

**CITY OF BRIDGEPORT  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
MARCH 8, 2022**

**ATTENDANCE:** Ira Nachem, Chairman; John Slater; Paul Miller; Tiheba Bain; Robin Shepard (6:10)

**STAFF:** Russel Liskov, City Attorney; Nick Sampieri, Zoning Official; Dennis Buckley, Zoning Official; Bill Coleman, OPED Deputy Director

**OTHER:** Kevin Moore; Khalil Abdul-Hameed; Lauren Miller; Linda Mosel; Manuel DaSilva; Palo Lopes; Chris Calise; Elvis Zalameani; Fatima Silva; Janet May; Peter Limiti; Carolyn Papini

**CALL TO ORDER**

Chairman Nachem called the meeting to order at 6:04 P.M. There was a quorum present. He reviewed the rules of the meeting for those present.

**ORGANIZATIONAL MEETING**

**ELECTION OF ZBA OFFICERS: THE OFFICERS OF THE ZONING BOARD OF APPEALS SHALL CONSIST OF A CHAIRPERSON, VICE CHAIRPERSON, SECRETARY, AND A CLERK WHICH IS NORMALLY HELD BY THE ZONING OFFICIAL. THE OFFICERS SHALL BE ELECTED ANNUALLY AT AN ORGANIZATION MEETING. THE TERMS OF EACH ELECTED OFFICE SHALL BE FOR A 1-YEAR PERIOD.**

Atty. Liskov said that they were not ready to do the election yet as they did not have a full quorum of regular members and were using temporary members.

Mr. Buckley said that two deferral requests for items D-1 and D-2. These are both their second deferment requests. However, a representative for item D-1 was present and ready to present.

**\*\* CHAIRMAN NACHEM MOVED TO DEFER ITEM D-2 29 FEDERAL ST. – PETITION OF AFRANIO MENDONCA – SEEKING TO LEGALIZE THE CONSTRUCTION OF A METAL CANOPY OVER THE REAR PORTION OF THE PROPERTY FOR ADDITIONAL DINING AREA AND SEEKING VARIANCES OF SIDE AND REAR SETBACKS OF TABLE 3.20.5 OF 3' MINIMUM OFF PROPERTY LINES AND THE SIZE LIMIT OF 50% OF THE BUILDING FOOTPRINT OF ARTICLE 3.170.3 G (1) IN THE (MIXED-USE CORRIDOR) MX1 ZONE. UNTIL THE MEETING OF APRIL 12, 2022.**

**\*\* COMMISSIONER SLATER SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**DEFERRED BUSINESS**

**D-1 (#1)**

**20, 32, 50 REMER ST., 635, 643 NORTH AVE. – PETITION OF EZ REALTY, LLC – SEEKING A MODIFICATION OF 2006 GENERAL REPAIR OF MOTOR VEHICLES APPROVAL TO NOW INCLUDE THE**

**REPAIR OF LANDSCAPING EQUIPMENT TO BE STORED IN ACCESSORY TENT STRUCTURES IN THE IL ZONE.**

*Commissioner Shepard arrived at 6:10 P.M.*

Mr. Elvis Zalameani came forward to discuss this item. The applicant has a large volume of business and desires to store some of his equipment, temporarily, at 20 Remer Street. They are requesting a tent structure for the temporary overflow.

Ms. Bain asked how long this structure would be up for. The plan is to pare down the overflow equipment over time until it can all be removed at which point the structures would be taken down. They are expected to be up for 6-9 months. They may petition for semi-permanent at a later date. Further discussion regarding the equipment storage and time frame followed.

No one was present to speak in favor of the petition.

Mr. Bill Coleman came forward to speak against this item. There is a written report from the staff expressing concerns over the project.

There was no one else who wished to speak in opposition.

Atty. Liskov informed the Commission that there was no such thing as a 'temporary variance'. If a variance is granted it will be in place forever.

Mr. Miller said that they should take the staff recommendations very seriously.

Atty. Liskov pointed out there also had not been proof of legal hardship.

**\*\* CHAIRMAN NACHEM MOVED TO DENY APPLICATION D-1 (#1) 20, 32, 50 REMER ST., 635, 643 NORTH AVE. – PETITION OF EZ REALTY, LLC – SEEKING A MODIFICATION OF 2006 GENERAL REPAIR OF MOTOR VEHICLES APPROVAL TO NOW INCLUDE THE REPAIR OF LANDSCAPING EQUIPMENT TO BE STORED IN ACCESSORY TENT STRUCTURES IN THE IL ZONE. FOR THE FOLLOWING REASONS:**

- THE GRANTING OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.
- THE PETITIONER FAILED TO PRESENT AN UNUSUAL CIRCUMSTANCE OR VALID HARDSHIP RELATING TO THE USE OF THE SUBJECT PREMISES.

**\*\* COMMISSIONER SLATER SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**D-2 (#2)**

**29 FEDERAL ST. – PETITION OF AFRANIO MENDONCA – SEEKING TO LEGALIZE THE CONSTRUCTION OF A METAL CANOPY OVER THE REAR PORTION OF THE PROPERTY FOR ADDITIONAL DINING AREA AND SEEKING VARIANCES OF SIDE AND REAR SETBACKS OF TABLE 3.20.5 OF 3' MINIMUM OFF PROPERTY LINES AND THE SIZE LIMIT OF 50% OF THE BUILDING FOOTPRINT OF ARTICLE 3.170.3 G (1) IN THE (MIXED-USE CORRIDOR) MX1 ZONE.**

This item was deferred to the meeting of April 12, 2022.

**NEW BUSINESS**

**#1**

**2635 MAIN ST. – PETITION OF FATIMA SILVA – SEEKING A VARIANCE OF THE 20’ STEP BACK REQUIREMENT UNDER TABLE 4-I FOR THE 3RD FLOOR OF BUILDINGS ABUTTING RESIDENTIAL ZONED LOTS IN THE OR-G ZONE.**

Ms. Fatima Silva came forward to discuss this item. They are looking to build a 12 unit building on their property. They are required to indent the building which would make it asymmetric, and they are asking for a variance as a result. Plans were provided to the Commission. Discussion followed on the details of the house and setback.

Mr. Coleman came forward to speak in favor of petition. He said there were two issues present which was why it was confusing. The staff had recommended that the building be set back from Salem Street so it would align with the adjacent building. There was also an issue with the step back of the third floor which was why there was confusion. Discussion followed on the two different issues and the proper zoning.

No one else wished to speak in favor of the petition.

No one wished to speak in opposition to the petition.

Chairman Nachem said that, to his understanding, they were only voting on the step-back with this application.

**\*\* CHAIRMAN NACHEM MOVED TO APPROVE ITEM #1 2635 MAIN ST. – PETITION OF FATIMA SILVA – SEEKING A VARIANCE OF THE 20’ STEP BACK REQUIREMENT UNDER TABLE 4-I FOR THE 3RD FLOOR OF BUILDINGS ABUTTING RESIDENTIAL ZONED LOTS IN THE OR-G ZONE. WITH THE FOLLOWING CONDITIONS:**

- **THE BUILDING MUST CONFORM WITH THE PREVAILING FRONT SETBACK ALONG SALEM STREET.**
- **THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- **THE FRONT OF THE SUBJECT PREMISES SHALL BE LANDSCAPED WITH LOW LYING SHRUBS, PROPERLY MAINTAINED, AND REPLACED WHEN NECESSARY.**

**FOR THE FOLLOWING REASONS:**

- **THE BUILDING AS APPROVED BY THE ZONING BOARD OF APPEALS CONFORMS WITH OTHERS IN THE IMMEDIATE AREA.**
- **THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.**

**\*\* COMMISSIONER SLATER SECONDED THE MOTION.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

**#2**

**1096-1102 STRATFORD AVE. – PETITION OF HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY – SEEKING VARIANCES OF THE PRIMARY STREET WALL FRONTAGE REQUIREMENT OF SEC. 3.70.4; THE MINIMUM NUMBER OF RESIDENTIAL UNITS UNDER SEC. 3.70.9, AND THE PROHIBITION OF MORE THAN ONE DRIVEWAY PER BUILDING UNDER SEC. 3.70.5 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY HOME ON A 4,820-SQ. FT. LOT IN THE NX3 ZONE.**

Mr. Kevin Moore came forward to address the Commission. They are a non-profit affordable housing developer. He reviewed the financial details of the developer and property for the Commission. He said that there had been a zone change between the time that the lot had been acquired from the doner and that they had been able to get the proper plans done.

No one wished to speak in favor of the petition.

Mr. Coleman came forward to speak against the petition. The zoning change had been done intentionally to encourage denser development. Thus, they did not feel it was a place where one- or two-family homes should be. He further reviewed the details of the zoning.

The question of if the lot would remain vacant until one of the adjacent properties was sold so it could become a large enough piece of property to go with a three-family house or if there were alternatives.

Mr. Moore said that the current model was best executed with side-by-side homes and what was marketable was housing which did not have families above or below them. While it could be arranged like that it would need to be stacked and the current zoning arrangement also didn't support this. Additionally, if he was one lot over, he could build the building without issue or needing to visit the Zoning Board of Appeals.

**\*\* COMMISSIONER SLATER MOVED TO APPROVE ITEM 1096-1102 STRATFORD AVE. – PETITION OF HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY – SEEKING VARIANCES OF THE PRIMARY STREET WALL FRONTAGE REQUIREMENT OF SEC. 3.70.4; THE MINIMUM NUMBER OF RESIDENTIAL UNITS UNDER SEC. 3.70.9, AND THE PROHIBITION OF MORE THAN ONE DRIVEWAY PER BUILDING UNDER SEC. 3.70.5 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY HOME ON A 4,820-SQ. FT. LOT IN THE NX3 ZONE. WITH THE FOLLOWING CONDITIONS:**

- **THE DEVELOPMENT OF THE SUBJECT PARCEL SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- **THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- **THE FRONT OF THE SUBJECT PREMISES SHALL BE PLANTED WITH LOW LYING SHRUBS, PROPERLY MAINTAINED, AND REPLACED WHEN NECESSARY.**

**FOR THE FOLLOWING REASONS:**

City Of Bridgeport  
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Regular Meeting  
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- **PRIOR TO THE ENACTMENT OF THE CURRENT ZONING REGULATIONS ON 01/01/2022, A FAMILY HOME IS PERMITTED AS RIGHT.**
- **CURRENTLY THERE ARE 2-FAMILY HOMES LOCATED ON EITHER SIDE OF THIS PROPOSED DWELLING.**

**\*\* COMMISSIONER BAIN SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**#3**

**1830 COMMERCE DR. – PETITION OF SHANRI LA SOCIAL CLUB, LLC – SEEKING A VARIANCE OF SEC.3.50.9, WHICH PROHIBITS CATERING FACILITIES TO EXCEED 25% OF THE MAXIMUM FOOTPRINT OF A BUILDING; AND ALSO SEEKING A VARIANCE OF SEC. 10.10.1C, WHICH PROHIBITS A LIQUOR PERMIT WITHIN 750-FEET OF A PROTECTED USE TO PERMIT THE ESTABLISHMENT OF A CATERING HALL WITH A CATERER’S LIQUOR PERMIT ON THE 2ND FLOOR OF THE EXISTING COMMERCIAL BUILDING IN THE NX2 ZONE.**

Mr. Buckley noted that the liquor permit could not be part of the application and would need to be approved elsewhere.

Ms. Janet May came forward to discuss this item. She is asking for additional square footage for her business. She reviewed the details for the Commission. The social club is not currently operating.

No one wished to speak in favor of this item.

Mr. Peter Limiti came forward to speak against this item. He said there wasn’t sufficient parking on the site, especially to accommodate a 2400 square foot social club.

Ms. Papini came forward to speak against this item. She said that there were no other bars in the area, and they had not shown hardship or a variance. She has submitted a letter and sees it as nothing but a nuisance. The letter has been received and read by the Commission.

Mr. Coleman came forward to speak against this item. He said that this item spoke to two issues, the size of the building footprint and seeking a variance regarding the prohibition of liquor within 750 feet of a protected use.

Ms. Linda Mosel came forward to speak against this item. She is concerned about the limited parking and that their parking lot will be used by patrons of the business.

No one else wished to speak against this petition. She said she was sure they had the parking. Additionally, they were a catering service and not a social club.

Atty. Liskov pointed out that all they had to focus on was if there was a hardship for the property or not. It did not matter if she needed parking or not or if she intended to use it for catering or a social club.

**\*\* COMMISSIONER SHEPARD MOVED TO DENY ITEM #3 1830 COMMERCE DR. – PETITION OF SHANRI LA SOCIAL CLUB, LLC – SEEKING A VARIANCE OF SEC.3.50.9, WHICH PROHIBITS CATERING FACILITIES**

TO EXCEED 25% OF THE MAXIMUM FOOTPRINT OF A BUILDING; AND ALSO SEEKING A VARIANCE OF SEC. 10.10.1C, WHICH PROHIBITS A LIQUOR PERMIT WITHIN 750-FEET OF A PROTECTED USE TO PERMIT THE ESTABLISHMENT OF A CATERING HALL WITH A CATERER'S LIQUOR PERMIT ON THE 2ND FLOOR OF THE EXISTING COMMERCIAL BUILDING IN THE NX2 ZONE. FOR THE FOLLOWING REASONS:

- THE PETITIONER FAILED TO PRESENT AN UNUSUAL DIFFICULTY OR HARDSHIP RELATING TO THIS PROPERTY OR PROPOSED USE.

**\*\* COMMISSIONER SLATER SECONDED THE MOTION.**

**\*\* THE MOTION PASSED WITH FOUR IN FAVOR OF THE DENIAL (SHEPARD, SLATER, NACHEM, MILLER) AND ONE AGAINST THE DENIAL (BAIN).**

**#4**

**143 CALHOUN AVE. – PETITION OF MANUEL DASILVA – SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE REQUIREMENT OF SEC. 3.90.4; MAXIMUM HEIGHT OF 16' OF AN ACCESSORY STRUCTURE, AS WELL AS WAIVING 109-SQ. FT. BEYOND THE 650-SQ. FT. REQUIREMENT UNDER SEC. 3.170.3 E & F TO LEGALIZE THE EXISTING 3-CAR GARAGE WITH AN ATTACHED COVERED PATIO BUILT WITHOUT ANY APPROVALS OR PERMITS IN THE NX2 ZONE.**

Mr. Manuel DeSilva came forward to discuss this item. They are seeking to legalize the existing, non-conforming, detached garage. He reviewed the details and history of the garage for the Commission. It will not be detrimental to the neighboring properties or decrease their value. Photographs of the area were provided for the Commission. They did not have photos of how the garage looked before the reconstruction was done. As such they did not have evidence. Discussion followed regarding the lack of evidence. The option to continue the matter until such evidence could be provided was discussed. Mr. DeSilva decided to proceed with the application.

Mr. Strong came forward to speak in favor of this item. The application has been reviewed and a report provided. He proceeded to highlight a few things within the report for the Commission.

Atty. Liskov asked what would be done about the impervious surfaces.

Mr. Strong said that they would reduce the amount of asphalt coverage and will be changed in accordance with the zoning provisions.

Mr. Coleman came forward to speak in favor of this item. He said that that the two categories of 'for' and 'against' do not speak to the role they do, which is to inform the Commission. He wished to inform them of conditions to improve the site, but not to the core issues at hand.

No one wished to speak against this item.

It was suggested that they make all five recommendations Mr. Strong made after his evaluation.

**\*\* COMMISSIONER SLATER MOVED TO APPROVE ITEM #4 143 CALHOUN AVE. – PETITION OF MANUEL DASILVA – SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE REQUIREMENT OF SEC. 3.90.4; MAXIMUM HEIGHT OF 16' OF AN ACCESSORY STRUCTURE, AS WELL AS WAIVING 109-SQ. FT. BEYOND**

THE 650-SQ. FT. REQUIREMENT UNDER SEC. 3.170.3 E & F TO LEGALIZE THE EXISTING 3-CAR GARAGE WITH AN ATTACHED COVERED PATIO BUILT WITHOUT ANY APPROVALS OR PERMITS IN THE NX2 ZONE. WITH THE FOLLOWING CONDITIONS:

- THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.
- THE FIVE (5) RECOMMENDATIONS AS STATED IN THE DESIGN REVIEW COORDINATOR'S REPORT DATED 02/24/22 SHALL BE INCORPORATED INTO THIS PROJECT (ENCLOSED).

**\*\* COMMISSIONER BAIN SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**(END OF PUBLIC HEARING)**

**OTHER BUSINESS**

There was no Other Business at this time.

**OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD**

There were no other matters to properly come before the Board at this time.

**APPROVAL OF MINUTE(S)**

**APPROVAL OF ZBA MINUTES FOR FEBRUARY 8, 2022 – PRESENT: ACTING CHAIRPERSON: IRA NACHEM. COMMISSIONERS: PAUL MILLER, ROBIN SHEPARD AND JOHN SLATER. STAFF: DENNIS BUCKLEY, ZONING ADMINISTRATOR, PAUL BOUCHER, ZONING OFFICIAL; NICHOLAS SAMPIERI, ZONING INSPECTOR. OFFICE OF THE CITY ATTORNEY: ATTY RUSSELL LISKOV.**

Please make the following corrections.

- Ms. Eneida Martinez is no longer a Council Member.

**\*\* COMMISSIONER SHEPARD MOVED TO APPROVE THE MINUTES AS AMENDED.**

**\*\* COMMISSIONER MILLER SECONDED THE MOTION.**

**\*\* THE MOTION PASSED WITH FOUR IN FAVOR (NACHEM, MILLER, SLATER, SHEPARD) AND ONE ABSENTION (BAIN).**

**ADJOURNMENT**

**\*\* COMMISSIONER SLATER MOVED TO ADJOURN THE MEETING.**

**\*\* COMMISSIONER MILLER SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

*The meeting adjourned at 7:43 P.M.*

Respectfully Submitted  
Ian A. Soltes  
Telesco Secretarial Services.