



**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 11, 2022**

45 Lyon Terrace
Bridgeport, CT 06604
(203) 576-7217 Phone
(203) 576-7213 Fax

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

OTHERS: Paul Boucher, Atty. Russ Liskov, Jackson Strong, Design
Coordinator

CALL TO ORDER

Commissioner Nachem called the meeting to order at 6:11 p.m. He introduced the Commissioners seated and informed those present that there were only four Commissioners present. This requires that all four Commissioners vote in favor to approve an application.

1. RE: 795 GRAND STREET – Petition of Tu Bodeguita, LLC – Seeking a variance of section 10.10.2A for grocery beer sales within 750’ radius of a protected use (grammar school) in the NX2 zone.

Mr. Edwin Soto came forward with Mr. Tu Bodeguita to present the application for Mr. Bodeguita’s grocery store. Mr. Bodeguita submitted the evidence of the mailings and some photos of the area surrounding his grocery store. Most of the customers at the grocery store are looking forward to having beer available for sale. Discussion followed regarding the location of the nearby schools.

Commissioner Nachem asked if there was anyone present to speak in favor of the application. No one came forward. Commissioner Nachem then asked if there was anyone present who wished to speak in opposition to the matter. Hearing none, Commissioner Nachem closed the public hearing on 795 Grand Street.

2. RE: 1173-1179 NORTH AVENUE – Petition of Khan North Ave, LLC – Seeking a variance of section 6.40, table 6.3 to exceed the maximum 30% allowable of stucco finishing over the existing exposed brick to allow the exterior renovation of the existing 3-story mixed-use building in the MX1 zone.

Atty. Russo came forward and he would like to wait to see if Commissioner Bain is able to join the meeting. This was agreeable to all.

3. RE: 4315 MAIN STREET – Petition of Brake Centers of America at Bridgeport, Inc. –

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
October 11, 2022

Seeking under 14-54 of the CT General Statutes a certificate of location of approval to upgrade from the general repair of motor vehicles to used car sales and service in the MX2 zone.

Mr. Dennis Buckley, and said that he was present on behalf of the applicant, Mr. Pelletiere. He turned in the mailings. Mr. Buckley also handed out some photos of the business. He noted that Mr. Pelletier has been operating his business at the location for 15 years. The request is to upgrade the current use of a general repair use to include used classic car sales which had been done on this parcel in the past.

Mr. Buckley said that Mr. Strong had recommended some repairs. He noted that this was a parcel that had been built out many years ago under different regulations. There are 11 parking spaces available. Mr. Strong has recommended that concrete sidewalk be installed. The request is simply to restore the parcel to its previous use. He noted that Mr. Pelletiere would install a canopy.

Commissioner Gaits asked about the increased traffic and expressed concern about foot traffic. Mr. Buckley said that there were a number of parking spaces available. The business was originally a gas station and then became a used car lot and later was purchased by Brake Centers of America.

Commissioner Nachem asked why the addition of a sidewalk would cause issues. Mr. Buckley said that the sidewalk would eliminate one of the driveways and the currently existing asphalt driveway would have to be replaced with concrete sidewalks. It would also eliminate several parking spaces.

Mr. Strong said that when they review applications, they try to upgrade the businesses to the current code. Mr. Strong said that Mr. Buckley's statements were a gross mischaracterization of the comments. He stated that he did not recommend putting a sidewalk along the entire street frontage of the business, but just along Main Street. He added that the municipal regulations require the concrete sidewalks. He said that there were other property owners who did not live up to the requirements, but they are not requesting to upgrade or change their business. If they do, they will be required to upgrade their sidewalks also. Mr. Buckley 's claim that this requirement would put the business out of business was wrong.

Commissioner Nachem asked if there was any present to speak in favor of the application. No one came forward. Commissioner Nachem then asked if there was anyone present who wished to speak in opposition to the matter. Hearing none, Commissioner Nachem closed the public hearing on 4315 Main Street.

4. RE: 500 BARNUM AVENUE – Petition of Fix & Go, LLC, D/B/A Fixgo Auto Sales and Service – Seeking an amended certificate of approval of location for a used car dealership

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
October 11, 2022

license in connection with the prior existing used car dealership under new ownership in the RX2 zone.

Mr. Robert Delico, the property owner came forward with his tenants to present the application.

Mr. Strong said that this application for a Certificate of Location was fully compliant and there were no recommendations.

Commissioner Nachem asked if there was any present to speak in favor of the application. No one came forward. Commissioner Nachem then asked if there was anyone present who wished to speak in opposition to the matter. Hearing none, Commissioner Nachem closed the public hearing on 500 Barnum Avenue.

5. RE: 595 GILMAN STREET – Petition of Linda and Douglas DeSilva – Seeking a variance under section 3.110.4 for a side setback to construct a 575-sq. ft., 1-story addition to the existing 1-family home to be used as a 2-car garage in the N3 zone.

Mr. Douglas DeSilva came forward and turned in his mailing receipts. He explained that when his home was constructed, it was too close to the property lines. They would like to have garage. There are two neighbors, one on each side. The current garage is underneath the house in the basement area.

Commissioner Nachem stated that there were two letters in support from the neighborhood.

Commissioner Nachem asked if there was anyone in favor of the application.

Mr. Burt Krause of 1818 Gilman came forward and said that he was present to support the application.

Ms. Mary Jane Horton, a neighbor, said that that the DeSilva's have an awkward entrance and that the previous owners could not use their garage due to the stone wall by the turn. The new garage would not be a problem.

Commissioner Nachem asked if there was anyone present who wished to speak in opposition.

Mr. Donald Greenberg said that his property was directly behind theirs. He said that when the DeSilva's moved in, they planted two trees which interfere with his view of Ash Creek. He claimed that the distance between the garage and the stone wall was 20 feet. There have been many times when they did not see cars parked outside. He said that he did not believe that this was a substantial hardship. He then read a letter from a real estate agent, Ms. Gail Robinson, Ph.D., CRS, Realtor, who has worked in the area for many years. Once a precedence is set, lawsuits can follow.

Commissioner Gaits asked why the previous owners did not use the garage. Mr. Greenberg said that the previous owners were ill and did not drive much, but repeated that the turn was 20 feet wide.

Mrs. Lexie Greenberg said that when they moved from Fairfield to Bridgeport, they knew the previous owners and the previous owners never mentioned a driveway problem. She also noted that the current owners had lived there for many years and wondered why they waited this long to make a change. They have two cars and a deck, which seems to be sufficient for them for many years.

Mr. Greenberg came forward and asked how the public would know the final decision. Atty. Liskov said that the decisions would be made at the end of the meeting.

Mr. DeSilva said that the previous owners did not park their vehicles in the garage. Ms. Linda DeSilva also confirmed this.

Commissioner Nachem closed the public hearing on 595 Gilman Street.

6. RE: 424 EXETER STREET – Petition of Jessica Sarmiento – Seeking a variance of section 3.90.5 of the allowable garage door location to permit the construction of a 1-family dwelling with an attached 1-car garage in the NX1 zone.

Ms. Sarmiento came forward and submitted the mailing receipts. She explained that it would be helpful having an attached garage. They were planning on this, but due to the new zoning requirements, they were required to move the garage 2 more feet.

Mr. Strong came forward and said that normally the garage would be located in the rear of the building, but the site plan shows the garage protruding in the front. They were requesting that the portion of the garage that was protruding be recessed. This will bring it more in line with the walkability of the neighborhood. He added that they were also requesting that the garage be aligned with the other neighboring residences.

Commissioner Nachem asked if there was any present to speak in favor of the application. No one came forward. Commissioner Nachem then asked if there was anyone present who wished to speak in opposition to the matter. Hearing none, Commissioner Nachem closed the public hearing on 424 Exeter Street.

7. RE: 1546 & 1562 FAIRFIELD AVENUE – Petition of Friendly Homes Solution, LLC – Seeking a variance of section 3.40.5 to allow a driveway access width of 24-feet at the property line and a variance of section 3.40.9 to convert the former funeral home into a 16-unit apartment building with a 2nd story addition and site improvements in the RX1 zone.

Mr. Wilson Carroll came forward and requested that the item be deferred until next month.

2. RE: 1173-1179 NORTH AVENUE – Petition of Khan North Ave, LLC – Seeking a variance of section 6.40, table 6.3 to exceed the maximum 30% allowable of stucco finishing over the existing exposed brick to allow the exterior renovation of the existing 3-story mixed-use building in the MX1 zone.

Atty. Russo, of Rizio and Russo, came forward and said that he was present to represent the applicant. He said that his client had purchased the building and a number of years later, the bricks actually started falling off the facade. There were also concerns about mold over the bay windows. In doing the research, it was discovered that the facade had been painted in the past, which allows the moisture to be retained in the brick. It was also discovered that the bay windows were not constructors property and they are deteriorated. His client looked at the options and the most applicable solution was to remove the bay windows and put stucco on the front of the building. He noted that Mr. Strong had recommendation and the owner has agreed to those recommendations. They are proposing the stucco on the front and both sides. The rear of the building does not have the same level of deteriorations.

The new regulations have a limit of 30% stucco on the facade. This will be stop the deterioration. Commissioner Miller asked if they would be applying the stucco to the entire facade from ground level to roof. Atty. Russo indicated where it would be applied on the drawing.

Atty. Russo was asked if the building was in a historic district. He replied that while it was a historic building, having been constructed in 1895, it was not in a historic district.

Mr. Jackson Strong came forward and confirmed that the building was not in a historic district. He said that they would like to have the lintel stones be retained.

Atty. Russo said that in order to keep the property from additional deterioration, they have to do this.

Commissioner Nachem asked if there was any present to speak in favor of the application. No one came forward. Commissioner Nachem then asked if there was anyone present who wished to speak in opposition to the matter. Hearing none, Commissioner Nachem closed the public hearing on 1173-1179 North Avenue.

Commissioner Nachem closed the public hearing portion of the meeting at 7:18 p.m.

RECESS

Commissioner Nachem announced a recess at 7:18 p.m. He reconvened the meeting at 7:22 p.m.

DECISION SESSION

1. RE: 795 GRAND STREET – Petition of Tu Bodeguita. LLC – Seeking a variance of section 10.10.2A for grocery beer sales within 750’ radius of a protected use (grammar school) in the NX2 zone.

Commissioner Miller said that he often walks in Black Rock and he actually measured the distance from Black Rock Elementary School to a grocery with beer available for sale, along with a package store. Both of them are within the setback, so he was in favor of the application.

Atty. Liskov said that he did not hear any hardship. Mr. Boucher noted that if the application is approved, it would still have to be presented to Planning and Zoning. Commissioner Gaits said that there were three schools and three churches in the neighborhood. She added that there was a letter of complained filed with the State about this location.

Commissioner Nachem said that the business was clean and busy, but it was near schools.

**** COMMISSIONER MILLER MOVED TO APPROVE AGENDA ITEM 1. RE: 795 GRAND STREET – PETITION OF TU BODEGUITA. LLC – SEEKING A VARIANCE OF SECTION 10.10.2A FOR GROCERY BEER SALES WITHIN 750’ RADIUS OF A PROTECTED USE (GRAMMAR SCHOOL) IN THE NX2 ZONE.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION FAILED TO PASS WITH TWO (2) IN FAVOR (MILLER AND SHEPARD) AND TWO (2) OPPOSED (NACHEM AND GAITS) DUE TO THE LACK OF A HARDSHIP.**

2. RE: 1173-1179 NORTH AVENUE – Petition of Khan North Ave, LLC – Seeking a variance of section 6.40, table 6.3 to exceed the maximum 30% allowable of stucco finishing over the existing exposed brick to allow the exterior renovation of the existing 3-story mixed-use building in the MX1 zone.

Commissioner Nachem said that the building was built over 100 years ago and needs remedial work done to it. This will bring it back to an acceptable physical condition.

**** COMMISSIONER SHEPARD MOVED TO APPROVE AGENDA ITEM 2. RE: 1173-1179 NORTH AVENUE – PETITION OF KHAN NORTH AVE, LLC – SEEKING A VARIANCE OF SECTION 6.40, TABLE 6.3 TO EXCEED THE MAXIMUM 30% ALLOWABLE OF STUCCO FINISHING OVER THE EXISTING EXPOSED BRICK TO ALLOW THE EXTERIOR RENOVATION OF THE EXISTING 3-STORY MIXED-USE BUILDING IN THE MX1 ZONE WITH THE FOLLOWING CONDITIONS:**

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
October 11, 2022

1. THE LINTEL STONES ON THE NORTH AVENUE AND MADISON AVENUE FACADES SHALL BE PRESERVED AND RESTORED.

2. NEW MATCHING LINTELS SHALL BE INSTALLED ABOVE THE REPLACEMENT WINDOWS ALIGNED WITH THE 3RD FLOOR LINTELS.

FOR THE FOLLOWING REASONS:

- 1. THE DAMAGE TO THE EXISTING BRICK FAÇADE IS EXTENSIVE AND NONREPAIRABLE.**
- 2. THE NEW STUCCO SURFACE WILL MAKE THE WALLS OF THE BUILDING WATERPROOF.**

**** COMMISSIONER GAITS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

3. RE: 4315 MAIN STREET – Petition of Brake Centers of America at Bridgeport, Inc. – Seeking under 14-54 of the CT General Statutes a certificate of location of approval to upgrade from the general repair of motor vehicles to used car sales and service in the MX2 zone.

This application is for a Certificate of Location. Atty. Liskov said that they could find it to be an unsuitable location. A discussion followed regarding how much the sidewalk would factor into the decision.

**** COMMISSIONER MILLER MOVE TO APPROVE AGENDA ITEM 3. RE: 4315 MAIN STREET – PETITION OF BRAKE CENTERS OF AMERICA AT BRIDGEPORT, INC. – SEEKING UNDER 14-54 OF THE CT GENERAL STATUTES A CERTIFICATE OF LOCATION OF APPROVAL TO UPGRADE FROM THE GENERAL REPAIR OF MOTOR VEHICLES TO USED CAR SALES AND SERVICE IN THE MX2 ZONE WITH THE FOLLOWING CONDITIONS:**

1. A LANDSCAPING BUFFER STRIP WILL BE INSTALLED ALONG THE LEFT FRONT PROPERTY EDGE.

2. THE MAXIMUM NUMBER OF VEHICLES FOR SALE TO BE DISPLAYED AT ANY ONE TIME IS FIVE (5).

FOR THE FOLLOWING REASONS:

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
October 11, 2022

- 1. THE USE IS CONSISTENT WITH OTHER BUSINESSES ON MAIN STREET.**
- 2. NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**

A Certificate Of Zoning Compliance is required for all new or expanded uses; new tenants, and new construction.

**** COMMISSIONER SHEPARD SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

4. RE: 500 BARNUM AVENUE – Petition of Fix & Go, LLC, D/B/A Fixgo Auto Sales and Service – Seeking an amended certificate of approval of location for a used car dealership license in connection with the prior existing used car dealership under new ownership in the RX2 zone.

The application is for change of ownership. The property is clean and nicely fenced.

**** COMMISSIONER GAITS MOVED TO APPROVE AGENDA ITEM 4. RE: 500 BARNUM AVENUE – PETITION OF FIX & GO, LLC, D/B/A FIXGO AUTO SALES AND SERVICE – SEEKING AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP LICENSE IN CONNECTION WITH THE PRIOR EXISTING USED CAR DEALERSHIP UNDER NEW OWNERSHIP IN THE RX2 ZONE.**

**** COMMISSIONER MILLER SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

A Certificate of Zoning Compliance is required for all new or expanded uses, new tenants, and new construction.

5. RE: 595 GILMAN STREET – Petition of Linda and Douglas DeSilva – Seeking a variance under section 3.110.4 for a side setback to construct a 575-sq. ft., 1-story addition to the existing 1-family home to be used as a 2-car garage in the N3 zone.

Atty. Liskov noted that the applicant and neighbor can both appeal. The discussion moved to property values. He asked them to be clear as to whether it is a hardship. Commissioner Miller said that a relative had the same set up and they have never parked their vehicles in the garage because of the tight turn.

**** COMMISSIONER MILLER MOVED TO APPROVE AGENDA ITEM 5. RE: 595 GILMAN STREET – PETITION OF LINDA AND DOUGLAS DESILVA – SEEKING A VARIANCE UNDER SECTION 3.110.4 FOR A SIDE SETBACK TO CONSTRUCT A**

575-SQ. FT., 1-STORY ADDITION TO THE EXISTING 1-FAMILY HOME TO BE USED AS A 2-CAR GARAGE IN THE N3 ZONE FOR THE FOLLOWING REASONS:

- 1. THE MANEUVERING SPACE TO UTILIZE THE EXISTING GARAGE IS VERY LIMITED.**
- 2. THE PROPOSAL ADDRESSES SAFETY CONCERNS AND PROVIDES ACCESSIBLE PARKING.**

**** COMMISSIONER GAITS SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

6. RE: 424 EXETER STREET – Petition of Jessica Sarmiento – Seeking a variance of section 3.90.5 of the allowable garage door location to permit the construction of a 1-family dwelling with an attached 1-car garage in the NX1 zone.

This is an empty lot with single family home. The garage door is the front rather than in the back. Mr. Strong made two recommendations.

*** * COMMISSIONER NACHEM MOVED TO APPROVE AGENDA ITEM 6. RE: 424 EXETER STREET – PETITION OF JESSICA SARMIENTO – SEEKING A VARIANCE OF SECTION 3.90.5 OF THE ALLOWABLE GARAGE DOOR LOCATION TO PERMIT THE CONSTRUCTION OF A 1-FAMILY DWELLING WITH AN ATTACHED 1-CAR GARAGE IN THE NX1 ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE HOUSE DESIGN SHALL BE REVISED WITH THE GARAGE SET BACK A MINIMUM OF 2’ FROM THE PRIMARY FAÇADE**
- 2. THE HOUSE SHALL MEET THE PREVAILING SETBACK ESTABLISHED BY 436 EXETER STREET.**

FOR THE FOLLOWING REASONS:

- 1. NO ADVERSE IMPACT.**
- 2. CONFORMS WITH THE NEIGHBORHOOD.**

**** COMMISSIONER MILLER SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

7. RE: 1546 & 1562 FAIRFIELD AVENUE – Seeking a variance of section 3.40.5 to allow a driveway access width of 24-feet at the property line and a variance of section 3.40.9 to

convert the former funeral home into a 16-unit apartment building with a 2nd story addition and site improvements in the RX1 zone.

This agenda item was deferred to Wednesday, November 9, 2022.

OTHER BUSINESS

There was no additional business to consider at this time.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD.

There were no other matters to consider at this time.

APPROVAL OF MINUTES

The minutes were deferred to the November 9th meeting in order to have a quorum of those Commissioners in attendance for that meeting present.

ADJOURNMENT

**** COMMISSIONER SHEPARD MOVED TO ADJOURN.**

**** COMMISSIONER MILLER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:49 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services