

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
PUBLIC HEARING
APRIL 21, 2020**

- ATTENDANCE:** Maria Alves, Chair; Robin Shepard, Michael Jakes, Ira Nachem
- STAFF:** Dennis Buckley, Zoning Clerk, Paul Boucher, Assistant Zoning Clerk, Nicholas Zampieri, Zoning Inspector, Russell Liskov, City Attorney
- OTHERS:** Attorney Chris Russo, Brian Hopkins, Jasmine Munoz, Andreas Villegas Cruz, Marie Henry, Tanya Moles, Daniel Ianus, Frank Borges, Alegra Jackson, Marcos Reinheimer, Donald Taylor

CALL TO ORDER

Commissioner Alves called the meeting to order at 6:03 p.m.

C-1 650 & 670 Knowlton St. – Petition of 273 Ash Street, LLC – Seeking variance of the maximum site coverage 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-LI and costal area management zone.

Attorney Chris Russo, Russo & Rizzo, said he previously gave evidence with two Commissioners who were not in attendance tonight. Mr. Liskov said he would have to request the matter be moved to next month.

- ** COMMISSIONER SHEPARD MADE A MOTION TO MOVE THE ITEM TO NEXT MONTH’S MEETING.**
- ** COMMISSIONER NACHEM MOVED TO SECOND.**
- ** MOTION PASSED UNANIMOUSLY.**

Decision: Deferred to May 12, 2020

#1 154 Grovers Ave. – Petition of Brian Hopkins – Seeing a variance of the 28’ maximum mid-point of the highest roof to permit the construction of a three story, 12x16’ addition with three balconies at the existing single-family dwelling in the Residence AA zone.

Mr. Hopkins said he is changing the back the house and nothing in the front. He said he will be raising the roof and adding balconies in the back. All 4 neighbors have emailed support.

Commissioner Jakes said no water rights will be blocked and it is a marvelous idea.

Mr. Buckley said four letters were received in favor and none in opposition.

Nobody came forward to speak against the petition.

**** COMMISSIONER JAKES MADE A MOTION TO SUPPORT THE PETITION.**

**** COMMISSIONER SHEPARD MOVED TO SECOND.**

**** MOTION PASSED UNANIMOUSLY.**

Decision: Approved with Conditions.

Conditions:

1. The development of the subject premise to be in strict accord with the plans submitted to and approved by the Zoning Board of Appeals.
2. The petitioner shall file plans and applications for a zoning compliance certificate and a building permit.

Reasons:

1. The addition to the rear of the subject premise will have no adverse impact on the immediate area.
2. The approval will enable the owner to establish a barrier free living accommodation in an older residence.

#2 94 Albion St. – Petition of Jasmine D. Munoz – Seeking a variance of Section 12-10b, which prohibits the establishment of a grocery beer permit with 750 feet of another grocery beer permit & a package store at the existing retail store in an industrial light zone.

Mr. Andreas Villegas Cruz spoke in favor of her sister-in-law who was in Mexico. Commissioner Alves instructed Mr. Cruz to phone Ms. Munoz and get her on the call. Commissioner Alves delayed the matter until Ms. Cruz could join the meeting.

#3 580 North Avenue – Petition of 547 North Avenue Bridgeport Realty, LLC – Appending the decision of the Zoning Official in his issuance of a certificate of Zoning

Compliance for a gas station convenience store use while the subject of ongoing litigation.

Petitioner requested that this be adjourned until May.

**** COMMISSIONER SHEPARD MADE A MOTION TO ADJOURN THE PETITION.**

**** COMMISSIONER NACHEM MOVED TO SECOND.**

**** MOTION PASSED UNANIMOUSLY.**

Decision: Deferred to May 12, 2020 at the request of the petitioner's attorney

#4 78 Hanford Ave. – Petition for Daniel Ianus – Seeking a modification of an application approved by the Zoning Board of Appeal on April 12, 2019.

Mr. Ianus said he purchased this property. He is building the house for an aunt and uncle that both have children. Mr. Ianus wants to add a bedroom and bathroom on each side. He said the foundation remains identical.

Commissioner NACHEM asked him what will become of the area on the ground and requested that it be gravel or grass.

There was nobody to speak in favor or against.

**** COMMISSIONER JAKES MADE A MOTION TO APPROVE THE PETITION.**

**** COMMISSIONER SHEPARD MOVED TO SECOND.**

**** PETITION PASSED UNANIMOUSLY.**

Decision: Approved with conditions.

Conditions:

1. The area below the second-floor addition shall have a permeable surface, either gravel or grass.
2. The original conditions of 4/09/2020 shall be incorporated into this decision.

Reason:

1. The granting of this petition shall have no negative impact on the immediate area.

#5 558 Clinton Ave. –of Marie Henry – Seeking a variance of Section 4-12-3a which prohibits the expansion of a non-conforming use to permit the establishment of a 10-

room daycare center with office & a kitchen and a 4 suite professional office in the former attorney's office in the Residential Zone A.

Ms. Henry said she is seeking a change of use for the property. She said the main house will be used as a professional office and the second room will be a 7 room daycare center. She said it contain 2 classrooms with an open kitchen area and the second floor will have 4 classrooms for 6 classrooms in total.

Ms. Kenya Moles of 49 Elmwood Place will be running the daycare center. She said the first floor will have 16 kids under the age of 2 and the second floor has been approved for 21 kids ages 3 to 5. She said they will keep the second floor to 20. Ms. Moles said on the first floor it will be one adult for every four children. Ms. Moles said the facility will be for pre-school and early childcare.

Ms. Henry will use the office for architectural design work and will occupy that space. She will be the only worker in the office.

Commissioner Nachem asked if there is anything similar within half a mile. Ms. Henry said there the closest day care is not that close. Commissioner Nachem asked about anything commercial nearby and she replied there a church across the street containing some offices.

Commissioner Jakes said he is concerned with traffic in the area. He said there could be an abundance of cars coming in and out.

Ms. Henry said there is ample space for cars to come in and out.

Ms. Moles said she spoke in favor especially concerning the COVID outbreak there is a need for a safe haven for kids of families below poverty level. She said there are few places nearby with infant child space.

Mr. Frank Borges of 586 Clinton Avenue spoke against. He said has been living there since 2002. NRZ and local residents were against the petition. He said there is no hardship and Elmwood is totally residentially and the numbers of cars and traffic would be out of character for the area. He said an office would make sense but the idea of 35 families bringing their children would be against the NRZ revitalization plan for the area.

Mr. Buckley said he has a copy of the letter of opposition for the file.

Ms. Alegra Jackson also spoke against. She said the school and business would be a lot for a residential area. Her father, Mr. Donald Taylor of 210 Elmwood Avenue, said we should be protecting the children. He said the area is not zoned for that type of property and does not fit the neighborhood.

Ms. Henry said she felt they can find a possible solution with conditions to reduce the Commissioner traffic. She added Ms. Moles has approval with only be half of that number. Ms. Henry would like to work with the neighbors to get the parking issue resolved. She added she will barely have clients in the building.

**** COMMISSIONER JAKES MADE A MOTION TO DENY THE PETITION.
** COMMISSIONER SHEPARD MOVED TO SECOND.
** PETITION WAS DENIED 2-2 WITH 2 AGAINST (ALVES AND NACHEM)
AND 2 IN FAVOR (SHEPARD AND JAKES)**

Decision: Denied.

Reason:

1. As with the previous petition, the granting of this petition would result in an overuse of the subject premise.
2. The traffic that these uses would generate would have a negative impact on the neighborhood.
3. The petitioner failed to establish a special circumstance or unusual hardship relating to this petition.

#6 855 Housatonic Ave – Petition of NYCT Management, LLC – Seeking to grant under Sec 14-54 of the Connecticut General Statutes an approval of location for a used car dealership & the issuance of motor vehicle used car dealership license at the existing automotive warehouse facility in the Industrial Light zone.

Mr. Russo spoke for petitioner BMW of Bridgeport which currently stores vehicles there. Car Amazing is coming in. He said they are going to convert 1,200 square feet with 17 parking spaces inside and an office in the middle. Mr. Russo said no proposed additions or changes will be made to the site. The only change is they will sell directly from the building. Mr. Russo said they will sell later models that are not yet out of warranty. It will be by appointment not much of a walk-in business with 30-40 cars for sale within the building and no cars will be serviced.

Commissioner Alves asked about parking spaces. Mr. Russo explained that will be for customers coming in to look at the cars.

Commissioner Jakes asked about it being a vehicle prep site. Mr. Russo said maybe a quick cleaning of the car to be shown but no type of service at all.

**** COMMISSIONER SHEPARD MADE A MOTION TO APPROVE THE
PETITION.**

**** COMMISSIONER JAKES MOVED TO SECOND.
** MOTION WAS APPROVED 4-0.**

Decision: Approved with Conditions.

Conditions:

1. There shall be no repairs, detailing or service conducted at this facility at any time for any reason.
2. The display & sale of used vehicles shall be conducted inside of the existing warehouse facility.

Reason:

1. Vehicle storage is allowed by right in this zone and the proposed used car dealership is in keeping with that use.

94-Albion St. - Commissioner Alves went back to Mr. Cruz to conclude this item.

Commissioner Alves had a few questions. Mr. Cruz explained there are 2 employees and the store is opened Monday-Saturday. Mr. Liskov pointed out there is a Stop & Shop across the street and a Liquor Store around the corner.

**** COMMISSIONER JAKES MADE A MOTION TO APPROVE THE PETITION.
** COMMISSIONER NACHEM MOVED TO SECOND.
** PETITION WAS ENDED DUE TO LACK OF UNANIMOUS VOTE WITH 3 IN FAVOR (SHEPARD, NACHEM AND JAKES) AND 1 AGAINST (ALVES)**

Decision: Denied

Reason: The petitioner failed to establish a special circumstance or unusual hardship relating to this petition.

#7 621 Washington Ave – Petition of NYCT Management, LLC – Seeking a use variance of Sec. 5-1-2 & also seeking variances of the front and side setback requirements of Section 5-1-3, the minimum landscaping requirements of Sec 11-1-14, the location & overall dimension of the proposed accessory structure as required under Sec. 4-9-1, and waive 5 of the 7 onsite parking spaces required under Table 8A to permit the establishment of a 4 pump gas station with a 210 sq. ft. cashier booth in the Residence A zone.

Mr. Russo represented the petitioner. He said the site is along a commercial corridor at the corner of Washington and Highland Avenue. Mr. Russo said it will add limited retail sales. He said it is basically a one-way site as cars will enter through Washington Avenue and exit on Highland Avenue.

Commissioner Alves asked if Highland is a one way. Mr. Russo confirmed that it is. Commissioner Alves asked where employees would park and he said it would not be on site. Mr. Russo said an employee could park on Highland or take public transportation.

Nobody came forward to speak for or against the petition.

The Commissioners agreed that the City Traffic Engineer will render a traffic opinion at the next meeting.

**** COMMISSIONER JAKES MADE A MOTION FOR A COTINUANCE TO NEXT MONTH TO ALLOW THE CITY TRAFFIC ENGINEER TO COMMENT.
** COMMISSIONER NACHEM MOVED TO SECOND.
** MOTION PASSED UNANIMOUSLY.**

Decision: Continued to May 12, 2020 so that the City of Bridgeport traffic engineer could review and offer an opinion as to the entrance and exits from subject premise

#8 1555 Old Town Rd. Lot B – Petition of Marcos Reinheimer – Seeking a variance of the 20’ front setback requirement under Sec. 5-1-3 to permit the construction of a single-family dwelling on a vacant lot with an 11’-5” front setback the Residential A zone.

Mr. Reinheimer, 388 Walnut Street Road in Shelton, said there is a 40 foot wide easement by Connecticut Light and Power which does not give many options for the property. The home will be approximately 2,000 sq feet with 4 bedrooms and 2.5 bathrooms.

Commissioner Alves asked if this is one property. Mr. Reinheimer said it is a buildable lot and this a hardship. He said a fence and a gate will be put up at the back of the property with the only entrance on Old Town Road.

Commissioner Jakes asked when the lot was divided. Mr. Reinheimer said it was divided in the fall.

Nobody came forward to speak for or against the petition.

**** COMMISSIONER NACHEM MADE A MOTION TO APPROVE THE PETITION.
** COMMISSIONER SHEPARD MOVED TO SECOND.**

**** MOTION PASSED UNAMIOUSLY.**

Decision: Approved with conditions.

Conditions:

1. Petitioner to file plans and applications for the issuance of a zoning compliance certificate and building permit.
2. A 4' to 6' decorative fence to be erected along the property line between the existing and proposed home.
3. The driveway to be resurfaced with a non-pervious material.

Reasons:

1. The utility right of way provides a valid hardship relating to the placement of the subject dwelling.

#9 133 Shell St. – Petition of Partners Home Improvement, LLC – Seeking a modification of the plan approved by the Zoning Board of Appeals on July 19, 2019 to permit the construction of a two-family dwelling in the Residence B zone.

Mr. Reinheimer said the petition is a change to the plan to a two family home instead of a single family home. He said the front, deck and side portion of the lot contain over 50 percent of landscaped areas and the neighboring homes are either 2 or 3 family homes. Each house will have 3 bedrooms, 2 bathrooms and a living room and no variance is needed.

Commissioner Alves asked why a change to a 2 family. Mr. Reinheimer said there are no single family homes in the area. He said the house had to be raised which created an issue for attached parking and the house may have been only been a one floor home. The new plan will have stacked parking.

Nobody from the public spoke for or against the petition.

**** COMMISSIONER JAKES MADE A MOTION TO DENY THE PETITION.**

**** COMMISSIONER NACHEM MOVED TO SECOND.**

**** MOTION TO DENY PASSED UNAMIOUSLY.**

Decision: Denied

Reasons

- 1 The proposed multi-family dwelling would result in an over intensification of the subject site.
2. The petitioner failed to establish a valid reason as to why the board should reconsider this petition.

The public hearing was concluded.

APPROVAL OF MINUTES

The minutes could not be approved as two commissioners who attended the last meeting were not present.

ADJOURNMENT

**** COMMISSIONER SHEPARD MADE A MOTION TO ADJOURN.**

**** COMMISSIONER NACHEM MOVED TO SECOND.**

The meeting ended at 8:48 p.m.