

**CITY OF BRIDGEPORT  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
APRIL 12, 2022**

**ATTENDANCE:** Ira NACHEM, Chairman; Tiheba Bain; Robin Shepard; Paul Miller

**STAFF:** Nick Sampieri; Dennis Buckley, Zoning Director; Bill Coleman, OPED Deputy Director; Jackson Strong; Bonnie Lambert, Special Properties Co-Ordinator

**OTHER:** Angela Carlson; Atty. Charles Willinger; Nkiruka Nzakwu; Paul Patterson; Will Jameson; Sarah Bel; Michael Jankovsky; Atty. Christopher Russo; Gordonac; Joe Staigar; Monica Watson; Susan Tabachnick; Tom Arcari; Pat Rose; Selena Rembert; Sharif Harris; Atty. Robert Russo; Council Member Marcus Brown; Jameson Bell; Sara Bell; Margaret Judge, Stratford Historic District Association; Diego; Tamar Carrie;

**CALL TO ORDER**

Chairman NACHEM called the meeting to order at 6:06 P.M. There was a quorum present.

Chairman NACHEM reviewed the rules of the meeting for those present.

**DEFERRED BUSINESS**

**D-1 (#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.**

Mr. Buckley said that they were asking for another postponement due to technical issues.

**\*\* MR. MILLER MOVED TO DEFER ITEM D-1 TO THE MEETING OF 05/10/22.**

**\*\* MS. BAIN SECONDED THE MOTION.**

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

**NEW BUSINESS**

**#1**

**83 NORTH AVE. – PETITION OF 83 NORTH AVENUE, LLC – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT GENERAL STATUTES AND SEC. 11.120 OF THE CITY OF BRIDGEPORT ZONING REGULATIONS A CERTIFICATE OF APPROVAL OF LOCATION FOR A CAR DEALERSHIP AND THE ISSUANCE OF A CAR DEALERSHIP LICENSE IN THE MX2 ZONE. (REQUEST TO BE DEFERRED TO 05/10/22)**

Mr. Buckley had received a letter from Atty. Russo requesting that this item be deferred to the meeting of 05/10/22.

**\*\* MR. MILLER MOVED TO DEFER ITEM #1 TO THE MEETING OF 05/10/22.**

**\*\* MS. SHEPARD SECONDED THE MOTION.**

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

**#2**

**436-500 NORTH AVE. – PETITION OF JEM 500 NORTH, LLC – SEEKING A VARIANCE OF THE PRIMARY STREET WALL FRONTAGE REQUIREMENT OF SEC. 3.304.4 TO PERMIT THE CONSTRUCTION OF A FAST-FOOD RESTAURANT WITH A DRIVE-THRU FACILITY IN THE MX2 ZONE.**

Atty. Willinger came forward to discuss this item. They desire the variance for the length of the street wall so they can build a drive-through facility. He reviewed the details of the property for the Board. The building and proposed use are permitted as of right in this zone and on this property. Were it not for the length of the street wall they would need no other approvals. The owner is a franchisee of eight different Wendy's locations in Connecticut. The site was, recently, subject both bankruptcy and foreclosure. Atty. Willinger reviewed the regulations regarding the site and the details of the street wall and related aspects. They have had two meetings regarding the redesign and have the endorsement of Mr. Coleman, Ms. Haig, and Mr. Strong. He asked the individuals present to verify that Mr. Buckley had sent an updated report that day. He reviewed the details of the updated report including the recommendation of approval and the suggested conditions of approval.

Mr. Rose came forward to discuss this item. He proceeded to review the design plans for the Board.

Atty. Willinger believes that the odd shape of the property, which is particular to their property, constitutes a legal hardship. They are in accordance with the general intent of the zoning regulations and master plan. If they had the full 290 feet as intended, it would extend into the nearby park. He further reviewed the issues with the walls on the property. The hardship is not self-created. He pointed to the recent case of Chevron Oil vs. the ZBA of Shelton where the courts had ruled the shape of the property constituted a hardship. This hardship is not self-created. They believe this is the least deviation to allow for development. There are similar restaurants in the neighborhood. This is a permitted as-of-right use in an NX-2 zone. They also believe it complies with the master plan's goal of increasing neighborhood commercial corridors. On April 7 the D.o.T. issued an encroachment permit. Several conditions of approval were listed including requiring a certificate of insurance, a bond, town or city approval, and the completion of a certain application.

Mr. Strong came forward to speak in favor of the item and provide their report. They reviewed the process that was undertaken with regard to this application. They have attempted to improve the design to make it more in compliance with the Master Plan and newly adopted zoning regulations. They wanted to reduce the amount of physical voids that could undermine the creation of active commercial corridors. They have met various other conditions to resolve other issues without need for a variance.

Mr. Coleman came forward to speak in favor offer a few contextual remarks on this item. He pointed out that the property was currently a blighted and unused tower. He reviewed other properties and businesses in the area that have been improved recently as well. They are in favor of the project.

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

No one wished to speak against the petition.

Mr. Miller expressed concern over the amount of traffic a Chick-Fil-A had generated and was worried it would become a public nuisance. He felt that the Wendy's had taken steps to avoid having a similar problem. They have recognized odd-shaped lots as a hardship in past decisions and felt they should do the same here.

**\*\* CHAIRMAN NACHEM MOVED TO APPROVE APPLICATION #2: 436-500 NORTH AVE. – PETITION OF JEM 500 NORTH, LLC – SEEKING A VARIANCE OF THE PRIMARY STREET WALL FRONTAGE REQUIREMENT OF SEC. 3.304.4 TO PERMIT THE CONSTRUCTION OF A FAST-FOOD RESTAURANT WITH A DRIVE-THRU FACILITY IN THE MX2 ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PARCEL, INCLUDING THE POCKET PARK, SHALL BE IN STRICT ACCORD WITH THE PLAN 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. THE UNIQUE CONFIGURATION OF THE SUBJECT PARCEL CREATES A CHALLENGE IN THE REDEVELOPMENT OF THIS SITE.**
- 2. THE PROPOSED DEVELOPMENT CONFORMS WITH OTHER USES IN THE IMMEDIATE AREA, AS WELL AS THE ELIMINATION OF A BLIGHTED PARCEL OF PROPERTY IS REMOVED.**

**\*\* MR. MILLER SECONDED THE MOTION.**

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

### **#3**

**195 BROOKLAWN AVE. – PETITION OF LINDSEY'S HOUSE EARLY LEARNING CENTER – SEEKING A VARIANCE OF SEC. 3.110.9 TO CHANGE FROM A NONCONFORMING OFFICE BUILDING TO AN EARLY LEARNING CENTER ON THE 1ST FLOOR WITH OFFICE SPACE TO REMAIN ON THE 2ND FLOOR OF THE EXISTING BUILDING IN THE N3 ZONE.**

Ms. Lambert came forward to discuss this item. They are seeking a use variance and the property is currently zoned to be used as an office space. They have had difficulty finding an acceptable office space in Bridgeport and have been searching for the past 6-7 months. They have located a space that provides enough space, square-footage wise, for what their program actually has. She was unsure if they needed to address the opposition letters first.

Chairman NACHEM informed her she needed to make a case first and any opposition letters could be handled after. He told her to state their case as to why the Board should make a zoning exception.

Ms. Lambert reviewed the details of her learning center, how it dealt with children, school programs, and how it functioned for the Board. She noted that the property that they were purchasing has been on

the market for five months and is in a state of significant disrepair and is in need of extensive rehabilitation. This investment will have an additional impact on the value of the property and the neighborhood as a whole. The taxes it will supply are based off property values with a non-profit component to them. She noted that the presence of the establishment would not endanger the community and there would be no drastic increase in crime.

Ms. Bain asked why they desired the current location.

Ms. Lambert said that their space was under contract with a developer and will be facing rent increases as a result of the developers' activities. As such they need a property in order to continue their work. She reviewed the fiscal details for the Board.

Mr. Coleman came forward to speak on the petition. He noted that the staff report did not always fit easily for or against, but it was important for the Board to hear concerns regardless.

Mr. Strong came forward to speak on this property. He noted that there were many prior variances granted for office use and nearby properties had variances for offices as well. They found that this use was largely compatible with residential uses in general.

Ms. Nzakwu came forward to speak in favor of this item. She is part of the staff of Lindsey's House. They do numerous community events and provide help to families and children. They cater to workshops to fit the needs within the community.

Ms. Harris came forward to speak in favor of this item. She felt it would be a great addition to the community. Her grandson attends the program and noted how convenient it was for parents. It will help the community out as a result in her opinion.

No one else wished to speak in favor of this item.

Mr. Buckley reported that there had been two letters received in opposition. One from Mr. and Ms. Russo and another from both Council Members and the president of the Stratfield Historic District. They felt it was an intrusive loss to the neighborhood with no upsides.

Mr. Russo came forward to speak against this item. The avenue is very congested and adding a new business will make it worse. He did not feel there was a legal hardship that would justify allowing the property to be converted into daycare. He noted that they would also be more than a daycare and had programs involving teens and parents. He felt it would have a significantly higher impact on the neighborhood than the data showed as well.

Mr. and Ms. Bell came forward to speak against this item. They had not received a notice about this item prior. They were very concerned about the amount of traffic and detailed their reasons why. They are also very concerned it will become an event venue and the noise the daycare will create. They did not feel it would be good for the community as a result of the noise it would generate.

Council Member Brown came forward to speak against this item. The point of zoning laws is to protect neighborhoods and allowing a variance like this undermines the zoning codes. He felt that this variance

would do so and cause other businesses to seek variances they didn't need. A daycare would not conform to the quiet neighborhoods of the area.

Ms. Margaret Judge came forward to speak against this item. She said that the Stratford Historic District Association was opposed to this and expressed concerns about it affecting the community, noise, and the point of the zoning code. She noted that they had also contacted Mr. Buckley about Ms. Lambert regarding blight issues in the past.

There were technical issues present. The discussion of if the item should be continued for another month due to technical issues or continued was raised.

Mr. Diego came forward to speak against this item. He voiced concern regarding the traffic and noise involved with the business and did not feel it would help property values.

Ms. Lambert came forward to rebut. She said many next-door residences had no clue what business was going on in their location showing they could handle the noise control issues. She also said that drop-off and pick-up times were quick meaning they wouldn't be too big an impact on traffic. They also will not be using it as a hosting venue, but they will be opening it to the public for things like open house events.

Mr. Miller said it was a confusing situation, but he noted that he had heard no evidence of a legal hardship.

**\*\* CHAIRMAN NACHEM MOVED TO DENY ITEM #3 195 BROOKLAWN AVE. – PETITION OF LINDSEY'S HOUSE EARLY LEARNING CENTER – SEEKING A VARIANCE OF SEC. 3.110.9 TO CHANGE FROM A NONCONFORMING OFFICE BUILDING TO AN EARLY LEARNING CENTER ON THE 1ST FLOOR WITH OFFICE SPACE TO REMAIN ON THE 2ND FLOOR OF THE EXISTING BUILDING IN THE N3 ZONE.  
\*\* THE MOTION FAILED DUE TO LACK OF A SECOND.**

**\*\* CHAIRMAN NACHEM MOVED TO APPROVE ITEM #3 195 BROOKLAWN AVE. – PETITION OF LINDSEY'S HOUSE EARLY LEARNING CENTER – SEEKING A VARIANCE OF SEC. 3.110.9 TO CHANGE FROM A NONCONFORMING OFFICE BUILDING TO AN EARLY LEARNING CENTER ON THE 1ST FLOOR WITH OFFICE SPACE TO REMAIN ON THE 2ND FLOOR OF THE EXISTING BUILDING IN THE N3 ZONE.  
\*\* MS. BAIN SECONDED THE MOTION.  
\*\* THE MOTION FAILED WITH TWO IN FAVOR (BAIN, SHEPARD) AND TWO OPPOSED (NACHEM, MILLER).**

*The item failed to pass for the following reasons:*

- 1. THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THE PROPOSED USE FOR THIS PARCEL OF PROPERTY.**
- 2. THE GRANTING OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PROPERTY.**

#### **#4**

**268 PUTNAM ST. – PETITION OF CITY OF BRIDGEPORT – SEEKING RELIEF FROM MUNICIPAL CODE 15.44.140B TO WAIVE FEMA WINDOW HEIGHT REQUIREMENTS RELATING TO THE RESTORATION OF AN HISTORIC STRUCTURE IN THE RX1 ZONE.**

Mr. Carrie and Ms. Lambert came forward to discuss this item. They want to make a neighborhood/senior community center. This project is a complete restoration of the old Firehouse. The restoration has been supported by the State Historic Preservation Office. The building sits in a flood zone. Flood protection would require modifications to the building which would disrupt the historic preservation of the building. The building is not occupied and is a community meeting space. It conforms with the requirements for a request for a variance due to its historic qualifications. He reviewed the alterations that would be needed in order to make it compliant. The City engineer has reviewed the condition and finds it in accordance with the appropriate variance requirements. There is a letter from the Department of Community Development speaking in favor and pointing out that this item meets the conditions for variances.

Ms. Lambert came forward to discuss this item. She said they have been renting space for a senior center and want to keep the historical aspects of the building.

Mr. Strong came forward to speak in favor of this item. He said this was not a normal variance where they needed to prove hardship. They have met the criteria for the variance. It is not near any bodies of water despite being in a flood zone. There are no nearby structures that have the same systems installed.

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

No one wished to speak in opposition to the petition.

**\*\* MR. MILLER MOVED TO APPROVE ITEM #4 268 PUTNAM ST. – PETITION OF CITY OF BRIDGEPORT – SEEKING RELIEF FROM MUNICIPAL CODE 15.44.140B TO WAIVE FEMA WINDOW HEIGHT REQUIREMENTS RELATING TO THE RESTORATION OF AN HISTORIC STRUCTURE IN THE RX1 ZONE. FOR THE FOLLOWING REASONS:**

- 1. THE BUILDING PREDATES THE CURRENT D.E.E.P. REGULATIONS.**
- 2. THE LIKELY HOOD OF FLOOD WATERS REACHING THIS PARCEL OF PROPERTY IS REMOTE, BASED ON ENGINEER INPUT.**

**\*\* THE MOTION WAS SECONDED BY CHAIRMAN NACHEM.**

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

**#5**

**1060 (AKA 1012) EAST MAIN ST. – PETITION OF SARAH SCHAFFER – SEEKING VARIANCES OF SEC. 4.70.5C1 AND SEC. 4.70.5C6 TO PERMIT THE INSTALLATION OF TWO (2) VENDING MACHINES WITH A CANOPY IN FRONT OF THE EXISTING COMMERCIAL BUILDING WITHIN 5-FEET OF THE PUBLIC RIGHT-OF-WAY IN THE MX2 ZONE. (WITHDRAWN)**

*This item was withdrawn.*

**#6**

**50 MILES ST. – PETITION OF PAUL & SON AUTO REPAIR – SEEKING UNDER SEC. 14-54 OF THE CT GENERAL STATUTES AND SEC. 11.120 OF THE CITY OF BRIDGEPORT ZONING REGULATIONS A CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP AND THE ISSUANCE OF A USED CAR DEALERSHIP LICENSE IN THE I (INDUSTRIAL) ZONE.**

Mr. Patterson came forward to discuss this item. He has a desire to relocate his business as well as teach on the premises.

Mr. Buckley confirmed that he was permitted to repair cars in that zone and was seeking a DMV license.

No one wished to speak in favor of the petition.

Mr. Buckley came forward and said that he had received a letter of opposition to the petition. He said that the letter complained about abandoned cars across the street.

Mr. Patterson rebutted that the abandoned cars were not his and all of his were inside.

Discussion followed regarding the proper procedure, if the ZBA could grant the DMV license, and if the building was large enough to accommodate the needs.

**\*\* MR. MILLER MOVED TO APPROVE ITEM #6 50 MILES ST. – PETITION OF PAUL & SON AUTO REPAIR – SEEKING UNDER SEC. 14-54 OF THE CT GENERAL STATUTES AND SEC. 11.120 OF THE CITY OF BRIDGEPORT ZONING REGULATIONS A CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP AND THE ISSUANCE OF A USED CAR DEALERSHIP LICENSE IN THE I (INDUSTRIAL) ZONE. WITH THE FOLLOWING CONDITIONS:**

- 1. GENERAL MOTOR VEHICLE CONDITIONS “D”**
- 2. ALL VEHICLES AWAITING SERVICE OR CUSTOMER PICK UP ARE TO BE KEPT INSIDE OF THE BUILDING.**
- 3. THE PETITIONER SHALL FILE PLANS AND CERTIFICATE OF ZONING COMPLIANCE AS A NEW TENANT.**

**\*\* MS. BAIN SECONDED THE MOTION.**

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

**(END OF PUBLIC HEARING)**

**OTHER BUSINESS**

**(OB-1)**

**2635 MAIN ST. – PETITION OF FATIMA SILVA – SEEKING A MODIFICATION OF THE ZBA 02/08/22 APPROVAL. REQUESTING THE REMOVAL OF CONDITION #1.**

Mr. Buckley recounted the history of the requested modification to the Board. He noted that there had been a slight mix-up that had been brought to their attention regarding the plan submissions and the differences between the old and new rules in regard to setbacks from the property lines.

**\*\* MR. MILLER MOVED TO APPROVE ITEM OB-1 2635 MAIN ST. – PETITION OF FATIMA SILVA – SEEKING A MODIFICATION OF THE ZBA 02/08/22 APPROVAL. REQUESTING THE REMOVAL OF CONDITION #1. FOR THE FOLLOWING REASONS:**

- 1. AS THE APPLICATION WAS RECEIVED PRIOR TO JANUARY 1, 2022, THE SETBACK REQUIREMENT OF 10-FEET IS APPROPRIATE FOR THIS PROJECT.**

**\*\* CHAIRMAN NACHEM SECONDED THE MOTION.**

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

**(OB-2)**

This item is a late-entry Order-of-Business item that came in after the packets had been sent out. Mr. Buckley provided an overview of the item for the Board. The property was established as a rock quarry. An addition was approved for a tile plant at a later date. An approval was later given to connect two buildings together. Further review of the property history followed. Mr. Buckley said he seemed to be pointless to modify a variance that had been granted in 1951. Discussion followed.

**\*\* CHAIRMAN NACHEM MOVED TO APPROVE THE USE FOR GRANITE AND MARBLE MANUFACTURING AND STORAGE.**

**\*\* MR. MILLER SECONDED THE MOTION.**

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

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

**APPROVAL OF MINUTE(S)**

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

*Please change the following*

1. Page 5, paragraph 1, line 1: Please change 'one-family' to 'two-family'.

**\*\* CHAIRMAN NACHEM MOVED TO APPROVE THE MINUTES OF MARCH 8, 2022 AS AMENDED.**

**\*\* MS. BAIN SECONDED.**

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

**ADJOURNMENT**



**\*\* CHAIRMAN NACHEM MOVED TO ADJOURN.  
\*\* MR. MILLER SECONDED THE MOTION.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

*The meeting adjourned at 8:14 P.M.*

Respectfully Submitted,  
Ian A. Soltes  
Telesco Secretarial Services