

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
PUBLIC HEARING
MARCH 9, 2021**

ATTENDANCE: Chairman Edward McLaine; Robin Shepard; Maria Alves; John Carolan; Michael Nastu, Ira Nachem

STAFF: Dennis Buckley, Zoning Official; Nicholas Sampieri, Zoning Inspector, Atty. Russel Liskov,

OTHERS: Nick, Antonio, Beerman 599, Bruce Barrett, Evan Goldberg, Kensy Jean Jules, Antonio Cortez, Christopher Russo, Jeff Browning, Binky, Maria, Abriel Hernandez, Attorney Raymond Rizio, Attorney Stanton Lesser, Council Member Alfredo Castillo.

CALL TO ORDER

Chairman McLaine called the meeting to order at 6:08 P.M. There was a quorum present.

Chairman McLaine read the following statement: This meeting of the Zoning Board of Appeals complies with Governor Lamont's Executive Order 7b as it relates to a web-based meeting. Therefore, the in-person requirement is eliminated if a person can participate by phone or video in real time. Also, the sign posting requirement and the return receipt of notification to property owners has also been eliminated as long as the ZBA agenda has been online complying with the statute's normal earliest publication date in the Connecticut Post.

This is Commissioner Maria Alves final meeting. Commissioner Ira Nachem was present to serve as a replacement should the need arise.

CONTINUED & DEFERRED BUSINESS

C-1

150 ANTON ST. – PETITION OF ANTON NCN FP, LLC – SEEKING A VARIANCE OF THE RESIDENTIAL DENSITY REQUIREMENT OF 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 AND ALSO A VARIANCE OF THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES UNDER SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF 30 ADDITIONAL STUDIO APARTMENTS WITHIN THE EXISTING BUILDINGS WITH 30 ON-SITE PARKING SPACES IN AN R-C ZONE.

Atty. Rizio was present to represent this item. He presented photos of the lot in question and provided a blueprint. The item was continued because the Commission asked the petitioner to look at historical use, parking demands, and what could be done to improve the parking situation on the lot. The site has been cleaned up since it was last presented. He also provided historic photos that encompassed the past ten years. The property currently has 90 1-bedroom units and 20 studio units for 110 units. There are currently 101 parking spaces. A survey of the tenants has been conducted and only 76 tenants have cars, 28 do not have cars, and there are 6 vacancies. The zoning regulations call for 1 ½ parking spaces per unit regardless of if it is a 5-bedroom house or a studio despite that all the units are 1-bedroom or studio. The proposed changes would add an additional 30 studio apartments as well as additional

parking. The building is in a location in which people can get to everything and do not need cars as much. Mr. Bill Coleman has written up and provided a summary for the Commission detailing the efforts that have been done to get the property working with the city towards this project.

Chairman McLaine suggested that the Commissioners continue this item again until they've had a chance to review the information in the report and then discuss it.

- ** COMMISSIONER CAROLAN MOTIONED TO CONTINUE ITEM C-1 UNTIL TUESDAY, APRIL 13, 2021.**
- ** COMMISSIONER NASTU SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

D-1 (#3)

355 WARREN ST. – PETITION OF MYUNG JIN, INC & BREWPORT BREWING COMPANY – SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT TO PERMIT THE CONSTRUCTION OF A 1,400-SQ. FT. COVERED DINING AREA AT THE EXISTING PIZZA RESTAURANT IN THE OR-G ZONE.

Mr. Bruce Barret and his partner Jeff Browning came forward to represent this item. He apologized for being unable to attend a prior meeting and thanked the Commission for their approval five years prior. He provided pictures of the Brewing Company for the Commission. The Brewing Company has no neighbors and is adjacent only to State of Connecticut owned properties. There is currently 40 years left in their lease. As part of their lease they have paved, installed water-quality control, and landscaped the land. The variance that had been provided five years ago was for landscaping. The problem is that they were paving their land and landscaping the state lands. The property is surrounded, in a circle, by land that is leased from the state. When the property was originally leased it was a large warehouse that has since been retrofitted.

Because of COVID an outside dining tent has been erected on the property. The tent has resulted in extra area for dining and a positive reception from the guests. This petition will not only allow for the dining area to be permanent but expand the current working area.

The Commission had no questions at this time.

Only 2.7% of the landscaped area is parcel-owned as much of the area is state land. If it was counted as parcel-controlled the landscaped area would be 20%. Since the plan is being modified from what was approved five years ago, they need to return to the ZBA for approval. There are no longer parking requirements that were present years ago in this zone. The hardship is that, when originally approved, there had not been a consideration for the fact that they are an island surrounded by state land.

Chairman McLaine asked if the expansion was key to the survival of the company.

Mr. Barret answered that, while it was key to their survival during COVID, it was not key to their survival once the lockdowns were ended and indoor dining could resume.

Chairman McLaine asked to confirm that there was more than enough parking to support this.

Mr. Barret confirmed that there is enough parking to support this. They additionally have their staff park in the off-street so all the guests can park on-site.

There were no additional questions from the Commission.

Mr. Bill Coleman came forward to speak in favor of this petition. He reviewed the T.O.D. (Transit Oriented Development) for the Commission and how it impacts several locations around the state. The prevalence of this sort of activity in the City is a positive sign. This is related to 'Beer Oriented Development' which says that having breweries in a city is a sign of a certain level of vitality. He views this sort of expansion as not just a COVID adaptation but a business model.

There was no one who wished to speak in opposition.

**** COMMISSIONER CAROLAN MOTIONED TO GRANT THE APPLICATION 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.**

FOR THE FOLLOWING REASONS:

- 1) THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE AREA.**
- 2) THE OUTSIDE DINING AREA AS PRESENTED AND APPROVED WILL BE A PLUS FOR AREA PATRONS.**

**** COMMISSIONER NASTU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-2 (#4)

9, 25 & 35 ISLAND BROOK AVE. – PETITION OF ARCHITECTURAL STONE GROUP, LLC – SEEKING TO LEGALIZE THE ESTABLISHMENT OF A STONE WHOLESALE BUSINESS ESTABLISHED WITHOUT A CERTIFICATE OF ZONING COMPLIANCE UNDER SEC. 14-1 AND ALSO SEEKING A VARIANCE OF SEC. 14-3-3 (I) WHICH PROHIBITS OUTDOOR STORAGE IN AN I-L ZONE AND COASTAL AREA.

A letter has been submitted requesting to have Item D-2 deferred.

**** COMMISSIONER CAROLAN MOTIONED TO DEFER ITEM D-2 UNTIL TUESDAY, APRIL 13, 2021.**

**** COMMISSIONER NASTU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

#1

710 LINDLEY ST. – PETITION OF KJ CARS & SERVICE, LLC – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT. GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP UNDER NEW OWNERSHIP AND THE ISSUANCE OF A USED CAR DEALERSHIP LICENSE IN AN IL ZONE.

Mr. Kensy Jean Jules of 64 Livingstone Place came forward for this item. He is trying to open a business at this location. He has been in the car business for about 10 years. He is looking forward to operating this sort of business.

Chairman McLaine asked who is presently operating at that location.

Mr. Jules stated that he is the current owner. He has a mechanic currently as well. They are not open as they do not have a license yet.

Chairman McLaine stated that he had seen the site active and people conducting business.

Mr. Jules stated that it is operating under the license of the previous owner.

Chairman McLaine asked if he was operating under the previous owner's license.

Mr. Jules clarified that he is not, and the mechanic is operating under the previous license.

Chairman McLaine asked where the defined driveway was for the location.

Mr. Jules was confused.

Chairman McLaine clarified the question.

Mr. Jules said that it was on Hart Street.

Chairman McLaine pointed out that the driveway was not shown on the plan that had been submitted.

Mr. Jules was confused as to if Chairman McLaine was asking about the driveway to get onto the lot or into the garage.

Chairman McLaine said that the driveway was either 8 feet, 10 feet, or 12 feet and he wanted to know the width of the driveway and where it was located.

Mr. Jules stated that the driveway was more than 10 feet wide.

Chairman McLaine stated that you need a defined entrance in order to enter the property and he wanted to know where that entrance was located.

Mr. Jules stated he could not answer the question because he did not understand the plan. He stated that the building has been operating in this manor when he acquired the lot.

Chairman McLaine stated that you cannot use the whole length of the property as the driveway and you need a defined area to be used as the driveway.

Mr. Jules stated he did not know where that area was.

Chairman McLaine asked if they could assume that the driveway would be in front of the garage that's facing Hart Street.

Mr. Jules confirmed that this was the case.

Chairman McLaine asked if that was a reasonable assumption.

Mr. Jules confirmed this.

Chairman McLaine pointed out that cars are on display for the entire Hart Street length of the property which limits the amount of maneuvering space to support those parking spaces and makes using it as the main driveway unacceptable.

Mr. Jules asked how much space he was supposed to have to operate there.

Chairman McLaine asked if Mr. Jules wanted to display cars there.

Mr. Jules said he did want to display cars.

Chairman McLaine asked how many cars he wanted to display for sale.

Mr. Jules said he wanted to display about 15-20 cars.

Chairman McLaine asked how many employees there would be.

Mr. Jules said he expected to have two employees, a mechanic and a secretary.

Chairman McLaine asked if these were full-time employees.

Mr. Jules confirmed this.

Chairman McLaine asked to confirm that Mr. Jules wanted to display 20 cars and have two full-time employees.

Mr. Jules confirmed this.

Chairman McLaine stated that he did not have enough parking spaces for that.

Mr. Jules asked how many spots he'd need.

Chairman McLaine stated that Mr. Jules plan was vague, did not show a defined driveway, and based on what had been shown he lacked enough spaces for what he has requested. There are not enough spaces in that area to support that particular use of the building.

Mr. Jules asked how many cars he could display there because it has been used as a car dealership prior.

Chairman McLaine stated that was up to Mr. Jules and he is just going by what he has submitted.

It was noted that, on Hart street, there were cars parked there that were there either for repairs or sale. Cars cannot be stored for either purpose on a public street.

Mr. Jules stated that they were not his cars.

Commissioner Alves asked if there was a dumpster on the property would be located and where they'd be disposing of the trash.

Mr. Jules confirmed that there was a dumpster on the property.

Commissioner Alves asked where the dumpster was located.

Mr. Jules stated that it was on the side of the building by the entrance to the garage.

Commissioner Alves stated that this was not indicated on the plan.

Commissioner Shepard noted that it sounded like Mr. Jules should come back at a later date with a more thought-out plan for the Commission.

There was no one who wished to speak in favor of this petition.

Council Member Castillo came forward to speak in opposition. He noted that it's not been approved but there's already cars being parked outside for resale. He's received calls regarding the property and there are environmental concerns with stuff going into the drains and was creating a mess.

**** COMMISSIONER CAROLAN MOTIONED TO DENY THE APPLICATION FOR THE FOLLOWING REASONS:**

- 1) NUMEROUS VEHICLES ASSOCIATED WITH THE SITE ARE PARKED ON EITHER SIDE OF HART STREET.**
- 2) THE APPROVAL OF THIS APPLICATION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**

**** COMMISSIONER NASTU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#2

2750 NORTH AVE. – PETITION OF CARCAMO AUTO REPAIR, LLC – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT. GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A

**GENERAL REPAIR FACILITY AND GAS STATION UNDER NEW OWNERSHIP AND THE ISSUANCE OF A
GENERAL REPAIRER'S LICENSE IN AN OR-G ZONE.**

Mr. Antonio Cortez came forward to speak for this item. He provided pictures for the Commission. He stated that this location is an active location and is undergoing a change of ownership. There is clean-up currently ongoing. He clarified that there was no convenience store on the property and, instead, has a small area which sells candy and soda with a vending machine and ATM.

Chairman McLaine stated he had visited the location and did not want there to be any confusion in the future. He noted that the sale of those items would be considered a convenience store by some people. He doesn't have a problem with what is being sold and only wants it specifically listed on there. He asked if Mr. Cortez wanted to continue to use the little store as it currently is.

Mr. Cortez confirmed this.

Chairman McLaine stated that this was not a problem and the problem he has with the location is that he had visited recently and was appalled at the current state of the property. He noted junk motors outside, parts all over the place, and other things. He suggested that he continue the application into next month and cleaning up the lot and reflective of how the lot will be operated in the time between.

Mr. Cortez stated that he had performed cleaning recently and there had been a huge improvement in the property cleanliness.

Chairman McLaine stated he had gone by that property on several occasions and that Mr. Cortez had been operating it for a while and had only recently cleaned it. He said that, though the property has been tidied up, he desires to see it tidied up and continued to be operated in that manner. If done this can be continued to next month with a favorable decision.

**** COMMISSIONER CAROLAN MOTIONED TO CONTINUE THIS ITEM UNTIL TUESDAY, APRIL 13, 2021.**

**** COMMISSIONER NATSU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#3

223 & 241 LAUREL AVE. – PETITION OF REMBERTO AMAYA – SEEKING A USE VARIANCE UNDER SEC. 5-1-2 AND ALSO SEEKING VARIANCES OF THE VEHICLE MANEUVERING SPACE REQUIREMENT UNDER SEC. 11-1-10 AND THE MINIMUM PARKING SETBACKS AND PERIMETER LANDSCAPING REQUIREMENTS UNDER SEC. 11-1-14 TO PERMIT THE CONSTRUCTION OF A 4-FAMILY DWELLING ON AN 11,630-SQ. FT. LOT IN AN R-B ZONE.

Chairman McLaine recused himself from the meeting at 7:05 P.M. He recused himself due to being friends with the petitioner's brother. Commissioner Carolan assumed the chairmanship.

Mr. Tom Probert came forward to discuss this item. He is the owner of North Arrow Design and Contracting. He has designed the dwelling for Remberto whom he is representing. He met with the Commission in the late fall and was asked to produce some information including site and civil information for drainage and various things. These have been met and the application resubmitted.

He reviewed the plans for the proposed project for the Commission. It is two lots that will be combined into one to build a four-family structure.

Commissioner Alves asked what the landscaping would consist of.

Mr. Probert responded that it would consist of lawn landscaping as of this moment.

Commissioner Alves asked if the driveway would be going from the front to the back.

Mr. Probert confirmed this.

Commissioner Alves asked what the enclosed trash area would be enclosed with.

Mr. Probert responded that it would be enclosed with a chain link fence.

Commissioner Alves asked if there would be slabs between the links.

Mr. Probert responded that there would be.

Commissioner Alves asked if there would be fencing around the property.

Mr. Probert responded that there were no plans for fencing now and there would just be the existing fencing already in place (which would be unchanged).

Commissioner Alves asked if, in front of the house, there would be just lawn.

Mr. Probert responded that this was the case though he had suggested installing shrubberies. The client hasn't decided on this yet. He could submit for shrubberies if the Board desired it.

Mr. Bill Coleman came forward to speak in favor. He stated that the petitioner did come forward to the concept review process and it was presented as one which would be contextual to what was built there due to being in an older part of the city. He wanted to confirm that it had been reviewed.

There was no one who wished to speak in opposition to this project.

**** COMMISSIONER NASTU MOTIONED TO GRANT THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

- 1) THE DEVELOPMENT OF THE SUBJECT PARCEL 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.**
- 3) THE PETITIONER SHALL INCORPORATE ALL OF THE RECOMMENDATIONS OF THE CITY ENGINEER IN HIS REPORT DATED 02/18/21 INTO THE DEVELOPMENT OF THE PROJECT.**

- 4) A 5-FOOT BUFFER STRIP PLANTED TO THE L2 STANDARD SHALL BE ESTABLISHED ALONG THE REAR PROPERTY LINE.
- 5) THE DUMPSTER SHALL BE ENCLOSED WITH A 6-FOOT PRIVACY FENCE AND SUITABLE GATE OPENING.
- 6) THE FRONT OF THE SUBJECT PREMISES SHALL BE PLANTED WITH LOW LYING SHRUBS, PROPERLY MAINTAINED, AND REPLACED WHEN NECESSARY.

FOR THE FOLLOWING REASONS:

- 1) THE APPROVED DEVELOPMENT IS IN HARMONY WITH THE SURROUNDING AREA.
- 2) THE PROJECT AS APPROVED WILL PROVIDE FOUR (4) NEW RESIDENTIAL UNITS IN AN OLD NEIGHBORHOOD.

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

**** THE MOTION PASSED UNANIMOUSLY.**

Chairman McLaine returned to the meeting at 7:17 P.M. and assumed the chairmanship.

#4

146 CARNEGIE AVE. – PETITION OF GABRIEL HERNANDEZ AND ESTER MARTINEZ – SEEKING A VARIANCE OF THE MINIMUM FRONT SETBACK REQUIREMENT OF 15' UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A FULL 2ND FLOOR ADDITION TO THE EXISTING 1-FAMILY DWELLING IN AN R-B ZONE.

Ms. Ester Martinez and Mr. Gabriel Hernandez came forward to discuss this item. They want to add a second-floor addition over their existing first floor and add a bedroom and bathroom on the proposed second floor.

Commissioner Alves asked about the second entrance to the front on the plans.

Ms. Martinez confirmed that there are two entrances to the front, and both are on Carnegie Ave.

Commissioner Alves asked if this would remain a one-family house.

Ms. Martinez confirmed that it would remain a one-family house.

Commissioner Alves asked if there was no intention of converting it to a two-family house.

Mr. Hernandez confirmed that this was the case.

There was no one who wished to speak in favor of this item.

There was no one who wished to speak in opposition to this item.

**** COMMISSIONER NASTU MOTIONED TO GRANT THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

City of Bridgeport
Zoning Board of Appeals
March 9, 2021
Public Hearing

- 1) THE DEVELOPMENT OF THE SUBJECT PARCEL 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 PETITION AS APPROVED IS IN CHARACTER WITH OTHER HOMES IN THE IMMEDIATE AREA.
- 2) THE GRANTING OF THIS PETITION FACILITATES THE GROWTH OF A YOUNG FAMILY.
- 3) ANY CHANGE IN OCCUPANCY SHALL BE PRESENTED TO AND APPROVED BY THE BOARD.

** COMMISSIONER CAROLAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUS.

#5

1905 BARNUM AVE. – PETITION OF MUHAMMAD ALI ZULEKFAL – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT. GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP AND THE ISSUANCE OF A USED CAR DEALERSHIP LICENSE IN THE EXISTING GENERAL REPAIRER FACILITY IN AN OR ZONE. (REQUEST TO BE DEFERRED TO APRIL 13, 2021)

** COMMISSIONER NATSU MOTIONED TO DEFER THIS ITEM UNTIL TUESDAY, APRIL 13, 2021 AS REQUESTED.

** COMMISSIONER CAROLAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

#6

220 & 230 FIFTH ST. – PETITION OF JJK CONSTRUCTION, LLC – SEEKING A VARIANCE OF THE PROHIBITION OF EXPANDING A NONCONFORMING BUILDING UNDER SEC. 4-12-4A AND A NONCONFORMING USE UNDER SEC. 4-12-3 AND ALSO SEEKING VARIANCES OF THE SIDE AND REAR SETBACK REQUIREMENTS; THE MINIMUM SITE COVERAGE AND MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 1-STORY 2,400-SQ. FT. ADDITION TO THE EXISTING WOODWORKING AND MANUFACTURING FACILITY IN AN R-C ZONE.

Atty. Rizio came forward to represent JJK Construction. The location is zoned as an R-C zone despite being in a primarily Industrial area. It has been a machine shop for the past 30-40 years. They will be adding a 1-story masonry addition to the rear of the property which will have no doors. This will act as a buffer to the multi-family residential areas behind it. Landscaping will be added to the property. The prior owner has used a storage trailer in the front which will be removed and replaced with landscaping and area. He then reviewed the proposed construction project for the Board. The property has been kept very clean. There is no outside storage and the existing trailer will be removed. Since the property has been zoned R-C instead of Industrial there is hardship. Pictures of the property were presented to show the condition of the property. Since the property has been in continuous use for over fifty years it is bound by the old R-C zoning instead of the industrial zoning that it is surrounded by.

Chairman McLaine asked if the addition would be solely for storing finished products for shipping and storing materials to be utilized later.

Atty. Rizio confirmed that this would be the case and all the manufacturing of the product will happen in the existing machine area. It will allow them to store on-site and increase production due to an increase in materials stored on-site and they will operate more efficiently.

Chairman McLaine asked if they would be increasing their production area.

Atty. Rizio stated this was not the case and the increase in productivity would come from better storage areas. He stated that a condition of approval would be that there is no outdoor storage areas.

Chairman McLaine asked if there would be any additional employees to attend to this area.

Atty. Rizio said he did not have an answer to that question, but he did not envision that happening. There is currently more than enough parking for their employees.

Commissioner Alves asked that Atty. Rizio explain what the hardship is.

Atty. Rizio stated that the hardship is that they are bound by residential standards despite the historic use of the property being industrial. The building is 50-60 years old and has always been used for industrial purposes. In an R-C zone 40% of the property must be landscaped which does not work with an industrial use. They will be increasing the amount of landscaping to 20% as required by an industrial zone.

Commissioner Alves asked if the addition needed to be as big as it was.

Atty Rizio stated it was not that big with the building being 5,600 square feet and the addition being 2,400 square feet and they will be removing the storage trailer as well. They are trying to ensure no materials are stored outside and add landscaping to make it more in conformance than it previously was.

Commissioner Alves asked if they would be willing to have a 5-foot buffer plated along the residential property.

Atty. Rizio stated that there was already a 5-foot landscape buffer in the side yard adjacent to the residence.

Commissioner Alves asked that no razor wire be installed.

Atty. Rizio stated that this was the case.

Commissioner Alves asked what sort of trucks would be going in and out of the building.

Atty. Rizio stated that there would be box trucks mainly traveling in and out of the building. There will not be big 18-wheeler trucks coming in.

Commissioner Alves asked if there would be any trucks there.

Atty. Rizio stated that there will probably be box trucks there overnight for deliveries. There will not be 18-wheelers.

Mr. Bill Coleman came forward to speak in favor of this item. He stated that, in terms of the draft that has been developed for the upcoming rewrite, while they will still speak to building uses, they will also speak to building types. This building is essentially a small light-industrial building type. In the draft it is leaning towards creating this area as an industrial zone. As a result, there is some logic to the use that is being proposed. Zone Bridgeport is a code that will be very supportive of residential structures and forms and streets. This building and site are a transitional site. He reviewed some details of the site for the Committee including the height of fences in front yards and the legality of barbed wire. Since the fence in question is in an industrial zone the 6-foot height is acceptable, but this is an industrial use not an industrial zone. It is a pre-existing non-conforming use. The fence would not be allowed for residential housing. Additionally, barbed wire is not permitted in a residential zone. If the site is to ask for a residential variance it needs to meet residential standards where it can result in a 4' fence and elimination of the barbed wire. Additionally, the sidewalk is in disrepair.

There was no one who wished to speak against this item.

**** COMMISSIONER CAROLAN MOTIONED TO GRANT THE APPLICATION 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) FENCING ALONG THE FRONT OF THE PROPERTY SHALL BE REPLACED WITH DECORATIVE WROUGHT-IRON STYLE.**
- 3) THE FRONT OF SUBJECT PREMISES SHALL BE LANDSCAPED WITH LOW LYING SHRUBS, PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.**
- 4) STORAGE TRAILERS SHALL BE REMOVED, AND THE OUTSIDE STORAGE OF TRUCKS, EQUIPMENT OR MATERIALS ARE STRICTLY PROHIBITED.**
- 5) A 5-FOOT BUFFER STRIP PLANTED TO THE L2 STANDARD SHALL BE INSTALLED ALONG THE PROPERTY LINES ABUTTING THE RESIDENTIAL PROPERTIES.**
- 6) ALL BARBED WIRE SHALL BE REMOVED, AND THE USE OF RAZOR WIRE IS STRICTLY PROHIBITED.**

FOR THE FOLLOWING REASONS:

- 1) THE APPROVAL OF THIS PETITION ACCOMMODATES THE GROWTH OF A WELL-ESTABLISHED BUSINESS.**
- 2) THE REDEVELOPMENT OF THE SUBJECT PREMISES WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.**

**** COMMISSIONER NASTU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#7

3389 FAIRFIELD AVE. – PETITION OF ASH CREEK AUTO BODY AND REPAIR, LLC – SEEKING TO GRANT
UNDER SEC. 14-54 OF THE CT. STATE STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF
LOCATION FOR A GENERAL REPAIRER’S LICENSE IN THE EXISTING COMMERCIAL BUILDING IN AN OR
ZONE.

Atty. Stanton Lesser came forward to present this item. The petitioner, Mr. Dennis Dossimo, was also present. This situation has been caused by the client’s contract to purchase the property. The existing business is a used car dealership. The client does not wish to keep the used car dealer’s license and wishes to have a general repairer’s license instead. The building is not entirely used by the shop and it’s just the rear portion that is being used. He does not intend to restore any vehicles on the property.

Chairman McLaine stated that, under the lease, they need to list the defined number of assigned parking spaces in order to operate an auto-repair facility.

Atty. Rizio stated that he believed that they have the required number of spaces.

Chairman McLaine stated that he only saw an existing four spaces.

Atty. Lesser stated that the facility, in its current state, is operating with its present number of parking spaces.

Mr. Dossimo also stated that he had the right to use more than the four spaces shown in the rear.

Chairman McLaine stated that, since they wanted to use it as an auto-body shop, they need to assume that cars will be towed in there and will not be able to be moved until they are brought into the garage to be worked on. He stated that he needed a number and the number being provided was 4 for outside parking spaces.

Atty. Lesser confirmed this.

Chairman McLaine asked if it could be assumed that there would be a minimum of two or more employees.

Mr. Dossimo stated that it would only be him as it was a very small facility.

Chairman McLaine asked how many cars would be worked on.

Mr. Dossimo said it would depend, but it would typically be about 2-3 cars per week.

Chairman McLaine asked how many bays there were inside the garage.

Mr. Dossimo answered that there was one spray booth and two bays which could contain two cars.

Chairman McLaine asked if he had a frame machine inside the garage.

Mr. Dossimo stated that he did not.

Chairman McLaine clarified that Mr. Dossimo had two flat bays and a spray booth.

Mr. Dossimo confirmed this and stated that it has just been certified by the fire department.

There was no one who wished to speak in favor of this petition.

There was no one who wished to speak in opposition.

**** COMMISSIONER NASTU MOTIONED TO GRANT THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

1) GENERAL MOTOR VEHICLE CONDITIONS "C"

**** COMMISSIONER CAROLAN 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

Chairman McLaine stated that he would like to see a combined effort between the Office of Policy and Management, Economic Development, and the Zoning Department to create a Commissioners handbook for the ZBA that outlines duties and responsibilities, what's acceptable and not acceptable, to include duties and active duties of the chairman, that can be distributed among the members. This is because there is no formal training for members of the Zoning Board of Appeals. The development of a handbook would be a great addition and helpful to new member of the ZBA and possibly the Planning & Zoning Commission.

Mr. Coleman said that he agreed with that and that the prior Saturday Atty. Liskov, Mr. Buckley, and some others were participants in a webinar run by the CT BAR association. The members had come with a book to help them. He suggested that it should certainly be an appendix to help them out as a resource. Further discussion on what could be included followed.

Commissioner Alves said that this was her last meeting. She has handed in her letter of resignation to everyone. She has many obligations at the moment and does not have the time to fulfill her duties.

APPROVAL OF MINUTES

APPROVAL OF ZBA MINUTES FOR FEBRUARY 9, 2021

PRESENT: CHAIRMAN: EDWARD MCLAINE. COMMISSIONERS: MARIA ALVES, JOHN CAROLAN, MICHAEL NASTU AND ROBIN SHEPARD. STAFF: DENNIS BUCKLEY, CLERK, PAUL BOUCHER, ASSISTANT ZONING OFFICIAL, NICHOLAS SAMPIERI, ZONING INSPECTOR. OFFICE OF THE CITY ATTORNEY: RUSSELL LISKOV.

On page 1, change 'as long as the P&Z agenda has been online' to 'as long as the ZBA agenda has been online'

On page 3, where it says 'Commissioner Shepard on lines 12 and 16 change to 'Commissioner Alves'.

On page 4, change ***** COMMISSIONER ALVES SECONDED THE MOTION.** to ***** COMMISSIONER SHEPARD SECONDED THE MOTION.**

On page 6: Change **'CA-3'** to **'CA-2'**

On page 7: Change

***** COMMISSIONER NASTU MOTIONED TO DENY FOR THE FOLLOWING REASONS:**

1) THE PETITIONER NEEDS TO ATTEND A PUBLIC HEARING TO ANSWER CONCERNS EXPRESSED BY THE COMMISSIONERS, ESPECIALLY THE CONDITION OF THE LOT AND THE OUTDOOR STORAGE OF VEHICLES AND THE CONVENIENCE STORE USE.

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

To

***** COMMISSIONER NASTU MOTIONED TO DENY FOR THE FOLLOWING REASONS:**

1) THE PETITIONER NEEDS TO ATTEND A PUBLIC HEARING TO ANSWER CONCERNS EXPRESSED BY THE COMMISSIONERS, ESPECIALLY THE CONDITION OF THE LOT AND THE OUTDOOR STORAGE OF VEHICLES.

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

On page 7: Change **"CA-2'** to **'CA-3'**

On page 7: Change ***** COMMISSIONER CAROLAN MOTIONED TO DENY FOR THE FOLLOWING REASONS:**

1) THE PETITIONER NEEDS TO ATTEND A PUBLIC HEARING TO ANSWER CONCERNS EXPRESSED BY THE COMMISSIONERS, ESPECIALLY THE CONDITION OF THE LOT AND THE OUTDOOR STORAGE OF VEHICLES.

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.'**

To

***** COMMISSIONER CAROLAN MOTIONED TO DENY FOR THE FOLLOWING REASONS:**

1) THE PETITIONER NEEDS TO ATTEND A PUBLIC HEARING TO ANSWER CONCERNS EXPRESSED BY THE COMMISSIONERS, ESPECIALLY THE CONDITION OF THE LOT AND THE OUTDOOR STORAGE OF VEHICLES AND THE CONVENIENCE STORE USE.

**** COMMISSIONER NATSU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.'**

On page 8: Please move the section from line 11 starting with 'Chairman McLaine stated that- 'to line 25-26 'he intends to reschedule.' From the 'Approval of Minutes' section to the 'New Business' section.

Additionally change 'Chairman McLaine stated that he wished to file a complaint against Zoning Official Dennis Buckley for rescheduling the January meeting and canceling it without his consent.' to 'Chairman McLaine stated that he wished to file a complaint against Zoning Official Dennis Buckley for not rescheduling the January meeting and canceling it without his consent.'

APPROVAL OF ZBA MINUTES FOR NOVEMBER 10, 2020

PRESENT: CHAIRMAN: EDWARD MCLAINE. COMMISSIONERS: MARIA ALVES, JOHN CAROLAN, MICHAEL NASTU AND ROBIN SHEPARD. STAFF: DENNIS BUCKLEY, CLERK, PAUL BOUCHER, ASSISTANT ZONING OFFICIAL, NICHOLAS SAMPIERI, ZONING INSPECTOR. OFFICE OF THE CITY ATTORNEY: RUSSELL LISKOV.

Chairman McLaine noted that the changes that were requested had not been made and had been submitted as the same as the original minutes. No changes had been made. He questioned if the people in Mr. Buckley's office were reading the minutes to ensure that the changes were being properly made.*

ADJOURNMENT

**** COMMISSIONER NASTU MOTIONED TO ADJOURN.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:05 P.M.

Respectfully Submitted

Ian A. Soltes

Telesco Secretarial Services

*Not only were the changes made, the November minutes were approved by unanimous vote on 02/09/2021

City of Bridgeport
Zoning Board of Appeals
March 9, 2021
Public Hearing