

None appeared.

Seeing none public hearing was closed

D-1 840 Grand St. – Petition of Dan Epifano (Esplanade, LLC) – Seeking a variance of Sec. 4-12-3 and Sec. 4-12-4 which prohibits the extension and enlargement of a non-conforming building and use, and also seeking to waive the minimum landscaping requirements the maximum site coverage requirement; and the minimum side setback requirements of Sec. 5-1-3 to permit a 2nd story addition and a ground level addition to the existing remains of a contractor’s garage in a R-C zone.

The Secretary re-called Item D-1. Again no one appeared to present.

Public hearing was closed.

DECISION SESSION

RE: D-1 840 Grand St. – Petition of Dan Epifano (Esplanade, LLC) – Seeking a variance of Sec. 4-12-3 and Sec. 4-12-4 which prohibits the extension and enlargement of a non-conforming building and use, and also seeking to waive the minimum landscaping requirements the maximum site coverage requirement; and the minimum side setback requirements of Sec. 5-1-3 to permit a 2nd story addition and a ground level addition to the existing remains of a contractor’s garage in a R-C zone.

****COMMISSIONER GRACE MOVED TO DENY WITHOUT PREJUDICE
ITEM D-1 840 GRAND STREET – SEEKING A VARIANCE OF SEC. 4-12-3 AND
SEC. 4-12-4 WHICH PROHIBITS THE EXTENSION AND ENLARGEMENT OF
A NON-CONFORMING BUILDING AND USE, AND ALSO SEEKING TO
WAIVE THE MINIMUM LANDSCAPING REQUIREMENTS THE MAXIMUM
SITE COVERAGE REQUIREMENT; AND THE MINIMUM SIDE SETBACK
REQUIREMENTS OF SEC. 5-1-3 TO PERMIT A 2ND STORY ADDITION AND A
GROUND LEVEL ADDITION TO THE EXISTING REMAINS OF A
CONTRACTOR’S GARAGE IN A R-C ZONE. FOR THE FOLLOWING
REASON:**

THE PETITIONER AND/OR AGENT FAILED TO ATTEND THE PUBLIC HEARING.

****COMMISSIONER EAGEN SECONDED
THE MOTION PASSED UNANIMOUSLY

RE: D-2 (#1) 3257 Fairfield Ave. – Petition of TCM Realty Company, LLC – Seeking a use variance of Sec. 6-1-2, and also seeking a variance of the prohibition of enlarging a nonconforming use under Sec. 4-12-3a; the minimum landscaping buffer of 5’ to the L-3 standard, as well as the minimum landscaping requirement of Sec. 6-1-3 to permit the establishment of a licensed motor vehicle repair facility in a portion of the existing contractor facility in an OR zone.

****COMMISSIONER CAROLAN MOVED TO APPROVE ITEM D-2 (#1) 3257 FAIRFIELD AVE. – PETITION OF TCM REALTY COMPANY, LLC – SEEKING A USE VARIANCE OF SEC. 6-1-2, AND ALSO SEEKING A VARIANCE OF THE PROHIBITION OF ENLARGING A NONCONFORMING USE UNDER SEC. 4-12-3A; THE MINIMUM LANDSCAPING BUFFER OF 5’ TO THE L-3 STANDARD, AS WELL AS THE MINIMUM LANDSCAPING REQUIREMENT OF SEC. 6-1-3 TO PERMIT THE ESTABLISHMENT OF A LICENSED MOTOR VEHICLE REPAIR FACILITY IN A PORTION OF THE EXISTING CONTRACTOR FACILITY IN AN OR ZONE TO MONDAY SEPTEMBER 9, 2013.**

****COMMISSIONER SHEPARD SECONDED
** THE MOTION FAILED - COMMISSIONERS CAROLAN AND SHEPARD AYE, COMMISSIONERS EAGEN AND GRACE NAY**

FOR THE FOLLOWING REASONS:

- 1. INTENSIFIES A NONCONFORMING USE IN AN OR ZONE.**
- 2. THE PETITIONER FAILED TO PRESENT AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THE ADDITIONAL NONCONFORMING USE OF THE SUBJECT PREMISES.**

RE: D-2 (#3) 158 Alice St. – Petition of Joaquim Ferreira – Seeking variances of the minimum side yard and rear yard setback requirements under Sec. 5-1-3 to construct a 2nd floor addition to the existing three-car garage to be utilized as a single-family residence with no useable rear yard in an R-C zone.

****COMMISSIONER EAGEN MOVED TO DENY ITEM D-2 (#3) 158 ALICE STREET – SEEKING VARIANCES OF THE MINIMUM SIDE YARD AND REAR YARD SETBACK REQUIREMENTS UNDER SEC. 5-1-3 TO CONSTRUCT A 2ND FLOOR ADDITION TO THE EXISTING THREE-CAR GARAGE TO BE UTILIZED AS A SINGLE-FAMILY RESIDENCE WITH NO USEABLE REAR YARD IN AN R-C ZONE FOR THE FOLLOWING REASONS:**

- 1. A GARAGE CONVERSION WOULD BE OUT OF CHARACTER WITH THE PREVAILING SETBACK IN THE IMMEDIATE AREA.**
- 2. THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THE GARAGE CONVERSION.**
- 3. THE SUBJECT PREMISES IS SIZABLE ENOUGH TO ACCOMMODATE THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING, WHICH COULD BE DESIGNED TO COMPLY WITH THE ZONE DEVELOPMENT STANDARDS.**

****COMMISSIONER GRACE SECONDED**

****THE MOTION PASSED COMMISSIONERS EAGEN, GRACE, CAROLAN AYE, COMMISSIONER SHEPARD NAY**

RE: #1 169 LAKEVIEW AVENUE – Petition of IWA Construction - Seeking a variance of Sec. 4.2.2 which prohibits a subdivision of property that creates a nonconforming lot in an R-A zone.

****COMMISSIONER GRACE MOVED TO APPROVE ITEM # 1 169 LAKEVIEW AVENUE – SEEKING A VARIANCE OF SEC. 4.2.2 WHICH PROHIBITS A SUBDIVISION OF PROPERTY THAT CREATES A NONCONFORMING LOT IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPER IS TO FILE AN A-2 SURVEY MAP ON THE LAND RECORDS OF THE CITY OF BRIDGEPORT PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. THE SINGLE-FAMILY DWELLING TO BE CONSTRUCTED ON THE SUBJECT SITE SHALL BE IN FULL COMPLIANCE WITH TABLE 3 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT.**

FOR THE FOLLOWING REASON:

**THE UNIQUE SHAPE OF THE SUBJECT PARCEL PROVIDES A
HARDSHIP IN THE DEVELOPMENT PROCESS.**

****COMMISSIONER EAGEN SECONDED
THE MOTION PASSED UNANIMOUSLY

RE: #2 4108 MAIN STREET – Petition of Tony Makari - Seeking a variance of Sec. 12-10a to permit a package store use and the issuance of a package store liquor permit in the existing storefront located within 1500’ of other package stores in an OR-R zone.

****COMMISSIONER GRACE MOVED TO DENY ITEM # 2 4108 MAIN STREET – SEEKING A VARIANCE OF SEC. 12-10A TO PERMIT A PACKAGE STORE USE AND THE ISSUANCE OF A PACKAGE STORE LIQUOR PERMIT IN THE EXISTING STOREFRONT LOCATED WITHIN 1500’ OF OTHER PACKAGE STORES IN AN OR-R ZONE FOR THE FOLLOWING REASON:**

THE PETITIONER FAILED TO PROVIDE AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PROPERTY AND THE PROPOSED USE.

****COMMISSIONER EAGEN SECONDED
THE MOTION PASSED UNANIMOUSLY

RE: #3 267 JAMES STREET & 68 JONES AVENUE – Petition of Claudio Abelardo Cuji Sarmiento - Seeking a use variance under Sec. 5-1-2, and also seeking to waive of the maximum site coverage requirement, the maximum height requirement and the minimum landscaping requirement under Sec. 5-1-3; and also seeking to waive the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13 to permit the construction of a 1,080 sq. ft. garage structure and the legalization of the existing contractor storage yard in an R-C zone.

****COMMISSIONER GRACE MOVED TO DENY ITEM # 3 267 JAMES STREET & 68 JONES AVENUE – SEEKING A USE VARIANCE UNDER SEC. 5-1-2, AND ALSO SEEKING TO WAIVE OF THE MAXIMUM SITE COVERAGE REQUIREMENT, THE MAXIMUM HEIGHT REQUIREMENT AND THE MINIMUM LANDSCAPING REQUIREMENT UNDER SEC. 5-1-3; AND ALSO SEEKING TO WAIVE THE MINIMUM PARKING SETBACK AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13 TO PERMIT THE CONSTRUCTION OF A 1,080 SQ. FT. GARAGE STRUCTURE AND THE**

LEGALIZATION OF THE EXISTING CONTRACTOR STORAGE YARD IN AN R-C ZONE FOR THE FOLLOWING REASONS:

- 1. THE APPROVAL OF THIS PROJECT WOULD RESULT IN AN INTENSIFICATION OF YET ANOTHER INDUSTRIAL USE IN THIS HIGH DENSITY RESIDENTIAL ZONE.**
- 2. THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THE SUBJECT PREMISES OR THE PROPOSED DEVELOPMENT AND USE OF THE SUBJECT PROPERTY.**

****COMMISSIONER EAGEN SECONDED
THE MOTION PASSED UNANIMOUSLY

RE: # 4 30 BEACHVIEW AVENUE – Petition of David Raymond (Owner) - Seeking a variance of the minimum lot area and width under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-B zone and coastal area.

****COMMISSIONER GRACE MOVED TO APPROVE ITEM # 4 30 BEACHVIEW AVENUE – SEEKING A VARIANCE OF THE MINIMUM LOT AREA AND WIDTH UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-B ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASONS:

- 1. ALTHOUGH THE SUBJECT PARCEL IS UNDERSIZED, IT CONFORMS WITH OTHER LOTS IN THE IMMEDIATE AREA.**
- 2. THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON THIS LOT WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD OR THE COASTAL AREA.**

****COMMISSIONER SHEPARD SECONDED**

****THE MOTION PASSED UNANIMOUSLY**

RE: #5 853 FAIRFIELD AVENUE – Petition of Firetree, LTD - Seeking a modification of the approved plan of development for the use applicable to the granting of variances by the Zoning Board of Appeals on 07/10/2012, which permitted a 12-bed group home (social service provider) to now be a 15-bed half-way house for convicted felons in an OR-G zone.

****COMMISSIONER GRACE MOVED TO CONTINUE ITEM #5 853 FAIRFIELD AVENUE – SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT FOR THE USE APPLICABLE TO THE GRANTING OF VARIANCES BY THE ZONING BOARD OF APPEALS ON 07/10/2012, WHICH PERMITTED A 12-BED GROUP HOME (SOCIAL SERVICE PROVIDER) TO NOW BE A 15-BED HALF-WAY HOUSE FOR CONVICTED FELONS IN AN OR-G ZONE TO TUESDAY, OCTOBER 8, 2013.**

****COMMISSINER EAGEN SECONDED**

****THE MOTION PASSED UNANIMOUSLY**

RE: #6 697 MADISON AVENUE – Petition of Brasas Grill, LLC - Seeking changes in conditions applicable to the granting of a beer/wine liquor variance by the Zoning Board of Appeals on 07/14/1980 to now allow a café liquor permit with a consumer bar and live entertainment in the existing mixed-use commercial building in an OR zone.

****COMMISSIONER GRACE MOVED TO DENY ITEM # 6 697 MADISON AVENUE – SEEKING CHANGES IN CONDITIONS APPLICABLE TO THE GRANTING OF A BEER/WINE LIQUOR VARIANCE BY THE ZONING BOARD OF APPEALS ON 07/14/1980 TO NOW ALLOW A CAFÉ LIQUOR PERMIT WITH A CONSUMER BAR AND LIVE ENTERTAINMENT IN THE EXISTING MIXED-USE COMMERCIAL BUILDING IN AN OR ZONE FOR THE FOLLOWING REASONS:**

- 1. THE GRANTING OF THIS PETITION WOULD RESULT IN AN ADVERSE IMPACT ON THE IMMEDIATE AREA.**
- 2. MAXIMIZING THE USE OF PROPERTY OR PREMISES DOES NOT CONSTITUTE A VALID HARDSHIP.**

****COMMISSIONER EAGEN SECONDED**

****THE MOTION PASSED UNANIMOUSLY**

RE: #7 94 – 96 BUNNELL STREET – Petition of Tom McMillian - Seeking a variance of the regulations prohibiting the expansion of a nonconforming structure under Sec. 4-12-4a and also seeking to waive the parking space size and maneuvering space under Sec. 11-1-10 and the front and side setback requirements of Sec. 5-1-3 to permit the construction of a 2-story rear addition, including deck and stairs and 2 full dormers on the existing 2-family dwelling in an R-C zone.

****COMMISSIONER GRACE MOVED TO PARTIALLY GRANT AND PARTIALLY DENY ITEM #7 94 – 96 BUNNELL STREET – SEEKING A VARIANCE OF THE REGULATIONS PROHIBITING THE EXPANSION OF A NONCONFORMING STRUCTURE UNDER SEC. 4-12-4A AND ALSO SEEKING TO WAIVE THE PARKING SPACE SIZE AND MANEUVERING SPACE UNDER SEC. 11-1-10 AND THE FRONT AND SIDE SETBACK REQUIREMENTS OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2-STORY REAR ADDITION, INCLUDING DECK AND STAIRS AND 2 FULL DORMERS ON THE EXISTING 2-FAMILY DWELLING IN AN R-C ZONE.**

PARTIALLY GRANTED:

THE NEW FRONT PORCH ADDITION, AS WELL AS THE NEW REAR 1ST FLOOR ADDITION WITHOUT THE PROPOSED DECK AND STAIRS ARE GRANTED WITH THE FOLLOWING CONDITION:

THE PETITIONER IS TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.

FOR THE FOLLOWING REASON:

TO ACCOMMODATE THE OWNER AND HIS FAMILY.

PARTIALLY DENIED:

THE 2-STORY REAR ADDITION AND OPEN WOOD DECK, AS WELL AS BOTH 3RD FLOOR DORMERS ARE DENIED.

FOR THE FOLLOWING REASONS:

- 1. THE APPROVAL OF THIS PORTION OF THIS APPLICATION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**

2. **THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PORTION OF HIS APPLICATION.**

****COMMISSIONER SHEPARD SECONDED
THE MOTION PASSED UNANIMOUSLY

RE: #8 729 Union Avenue – Petition of Prayer Tabernacle Church of Love, Inc. - Seeking a modification of the approved plan of development on a petition granted with conditions by the Zoning Board of Appeals on 04/18/2006 pertaining to the construction of a house of worship in an R-C zone.

****COMMISSIONER EAGEN MOVED TO APPROVE ITEM # 8 729 UNION AVENUE – SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT ON A PETITION GRANTED WITH CONDITIONS BY THE ZONING BOARD OF APPEALS ON 04/18/2006 PERTAINING TO THE CONSTRUCTION OF A HOUSE OF WORSHIP IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

1. **ALL PLANTINGS, AS PICTURED ON THE REVISED SITE PLAN, SHALL BE INSTALLED PRIOR TO 11/01/13.**
2. **ANY FUTURE ADDITIONS TO THIS PROJECT WILL NECESSITATE ADDITIONAL APPROVALS BY THE ZONING BOARD OF APPEALS.**

FOR THE FOLLOWING REASON:

THE ADDITION OF A POOL AND BOWLING ALLEY WAS NOT FEASIBLE AT THE TIME OF CONSTRUCTION.

****COMMISSIONER GRACE SECONDED
THE MOTION PASSED UNANIMOUSLY

APPROVAL OF MINUTES

Approval of ZBA Minutes for August 13, 2013.

****COMMISSIONER GRACE MOVED TO APPROVE THE MINUTES OF AUGUST 13, 2013**

****COMMISSINER EAGEN
THE MOTION PASSED UNANIMOUSLY

ADJOURNEMENT

****COMMISSIONER CAROLAN MOVED TO ADJOURN
**COMMISSIONER EAGEN SECONDED
THE MOTION PASSED UNANIMOUSLY

Meeting was closed at 9:30 PM

Respectfully submitted,

Jill Kuzmich
Telesco Secretarial Services