

DRAFT

CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
PUBLIC HEARING
MAY 11, 2021

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

STAFF: Paul Boucher, Assistant Clerk; Nicholas Sampieri, Zoning Inspector; Russell Liskov, City Attorney

OTHERS: Atty. Raymond Rizio; Atty. Charles Willinger; Steven Liege; Ernest Newton, Council Member; Michelle Lyons, Council Member; Max Perez; Maria Valle, Council Member; Aidee Nieves, Council President; Bill Coleman, OPED Deputy Director; Eneida Martinez, Council Member; Debbie Sims

CALL TO ORDER

Chairman McLaine called the meeting to order at 6:03 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 if the ZBA agenda has been online complying with the statute's normal earliest publication date in the Connecticut Post.

DEFERRED BUSINESS

D-1

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 from Atty. Patricia Sullivan had been received requesting a deferment. The applicant has changed their representation and are requesting additional time for research.

Chairman McLaine asked Atty. Liskov how many times this item has come before the Board.

Atty. Liskov reported that it had come before the Board three times.

Chairman McLaine asked if there were any rules pertaining to the number of times an item could be deferred.

Atty. Liskov said there was no rule, but they could vote to deny the deferral, grant the deferral, and give them a final opportunity, or deny without prejudice. He suggested making it clear that this was the final deferral. Discussion followed to clarify the three options.

Atty. Rizio said that they were the attorneys of record and were trying to work out an agreement between the applicant and a neighbor and were representing both sides resulting in a conflict of interest. As a result, they have had to step aside. Therefore, they needed to hire new representatives and spend time catching up on research.

Mr. Sampieri noted that Atty. Willinger wished to speak and asked if they could do so.

Chairman McLaine said they were going to grant the requested deferral.

**** COMMISSIONER NASTU MOTIONED TO DEFER TO TUESDAY, JUNE 8, 2021.**

- **THIS IS THE LAST DEFERRAL FOR THIS APPLICATION. APPLICANT MUST GO FORWARD AT THE JUNE 8TH HEARING OR WITHDRAW THIS APPLICATION.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-2

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.

A letter requesting the deferral of this item had been submitted by Atty. Chris Russo.

**** COMMISSIONER NASTU MOTIONED TO DEFER TILL TUESDAY, JUNE 8, 2021.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

#1

116 PEET ST. – PETITION OF VAZ STRATFORD AVE LAUNDROMAT, LLC – SEEKING A VARIANCE OF THE MINIMUM CUMULATIVE SIDE YARD SETBACK REQUIREMENT OF 20-FEET UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 1-FAMILY DWELLING ON A NONCONFORMING LOT WITH A CUMULATIVE SIDE YARD SETBACK OF 12-FEET IN AN R-A ZONE.

Mr. Steven Liege came forward to discuss this item. He is present to request the cumulative setbacks in a R-A zone. This is the only variance that they are requesting. All other requirements are met regarding the property. The hardship is that if they adhered to the 20-foot set-back the house would be too narrow to be functional and would not conform. When they purchased the property, they were told it was a buildable lot and they only found out that it was not when it was presented to Zoning. The

proposed home is keeping with other homes in the neighborhood. Approval of this petition will have no adverse effect on the neighborhood. They feel that adding a single-family home will be complicit with the City's master plan; specifically, page 3. Further discussion followed on this point.

There was no further question from the Commission.

Council Member Ernest Newton came forward to speak in favor of this item. He is familiar with the area. If the waiver is granted, he will be able to build a house that complies with the area. He was concerned that he would have to build a little house that doesn't fit in with the housing.

There was no one else who wished to come forward to speak in favor of this application.

Council Member Michelle Lyons came forward to speak in opposition to this item. She requested clarification and said she needed help figuring out the lot area. She said she had driven by the area and had difficulty finding it.

Chairman McLaine said that, by his understanding, this was to be built in-between the two houses present. It has 40 feet of frontage on Peach Street and 100 feet extending backwards. This means a waiver is needed for side-yard requirements.

Council Member Lyons asked if this was compliant with the new zoning regulations.

Atty. Liskov pointed out that this was a section for the public to voice their opinions in favor or against and not a question-and-answer session.

Council Member Lyons stated that, since she could not get answers for her questions, she'd oppose it.

No one else wished to come forward to speak in opposition to this item.

Mr. Liege came forward to rebut. He said that the neighbor has fenced in their property as well as the lot that will be developed unlawfully. This may have been why Council Member Lyons had difficulty finding the lot.

**** COUNCIL MEMBER NASTU MOTIONED TO DENY THE APPLICATION FOR THE FOLLOWING REASONS:**

1. THE APPROVAL OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.
2. THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PETITION.

**** COUNCIL MEMBER CAROLAN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#2

288 KNOWLTON ST. – PETITION OF G & S PRODUCE DIRECT, LLC – SEEKING A VARIANCE OF SEC. 12-10D WHICH PROHIBITS THE ISSUANCE OF A LIQUOR PERMIT WITHIN 750-FEET OF OTHER

**LIQUOR LICENSED LOCATIONS AND ALSO SEEKING A VARIANCE OF THE REQUIRED OFF-STREET
PARKING SPACES UNDER SEC. 11-1-2 TO PERMIT THE ISSUANCE OF A BEER/WINE LIQUOR PERMIT AT
THE EXISTING EAT-IN/TAKE-OUT RESTAURANT IN AN MU-LI ZONE.**

Atty. Rizio came forward to present this item. This application has been before the Commission before. They have listened to the comments from their prior application. They have spent the prior six months working with Economic Development to better their application to make the Commission feel more comfortable with the variance. A letter has been submitted but Mr. Perez was present as well to show the City support of the application. He provided an overview of the property and its history for the Commission. The current restaurant wishes to continue to operate despite tough economic times. He mentioned how there had been parking issues previously. They have worked with the City to find solutions to the parking problem which Atty. Rizio outlined. The parking solutions allow for there to be more than enough parking for the site for the first variance. Atty. Rizio provided photographs of the parking solutions for the Commission. He highlighted the location and distance of the grocery store that resulted in the need for a variance for the Commission. Their hardship is two-fold.

First, thought they do not have adequate on-site parking, they have more than adequate parking available within 100 feet of the location. It is available but it cannot be claimed.

Secondly, if this was big enough to be a full-service restaurant, they would be excluded from the 750-foot limitation for liquor. They are currently 90 feet short of this limitation. They are willing to agree to only having a service bar that only serves liquor while the restaurant is open, and food is being served as a condition of approval. They are not looking for a sit-down bar.

There were no questions from the Commission.

Council Member Valle came forward to speak in favor of this application. She requested that they approve the liquor permit. She spoke favorably of the restaurant. She pointed out that there was a city communal lot nearby as well. She pointed out that the restaurant had struggled during the pandemic and wished to be supportive of them.

Council President Nieves came forward to speak in favor of this item. She noted that the site brings a lot of positive traffic to the area. She is okay with their proposed bar and the service it provides and pointed out it will not be a full-service bar. She further voiced her support for the project and using the available public parking.

Mr. Bill Coleman came forward to speak in favor of this item. He thanked the Council Members for coming out to speak in favor of this application. He wished to provide a brief context for the business and why it was so important for the Commission. He provided a history of the business for the Commission. He noted that they had convinced the owners to relocate to Bridgeport which had cost the owners money. He proceeded to speak favorably of the restaurant and its minority-owned status. He pointed out that Bridgeport is a built city with very little in regard to possible expansion room.

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

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

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

- 1. THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PETITION.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#3

1524 & 1534 SEAVIEW AVE. – PETITION OF SEAVIEW VENTURE, LLC – SEEKING TO EXPUNGE A CONDITION OF APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON 04/14/15 TO PERMIT THE ESTABLISHMENT OF AN ADDITIONAL RESIDENTIAL UNIT IN A PORTION OF THE 1ST FLOOR OFFICE SPACE IN AN I-L & R-C ZONE.

Atty. Rizio came forward to discuss this item. He asked if the Commission had received all the information sent to them earlier.

Chairman McLaine confirmed that he had received the information/e-mails.

Atty. Rizio reviewed the property for the Commission. The Bridgeport Neighborhood Trust has acquired this property. There are four units with two units per floor on the second and third floor. These are affordable units and provide housing for the City of Bridgeport. There is also an office on the first floor that can be used provided that the user is someone who resided there. This has been a difficult condition to satisfy. This first floor has sat vacant for six years due to an inability to find someone who can both operate a small business and live in an affordable unit.

The current interested party, Ms. Biana Williams, wishes to take a portion of the first floor and make it into live/workspace. This will only be appx 500 square feet of the 1500 available. This will satisfy the essence of the condition since she will both live and work in this location despite not living on the second or third floor. The hospital whole-heartedly endorses this application. This will not result in additional parking demands than if it was a pure office space. He reviewed the proposed layout of the live/workspace for the Commission. The hardship comes from this being in a split zone. If it was in an R-C zone, there would be no issue.

There were no questions from the Commission.

Mr. Keith Williams came forward to speak in favor of this item. He has talked with Ms. Williams and likes her project. As a result, he is in favor of this application.

Council Member Valle came forward to speak in favor of this application. She spoke favorably of Ms. Williams and her past work. She found Ms. Bianca to be enthusiastic and passionate for the City of Bridgeport.

Council Member Martinez came forward to speak in favor of this application. She spoke favorably of Ms. Williams and said she would bring a lot of energy to the City of Bridgeport. She pointed out that the location has been empty for quite some time.

A resident named Ralph came forth to speak in favor of this application. He recounted the history of the site for the Commission. He said this was important for the neighborhood as it will not only revitalize the area but spur on new businesses.

Council Member Newton came forth to speak in favor of this item. He pointed out that, when it was originally zoned, they put light industrial around residential resulting in an unfortunate situation. He wished that the Commission would support the neighborhood and help it out by approving this application. He is looking forward to bringing new life to the district.

Mr. Coleman came forward to speak in favor of this application. He confirmed Council Member Newton's comment and said the City wanted to handle the juxtaposition between residential and industrial better. On this street they favor the residential. He further voiced his support for the application.

Ms. Debbie Sims came forward to speak in favor of this application. She noted that there was no issue with parking at the location. She is also excited about the live/workspace proposal.

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

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

Atty. Rizio pointed out that the amount of support that the application had meant it was a very heart-felt application that the community desired and was important for the area. He reviewed the hardship of the property and how the zoning between industrial and residential had made the property difficult to utilize. The would be consistent with the Master Plan.

**** COMMISSIONER NATSU MOTIONED TO APPROVE WITH THE FOLLOWING CONDITIONS:**

- 1. THE REMODELING OF THE 1ST FLOOR 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 1ST FLOOR OF THE SUBJECT PREMISES IS VACANT AND HAS NOT BEEN USED FOR SIX YEARS.**
- 2. A LIVING/WORKSPACE IS THE BEST USE FOR THIS BUILDING.**
- 3. THIS TYPE OF USE WILL HELP VITALIZE THE COMMUNITY.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#4

1797, 1839, & 1849-1857 MAIN ST. AND 48 HURD ST. (REAR) – PETITION OF 1797 MAIN ST, LLC, JROD, LLC & 1849 MAIN STREET, LLC – SEEKING A USE VARIANCE OF SEC. 6- 1-2 AND ALSO SEEKING VARIANCES OF THE SIDE SETBACK AND STREET WALL REQUIREMENTS UNDER SEC. 6-1-3 AND THE BUILDING SITING AND PARKING SITING UNDER SEC. 6-1-4 TO PERMIT THE CONSTRUCTION OF A 2-STORY OFFICE RETAIL BUILDING WITH A 10-BAY AUTO SERVICE BUILDING AND THE PAVING OF 25,173-SQ. FT. PARCEL TO BECOME A SELF-SERVICE VACUUM AREA IN AN OR ZONE.

Atty. Rizio came forward to represent this item. The property was formerly derelict. It was decided to combine the properties. Vehicle service is not permitted in an OR Zone. Discussion followed on the details of the property. Part of the requested variance is more space for the vacuuming bays to allow for easier access to customers. The site plan was provided to the Commission. Most of the buildings on the properties have pre-existing structures on them that do not conform to regulation for an OR Zone. If the property stood alone there would be no need for a variance of street-front glass. They will be tearing down the northern building and construct a 2-story building. These properties have, historically, been used for vehicle service despite being in an OR zone. If the property stood alone there would be no requirement to place a building on the street but since they are being combined there is. He further reviewed the details of the property.

There were no questions from the Commission.

Mr. Bill Coleman came forward to speak in favor of this application. He stated that the project has been through the review process called for in the Zoning Code. He noted that there were things that the Code would normally require that the building and building structure be retained. However, this was not feasible for the project and they had found a nice compromise. He also pointed out that retail has changed including how cars are managed.

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

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

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

- 1. THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PETITION.**
- 2. THE SUBJECT PREMISES IS LOCATED IN A WELL-TRAVELED AREA AND THE APPROVAL OF THE PETITION WOULD ADD TO THE TRAFFIC CONGESTION.**
- 3. THE PETITIONER FAILED TO ESTABLISH ADEQUATE OFF-STREET PARKING FOR STAFF, EMPLOYEES AND CUSTOMERS.**

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

**** THE MOTION PASSED WITH THREE IN FAVOR (CAROLAN, NASTU, SHEPARD) AND ONE OPPOSED (NACHEM).**

(END OF PUBLIC HEARING)

OTHER BUSINESS

(OB-1) 855 HOUSATONIC AVE. – CARMAZING, LLC – SEEKING CLARIFICATION OF THE 04/21/2020 APPROVAL

The petitioner was not present. There was quick review of the property by the Commission. This issue is that, when it was granted for vehicle storage, the intent was that they be able to service and detail cars at that location. The applicant desires clarification on if the detailing of their own cars, not customer cars, is allowed.

Chairman McLaine said that the approval specifically said that there was to be no detailing or auto-repairs. Mr. Russo said that they might do a quick clean-up of the car. He felt the conditions were clear. He suggested that, if they wanted to change the conditions, they file another application.

**** CHAIRMAN MCLAINE MOTIONED THAT CARMAZING, LLC FILE ANOTHER APPLICATION SHOULD THEY DESIRE TO CHANGE THE CONDITIONS.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

CONSENT AGENDA

There were no items on the Consent Agenda currently.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

Mr. Coleman came forward. Chairman McLaine said that they have had some problems. There have been requests for meetings with Mr. Coleman in the presence of Atty. Liskov and possibly Mr. Buckley. He would prefer to discuss these things in a private meeting. He wished Mr. Coleman to set up that meeting. He asked if this was agreeable to Mr. Coleman.

Mr. Coleman said it was.

Chairman McLaine said he was fully vaccinated and would wear a mask. He did not want to embarrass anyone and desired to have this meeting set up. He asked how quickly the meeting could be arranged.

Mr. Coleman said he wanted to talk to his boss tomorrow and then he could get a specific answer.

Commissioner Nachem stated he would be unable to attend next month's meeting.

ADJOURNMENT

**** COMMISSIONER CAROLAN MOTIONED TO ADJOURN.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:30.

Respectfully Submitted

Ian A. Soltes

Telesco Secretarial Services.