



ZONING BOARD OF APPEALS
FEBRUARY 11, 2020
REGULAR MEETING
CITY OF BRIDGEPORT

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

ATTENDANCE: Maria Alves, Acting Chair; John Carolan, Edward McLaine,
Robin Shepard

STAFF: Dennis Buckley, Zoning Official, Paul Boucher, Assistant
Zoning
Official

OTHERS: City Attorney Russell Liskov; Nicholas Sampieri, Zoning
Inspector

CALL TO ORDER.

Commissioner Alves called the meeting to order at 6:13 p.m. A quorum was present. Commissioner Alves introduced the Commissioners seated and reviewed the meeting protocol for everyone present.

C-1 RE: 79 – 81 ROOSEVELT STREET – Milton Londa, Owner – Seeking a variance of the 2,700-sq. ft. of property per residential unit under Sec. 5-1-3 and waive three (3) of the required five (5) off-street parking spaces to permit the conversion of the existing 2-family dwelling into a 3-family dwelling in and R-C zone.

Mr. Luis Pagan came forward to represent Mr. Londa, the owner. Mr. Pagan said that Mr. Londa had purchased the house three years ago as a three family and was paying taxes on a three-family residence. There were only two electric meters. There are three furnaces and three hot water tanks. There are now four electric meters, one for each unit and one for the hallway and smoke detectors, but they are not hooked up yet. The owner pulled a permit. There are three parking spaces for the tenants.

Commissioner McLaine said that it was not the City's responsibility to make sure that the building was a three-family residence. Mr. Pagan said that Mr. Londa just wanted to make the building legal and satisfy the requirements.

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Commissioner Alves asked if there was anyone in favor of the petition. No one came forward.

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

Mr. Reuben Adonis of William Street came forward and said that Mr. Londa had broken the sidewalk up to make the parking for three cars. He added that he had worked for Mr. Londa and had not been paid. The owner knew it was a two-family house.

There was no one else present who wished to speak in opposition.

Mr. Pagan came forward and submitted a letter from the Tax Assessor's office stating that the house was a three-family residence. Mr. Pagan said that when he and Mr. Coviello went to pull the permits from City Hall, the building was listed as a three family. Mr. Pagan said that he could not speak to the sidewalk being broken, but Mr. Londa does not want to do anything illegal. All the applicant is trying to do is make this legal and the fact that they were here asking for permission shows they were not trying to go behind anyone's back. Mr. Londa has been doing everything he has been asked to do by the book. There are permits. Mr. Pagan did the plumbing to code. They just want to make it legal.

Commissioner Alves closed the public hearing on 79-81 Roosevelt Street at 6:27 p.m.

ITEM D-1 RE: 344-346 HANOVER STREET – Baldwin Holdings, LLC – Appealing under Sec. 14-10-1 of the Zoning regulations of the City of Bridgeport and Sec. 8-4 of the Connecticut General Statutes whereby it is alleged that the Zoning Officer erred in his decision not to process an application for a Certificate of Zoning Compliance due to pending litigation.

It was announced that this item had been withdrawn.

ITEM D-2 RE: 350-352 HANOVER STREET – Baldwin Holdings, LLC – Appealing under Sec. 14-10-1 of the Zoning regulations of the City of Bridgeport and Sec. 8-7 of the Connecticut General Statutes, whereby it is alleged that the Zoning Officer erred in his decision not to process an application for a Certificate of Zoning Compliance without a variance of Sec. 4-12-4c granted by the Zoning Board of Appeals.

It was announced that this item had been withdrawn.

ITEM D-3 (#4) RE: 354-356 HANOVER STREET – Baldwin Holdings, LLC – Appealing under Sec. 14-10-1 of the Zoning regulations of the City of Bridgeport and Sec. 8-7 of the Connecticut General Statutes, whereby it is alleged that the Zoning Officer erred in his decision not to process an application for a Certificate of Zoning Compliance without a variance of Sec. 4-12-4c granted by the Zoning Board of Appeals.

It was announced that this item had been withdrawn.

ITEM D-4 (#9) RE: 28 & 38 ONDEK STREET – DT Pro Builders, LLC – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create two (2) nonconforming lots and also seeking to validate the existing single-family dwelling under construction on one of the proposed nonconforming lots in an R-B zone.

It was announced that this item had been withdrawn.

ITEM: #1-J RE: 52 QUINLAN AVENUE – Christopher Power, Owner – Seeking a variance of the minimum setback requirement of 10’ under Sec. 5-1-3 to permit the construction of a 2-story addition within 6’ of the property line in an R-AA zone.

Ms. Power came forward and explained that she had grown up in Black Rock and she and her husband were raising their family in Black Rock. They would like to build an addition on to their two-bedroom house. Mr. Power came forward and submitted a list of neighbors who were in support of this. They will be adding a door to give them access to the backyard because currently there is no access to the backyard from the rear of the building.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Commissioner Alves asked if there was anyone present to speak against of the application. Hearing none, Commissioner Alves closed the hearing on 52 Quinlan Avenue at 6:31 p.m.

ITEM: #2-J RE: 378 HAWLEY AVENUE – Elizabeth Development – Seeking a variance of the required five (5) off-street parking spaces under Sec. 11-1-2 to legalize the 3rd floor apartment with three (3) on-site parking spaces in an R-BB zone.

Ms. Danielle Acosta came forward and said that they had three off street parking spaces but the requirements were for five. They are right next to a hospital and patients who do not wish to pay for parking often park on Hawley Avenue.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Commissioner Alves asked if there was anyone present to speak against the application. Hearing none, Commissioner Alves closed the hearing on 378 Hawley Avenue at 6:34 p.m.

ITEM: #3-J RE: 979 STATE STREET – Los Amigos Social Club – Seeking a variance of all 26 of the on-site parking spaces required under Sec. 11-1-2 to permit the establishment of a social club in an MU-IL zone.

Atty. Diane Lord, Willinger, Willinger and Bucci, came forward and said that they were present to request a variance for the social club, which is a permitted use in this zone. This location would be replacing a social club from down the street that had to close because the property owner sold the building. She noted that the ZBA had approve the previous club which had no parking. It is not a night club. The client sponsors a soccer team and they often get together afterwards. The members live in the immediate neighborhood. The location was a butcher shop for 40 years and there was never any parking for this pre-existing, non-conforming property. The landlord has sent a letter saying that he was in favor of the club and that he would allow the members to use parking on a parcel that he owns across the street. The hardship is that this building was constructed before there were any building or zoning regulations for parking. The proposal complies the Master Plan.

Commissioner Alves asked how long the social club had been in existence at the previous location. She was told that it was there for about 12 years without incident. Commissioner Alves asked how many members were there. Atty. Lord said that there were approximately 30.

Commissioner Alves asked about the stage on the plans. Atty. Lord said that they occasionally have dances with a DJ but no live entertainment.

Commissioner McLaine asked about the Members Only policy, which Atty. Lord reviewed with him.

Commissioner Carolan asked if members could bring alcohol with him. Atty. Lord said that they could.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Commissioner Alves asked if there was anyone present to speak against of the application.

Council Member Denese Taylor-Moye and Council Member Jorge Cruz came forward with approximately six other residents. Council Member Taylor-Moye said that the club had been in the building for the past few months and it was really noisy. People are urinating on the side of the building. She said that there were photos of people bringing beer into the building. The cars are parked all along the street and in front of people's homes. This is a club that is being run by people who know that they will be serving alcohol to the members. She said that she was sad and concerned about what was coming into the community.

Council Member Cruz came forward. Commissioner McLaine asked how many people they were representing. Council Member Cruz said that it was at least five or six.

Manuel, a neighbor who lives next door, came forward and said that the club members were taking up the parking and now his tenants want to move out because there are no parking spaces.

Mr. Mark Bush of Norman Street came forward and said that he was concerned about the children with the music going on all night.

Mr. Ray Bush came forward and said that there was no parking and it was not fair to the residents.

A resident of 240 Norman Street said that there was no parking.

A resident of 221 Norman Street came forward and said that they were not trying to drive business out but they have to live there.

Council Member Taylor-Moye said that they have been in the location for the last three months and she wanted to know if they could be there without a permit. She asked about the bring your own brown bags policy and about the security and policing. She wished to know how many bathrooms were in the building because members were urinating outside, which is smelling up the area.

Council Member Taylor-Moye said that she would like to know how they dared to grant approval without talking to the NRZ and the neighbors.

Atty. Lord said that the club had been in the new location and they were trying to clean up the area. There are two bathrooms in the building. There has only been one small party for the landlord. The space has been vacant for many years, so they are cleaning up the area. She stressed that it was the same group of people that were up the street and there was no problems with members urinating outside or garbage on the street when they were at the old location.

Commissioner Alves then closed the hearing on 979 State Street.

ITEM: #4-J RE: 954 PARK AVENUE – Masud Sulaiman, Lessee, Seeking under Sec. 14-54 of the CT General Statute a Certificate of Approval of Location for a tire sales and service business in the existing commercial building in an NCVD zone.

Mr. Masud Sulaiman of Fairfield came forward and said that he was interested in opening a tire sales business. The property is currently empty, and he will run the business.

Commissioner Alves asked if they would be changing tires. Mr. Sulaiman confirmed that they will be changing tires and the tires will be stored inside.

Commissioner Alves asked where the dumpster would be. Mr. Sulaiman said that it would be on the side with an enclosure.

Commissioner Alves asked what the hours would be. Mr. Sulaiman said that they would like to have it from 8 a.m. to 8 p.m. Commissioner Alves asked about the number of parking spots, which Mr. Sulaiman reviewed with her.

Commissioner McLaine asked about the type of service they would be offering. Mr. Sulaiman said that it would be related to tires. Commissioner McLaine asked about the details of the work and the storage of the tires. Mr. Sulaiman said that all the work would be done inside the building and outside would only be used for parking.

Commissioner Carolan asked where the used tires would be stored. Mr. Sulaiman said that they would be stored inside and then picked up.

Commissioner Alves asked if there was anyone present to speak in favor.

The owner of the building came forward and said that she was looking forward to having the building occupied again and added that she had run her car stereo business from that location in the past.

Commissioner Alves asked if there was anyone present to speak against of the application.

Atty. Charles Willinger representing the neighbor, Mark Halstead who owns a number of properties along John Street that abut the client's proposed business. Mr. Halstead has a business that pays over \$60,000 a year in taxes and employs over 50 people.

Atty. Willinger said that this was not a permitted use in the zone because it is in the Village District zone. Atty. Willinger said that this was an extension of downtown and they want to have businesses that are complimentary to the neighborhood, not a tire business. Atty. Willinger then reviewed all the permitted uses in the zone and noted that a repair facility was not permitted.

Atty. Willinger spoke about the Lafayette Circle Revitalization Project and said that nothing that was being proposed would revitalize the area. There are new apartment buildings, a church and various other business that would not be consistent with a tire repair business.

Atty. Willinger then distributed copies of previous denials for repair businesses in the area, one from December of 1983 and another in June of 1992. The lot is tiny, and the building is small. Tires always get left outside and the area becomes noisy when they use the drills.

The owner came forward and said that Atty. Willinger's client has been bullying her since he took over the property behind her. Her business was for car installations.

Commissioner Alves closed the hearing on 954 Park Avenue at 7:16 p.m.

ITEM: #5-J RE: 650 & 670 KNOWLTON STREET – 273 Ash Street, LLC – Seeking variances of the maximum site coverage requirement and the minimum landscaping requirement under Sec. 8-3-3 to legalize the 279-sq. ft. 1-story addition currently under construction in an MU-IL zone and coastal area.

Atty. Rizio of Russo and Rizio came forward and said that there had been a large trailer on the property in the past. He handed out copies of the photographs of the building. The client decided to expand the building to include the area of 250 feet that the trailer was on. This would increase the coverage of the lot from 85% to 89%. This furniture business has been in Bridgeport for over 20 years and moved to the location because the business grew. The owner will be adding drainage for the area. There is privacy fencing and there is nothing that is done outside. It will be storage for used furniture.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Commissioner Alves asked if there was anyone present to speak in opposition.

Ms. Judy Grey of 28 Sturbridge Street came forward and distributed photos of the garbage from the dumpster. She said that there was a bunch of cars on the property from the previous owners. She said that she has been on her property since 2002. Last year they had an event outside and there were mice coming along the fence. It wasn't until they received the notice about the building permit that the area started to be cleaned up. She asked why they have the dumpster next to her yard. There is room for it near the front of the building. There was also some barbed wire on the fence, which is illegal.

Ms. Grey spoke about some damage to the fences and the smell from a truck that was parked on the property. She said that this shows that the owner has no respect for the neighbors. She said that there were chemicals and other things that had been put in the dumpster.

Atty. Rizio asked that this application be continued in order to address the garbage issues. He said that he apologized and had no idea that this was happening.

Commissioner Alves announced that the application would be continued to the March 10, 2020 meeting.

ITEM: #6-J RE: 135 & 181 EAST WASHINGTON AVENUE – A Royal Flush – Seeking a use variance under Sec. 8-1-2; a variance of the prohibition of outdoor storage of portable sanitary equipment in a coastal area under Sec. 14-3-3i; a variance of the truck traffic generation under Sec. 6-3-7 to permit the establishment of portable sanitary equipment and supply business in an MU-LI zone and coastal area.

Atty. Charles Willinger came forward and requested a deferment.

ITEM #7-J RE: 130 – 132 OLIVE STREET – Pro Tech Home, LLC – Seeking variances of the minimum front and side setback requirement to permit the reconstruction of the 3rd floor by raising the sidewalls for additional headroom in the existing 2-family dwelling in an R-C zone.

Mr. Tiago Silva, the owner, came forward and said that they have to rebuild the third floor and wanted to raise the roof to allow for more head room. There was fire damage last year and Mr. Silva bought the property after the fire. The third floor will have a Master Bedroom.

Commissioner McLaine asked if there was a bathroom on the third floor. Mr. Silva said that there was before the fire.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Commissioner Alves asked if there was anyone present to speak in opposition. Hearing none, Commissioner Alves closed the hearing on 130-132 Olive Street at 7:37 p.m.

ITEM: #1-F RE: 2750 NORTH AVENUE – Wood Ave Auto Sales – Seeking to grant under Sec. 14-54 of the CT General Statutes an approval of location for a used car dealership license in the existing general repair facility in an OR-G zone.

Mr. Gourdet came forward and said that he would like to have a used car lot. He displayed a site plan and indicated where the used vehicles would be parked. The parking lot is shared with another business. He indicated where the parking was on an aerial photo.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Commissioner Alves asked if there was anyone present to speak in opposition. Hearing none, Commissioner Alves closed the hearing on 2750 North Avenue at 7:41 p.m.

ITEM: #2-F RE: 558 CLINTON AVENUE – Hajen, LLC – Seeking a variance of Sec. 4-12-3c to permit the change of use from a law office building into a multi-use facility containing a daycare center, professional offices and special education training facility in an R-A zone.

Ms. Henry came forward to present the request to change the building into a multi-use facility including a daycare center, professional offices and a special education training facility. She gave an overview of the various uses. There would be parking in the back of the building. She indicated where the picnic table and green space would be on the parcel. Currently the building is empty.

Commissioner Alves asked how many people would be in the building. Ms. Henry said that she expected between 20 and 30 kids and a bare minimum of 12 people for the offices.

Commissioner McLaine asked about the future plans. Ms. Henry said that she hope to have companies occupying the office space.

Commissioner Carolan asked if there would be special needs people on site. Ms. Henry said that not to her knowledge. Commissioner Carolan had several questions about the

details of the day care, which Ms. Henry answered. Commissioner Carolan asked if there would be anyone in residence. Ms. Henry said that there would not be anyone living there. Commissioner Carolan asked about remodeling. Ms. Henry said that they would be using the building as it already exists.

Mr. Frank Borres, the Chairman of the West Side NRZ submitted a letter of opposition.

Frank Borres
West Side NRZ Chairman

To: Maria Albes, Chairwoman

Please read this letter of opposition into the record

As Chairman of the West Side NRZ regarding the Zoning Board of Appeals application for February 11, 2020 #2-F (558 Clinton Avenue) I cannot endorse this request. The NRZ just recently on January 28th saw the plans for the first time and will officially respond at our next meeting later this month. I have been tasked to review the application for the West Side NRZ and at this time will recommend to the full committee on February 25th to deny the proposal for many reasons.

As you probably know the purpose of the NRZ as defined by the state is to encourage stakeholders in a community to collaborate with all levels of government to improve neighborhoods... It is with this authority I point out the following...

The last Neighborhood Revitalization Zone plan for the West Side Neighborhood says:

It is essential for cities and neighborhoods to identify their major economic development corridors, as these then become areas of focus for certain investments, improvements, and concentration in the neighborhood revitalization plan.

Page 19 reads:

Clinton Avenue is an important commercial corridor for the professional sector of businesses, including legal, accounting, and private practice medical providers.

The reasons for this statement was to deter...

"business flight" which was a problem and added our city should STREAMLINE ZONING TO REINFORCE COMMERCIAL CORRIDORS AND RESIDENTIAL NEIGHBORHOODS, AS RECOMMENDED

It was thought that...

These recommendations will help to:

- *Strengthen the identity and distinctiveness of the neighborhood's commercial corridors*
- *Create greater consistency on streets*

Turning a small part of a once professional office into a day care center for 36 children will dramatically change the character of the commercial corridor and negatively affect the residential neighborhood behind and adjacent to the planned day care center. The rest of the uses planned for the building appear appropriate but the day care center with a fenced in playground against neighbors properties and across the street from a business will cause continued business flight, change the character of the commercial corridor, affect the historic character, and disrupt the lives of the neighbors who will deal

with drive time traffic on a neighborhood road (Elmwood Avenue) as parents come to drop off and pick up children. This was never the intent of the commercial corridor as developed.

Interestingly enough this very property was pictured and identified in the NRZ plan as a premier commercial property:



Page 107 of the plan says

Premier properties are critical to identify in a neighborhood, because they serve as the anchor for any economic development revitalization plan... Significant opportunities exist to connect these premier properties together to create a seamless corridor that is well-maintained, creates a continuous perception of safety, ripples down a positive impact on property values, and creates momentum for positive growth from the premier property anchors.

If all that weren't enough, please find the following comments from the current 2020 Zone Bridgeport Assessment and Project Direction Report.

- *Respect Context*
 - *Redevelopment should fit the context of the area in which it is located.*
 - *Conserve neighborhood character and preserve historic resources*
- *Promote development of neighborhood commercial nodes and corridors*
- *Manage noise and other impacts on neighborhoods and residents*

At this time I cannot recommend to the NRZ or the Zoning Board of Appeals that placement of a day care center in a building intended for professional use on an important commercial corridor is something we can recommend.

Sincerely,

Frank Borres
President, West Side NRZ

Ms. Ramsey came forward and said that she had worked in daycare and that there would be a lot of noise.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Ms. Henry came forward and said that most of the traffic would be on the property. She said that they would be picked up around 5:30 p.m. There are parents who have more than one child. She said that she understood that this was a historic building and an area. She said that the fence was about 4 feet high. She added that the daycare was not visible from the street. Ms. Henry said that the children will not be staying outside for hours or all day.

Commissioner Alves closed the hearing on 558 Clinton Avenue at 8:00 p.m.

ITEM #3-F RE: 703 EAST MAIN STREET – New England Investment LLC – Seeking a modification of the approved plan of development to a petition granted by the Zoning board of Appeals on 10/10/17 which legalized the conversion of a 3-family dwelling into a 4-family dwelling in an OR zone.

Mr. Juan Hernandez, the owner, came forward and turned in the green mailing receipts. Mr. Hernandez distributed copies of photos of the sidewalk and utility box on the sidewalk where he wants to move the proposed driveway from East Main to Clarence and put down millings in the parking area with spaces for eight vehicles.

Commissioner Alves asked if there was anyone present to speak in favor. No one came forward.

Commissioner Alves asked if there was anyone present to speak against the application. Hearing none, Commissioner Alves closed the hearing on 703 East Main Street at 8:08 p.m.

Commissioner Alves closed the Public Hearing portion of the meeting at 8:08 p.m.

RECESS

Commissioner Alves announced a recess at 8:08 p.m. She reconvened the meeting at 8:12 p.m.

DECISION SESSION

C-1 RE: 79 – 81 ROOSEVELT STREET – Milton Londa, Owner – Seeking a variance of the 2,700-sq. ft. of property per residential unit under Sec. 5-1-3 and

waive three (3) of the required five (5) off-street parking spaces to permit the conversion of the existing 2-family dwelling into a 3-family dwelling in and R-C zone.

Atty. Liskov said that the Tax Assessor taxes based on the use of a building, not what is legal. Mr. Buckley said that Zoning won't come into play until the electrical upgrade is done.

**** COMMISSIONER MCLAINÉ MOVED TO DENY AGENDA ITEM C-1 RE: 79 – 81 ROOSEVELT STREET – MILTON LONDA, OWNER – SEEKING A VARIANCE OF THE 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 AND WAIVE THREE (3) OF THE REQUIRED FIVE (5) OFF-STREET PARKING SPACES TO PERMIT THE CONVERSION OF THE EXISTING 2-FAMILY DWELLING INTO A 3-FAMILY DWELLING IN AND R-C ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP DIRECTLY AFFECTING THIS PROPERTY AND PETITION.**
- 2. THE GRANTING OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-1 (#2) RE: 344-346 HANOVER STREET – Baldwin Holdings, LLC – Appealing under Sec. 14-10-1 of the Zoning regulations of the City of Bridgeport and Sec. 8-4 of the Connecticut General Statutes whereby it is alleged that the Zoning Officer erred in his decision not to process an application for a Certificate of Zoning Compliance due to pending litigation.

**** COMMISSIONER CAROLAN MOVED TO ACKNOWLEDGE THE WITHDRAWAL OF AGENDA ITEM D-1 (#2) RE: 344-346 HANOVER STREET – BALDWIN HOLDINGS, LLC – APPEALING UNDER SEC. 14-10-1 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-4 OF THE CONNECTICUT GENERAL STATUTES WHEREBY IT IS ALLEGED THAT THE ZONING OFFICER ERRED IN HIS DECISION NOT TO PROCESS AN APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE DUE TO PENDING LITIGATION.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-2 (#3) RE: 350-352 HANOVER STREET – Baldwin Holdings, LLC – Appealing under Sec. 14-10-1 of the Zoning regulations of the City of Bridgeport and Sec. 8-7 of the Connecticut General Statutes, whereby it is alleged that the Zoning Officer erred in his decision not to process an application for a Certificate of Zoning Compliance without a variance of Sec. 4-12-4c granted by the Zoning Board of Appeals.

**** COMMISSIONER CAROLAN MOVED TO ACKNOWLEDGE THE WITHDRAWAL OF AGENDA ITEM D-2 (#3) RE: 350-352 HANOVER STREET – BALDWIN HOLDINGS, LLC – APPEALING UNDER SEC. 14-10-1 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-7 OF THE CONNECTICUT GENERAL STATUTES, WHEREBY IT IS ALLEGED THAT THE ZONING OFFICER ERRED IN HIS DECISION NOT TO PROCESS AN APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE WITHOUT A VARIANCE OF SEC. 4-12-4C GRANTED BY THE ZONING BOARD OF APPEALS.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-3 (#4) RE: 354-356 HANOVER STREET – Baldwin Holdings, LLC – Appealing under Sec. 14-10-1 of the Zoning regulations of the City of Bridgeport and Sec. 8-7 of the Connecticut General Statutes, whereby it is alleged that the Zoning Officer erred in his decision not to process an application for a Certificate of Zoning Compliance without a variance of Sec. 4-12-4c granted by the Zoning Board of Appeals.

**** COMMISSIONER CAROLAN MOVED TO ACKNOWLEDGE THE WITHDRAWAL OF AGENDA ITEM D-3 (#4) RE: 354-356 HANOVER STREET – BALDWIN HOLDINGS, LLC – APPEALING UNDER SEC. 14-10-1 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-7 OF THE CONNECTICUT GENERAL STATUTES, WHEREBY IT IS ALLEGED THAT THE ZONING OFFICER ERRED IN HIS DECISION NOT TO PROCESS AN APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE WITHOUT A VARIANCE OF SEC. 4-12-4C GRANTED BY THE ZONING BOARD OF APPEALS.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-4 (#9) RE: 28 & 38 ONDEK STREET – DT Pro Builders, LLC – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create two (2) nonconforming lots and also seeking to validate the existing single-family dwelling under construction on one of the proposed nonconforming lots in an R-B zone.

**** COMMISSIONER CAROLAN MOVED TO ACKNOWLEDGE THE WITHDRAWAL OF AGENDA ITEM D-4 (#9) RE: 28 & 38 ONDEK STREET – DT PRO BUILDERS, LLC – SEEKING A VARIANCE OF SEC. 4-2-2 WHICH PROHIBITS THE REDUCTION IN SIZE OF A CONFORMING LOT TO CREATE TWO (2) NONCONFORMING LOTS AND ALSO SEEKING TO VALIDATE THE EXISTING SINGLE-FAMILY DWELLING UNDER CONSTRUCTION ON ONE OF THE PROPOSED NONCONFORMING LOTS IN AN R-B ZONE.**

**** COMMISSIONER MCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #1-J RE: 52 QUINLAN AVENUE – Christopher Power, Owner – Seeking a variance of the minimum setback requirement of 10’ under Sec. 5-1-3 to permit the construction of a 2-story addition within 6’ of the property line in an R-AA zone.

**** COMMISSIONER MCLAIN MOVED TO GRANT ITEM: #1-J RE: 52 QUINLAN AVENUE – CHRISTOPHER POWER, OWNER – SEEKING A VARIANCE OF THE MINIMUM SETBACK REQUIREMENT OF 10’ UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2-STORY ADDITION WITHIN 6’ OF THE PROPERTY LINE IN AN R-AA ZONE 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. ALL CONSTRUCTION SHALL COMPLY WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**

FOR THE FOLLOWING REASON:

THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.

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

ITEM: #2-J RE: 378 HAWLEY AVENUE – Elizabeth Development – Seeking a variance of the required five (5) off-street parking spaces under Sec. 11-1-2 to legalize the 3rd floor apartment with three (3) on-site parking spaces in an R-BB zone.

**** COMMISSIONER MCLAINÉ MOVED TO DENY AGENDA ITEM: #2-J RE: 378 HAWLEY AVENUE – ELIZABETH DEVELOPMENT – SEEKING A VARIANCE OF THE REQUIRED FIVE (5) OFF-STREET PARKING SPACES UNDER SEC. 11-1-2 TO LEGALIZE THE 3RD FLOOR APARTMENT WITH THREE (3) ON-SITE PARKING SPACES IN AN R-BB ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP DIRECTLY AFFECTING THIS PROPERTY AND PETITION.**
- 2. THE GRANTING OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**

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

ITEM: #3-J RE: 979 STATE STREET – Los Amigos Social Club – Seeking a variance of all 26 of the on-site parking spaces required under Sec. 11-1-2 to permit the establishment of a social club in an MU-IL zone.

**** COMMISSIONER MCLAINÉ MOVED TO DENY AGENDA ITEM: #3-J RE: 979 STATE STREET – LOS AMIGOS SOCIAL CLUB – SEEKING A VARIANCE OF ALL 26 OF THE ON-SITE PARKING SPACES REQUIRED UNDER SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF A SOCIAL CLUB IN AN MU-IL ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP DIRECTLY AFFECTING THIS PROPERTY AND PETITION.**
- 2. THE GRANTING OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**
- 3. THE SUBJECT PREMISES IS LOCATED ON A CORNER LOT WHICH IS AN AREA OF CRITICAL TRAFFIC CONGESTION AND THE PROPOSED USE WOULD TEND TO ADD TO THE**

CONGESTION AND BE A FURTHER DETRIMENT TO PUBLIC SAFETY.

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

ITEM: #4-J RE: 954 PARK AVENUE – Masud Sulaiman, Lessee, Seeking under Sec. 14-54 of the CT General Statute a Certificate of Approval of Location for a tire sales and service business in the existing commercial building in an NCVD zone.

**** COMMISSIONER MCLAINE MOVED TO GRANT AGENDA ITEM: #4-J RE: 954 PARK AVENUE – SEEKING UNDER SEC. 14-54 OF THE CT GENERAL STATUTE A CERTIFICATE OF APPROVAL OF LOCATION FOR A TIRE SALES AND SERVICE BUSINESS IN THE EXISTING COMMERCIAL BUILDING IN AN NCVD ZONE.**

**** COMMISSIONER CAROLAN SECONDED.
** THE MOTION FAILED TO PASS WITH THREE IN FAVOR (MCLAINE, SHEPARD AND CAROLAN AND ONE OPPOSED (ALVES).**

Discussion followed about the details. Commissioner Alves said that she would like to reconsider the motion.

Commissioner McLaine said that there had always been a light automotive use at that location in the past. Atty. Liskov pointed out that it would just be a continuation of a non-conforming use.

**** COMMISSIONER MCLAINE MOVED TO GRANT AGENDA ITEM: #4-J RE: 954 PARK AVENUE – SEEKING UNDER SEC. 14-54 OF THE CT GENERAL STATUTE A CERTIFICATE OF APPROVAL OF LOCATION FOR A TIRE SALES AND SERVICE BUSINESS IN THE EXISTING COMMERCIAL BUILDING IN AN NCVD ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. ALL TIRES AND EQUIPMENT SHALL BE STORED WITHIN THE BUILDING.**
- 2. THE DUMPSTER AREA SHALL BE SCREENED WITH A LOCKABLE GATE OPENING.**
- 3. MOUNTING AND DISMOUNTING OF TIRES SHALL BE WITHIN THE BUILDING ONLY.**
- 4. THERE SHALL BE NO MECHANICAL REPAIRS CONDUCTED ON THE PREMISES AT ANY TIME AND FOR ANY REASON.**

FOR THE FOLLOWING REASON:

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
February 11, 2020
17

1. THE SUBJECT PREMISES HAS BEEN A GAS STATION OR A MOTOR VEHICLE RELATED SERVICE FACILITY FOR OVER 60-YEARS.

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

ITEM: #5-J RE: 650 & 670 KNOWLTON STREET – 273 Ash Street, LLC – Seeking variances of the maximum site coverage requirement and the minimum landscaping requirement under Sec. 8-3-3 to legalize the 279-sq. ft. 1-story addition currently under construction in an MU-IL zone and coastal area.

**** COMMISSIONER MCLAINÉ MOVED TO CONTINUE AGENDA ITEM: #5-J RE: 650 & 670 KNOWLTON STREET – 273 ASH STREET, LLC – SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE REQUIREMENT AND THE MINIMUM LANDSCAPING REQUIREMENT UNDER SEC. 8-3-3 TO LEGALIZE THE 279-SQ. FT. 1-STORY ADDITION CURRENTLY UNDER CONSTRUCTION IN AN MU-IL ZONE AND COASTAL AREA TO THE MARCH 10, 2020 MEETING.**

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

ITEM: #6-J RE: 135 & 181 EAST WASHINGTON AVENUE – A Royal Flush – Seeking a use variance under Sec. 8-1-2; a variance of the prohibition of outdoor storage of portable sanitary equipment in a coastal area under Sec. 14-3-3i; a variance of the truck traffic generation under Sec. 6-3-7 to permit the establishment of portable sanitary equipment and supply business in an MU-LI zone and coastal area.

**** COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM: #6-J RE: 135 & 181 EAST WASHINGTON AVENUE – A ROYAL FLUSH – SEEKING A USE VARIANCE UNDER SEC. 8-1-2; A VARIANCE OF THE PROHIBITION OF OUTDOOR STORAGE OF PORTABLE SANITARY EQUIPMENT IN A COASTAL AREA UNDER SEC. 14-3-3I; A VARIANCE OF THE TRUCK TRAFFIC GENERATION UNDER SEC. 6-3-7 TO PERMIT THE ESTABLISHMENT OF PORTABLE SANITARY EQUIPMENT AND SUPPLY BUSINESS IN AN MU-LI ZONE AND COASTAL AREA TO THE MARCH 10, 2020 MEETING.**

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

ITEM #7-J RE: 130 – 132 OLIVE STREET – Pro Tech Home, LLC – Seeking variances of the minimum front and side setback requirement to permit the reconstruction of the 3rd floor by raising the sidewalls for additional headroom in the existing 2-family dwelling in an R-C zone.

**** COMMISSIONER MCLAINÉ MOVED TO GRANT AGENDA ITEM #7-J RE: 130 – 132 OLIVE STREET – PRO TECH HOME, LLC – SEEKING VARIANCES OF THE MINIMUM FRONT AND SIDE SETBACK REQUIREMENT TO PERMIT THE RECONSTRUCTION OF THE 3RD FLOOR BY RAISING THE SIDEWALLS FOR ADDITIONAL HEADROOM IN THE EXISTING 2-FAMILY DWELLING IN AN R-C ZONE 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. ALL CONSTRUCTION SHALL COMPLY WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 3. ANY INCREASE OF THE EXISTING FOOT-PRINT IS STRICTLY PROHIBITED.**

FOR THE FOLLOWING REASON:

THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.

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

ITEM: #1-F RE: 2750 NORTH AVENUE – Wood Ave Auto Sales – Seeking to grant under Sec. 14-54 of the CT General Statutes an approval of location for a used car dealership license in the existing general repair facility in an OR-G zone.

**** COMMISSIONER MCLAINÉ MOVED TO DENY AGENDA ITEM: #1-F RE: 2750 NORTH AVENUE – WOOD AVE AUTO SALES – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT GENERAL STATUTES AN APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP LICENSE IN THE EXISTING GENERAL REPAIR FACILITY IN AN OR-G ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL**

**DIFFICULTY OR UNUSUAL HARDSHIP DIRECTLY
AFFECTING THIS PROPERTY AND PETITION.**

**2. THE GRANTING OF THIS PETITION WOULD RESULT IN AN
OVERUSE OF THE SUBJECT PREMISES.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #2-F RE: 558 CLINTON AVENUE – Hajen, LLC – Seeking a variance of Sec. 4-12-3c to permit the change of use from a law office building into a multi-use facility containing a daycare center, professional offices and special education training facility in an R-A zone.

**** COMMISSIONER MCLAINE MOVED TO APPROVE AGENDA ITEM: #2-F RE: 558 CLINTON AVENUE – HAJEN, LLC – SEEKING A VARIANCE OF SEC. 4-12-3C TO PERMIT THE CHANGE OF USE FROM A LAW OFFICE BUILDING INTO A MULTI-USE FACILITY CONTAINING A DAYCARE CENTER, PROFESSIONAL OFFICES AND SPECIAL EDUCATION TRAINING FACILITY IN AN R-A ZONE.**

**** COMMISSIONER MCLAINE WITHDREW HIS MOTION TO APPROVE AGENDA ITEM: #2-F RE: 558 CLINTON AVENUE – HAJEN, LLC – SEEKING A VARIANCE OF SEC. 4-12-3C TO PERMIT THE CHANGE OF USE FROM A LAW OFFICE BUILDING INTO A MULTI-USE FACILITY CONTAINING A DAYCARE CENTER, PROFESSIONAL OFFICES AND SPECIAL EDUCATION TRAINING FACILITY IN AN R-A ZONE.**

**** COMMISSIONER ALVES MOVED TO DENY AGENDA ITEM: #2-F RE: 558 CLINTON AVENUE – HAJEN, LLC – SEEKING A VARIANCE OF SEC. 4-12-3C TO PERMIT THE CHANGE OF USE FROM A LAW OFFICE BUILDING INTO A MULTI-USE FACILITY CONTAINING A DAYCARE CENTER, PROFESSIONAL OFFICES AND SPECIAL EDUCATION TRAINING FACILITY IN AN R-A ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP DIRECTLY AFFECTING THIS PROPERTY AND PETITION.**
- 2. THE GRANTING OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**
- 3. THE PROPOSED INTENSIVE USE WOULD BE OUT OF CHARACTER IN THIS AREA.**

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

ITEM #3-F RE: 703 EAST MAIN STREET – New England Investment LLC – Seeking a modification of the approved plan of development to a petition granted by the Zoning board of Appeals on 10/10/17 which legalized the conversion of a 3-family dwelling into a 4-family dwelling in an OR zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #3-F RE: 703 EAST MAIN STREET – NEW ENGLAND INVESTMENT LLC – SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON 10/10/17 WHICH LEGALIZED THE CONVERSION OF A 3-FAMILY DWELLING INTO A 4-FAMILY DWELLING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER SHALL APPLY FOR A CURB-CUT PERMIT.**
- 2. MILLINGS SHALL BE INSTALLED IN LIEU OF ASPHALT.
PROPERLY MAINTAINED AND RENEWED AS NEEDED.**

FOR THE FOLLOWING REASON:

- 1. THE GRANTING OF THIS PETITION SHALL HAVE NO ADVERSE IMPACT ON THE AREA.**

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

APPROVAL OF MINUTES

• November 12, 2019

**** COMMISSIONER CAROLAN MOVED THE MINUTES OF NOVEMBER 12, 2019.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF NOVEMBER 12, 2019 AS SUBMITTED PASSED UNANIMOUSLY.**

• December 10, 2019

**** COMMISSIONER CAROLAN MOVED THE MINUTES OF DECEMBER 10, 2019.**

**** COMMISSIONER SHEPARD SECONDED.
** THE MOTION TO APPROVE THE MINUTES OF DECEMBER 10, 2019 AS
SUBMITTED PASSED UNANIMOUSLY.**

ITEM: OTHER BUSINESS

RE: 78 HANFORD AVENUE

Mr. Buckley came forward and explained that the petition wanted to change part of the project to allow use of the attic.

Following a discussion, the Commission decided that the petitioner must apply to the Board for a modification of a previously approved project.

ADJOURNMENT.

**** COMMISSIONER CAROLAN MOVED TO ADJOURN.
** COMMISSIONER SHEPARD SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:37 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services