

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
REGULAR MEETING
MAY 11, 2016**

ATTENDANCE: Linda Grace, Chair; Robin Shepard; John J. Carolan; Maria Alves

STAFF: Dennis Buckley, Zoning Official; Paul Boucher, Assistant Zoning Official; Diego Guevara, City Design Review Coordinator; Atty. Ed Schmidt, Associate City Attorney

CALL TO ORDER

The Chair called the meeting to order at 6:25 PM. A quorum was present.

The Chair introduced the commissioners seated and reviewed the hearing procedures. She stated that, as the full complement is 5 commissioners and they currently have 4, the applicants are within their rights to defer in the interest of being heard by a full board.

Atty. Rizio requested a continuance on item C-1 RE: 2149 Seaview Avenue, to next month's hearing. Mr. Buckley conferred with Atty. Schmidt. It was determined that the applicant would need to withdraw the application and resubmit it for the next month with new plans.

The applicant for item #6 RE: 75 Hemlock came forward and asked to defer the item in order to send out the proper mailings.

The Chair announced that items #C-1, #6 and #9 would not be heard.

CONTINUED ITEM

#1 101 & 111 Boston Ave. – Petition of 101 Boston Avenue, LLC and 111 Boston Avenue, LLC – Seeking variances of the minimum lot area and maximum height of 35' under Sec. 6-1-3, also seeking variances of the front roof projection of Sec. 4-3-2a(1); waive 9 of the required 17 off-street parking space requirement of Sec11-1-2 and a variance of the required parking space size of 9' x 20' of Sec. 11-1-10 to permit the construction of a 2-story medical office building in an OR-G zone and coastal area.

Atty. Raymond Rizio came forward and turned in the appropriate mailings. He stated that the building in question has been in the family for 50 years, and is on the left-hand side of Boston Avenue, just before getting to the shopping center. He stated that the project amounts to the demolition of two nonconforming buildings and constructing one new vision center with parking. He stated that there is currently a one story building, a two story building and non-compliant parking. Atty. Rizio stated that his clients want to keep their thriving business in Bridgeport and bring the property to the next level. He stated that there is no opposition from the neighbors, only asked that a low fence be placed along the front of the project to help regulate parking. He stated that the site is tight and nonconforming, and that they are asking for 8 foot wide spaces for parking, as well as a height variance necessitated by federal FEMA regulations, as the site is in the flood zone. He stated that they face a true hardship in that federal regulations will not permit them to put back the equivalent to what they have on site without being non-compliant. Atty. Rizio stated that the real variances they need are the height increase from 31 to 45 feet (driven by FEMA standards), the roof line (an architecturally dramatic choice in order to make the building more attractive), and reducing the size of the parking spaces to 9x18 (which has been done in other instances related to tight parking or challenging sites). He stated that all uses are permitted in the zone, and that they are sacrificing an entire building to gain more parking and increase the conformity of the lot. He stated that they made the site as compliant as possible in order to still maintain a viable project, and that he believes Coastal will find their plans consistent with standards.

The Chair asked if the optometry practice will be the sole tenant. Atty. Rizio answered in the affirmative, in addition to a retailer where they sell glasses in the practice. He stated that they aren't considering other tenants at the moment. The Chair asked if there is a handicap accessible entrance, and Atty. Rizio answered in the affirmative.

The Chair asked if anyone wished to speak in favor of the item. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on

#2 1917 (aka 1923) Boston Ave. – Petition of Boston Shell – Seeking variances of the minimum building setback and accessory structure setback requirements of Sec. 6- 1-3 to validate the change of use from a gas station with a general repair license to a gas station with a convenience store use and the construction of two (2) decorative pergolas and shed roof over generator in an OR zone.

Commissioner Shepard called the applicant twice and no one came forward. The item was recalled again at the end of the hearing and no one came forward.

#3 3710 & 3758 Main St. and 611 Beechmont Ave. – Petition of United Investments, LLC – Seeking a variance of the minimum perimeter and interior landscaping of Sec. 11-1-13 to permit the construction of a 1-story, 3,000 sq. ft. addition to the existing commercial building in an OR-R zone.

Atty. Charles Willinger came forward and handed in the certified mailings and receipts from abutting property managers. He stated that the petitioner is the owner of the property, and that the northern portion of the site is located on the Beechmont Avenue property, while Main Street comprises the existing shopping center. He stated that the Main Street portion received all of the approvals in 1993 for a shopping center and currently houses 4 tenants, including CVS, Edible Arrangements, a cellphone retailer and Optimus Cable. Atty. Willinger stated that the center is meticulously taken care of by the petitioner and that the client wants to add to the shopping center. He stated that the petitioner purchased the pre-existing building and knocked it down, so it wouldn't interfere with attracting clientele. He stated that his client wants to construct a 3,000 square foot addition, and that the reason for their appearance before the ZBA relates to the main part of the property built 22 years ago. Atty. Willinger stated that the regulations stated that whatever you build on site must conform to the existing structures, and when the property was built, there was no requirement for interior parking, perimeter landscaping or minimum percentage of landscaping. He stated, in relation to overall landscaping, that they are at 15% per Diego's request. Atty. Willinger stated that Table 11-1-13 requires 5 ft of L# landscaping if the property is abutting the residential zone, and that they do not have room to do so without compromising the sole entryway for delivery trucks. He stated that since there is an existing 6 foot fence and trees along the border, the spirit of the regulation (the separation of the residential and commercial zones) is achieved. Atty. Willinger stated, in terms of interior, they would have room to take out parking spaces and add the requested landscaping, but this could impact the owner's leases with CVS and Optimus (AKA Cablevision), as they insist on a certain number of spaces. He further stated that the more parking on site the better, and that this feature could help future developers and tenants. He stated that the project complies with and greatly exceeds the other development standards.

Atty. Willinger provided the engineering report to the commission, and stated that they will comply to all requirements prior to the issuance of a building permit. He then provided a report from Mr. Guevara, issued on April 13th, which suggests that the applicant remove 6 spaces and plant trees to satisfy landscaping requirements. He stated that they cannot afford to lose the 6 spaces, as it would put them in violation of their lease agreements and devastate the center.

Atty. Willinger summarized that their hardship results from applying 2010 regulations to a 23 year old site, which was not self-created as the center was already built. He cited the Adolfson case in which it clearly states that if the applicant makes a nonconforming property more

conforming, that in and of itself is grounds to grant the requested variances. He stated that the development is in keeping with the character of the neighborhood, is consistent with the master plan and is consistent with the intents and purposes of the regulations. Atty. Willinger asked that the commission grant the variance and make it a condition of approval that the landscaping conforms to the revised plan.

The Chair asked if the addition is meant to house a single tenant, and Mr. Willinger answered in the affirmative. The Chair stated that there look to be some trees on the interior portion of the parking lot at present, and Atty. Willinger stated that there are.

Commissioner Alves asked if they intend to harmonize the new addition with the existing exterior in relation to basic color and stylistic aspects, and Atty. Willinger answered in the affirmative.

The Chair asked if anyone wished to speak in favor of the item. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 3710 & 3758 Main Street and 611 Beechmont Avenue.

#4 156 East Washington Ave. – Petition of Hoffman Fuel Company of Bridgeport – Seeking variances of the maximum site coverage and minimum landscaping requirements of Sec. 7-1-3 and also seeking variances of the interior and perimeter landscaping requirements of Sec. 11-1-13 and the striped parking space requirement of Sec. 11-1-12b to permit the installation of an asphalt cap and drainage system to the existing vehicle maintenance and temporary truck storage facility in an I-H zone and coastal area.

Steve Benben came forward and handed in the appropriate mailings and photos of posted signs. He stated that the intent of the project is to create a new paved surface to make the contaminated, underlying soil inaccessible. He stated that the property is subject to the transfer act, and that the site must undergo remediation prior to the transfer of property and soil or groundwater. Mr. Benben stated that the site currently contains an auto maintenance building, and at the turn of the century housed a blacksmith and lumber mill before Hoffman Fuel took over and used the site as a former bulk fuel storage facility in the 1920s. He stated that the property was decommissioned in 2007, and that the soil is contaminated. He stated that the site features broken and cracked asphalt, as well as weeds, and that they want to cap the property in order to prevent direct exposure to anyone on the site. He stated that the site is also in the Coastal area along Eastern, and that their requested variance have to do with landscaping and site coverage. Mr. Benben stated that there are several ways to render a site compatible with remediation standards, but that on this particular site, the level of contamination makes the other options infeasible. He further stated that the landscaping standard cannot be complied with when they need to pave the entirety

of the property in order to fulfill remediation requirements, and that site coverage is closer to 95%. He stated that the new site layouts allow the existing building to remain, pave up to the existing property lines and fulfill all DEP site contamination regulations.

The Chair inquired about the drainage system. Mr. Benben stated that there is currently no drainage on the site, and at present the water runs from the building down towards the river. He stated that they plan to capture the water, run it through some separators and treating it prior to drainage.

The Chair asked if the site will exclusively be used to park trucks, and Mr. Benben answered in the affirmative. The Chair asked about employees working on site, and Mr. Benben stated that the employees will work in the building and park along the fence. Mr. Benben stated that the only access point to the site is along East Washington along the curb line. Mr. Benben stated that the site will be exclusively for private vehicle maintenance, and that their next steps will be to submit to Wetlands, Zoning and Coastal.

The Chair asked if anyone wished to speak in favor of the item. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 156 East Washington Avenue.

#7 757 Madison Ave. – Petition of Paulo Roxo – Seeking to establish an outside patio dining area for 12 patrons along the Madison Avenue frontage and also permit the issuance of a patio liquor permit for the serving of alcoholic beverages in conjunction with the serving of meals by the restaurant staff at the existing deli/restaurant in an OR zone.

Paulo Roxo came forward and stated that he bought the site 5 months ago, and is seeking a variance in order to be able to serve alcohol outdoors.

The Chair asked if the site has a pre-existing patio, and Mr. Roxo answered in the affirmative. The Chair asked if the site is currently a restaurant, and Mr. Roxo answered in the affirmative, stating that it is a small place that can seat 10 to 12 people outdoors. The Chair asked if there is a full liquor license inside the restaurant, and Mr. Roxo answered in the affirmative. Mr. Buckley clarified that the staff serves customers alcohol out of the fridge, and that they don't have a full-service bar.

Commissioner Alves asked if the patio is in use right now, and Mr. Roxo answered in the negative, stating that he wanted to get permission first.

The Chair asked how they plan to close off the area, and Mr. Roxo stated that there is an existing fence and gate there, as well as a door they plan to add for better accessibility.

Commissioner Alves asked if there would be any entertainment outside and Mr. Roxo answered in the negative.

The Chair asked how they plan to police people from not using the gate, and Mr. Roxo stated that they will close or lock the gate.

Commissioner Alves asked what the current hours are, and Mr. Roxo stated that they are open 6 days a week from 7:30 AM to 6:00 or 7:00 PM. He stated that they serve breakfast in the morning, and that the chef comes in at around 10:00 AM, with a buffet starting around 7:00 PM. Commissioner Alves asked if they are open past 7:00 PM, and Mr. Roxo answered in the negative, stating that they aren't busy enough to be open past 7:00 at this point.

The Chair asked what kind of alcohol they most typically serve, and Mr. Roxo stated that they primarily serve beer and wine. The Chair asked Mr. Roxo if he would be amenable to the patio closing at the same time as the kitchen, and Mr. Roxo answered in the affirmative.

Commissioner Carolan asked Mr. Roxo if he owned the 3-family house next door, and Mr. Roxo answered in the affirmative.

The Chair asked what the restaurant's indoor capacity is, and Mr. Roxo stated that the restaurant holds 32-33 people. The Chair asked if the restaurant features a full menu, and Mr. Roxo stated that it features a buffet from 11:30 AM on and a full menu. The Chair asked if the restaurant has a full kitchen and Mr. Roxo answered in the affirmative. The Chair asked about parking, and Mr. Roxo stated that there is street parking, with 3 spaces in the back reserved for employees and some parking across the street. The Chair asked if there is waitress service or a counter for service, and Mr. Roxo stated that they have waiters, but the buffet is a counter. The Chair asked if individuals must go and get the alcohol or if they are served tableside and Mr. Roxo indicated the latter.

The Chair asked if anyone wished to speak in favor of the item. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 757 Madison Avenue.

#8 921 – 923 Briarwood Ave. – Petition of Chalon Bonhomme – Seeking a use variance under Sec. 5-1-2 and also seeking variances of the maximum site and minimum landscaping requirements of Sec. 5-1-3; the vehicle maneuvering space requirement of Sec. 11-1-10 and the perimeter landscaping requirements under Sec. 11-1-13 to legalize the conversion of the legal nonconforming 2-family dwelling into a 3- family dwelling in an R-A zone.

Atty. Rizio came forward to present on the item. He stated that Mr. Bonhomme purchased the property 15 years ago thinking it was a 3-family residence, and following his last hearing with the commission, he created additional parking. He stated that it is a modest request and is in keeping with the character of the neighborhood.

Commissioner Carolan asked if a dormer was added. Atty. Rizio stated that it was as the result of a fire.

Atty. Rizio stated that the property is in keeping with the neighborhood, as there is a 3-family home directly next to the property and several in the neighborhood. He stated that the property is across the street from a cemetery, and that there has been no objection from the neighbors. He stated that the property has been updated significantly, the fire marshal signed off and that it is one of the few 3-family homes in the neighborhood that is up to code. Atty. Rizio stated that Mr. Bonhomme has contributed to the neighborhood, and in this instance the property can handle the density they are requesting, unusual in these circumstances. He stated that the property has been inspected by the Building and Fire Departments, and pending a variance approval, they will go for a site plan review before the Planning and Zoning Commission. Atty. Rizio stated that when the

When he found out there was a problem, he removed the stove so it is in compliance. Living on the 2nd floor. Just a matter of finishing the 3rd floor. Many of these multi-families are not done with the quality Mr. Bonhomme has done. Everything is conforming, will not be a negative impact at all. Supported by neighbors. Situations going back where people not looking closely at what they had. This is the kind of thing where he has vastly improved the property. For all those reasons, feel this is very much an asset to the neighborhood.

The Chair asked if the applicant took away landscaping. Atty. Rizio stated that there is nice landscaping in the backyard, and a small portion was taken out to put parking in. The Chair asked about the dimension of the remaining landscaping area in the back, and Atty. Rizio stated that they went from 40% to 28%, and that any small additional amount of landscaping wouldn't be truly sufficient to add more recreation space to the backyard. He stated that there is no impact on the abutting neighbors, and that he believes it to be a huge improvement from where the property was, particularly in regards to parking. He further stated that the front of the landscape is immaculately maintained. The Chair asked when the applicant purchased the property, and Atty. Rizio stated that the applicant bought the property in 2001. The Chair asked if the property was a 2-family home at the time of purchase, and Atty. Rizio stated that the property was explained to the applicant as a 2-family with an unfinished floor.

Commissioner Alves asked if the side of the building is landscaped, and Atty. Rizio answered in the affirmative.

The Chair asked Atty. Rizio about the orientation of the parking. Atty. Rizio stated that there are 5 spots, and that the neighborhood supports the application. The Chair asked how many bedrooms are on the 2nd floor, and Mr. Bonhomme stated that there are 2 bedrooms. The Chair asked if Mr. Bonhomme owns the property and lives there, and Atty. Rizio answered in the affirmative.

The Chair asked if anyone wished to speak in favor of the item. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 923 Briarwood Avenue.

DECISION SESSION

C-1 2149 SEAVIEW AVE. – PETITION OF 2149 SEAVIEW AVENUE, LLC – SEEKING A USE VARIANCE OF SEC. 6-1-2 AND ALSO SEEKING A VARIANCE OF ALL OF THE REQUIRED LANDSCAPING OF SEC. 6-1-3 TO PERMIT THE ESTABLISHMENT OF AN INDUSTRIAL SERVICE STORAGE YARD OF VEHICLES, BOATS AND HEAVY MACHINERY IN AN OR ZONE.

**** COMMISSIONER ALVES MOVED TO WITHDRAW ITEM C-1 2149 SEAVIEW AVE. – PETITION OF 2149 SEAVIEW AVENUE, LLC – SEEKING A USE VARIANCE OF SEC. 6-1-2 AND ALSO SEEKING A VARIANCE OF ALL OF THE REQUIRED LANDSCAPING OF SEC. 6-1-3 TO PERMIT THE ESTABLISHMENT OF AN INDUSTRIAL SERVICE STORAGE YARD OF VEHICLES, BOATS AND HEAVY MACHINERY IN AN OR ZONE.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

#1 101 & 111 BOSTON AVENUE – SEEKING VARIANCES OF THE MINIMUM LOT AREA AND MAXIMUM HEIGHT OF 35’ UNDER SEC. 6-1-3, ALSO SEEKING VARIANCES OF THE FRONT ROOF PROJECTION OF SEC. 4-3-2A(1); WAIVE 9 OF THE REQUIRED 17 OFF-STREET PARKING SPACE REQUIREMENT OF SEC11-1-2 AND A VARIANCE OF THE REQUIRED PARKING SPACE SIZE OF 9’ X 20’ OF SEC. 11-1-10 TO PERMIT THE CONSTRUCTION OF A 2-STORY MEDICAL OFFICE BUILDING IN AN OR-G ZONE AND COASTAL AREA.

**** COMMISSIONER CAROLAN MOVED TO GRANT ITEM #1 101 & 111 BOSTON AVENUE – SEEKING VARIANCES OF THE MINIMUM LOT AREA AND MAXIMUM HEIGHT OF 35’ UNDER SEC. 6-1-3, ALSO SEEKING VARIANCES OF THE FRONT ROOF PROJECTION OF SEC. 4-3-2A(1); WAIVE 9 OF THE REQUIRED 17 OFF-STREET PARKING SPACE REQUIREMENT OF SEC11-1-2 AND A VARIANCE OF THE REQUIRED PARKING SPACE SIZE OF 9’ X 20’ OF SEC. 11-1-10 TO PERMIT THE CONSTRUCTION OF A 2-STORY MEDICAL OFFICE BUILDING IN AN OR-G ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE APPLICANT SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 3. A LOW 3 FOOT FENCE SHALL BE ERECTED ALONG THE BOSTON AVENUE FRONTAGE TO DEAD END THE RIGHT FRONT (EASTERLY) CORNER OF THE BUILDING TO PROHIBIT PEDESTRIANS CUTTING THROUGH TO THE SHOPPING CENTER PARKING LOT.**

FOR THE FOLLOWING REASONS:

- 1. REDUCES THE NONCONFORMITY OF THE SITE.**
- 2. PROVIDES SOME OFF-STREET PARKING.**
- 3. ALLOWS A LOCAL BUSINESS TO EXPAND AND ACCOMMODATE A GROWING MEDICAL PRACTICE.**

**** COMMISSIONER SHEPARD**

**** MOTION PASSED UNANIMOUSLY.**

#2 1917 (AKA 1923) BOSTON AVENUE – SEEKING VARIANCES OF THE MINIMUM BUILDING SETBACK AND ACCESSORY STRUCTURE SETBACK REQUIREMENTS OF SEC. 6-1-3 TO VALIDATE THE CHANGE OF USE FROM A GAS STATION WITH A GENERAL REPAIR LICENSE TO A GAS STATION WITH A CONVENIENCE STORE USE AND THE CONSTRUCTION OF TWO (2) DECORATIVE PERGOLAS AND SHED ROOF OVER GENERATOR IN AN OR ZONE.

**** COMMISSIONER ALVES MOVED TO DENY ITEM #2 1917 (AKA 1923) BOSTON AVENUE – SEEKING VARIANCES OF THE MINIMUM BUILDING SETBACK AND ACCESSORY STRUCTURE SETBACK REQUIREMENTS OF SEC. 6-1-3 TO VALIDATE THE CHANGE OF USE FROM A GAS STATION WITH A GENERAL REPAIR LICENSE TO A GAS STATION WITH A CONVENIENCE STORE USE AND THE CONSTRUCTION OF TWO (2) DECORATIVE PERGOLAS AND**

SHED ROOF OVER GENERATOR IN AN OR ZONE WITHOUT PREJUDICE FOR THE FOLLOWING REASON:

- 1. THE APPLICANT FAILED TO ATTEND THE PUBLIC HEARING.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

#3 3710 & 3758 MAIN STREET & 611 BEECHMONT AVENUE– SEEKING A VARIANCE OF THE MINIMUM PERIMETER AND INTERIOR LANDSCAPING OF SEC. 11-1-13 TO PERMIT THE CONSTRUCTION OF A 1-STORY, 3,000 SQ. FT. ADDITION TO THE EXISTING COMMERCIAL BUILDING IN AN OR-R ZONE.

**** COMMISSIONER CAROLAN MOVED TO GRANT ITEM #3 3710 & 3758 MAIN STREET & 611 BEECHMONT AVENUE– SEEKING A VARIANCE OF THE MINIMUM PERIMETER AND INTERIOR LANDSCAPING OF SEC. 11-1-13 TO PERMIT THE CONSTRUCTION OF A 1-STORY, 3,000 SQ. FT. ADDITION TO THE EXISTING COMMERCIAL BUILDING IN AN OR-R ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE APPLICANT SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 3. THE LANDSCAPING SHALL BE INSTALLED STRICTLY IN ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**

FOR THE FOLLOWING REASON:

- 1. EXPANSION OF A NEW MODERN OFFICE SPACE WILL BE A BENEFIT TO THE AREA ONTO A LOT WHICH WAS AN EYESORE TO THE NEIGHBORHOOD.**

**** COMMISSIONER SHEPARD SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

#4 156 EAST WASHINGTON AVENUE – SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE AND MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 7-1-3 AND ALSO SEEKING VARIANCES OF THE INTERIOR AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13 AND THE STRIPED PARKING SPACE REQUIREMENT OF SEC. 11-1-12B TO PERMIT THE INSTALLATION OF AN ASPHALT CAP AND DRAINAGE SYSTEM TO THE EXISTING VEHICLE

MAINTENANCE AND TEMPORARY TRUCK STORAGE FACILITY IN AN I-H ZONE AND COASTAL AREA.

**** COMMISSIONER CAROLAN MOVED TO CONDITIONALLY GRANT ITEM #4 156 EAST WASHINGTON AVENUE – SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE AND MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 7-1-3 AND ALSO SEEKING VARIANCES OF THE INTERIOR AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13 AND THE STRIPED PARKING SPACE REQUIREMENT OF SEC. 11-1-12B TO PERMIT THE INSTALLATION OF AN ASPHALT CAP AND DRAINAGE SYSTEM TO THE EXISTING VEHICLE MAINTENANCE AND TEMPORARY TRUCK STORAGE FACILITY IN AN I-H ZONE AND COASTAL AREA ON THE FOLLOWING CONDITION:**

- 1. THE APPLICANT SHALL CONTINUE TO WORK TOWARD AN ENVIRONMENTAL CLEANUP OF THIS BROWN FIELD.**

FOR THE FOLLOWING REASON:

- 1. TEMPORARY CAP AND RETENTION SYSTEM WILL HELP CONTROL DUST FROM ENTERING THE ATMOSPHERE AND WILL ALSO PREVENT RUN-OFF INTO THE PEQUONNOCK RIVER.**

**** COMMISSIONER SHEPARD SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

#6 75 HEMLOCK ST. – PETITION OF ROGERIO MENDES – SEEKING A VARIANCE OF THE MINIMUM SIDE SETBACK REQUIREMENT OF 6’ OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 1- STORY ADDITION TO THE EXISTING 1-FAMILY DWELLING IN AN R-BB ZONE.

**** COMMISSIONER ALVES MOVED TO DEFER ITEM #6 75 HEMLOCK ST. – PETITION OF ROGERIO MENDES – SEEKING A VARIANCE OF THE MINIMUM SIDE SETBACK REQUIREMENT OF 6’ OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 1- STORY ADDITION TO THE EXISTING 1-FAMILY DWELLING IN AN R-BB ZONE.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Item #6 was deferred to June 14, 2016.

#7 757 MADISON AVENUE – SEEKING TO ESTABLISH AN OUTSIDE PATIO DINING AREA FOR 12 PATRONS ALONG THE MADISON AVENUE FRONTAGE AND ALSO PERMIT THE ISSUANCE OF A PATIO LIQUOR PERMIT FOR THE

SERVING OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE SERVING OF MEALS BY THE RESTAURANT STAFF AT THE EXISTING DELI/RESTAURANT IN AN OR ZONE.

**** COMMISSIONER ALVES MOVED TO DENY ITEM #7 757 MADISON AVENUE – SEEKING TO ESTABLISH AN OUTSIDE PATIO DINING AREA FOR 12 PATRONS ALONG THE MADISON AVENUE FRONTAGE AND ALSO PERMIT THE ISSUANCE OF A PATIO LIQUOR PERMIT FOR THE SERVING OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE SERVING OF MEALS BY THE RESTAURANT STAFF AT THE EXISTING DELI/RESTAURANT IN AN OR ZONE FOR THE FOLLOWING REASONS:**

- 1. THE AREA IN QUESTION IS TOO SMALL TO BE UTILIZED AS A DINING AREA WITH A PATIO LIQUOR PERMIT.**
- 2. THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PETITION.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

#8 921 – 923 BRIARWOOD AVENUE – SEEKING A USE VARIANCE UNDER SEC. 5-1-2 AND ALSO SEEKING VARIANCES OF THE MAXIMUM SITE AND MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 5-1-3; THE VEHICLE MANEUVERING SPACE REQUIREMENT OF SEC. 11-1-10 AND THE PERIMETER LANDSCAPING REQUIREMENTS UNDER SEC. 11-1-13 TO LEGALIZE THE CONVERSION OF THE LEGAL NONCONFORMING 2-FAMILY DWELLING INTO A 3-FAMILY DWELLING IN AN R-A ZONE.

**** COMMISSIONER CAROLAN MOVED TO GRANT ITEM #8 921 – 923 BRIARWOOD AVENUE – SEEKING A USE VARIANCE UNDER SEC. 5-1-2 AND ALSO SEEKING VARIANCES OF THE MAXIMUM SITE AND MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 5-1-3; THE VEHICLE MANEUVERING SPACE REQUIREMENT OF SEC. 11-1-10 AND THE PERIMETER LANDSCAPING REQUIREMENTS UNDER SEC. 11-1-13 TO LEGALIZE THE CONVERSION OF THE LEGAL NONCONFORMING 2-FAMILY DWELLING INTO A 3-FAMILY DWELLING IN AN R-A ZONE WITH WITH FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**

2. THE APPLICANT SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.
3. THE LANDSCAPING SHALL BE INSTALLED STRICTLY IN ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.

FOR THE FOLLOWING REASONS:

1. IT APPEARS THAT THE HOUSE WAS MISREPRESENTED AS A 3-FAMILY RATHER THAN A 2-FAMILY AT THE TIME OF PURCHASE.
 2. THERE ARE OTHER 3-FAMILY HOMES IN THE IMMEDIATE AREA.
 3. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE EFFECT.
- ** COMMISSIONER SHEPARD SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

#9 1225 SEAVIEW AVE. – PETITION OF O & G INDUSTRIES, INC – APPEALING UNDER SEC. 14-10 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-7 OF THE CT STATE STATUTES WHEREBY IT IS ALLEGED THAT THE ZONING ENFORCEMENT OFFICER ERRED IN HIS ISSUANCE OF AN ORDER TO COMPLY FOR THE EXPANSION OF THE CONCRETE AND ROCK CRUSHING BUSINESS WITHOUT PROPER APPROVALS IN AN MU-LI ZONE AND COASTAL AREA.

- ** COMMISSIONER ALVES MOVED TO DEFER ITEM #9 1225 SEAVIEW AVE. – PETITION OF O & G INDUSTRIES, INC – APPEALING UNDER SEC. 14-10 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-7 OF THE CT STATE STATUTES WHEREBY IT IS ALLEGED THAT THE ZONING ENFORCEMENT OFFICER ERRED IN HIS ISSUANCE OF AN ORDER TO COMPLY FOR THE EXPANSION OF THE CONCRETE AND ROCK CRUSHING BUSINESS WITHOUT PROPER APPROVALS IN AN MU-LI ZONE AND COASTAL AREA.
- ** COMMISSIONER CAROLAN SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

The item was deferred to June 14, 2016.

OTHER BUSINESS

OB-1 253 & 277-285 Noble Ave. – Petition of Smile Properties, LLC – Seeking clarification for “permitted use” in an OR-G zone. OB-2 515 West Ave. – Petition of Hampshire-Bridgeport, LLC – Seeking a “light” modification for a utility allowance.

**** COMMISSIONER CAROLAN MOVED TO ALLOW GRANT ITEM (OB-1) 253 & 277-285 NOBLE AVE. – PETITION OF SMILE PROPERTIES, LLC – SEEKING CLARIFICATION FOR “PERMITTED USE” IN AN OR-G ZONE FOR THE FOLLOWING REASON:**

1. THE USE IS PERMITTED.

**** MOTION PASSED UNANIMOUSLY.**

OB-2 515 West Ave. – Petition of Hampshire-Bridgeport, LLC – Seeking a “light” modification for a utility allowance

**** COMMISSIONER CAROLAN MOVED TO DEFER ITEM (OB-2) 515 WEST AVE.- SEEKING A “LIGHT” MODIFICATION FOR A UTILITY ALLOWANCE.**

**** MOTION PASSED UNANIMOUSLY.**

Item OB-2 was deferred to June 14, 2016.

ADJOURNMENT

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

**** COMMISSIONER ALVES SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:10 PM.

Respectfully submitted,

Catherine Ramos

Telesco Secretarial Services