



ZONING BOARD OF APPEALS
DECEMBER 9, 2014
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
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ATTENDANCE: Linda Grace, Acting Chair; Jack Calcutt, Acting Secretary;
John Carolan, Robin Shepard, Maria Alves, Robert Russo (7:09
p.m.)

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

CALL TO ORDER.

Commissioner Grace called the meeting to order at 6:10 p.m. She then introduced the Commissioners seated. A quorum was present.

CONTINUED BUSINESS.

C-1 RE: 68 – 70 FORD PLACE – Daniel Williams, owner - Seeking a variance of the perimeter landscaping requirement of Sec. 11-1-13, and also seeking a variance of the minimum vehicle maneuvering space of Sec. 11-1-10 to legalize the establishment of a 3rd floor apartment in the existing 2-family dwelling in an MU-EM zone.

Mr. Douglas Woods came forward and said that this hearing had been continued because of the problem with the mailing. He turned in the green mailing receipts. Mr. Woods was seeking a variance for the driveway. He and his partner purchased the house in June and it was being used as a three family, but legally is only a two family. The issue is the width of the driveway. There is not enough room for two vehicles to pass each other.

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 68-70 Ford Place.

DEFERRED BUSINESS.

There was no deferred business to consider at this time.

NEW BUSINESS.

#1 – RE: 125 LINDLEY STREET – Toce Brothers, Incorporated - Seeking variances of the maximum site coverage requirement and minimum landscaping requirement under Sec. 7-1-3, and also seeking variance of the prohibition of stacked parking under Sec. 11-1-7 to permit the establishment of a retail tire sales and mounting business in an I-L zone and coastal area.

Atty. Charles Willinger of Willinger, Willinger and Bucci came forward, introduced himself and explained he was present to represent Toce Brothers, Inc. He then submitted the mailing receipts. He explained that the property is in I-L zone. The applicant would like to have a tire business on the property. They will mount the tires, storing and selling tires, but will not be doing any kind of bodywork. The variances are required because of the change of use from steel fabricating to the tire business. The steel fabrication business closed six years ago. This property is located in a CAM zone. This will be the only Toce Brothers business in Fairfield County. There are two other Toce Brothers sites in Connecticut. The majority of their tire sales are for commercial tires. These tires are delivered to the site of the trucks via a small truck. It is expected that there will be 3 or 4 service trucks that will be stored inside. It is expected that there will be 8 round trips by the service trucks each day.

Atty. Willinger then reviewed the details of the parcel and the location of the buildings on the site plan drawn up by Rose Tiso. He said that it is expected that they will have 8 employees and there are tandem parking spaces for the employees on the parcel. The parking spaces will be re-stripped. He then reviewed the interior layout. Atty. Willinger then turned in a photograph showing what the showroom looks like at the Torrington facility. He also presented a photo of the existing building which has a bump out that violates the current setbacks.

The building setback requirement is for 15 feet and the existing building is non-conforming because it juts out towards the street at one point. The applicants have no plans to change the exterior of the building.

The second variance for 85% coverage but the existing building is 89% coverage. There is not much landscaping. There is only 10.5%, which is below the requirement.

There will also need to have a variance for the tandem parking. He said that the City Engineer had no issues and a letter had been received from Mr. Gaucher of OLISP that stated that there were no issues.

This is a less intense use than the steel fabricating company and the hardship is that the building is not compliant with the 2010 setback regulations. Otherwise the business

would be "as of right". Atty. Willinger then spoke about the compliance with the Master Plan. This business will fill in a vacant industrial use. He added that this was environmentally sound. Rose Tiso has prepared the CAM application. Atty. Willinger then gave a brief overview of the report.

He requested the Commission grant the application.

Commissioner Grace asked if there was a loading dock on Herbert Street. Mr. Russell Barrett, the president of Toce Brothers, came forward and explained that there was a loading dock in the building. Herbert Street would not be used for loading. He indicated where the drive-thru doors were on the site plan.

Commissioner Grace asked where the work would be done on smaller vehicles. Mr. Barrett said that the vehicle would be moved inside the building for the tire replacement.

Mr. Buckley, the Zoning Official, came forward and read Mr. Gaucher's statement that there were no issues with the application,

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 125 Lindley Street.

#2 - RE: 2201 – 2175 FAIRFIELD AVENUE – 2201 Fairfield Avenue, LLC - Seeking variances of minimum setback requirement of Sec. 6-1-3; the perimeter landscaping requirement of Sec. 11-1-13; the building site and window area requirements of Sec. 6-1-4, and also seeking a variance of Table 7 and the prohibition of a drive-thru window to permit the construction of a fast food restaurant in an OR zone.

Atty. Willinger of Willinger, Willinger and Bucci came forward. He said that he was present to represent Popeye's. The applicant is the tenant of the site. He said that the lessee wants to construct a Popeye's on Fairfield Avenue. In April 2012, a Popeye's was put in on North Avenue and has been a success. The site is maintained immaculately. Atty. Willinger then submitted a photo of the North Avenue site.

This parcel is in an OR-G zone and requires some variances. The current parcel was used as a car dealership and has been vacant for a number of years. The parcel is gated and is unattractive. The site will be in front of the Stop & Shop. He indicated where the building would be located on the site plan. The City Engineer is requiring a right turn only on the Fairfield Avenue entrance. He then reviewed the landscaping on SP-4. The regulations require 15% landscaping and this plan will have 20%. However, on one corner there is only 3 feet of width available for landscaping, but the remaining areas are

more than 5 feet. There is sufficient parking. The building coverage is within the requirements.

Atty. Willinger said that across the street, there is a Wendy's and they have a variance on their drive-thru. The Wendy's is on a smaller lot. In an OR Zone, the maximum and minimum setback is 10 feet. A restaurant is permitted in an OR Zone. With the 5 feet of landscaping, the remaining 5 feet is too narrow, so the building was moved back 31 feet from the street.

The third variance relates to the ground floor windows. The regulations require that 50% of the street facing wall must be windows. Because of how the building is being used, having the windows in the service areas would not be advisable. Atty. Willinger indicated where the preparation area would be and the employee changing area.

Atty. Willinger said that the engineer's report is required. The traffic engineer's requirements have been agreed to. There was a suggestion that Popeye's replace the sidewalks, but the current sidewalks are in fairly good shape and do not need replacement. He submitted some photos of the sidewalks bordering the parcel.

Atty. Willinger then reviewed the variances requested and the hardships. He said that the applicant would like parity with Wendy's. The engineering department has no issues. Popeye's would be in sync with the neighborhood. He pointed out that if Black Rock didn't like the project, they would be out in full force and they are not present.

Commissioner Grace asked for clarification on how the building was situated on the parcel. Mr. Pat Rose came forward to indicate where the front of the building would be. He also explained how the traffic flow would work. There will not be any access from the Stop & Shop parking lot. Commissioner Calcutt asked where the dumpster would be located. Mr. Rose indicated where it was currently located on the site plan and said that it could be moved.

Commissioner Calcutt asked if the building could be rotated to face Fairfield Avenue. Mr. Rose explained that the lot was only 80 feet deep. The Wendy's lot is 100 feet deep, but narrower, so they can face Fairfield Avenue. Atty. Willinger then pointed out that the building also has more stacking for the drive-thru.

In Favor - Mr. Jim White of Harborview Place and Board member of Black Rock NRZ. He said he was in favor of economic development. He said that he was involved in the past with Wendy's. The NRZ has some questions and would like to sit down with the developer to make some friendly suggestions, particularly about the traffic issues. Commissioner Grace asked if there had been any attempt by the developer to contact them. Mr. White said that he had just learned about this earlier in the day.

Atty. Willinger said that there was no problem in meeting with the NRZ. He suggested that there be a continuance of the application. This was agreeable to all.

#3 – RE: 509 BIRMINGHAM STREET – Gary Doski - Seeking a variance of the minimum floor area requirement of Sec. 12-1a to allow the establishment of an accessory apartment use in the existing single-family dwelling in an R-A zone.

Mr. Zeljko Mican came forward and said that their agent was not able to make the meeting. He then requested this application be deferred to the January meeting. This was agreeable to all.

Commissioner Calcutt recused himself at 7: 09 p.m. Commissioner Rob Russo came forward to be seated.

#4 RE: 1481 (aka 1475) NOBLE AVENUE – Neighborworks New Horizons - Seeking a modification of the approved plan of development on a petition which was approved on 08/01/10 to permit the construction of a 16-unit apartment complex with conditions in an R-C zone.

Atty. Rizio came forward with Ms. Mosquera-Bruno to present the application. Mr. Buckley noted that the mailing had not gone out until December 1st. The regulations required that they be mailed 10 days prior to the hearing. Atty. Rizio requested the application be deferred.

Commissioner Russo left at 7:14 p.m. Commissioner Calcutt returned at 7:14 p.m.

RECESS.

Commissioner Grace announced a recess at 7:15 p.m. She reconvened the meeting at 7:19 p.m.

DECISION SESSION.

C-1 RE: 68 – 70 FORD PLACE – Daniel Williams, owner - Seeking a variance of the perimeter landscaping requirement of Sec. 11-1-13, and also seeking a variance of the minimum vehicle maneuvering space of Sec. 11-1-10 to legalize the establishment of a 3rd floor apartment in the existing 2-family dwelling in an MU-EM zone.

**** COMMISSIONER SHEPARD MOVED TO GRANT APPLICATION C-1 RE: 68 – 70 FORD PLACE – DANIEL WILLIAMS, OWNER - SEEKING A VARIANCE OF THE PERIMETER LANDSCAPING REQUIREMENT OF SEC. 11-1-13, AND ALSO SEEKING A VARIANCE OF THE MINIMUM VEHICLE MANEUVERING SPACE OF SEC. 11-1-10 TO LEGALIZE THE**

ESTABLISHMENT OF A 3RD FLOOR APARTMENT IN THE EXISTING 2-FAMILY DWELLING IN AN MU-EM ZONE WITH THE FOLLOWING CONDITIONS:

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

FOR THE FOLLOWING REASONS:

- 1. THE LOTS IN THIS AREA WERE ESTABLISHED AND DEVELOPED PRIOR TO THE ENACTMENT OF THE ZONING REGULATIONS OF 1996.**
- 2. A 3-UNIT APARTMENT BUILDING IS AN ALLOWED AS-OF-RIGHT USE IN THE MU-EM ZONE.**

**** COMMISSIONER ALVES SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

#1 – RE: 125 LINDLEY STREET – Toce Brothers, Incorporated - Seeking variances of the maximum site coverage requirement and minimum landscaping requirement under Sec. 7-1-3, and also seeking variance of the prohibition of stacked parking under Sec. 11-1-7 to permit the establishment of a retail tire sales and mounting business in an I-L zone and coastal area.

Commissioner Calcutt asked why ZBA has the approval for CAM. Mr. Buckley explained that if the application does not need to go on to P&Z and the State has no concerns. It's in the Zoning section of the State Statutes.

Atty. Schmidt said that this was a perfectly suited business for the area. Commissioner Alves asked where the old tires were stored. Commissioner Grace said that they would be inside.

**** COMMISSIONER CAROLAN MOVED TO GRANT APPLICATION #1 – RE: 125 LINDLEY STREET – TOCE BROTHERS, INCORPORATED - SEEKING**

VARIANCES OF THE MAXIMUM SITE COVERAGE REQUIREMENT AND MINIMUM LANDSCAPING REQUIREMENT UNDER SEC. 7-1-3, AND ALSO SEEKING VARIANCE OF THE PROHIBITION OF STACKED PARKING UNDER SEC. 11-1-7 TO PERMIT THE ESTABLISHMENT OF A RETAIL TIRE SALES AND MOUNTING BUSINESS IN AN I-L ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:

- 1. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 3. ALL WORK SHALL BE PERFORMED INSIDE THE BUILDING AND THERE SHALL BE NO OUTSIDE STORAGE OF ANY KIND FOR ANY REASON.**
- 4. ANY INCREASE IN MOTOR VEHICLE RELATED SERVICES WILL NECESSITATE ADDITIONAL APPROVALS BY THE BOARD AND POSSIBLE DMV LICENSING.**

FOR THE FOLLOWING REASONS:

- 1. THIS FACILITY IS DESIGNED FOR AN INDUSTRIAL USE AND THIS BUSINESS IS ALLOWED AS-OF-RIGHT IN THIS ZONE.**
- 2. AS TO THE COASTAL SITE PLAN REVIEW, THE PROJECT AS APPROVED WILL HAVE NO UNACCEPTABLE IMPACT ON THE COASTAL AREA.**

**** COMMISSIONER CALCUTT SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

#2 - RE: 2201 – 2175 FAIRFIELD AVENUE – 2201 Fairfield Avenue, LLC - Seeking variances of minimum setback requirement of Sec. 6-1-3; the perimeter landscaping requirement of Sec. 11-1-13; the building site and window area requirements of Sec. 6-1-4, and also seeking a variance of Table 7 and the prohibition of a drive-thru window to permit the construction of a fast food restaurant in an OR zone.

Commissioner Calcutt said that he felt that the pedestrian safety needed to be addressed. He said that he was willing to sacrifice a few spaces for pedestrian walkway. He said that he would like to see the building orientated towards Fairfield Avenue. He wished to have the traffic engineer take a second look at the traffic flow. Discussion followed.

**** COMMISSIONER SHEPARD MOVED TO CONTINUE APPLICATION #2 RE: 2201 – 2175 FAIRFIELD AVENUE – SEEKING VARIANCES OF MINIMUM SETBACK REQUIREMENT OF SEC. 6-1-3; THE PERIMETER LANDSCAPING REQUIREMENT OF SEC. 11-1-13; THE BUILDING SITE AND WINDOW AREA REQUIREMENTS OF SEC. 6-1-4, AND ALSO SEEKING A VARIANCE OF TABLE 7 AND THE PROHIBITION OF A DRIVE-THRU WINDOW TO PERMIT THE CONSTRUCTION OF A FAST FOOD RESTAURANT IN AN OR ZONE TO JANUARY 13, 2015 IN ORDER TO GIVE THE PETITIONER AN OPPORTUNITY TO ADDRESS THE BOARD’S CONCERNS FOR THE TRAFFIC PATTERNS ON THE SUBJECT SITE, AND FOR THE OPPORTUNITY TO MEET WITH THE BLACK ROCK NRZ TO DISCUSS THE PROJECT OVERALL.**

**** COMMISSIONER ALVES SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

#3 – RE: 509 BIRMINGHAM STREET – Gary Doski - Seeking a variance of the minimum floor area requirement of Sec. 12-1a to allow the establishment of an accessory apartment use in the existing single-family dwelling in an R-A zone.

**** COMMISSIONER ALVES MOVED TO DEFER APPLICATION #3 – RE: 509 BIRMINGHAM STREET – GARY DOSKI - SEEKING A VARIANCE OF THE MINIMUM FLOOR AREA REQUIREMENT OF SEC. 12-1A TO ALLOW THE ESTABLISHMENT OF AN ACCESSORY APARTMENT USE IN THE EXISTING SINGLE-FAMILY DWELLING IN AN R-A ZONE TO JANUARY 13, 2015 AS AGENT WAS NOT AVAILABLE AT THE TIME OF THE HEARING.
** COMMISSIONER CALCUTT SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

#4 RE: 1481 (aka 1475) NOBLE AVENUE – Neighborworks New Horizons - Seeking a modification of the approved plan of development on a petition which was approved on 08/01/10 to permit the construction of a 16-unit apartment complex with conditions in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER APPLICATION #4 RE: 1481 (AKA 1475) NOBLE AVENUE – NEIGHBORWORKS NEW HORIZONS - SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT ON A PETITION WHICH WAS APPROVED ON 08/01/10 TO**

PERMIT THE CONSTRUCTION OF A 16-UNIT APARTMENT COMPLEX WITH CONDITIONS IN AN R-C ZONE TO JANUARY 13, 2015 TO GIVE THE PETITIONER AN OPPORTUNITY TO PROVIDE ADEQUATE PROOF OF MAILINGS TO ABUTTERS.

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADOPTION OF MINUTES.

November 12, 2014 -

The following corrections were noted:

Page 1, under **Item D-1**, paragraph 1, line 2: please change “The application purchased” to “The applicant purchased”

Page 9, paragraph 3, line 1: please change “Council Member Halstead, from the 137th District” to “Council Member Halstead, from the 132nd District”

**** COMMISSIONER SHEPARD MOVED TO ADOPT THE NOVEMBER 12, 2014 MINUTES AS CORRECTED.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT.

**** COMMISSIONER CAROLAN MOVED TO ADJOURN.**

**** COMMISSIONER CALCUTT SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services