

**CITY OF BRIDGEPORT  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
JUNE 14, 2022**

**ATTENDANCE:** Ira Nachem, Chairman; Mary Gaits; Paul Miller; Robin Shepard

**STAFF:** Dennis Buckley; Jackson Strong

**OTHER:** Atty. Chris Rizio; Dan Davis; Lauren Miller; Angel Cruz; Devane Coke; Ron Lambert; Carlos; Chris Regeera; Richard Regeera

**CALL TO ORDER**

Chairman Nachem called the meeting to order at 6:11 P.M. There was a quorum present.

**CONTINUED BUSINESS**

**C-1**

**9, 25, 35 ISLAND BROOK AVE. – PETITION OF ARCHITECTURAL STONE GROUP, LLC & ARCHITECTURAL STONE WHOLESALERS, LLC – APPEALING UNDER SEC. 11.140 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-7 OF THE CT GENERAL STATUTES WHEREBY IT IS ALLEGED THE ZONING ADMINISTRATOR ERRED IN HIS DECISION NOT TO PROCESS AN APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE FOR A NONCONFORMING USE IN THE I ZONE AND COASTAL AREA.**

It was requested that this item be continued to the meeting of July 12, 2022 due to lack of quorum.

**DEFERRED BUSINESS**

**D-1**

**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 3.60.5(4) OF 3’ MINIMUM OFF PROPERTY LINES AND THE SIZE LIMIT OF 650-SQ. FT OR 50% OF THE BUILDING FOOTPRINT (WHICHEVER IS SMALLER) OF ARTICLE 3.170.3 F (1) IN THE RX1 ZONE.**

Atty. Rizio came forward to discuss this item. A proof of notice has been provided to the clerk. He recounted the history of the applicants experience with restaurants for the Board. There is already approved patio area at the rear of the restaurant and has been approved since 2014. They were approved for a patio area in the front of the restaurant in 2018. They will not be extending the patio. He further reviewed the details of the property for the Board. He provided the plans and photos of the area for the Board. There are multiple security guards located on the premises. Further review followed. The structure was compliant with zoning regulations when it was originally erected.

A member of the public came forward to discuss this item. She said that she was in favor of this item. She said that the parking across the street from the establishment was no longer functioning and further described the area for the Board.

Chairman Nachem reviewed the procedures of the meeting and how each item would be addressed for those present. Further discussion followed regarding the patio covering. He asked why it had been put up before getting approval. He was informed that it had been due to an expedited process that had been in place during the pandemic, which was further reviewed. The process had been started in the middle of 2021.

No one wished to speak in favor of this item.

A member of the public came forward to speak in opposition to this item. He said he couldn't sleep until the noise from the establishment had died down and that there were frequently beer bottles littering the area as well as large crowds. He felt that the presenter had massively mis-represented the situation surrounding the application.

Mr. Davis came forward to speak against this item. He felt that the pandemic was not a valid excuse for their actions. He noted that they had not worn masks during the pandemic. He also felt that the area was too residential to justify an increase in the number of customers in the area. He complained about issues involving crime and drug use in the area which, he felt, would be exasperated by the approval. While he had no problem with the roof itself, he had issue with the business and did not approve of it.

A member of the public came forward to speak against this item. She said she'd filed letters against the establishment and had sent one of the Chief of Police. There were ample issues with the crowd and with the parking situation as well as the nightlife that was being promoted. There is a large amount of noise being generated by the location which is causing problems for the locals. She also noted that there were frequent car races in the area which, she felt, were being caused by the business.

Ms. Miller came forward to speak against this item. Her husband operates a church in the area. She has collected signatures previously against the building's 2018 approval. She noted the approval was supposed to be only for acoustics but there was video playing, dancing, and drug use within the establishment, which was functioning as a night club and was being presented as such on social media. She listed further grievances that she had with the property and how it was being managed.

A member of the public came forward to speak against this item. She said that they had not been abiding by the law.

A member of the public came forward to speak against this item. She voiced concern over the amount of crime that had been brought to the neighborhood and the volume of the noise created by the establishment.

Mr. Cruz came forward to speak against this item. He pointed out that there were already bars in the area and wondered why they needed so many bars in the area. It was causing issues with having children and the elderly engaging in walks, especially late at night.

Atty. Rizio came forward to rebut. He pointed out that the majority of talk was regarding people outside of the bar and the area was zoned for this use. 95% of people who go to the restaurant have no issues. He said there was no music outside the bar and that the patio had been permitted back in 2014 and 2018 for each one. Further discussion regarding its prior approvals and conditions followed.

Chairman Nachem said he had problem with the lack of permits and inspectors. He saw potential fire hazards in the structure. He listed further concerns he had, including the work done during COVID.

**\*\* MR. MILLER MOVED TO DENY APPLICATION D-1 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 3.60.5(4) OF 3’ MINIMUM OFF PROPERTY LINES AND THE SIZE LIMIT OF 650-SQ. FT OR 50% OF THE BUILDING FOOTPRINT (WHICHEVER IS SMALLER) OF ARTICLE 3.170.3 F (1) IN THE RX1 ZONE. FOR THE FOLLOWING REASONS:**

- **ROOF SYSTEM WAS INSTALLED WITHOUT A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- **COMMISSIONERS WERE CONCERNED WITH THE FOLLOWING SAFETY ISSUES:**
  - **LACK OF EGRESS**
  - **NON-PERMITTED ELECTRICAL WORK**
  - **OVERUSE OF THE PATIO AREA.**
- **THE ROOF STRUCTURE IS TO BE REMOVED AND THE PETITIONER SHALL COMPLY WITH HIS CONDITIONS OF APPROVAL DATED JUNE 12, 2018.**

**\*\* MS. GAITS SECONDED THE MOTION.**

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

### **NEW BUSINESS**

#### **#1**

**2065 MAIN ST. – PETITION OF DEVANE COKE – SEEKING A USE VARIANCE UNDER SEC. 3.20.9 AND SEEKING A CERTIFICATE OF LOCATION APPROVAL TO PERMIT THE ESTABLISHMENT OF AN AUTOMOTIVE LEASING BUSINESS IN THE MX1 ZONE.**

Mr. Coke came forward to discuss this item. He reviewed his credentials and awards relating to car rental for the Board. He said he held the knowledge and know-how to run a car rental business as a result. He said his business will help out people below median income by allowing them to rent cars instead of paying full price for one. The location has been empty for 15-18 years. He reviewed the state of the property and its current details for the Board.

Ms. Gaits asked if there had been a traffic study done on the site.

Mr. Coke said that there had been, and he'd included the details in the survey. There are two entrances to the lot as well to help alleviate traffic. Further discussion followed.

Mr. Strong came forward to discuss this item. The City has reviewed the petition and provided recommendations within their report. There are site improvements/plans that will reduce the amount of impermeable surface. There are many auto-related uses within the area already. The lot has been vacant since 2008. He pointed to State statutes that would be relevant for this petition. He then reviewed the recommendations that they suggested be made to the site for approval. Further discussion followed.

A member of the public came forward to speak in favor of this petition. He has worked with Mr. Coke before and has had positive experiences with him and that Mr. Coke's success would help the community.

No one wished to speak against the petition.

Chairman Nachem noted he had already seen cars with 'Rent Me' signs on them. Mr. Coke provided an answer for Chairman Nachem to his satisfaction. Further discussion followed including details about proper care for the cars and lots.

**\*\* MS. GAITS MOVED TO APPROVE APPLICATION #1 2065 MAIN ST. – PETITION OF DEVANE COKE – SEEKING A USE VARIANCE UNDER SEC. 3.20.9 AND SEEKING A CERTIFICATE OF LOCATION APPROVAL TO PERMIT THE ESTABLISHMENT OF AN AUTOMOTIVE LEASING BUSINESS IN THE MX1 ZONE. WITH THE FOLLOWING CONDITIONS:**

- **PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT AS A NEW TENANT FIT UP.**
- **THE RECOMMENDATIONS OF THE DESIGN REVIEW COORDINATOR IN HIS REPORT DATED JUNE 1, 2022, SHALL BE INCORPORATED INTO THE REDEVELOPMENT OF THE SUBJECT PREMISES.**
- **BEFORE THE DMV K-7 FORM WILL BE SIGNED BY THE ZONING OFFICE, THE PETITIONER SHALL FOLLOW ALL THE GENERAL MOTOR VEHICLE FACILITY CONDITIONS "C"**

**FOR THE FOLLOWING REASONS:**

- **THE BUSINESS, AS DESCRIBED AND APPROVED BY THE BOARD, WILL PROVIDE VEHICLE RENTALS TO AN UNDER SERVICE.**

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

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

**#2**

**2895 FAIRFIELD AVE. – PETITION OF MAROLD GROUP, LLC (D/B/A BLACK ROCK SOCIAL HOUSE) – SEEKING TO EXPUNGE A CONDITION OF APPROVAL OF THE ZONING BOARD OF APPEALS GRANTED ON NOVEMBER 11, 2013 WHICH ONLY ALLOWED LIVE ENTERTAINMENT LIMITED TO 3-PIECE, MUSICAL AND NON-AMPLIFIED ACOUSTIC BANDS IN THE EXISTING FULL-SERVICE RESTAURANT IN THE MX1 ZONE.**

Mr. Strong came forward to discuss this item. This location has a long-standing history of use for multiple forms of entertainment. It is not contained in any residential dwelling units and is located in an

MX1 zone. He reviewed the recommendations made including limits on entertainment and limited noise levels.

A representative of the petitioner came forward to discuss this item. He pointed out that the area was well-known for being music centric. He reviewed the music-themed attractions in the area. As best he knew his location was the only one with restrictions on it. He reviewed structural issues as well that lead him to seek the variance. He pointed out that the number of people in a band did not necessarily correlate with its volume and he felt it unfairly restricted the number of possible bands he could hire. He also pointed out issues that restaurants were having with debt due to COVID and said that any help to deal with it was useful. There have not been any issues with safety in the past or disturbances.

Ms. Gaits said she had been to the location prior, and the bands were located in the back in a small area and may not even be heard at times. She noted other locations had larger bands and smaller spaces.

It was noted that the Board had received two letters of support for the item. Further discussion followed.

Mr. Ron Lambert came forward to speak in favor of this item. He approved of the revitalization of Black Rock and felt that this would help with that goal. He reviewed the ways in which this would help him as well through improving his options.

A member of the public came forward to speak in favor of this item. They live nearby to the location and said that they felt that it was unlikely that there would be noise complaints regarding the location.

A member of the public came forward to speak in favor of this item. They said that the music was a large draw to the area, and this would more than offset any disadvantages.

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

A member of the public came forward to speak against this item. She raised concerns and questions about the sites prior approval and if it conformed to current zoning regulations. She wondered if a permit or a variance would be the more ideal way forwards. Discussion followed to clarify the issue.

No one else wished to speak against this item.

Chairman Nachem noted that a Battle of the Bands was already scheduled and would likely lead to non-compliance regardless of approval.

The representative said that, due to lack of business as a result of COVID, he's been searching for any means to try and keep the business functioning. The Battle is meant to bring in revenue and the current restrictions are harming his ability to generate revenue making such things needed to remain functioning.

Chairman Nachem raised questions about one of the letters regarding the restrictions that was undated. The representative confirmed that he had turned it in before the cut-off date and had provided multiple copies to the required people. Discussion followed to clarify the details.

Chairman Nachem asked if there had been music held outside.

The representative said that he had been looking for a way to increase business. He'd reached out to his City Council Member and asked for instruction and was told to apply for a permit, which he had obtained for use. Further discussion followed.

**\*\* MS. GAITS MOVED TO APPROVE ITEM 2 2895 FAIRFIELD AVE. – PETITION OF MAROLD GROUP, LLC (D/B/A BLACK ROCK SOCIAL HOUSE) – SEEKING TO EXPUNGE A CONDITION OF APPROVAL OF THE ZONING BOARD OF APPEALS GRANTED ON NOVEMBER 11, 2013 WHICH ONLY ALLOWED LIVE ENTERTAINMENT LIMITED TO 3-PIECE, MUSICAL AND NON-AMPLIFIED ACOUSTIC BANDS IN THE EXISTING FULL-SERVICE RESTAURANT IN THE MX1 ZONE. WITH THE FOLLOWING CONDITIONS:**

- **ALL LIVE MUSIC AND ENTERTAINMENT SHALL BE LIMITED TO THE INSIDE OF THE BUILDING.**

**FOR THE FOLLOWING REASONS:**

- **THE CONDITION, REGARDING A 3-PIECE ACOUSTICAL BAND, WAS SET AT THE REQUEST OF A PREVIOUS OPERATOR IN 2013.**
- **THE FAIRFIELD AVENUE CORRIDOR HAS SEVERAL FACILITIES THAT OFFER AMPLIFIED BAND MUSIC AND ENTERTAINMENT.**

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

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

### **#3**

**1136-1160 MAIN ST. – PETITION OF OFFICE OF PLANNING & ECONOMIC DEVELOPMENT (OPED) – SEEKING A CERTIFICATE OF LOCATION APPROVAL TO ESTABLISH A BEER GARDEN USE AND THE ISSUANCE OF A FULL-SERVICE LIQUOR PERMIT WITH OUTDOOR SEATING AND BOCCIE BALL COURTS AND SEEKING VARIANCES OF SEC. 3.150.3 TO PERMIT THE USE OF MULCH AS GROUND COVER AND REDUCE THE COVERAGE OF 45% TO 15% IN THE DX1 ZONE.**

Mr. Strong came forward to discuss this item. The proposed use is temporary in nature. He reviewed the relevant regulations for the board and said that they were intended for permanent use. More improvements will be required. Further discussion followed.

Ms. Gaits expressed concern over the transportation of alcohol over multiple streets to the side and the use of rope to separate the area. She was also worried about potential homeless issues. She was informed that they would be transported in a save manner to the site and they were open to conditions regarding the rope.

Mr. Miller asked if it had been reviewed by the City Attorney. He noted that there was no such thing as a temporary zoning variance so anything that was approved would be there in perpetuity. The question of if there was an alternate method of doing this without granting a zoning variance was raised, such as getting a monthly permit.

Chairman Nachem asked if some of the profit would be going to the City and what benefits the City would gain and if this would be a private enterprise. These questions were answered to his satisfaction. Further discussion followed.

It was suggested to revise the recommendations so that the petitioner would take responsibility and stewardship over the property.

A member of the public came forward to speak in favor of this petition. She said that they were a first-class business and had done a lot of work in order to keep functioning. They have already been in discussions with Mr. Coleman and she felt that the business was deserving of the event they wished to host.

Mr. Chris Regeera came forward to discuss this item. He spoke favorably of the business and felt it would have a positive impact on the local breweries and businesses.

Mr. Richard Regeera came forward to discuss this item. He said that there would be a lot of benefit to having a lot of breweries in the state

A member of the public came forward to speak in favor of this item. They said that it would help to support several businesses throughout the City.

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

A member of the public came forward to speak against this application. She said that the statutes were very clear in what could be in a variance and that this application was promotional which was not covered by that. She felt it was improper for the City to help a private entity establish a business within the City. She listed further issues she had with the regulations. She also objected to funds being spent to support the project. She also felt that there were safety issues with the location.

A member of the public came forward to speak against this application. He pointed to issues within the statutes which, he felt, that the application did not comply with. He was also concerned that this may constitute contract zoning. He further reviewed the details of his concerns with the regulations for the Board.

No one else wished to speak on this item.

Discussion followed regarding the possible actions for the application. Discussion followed. The suggestion of deferring until next month to look into the possibility of a permit was raised.

**\*\* CHAIRMAN NACHEM MOTVED TO CONTINUE ITEM #3 1136-1160 MAIN ST. – PETITION OF OFFICE OF PLANNING & ECONOMIC DEVELOPMENT (OPED) – SEEKING A CERTIFICATE OF LOCATION APPROVAL TO ESTABLISH A BEER GARDEN USE AND THE ISSUANCE OF A FULL-SERVICE LIQUOR PERMIT WITH OUTDOOR SEATING AND BOCCE BALL COURTS AND SEEKING VARIANCES OF SEC. 3.150.3 TO PERMIT THE USE OF MULCH AS GROUND COVER AND REDUCE THE COVERAGE OF 45% TO 15% IN THE DX1 ZONE. TO THE MEETING OF JULY 12, 2022.**

**\*\* MS. SHEPARD 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 at this time.

**APPROVAL OF MINUTES**

**APPROVAL OF ZBA MINUTES FOR JUNE 14, 2022 – PRESENT: ACTING CHAIRPERSON: IRA NACHEM.  
COMMISSIONERS: TIHEBA BAIN, ROBIN SHEPARD AND JOHN SLATER. STAFF: DENNIS BUCKLEY,  
ZONING ADMINISTRATOR.**

The minutes for April 12, 2022 were not voted on at this time. For the minutes of May 10, 2022 please make the following changes:

- Change 'Ms. Miller' to 'Mr. Miller' in all appearances.
- Page 3, change 'Mr. Buckley noted that this was appealing a decision' to 'Mr. Buckley noted that this petition was appealing the decision'

**\*\* MR. MILLER MOVED TO ACCEPT THE MINUTES OF MAY 10, 2022 AS SUBMITTED.**

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

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

**ADJOURNMENT**

**\*\* MR. MILLER MOVED TO ADJOURN.**

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

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

*The meeting adjourned at 8:49 P.M.*

Respectfully Submitted

Ian A. Soltes

Telesco Secretarial Services