



ZONING BOARD OF APPEALS
MAY 12, 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, Ira Matchem, Alternate; Michael Jakes, Alternate

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

CALL TO ORDER.

Commissioner Alves called the meeting at 6:02 p.m. on Tuesday, May 12, 2020. She then read the following statement into the record:

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

This agenda was placed on the City website on March 7, 2020, which complied with that requirement. This meeting is being recorded to comply with the Open Meeting Requirements and will be available on the City web page following each meeting.

Commissioner Alves called the roll and announced the names of the Commissioners seated.

Commissioner Alves explained that when the various Agenda Items are under consideration, the presenters will be unmuted and also allowed to share their screens with the Commissioners. This is a public hearing and Mr. Sampieri and Commissioner Alvarez have the administrative capabilities. Commissioner Alvarez reviewed the processes for raising one's hand and unmuting themselves once recognized.

C-1 650 & 670 Knowlton Street -- Petition of 276 Ash St., LLC-Seeking variances of the maximum site coverage requirement and the minimum landscaping requirement under Section 8-3-3 to legalize the 279 square-foot one-story addition currently under construction in an MU-IL zone and Coastal Area.

Atty. Rizio and Atty. Chris Russo were present to discuss the matter. Atty. Rizio noted that this application had been discussed at two previous meetings. The client is looking for a small variance in an industrial zone. The request is for a one-story addition on south side of the property, which is well fenced with privacy slats. Previously, there had been a non-conforming structure at that location which was removed by the owner.

Atty. Rizio stated that the owner started to rebuild the structure without realizing he would have to come before the ZBA for a variance. The addition has no impact on any other properties. The addition is approximately 8 feet in height and borders other industrial property.

Atty. Rizio said that the Gray's property is located north of the applicant's property. Their house is in an industrial zone, also. The Gray's had an issue with some chicken wire which has since be removed and there was also a fence with privacy slats. The applicant has agreed to move his dumpster into an enclosure on the west end of the property. The dumpster will be between 10 to 15 feet off of Knowlton Street to allow the garbage trucks to enter and exit without interfering with traffic. However, Atty. Rizio pointed out that this has nothing to do with the addition. It is the applicant's attempt to offer relief to the neighbors who have a home in an industrial zone. He indicated where the addition was located on the site plans.

Atty. Rizio respectfully requested that the Commissioners grant the application.

Commissioner Alves asked if the dumpster would be enclosed. Atty. Rizio confirmed that it would be enclosed and gave the details of the enclosure along with indicating where it would be located on the site plan. Mr. Sampieri displayed a photo of the property. The dumpster was located in the back of the property near the Gray's property. However, he said that the only reason that the applicant was present was to rebuild the shed, which is at the rear of the property and not visible from the street. A street view of the building was displayed. The shed location abuts an industrial block building with no windows.

Commissioner McLaine asked Atty. Rizio about his statement that the neighbors' objections had no bearing on the application. Atty. Rizio explained that the neighbors can't see the addition; there is no access from the street; it is surrounded by privacy fencing, is lower than the existing building and is 150 feet from their property. Atty.

City of Bridgeport
Zoning Board of Appeals
Regular Meeting

May 12, 2020

2

Page

Rizio also mentioned the nearby industrial building, which is 20 feet high and has no windows.

Commissioner McLaine said that if the Commission determines that they are concerned about the residents, it will have a bearing on the issue. Atty. Rizio replied that this was the reason that they were moving the dumpster into an enclosure further away from the neighbors.

Commissioner McLaine said that the considerations of the neighbors are a factor. He said that at the previous hearing, there were concerns about the property being somewhat unkempt. Atty. Rizio confirmed the property had been cleaned up. He pointed out that the Zoning Enforcement Officer has the right to issue a cease and desist order. Currently there are no restrictions.

Commissioner McLaine said that he had no problem with the addition but did have a problem with the quality of life for the neighbors. He added that they would be issuing conditions regarding the property being kept clean and orderly fashion. The addition was not intrusive, however the way that the owner operated his business was. Atty. Rizio said that they recognized there was some give and take and that was why they were willing to accept conditions.

There were no other questions from the Commissioners.

Commissioner Alves asked if there was anyone who wished to speak in favor of the petition. There was no response. She then asked if there was anyone who wished to speak against the petition.

Ms. Judy Gray of 38 Stillman Street came forward. She said that Atty. Rizio had stated that there were no impediments to the nearby property owners. She said that they did not know what the neighbors have gone through since the current owner purchased the property. She said that there was garbage and a total disregard of the neighbors. There have been arguments and disputes between the residents and the employees of the business. She related a recent incident where an employee had cursed at her husband when they were taking photos. Ms. Gray contacted the attorney about this.

Ms. Gray then displayed photos of the property and broken-down crates which were on the property in the morning. These were later removed.

Ms. Gray said that she had a petition, which she displayed on the screen, which was signed by her family and the residents of 48 and 50 Stillman Street. She said that the garbage blows over from the property into not just her yard, but also into the neighbors'

yard. Moving the dumpster away will not fix the problem because they own other property. The owner has a dog and they put the dog feces in the dumpster.

Ms. Gray said that the insurance issue was wrong. She said that they park their truck right next to the fencing and they get all the gas and oil fumes. There was also a garage door put in without a building permit. She had gone to Building Department to complain when they were working on the garage door and the Building Department referred her to Zoning. Zoning referred her to the Fire Marshal's Office. She said that she had been trying to get someone out to look at this on this since 2017. When the previous owner sold the building, there were no garage doors there.

Ms. Gray said that the owner is claiming that they didn't know they had to get a permit but pointed out that the owner had other businesses in Bridgeport. Ms. Gray said that she did not believe this and that the addition would affect her family. When the garbage is picked up, there is no way to stop garbage from going into her yard.

Since March, the City and State has been experiencing a pandemic which closed everything down except for non-essential businesses. They have been working in there and putting in plumbing pipes for the addition. She said that she had photos and videos of them doing the work. They have no regard for the neighbors. They are non-essential because they are a furniture company. They continue to do business without masks all around her property, which is abutting her property. This affects her every day.

There are companies all around that have dumpsters up against the buildings and listed a number of nearby businesses. Saying they can't have the dumpster against the building is not true because Ms. Gray checked with other insurance providers.

Ms. Gray said that there was a meeting in February where the applicant said that they needed more time but Ms. Gray claimed that they were hiding the garbage by parking the two trucks close together so the garbage is hidden. That is not acceptable. Moving it to another location just moves it to another property they own. They have never been respectful of their neighbors health at all. She said that she had put in a complaint with the departments, which is how the City found out about the addition. They have done a lot of work in the building without permits. The tenants next door hear them, and it is not furniture restoration.

She repeated her earlier statement about them installing the pipes while the City was closed down to non-essential businesses. If they ignored that, they will ignore the stipulations.

Commissioner Alves then asked if there was anyone else who wished to speak against the petition.

Mr. Myron Gray of 36-38 Stillman Street said when he goes outside to sit in his backyard, he smells gas, oil and a truck filled with garbage parked one inch away from his fence, but 40 to 50 feet away from their property. There are two dumpsters filled with garbage and dog feces. Their lids are never closed. He asked when it would stop. He said that the garbage was 60 to 70 feet from their property and asked again when it would stop. Now they want to put in a permanent closed in dumpster abutting against his property. He asked why he has to accept them putting their garbage next to his property when they could rebuild something that was illegal from the start. Now he has to fight and prove his case that they have been doing illegal things from Day 1.

Mr. Gray mentioned the Health Department, the Governor and the Mayor saying how unhealthy it is for people to live in Bridgeport because of situations like this. When the internet thing was put up, it was supposed to benefit not only the City, but to protect the residents of Bridgeport. He has lived here all his life and worked in Bridgeport for 35 years. They have given back to the City and over 20,000 kids program for free for the last 15 years. They have given back to the kids. Most people would call this the ghetto, but Mr. Gray calls it home. Now he has to sit here and put the health of both himself and his family in the hands of perfect strangers, who will tell him whether he and his family will be healthy. When does it stop? He said his question was also when it starts. When will the people and the residents be taken care of? He has owned his home for over 20 years and never has been behind on his taxes, but now he has to fight someone who will tell him whether he and his family will be healthy and what will benefit him and his family. He said that he does not believe this nor can he understand it. He said that he has spoken with everyone at City Hall including the Mayor and Senators telling him what a good job he is doing in the community, but he has to fight to tell someone that this is not safe for him or his family. He asked why this was and when they would start to fix it.

Mr. Gray said that moving the garbage put it right next to his property but 70 feet away from their property. He asked where they would be putting the extra garbage and pointed out that they can't manage the extra garbage they have right now. There is nowhere to put their garbage at all, and they were going to allow them to expand their property. The lawyer said it will not affect the neighbors, Mr. Gray said shame on him. He suggested that Atty. Rizio switch houses with him and tell him that they would accept this. Neither the lawyer nor the Commissioners would find this acceptable.

Mr. Gray said that the Commission should not take his health and the health of his family and place it on the back burner while letting the owner expand the property. This property is his and he has owned it for 20 years. This owner has been there for 2 years and they have not considered the health of him or his family during that time. He said that if anyone had a heart to understand, they would refuse to let someone put their garbage and

their dog's feces against someone's property. Mr. Gray said that they need to start standing up for the people who live in Bridgeport.

Commissioner Alves then asked if there was anyone else who wished to speak against the petition.

Ms. Angela Mitchell said that she lives behind the company at 50 Stillman. She said that she has a daughter that goes to the day care and plays in the backyard. In the past two to three years, the situation has been terrible. There are things that fly over the fence when the wind is blowing and there is the smell of feces. She said that she had spoken about this to a worker who was rude to her. As a resident, she needs to speak up for her rights.

Ms. Mitchell said that she had heard them working since the COVID-19 lockdown started every day. There are loud noises. They are not considerate of anyone's health and Ms. Mitchell has asthma. This bothers her. She would appreciate it if the Commissioners would take this into consideration.

There is barbed wire on the fence that they share. It hasn't been removed yet and it is an on-going issue. This is a health risk. She would appreciate it if the Commissioners would take this into consideration.

Commissioner Alves then asked if there was anyone else who wished to speak against the petition. There was no one else who wished to address the Commission at this time.

Atty. Rizio said that there was a very contentious relationship between the homeowners and the property owners. Part of the problem happens when you have residential homes located in industrial areas. Another part of the problem happens when the industrial owner is not as sensitive to the homeowners concerns as he should be.

Atty. Rizio said that he understands the Gray's concerns but felt that denying the application will do anything to help the Gray's. The Commission has the ability to address the concerns of the residents. No one has an issue about the one complaint about the structure on the other side of the building because it does not affect anyone.

Atty. Rizio said that the only reason that they were before the Commission was that previously, there had been a non-conforming structure on the site which was removed by the owner. He started to rebuild the structure without realizing he would have to come before the ZBA for a variance.

After 30 years of working in land use, Atty. Rizio said that there were very few people who understand the intricacies of non-conforming use. However, there is no excuse for

the behavior. This will allow the Commissioner to gain control of the property by putting restrictions on the property regarding the dumpster. He said that he did not like hearing the Gray's complaints. However, without the Commissioners conditions, the situation will continue as business as usual.

Atty. Rizio said that he was not in Bridgeport at this time but had been told that the property had been cleaned up. He apologized to the Gray's for the hardships they had to endure. Denying the application will not help the Gray's. Approving the application will give the Commission an opportunity to address the Gray's concerns and monitor the property. This is a difficult position for the Commission. People who are disrespectful to the neighbors should not be given bonuses. The restrictions that could be placed on the property would change the situation. By granting the application on a structure that does not impact anyone allows the Commission to control the restrictions on the balance of the property.

Atty. Rizio explained that the reason the insurance company told his client that they could not put the dumpster against the building is because it is a wood framed building. Most of the other industrial buildings are either block or concrete. He said that he likes to have his clients present applications that are easy for the Commission. However, this will allow the Commissioners to take control of the use of the property and the cleanliness of the property.

Atty. Rizio apologized to the Gray's again if his clients have acted inappropriately. The Commission has the authority to make sure that this does not happen again and if it does, then there will be consequences.

Commissioner Alves said that two of the Gray family had their hands raised. She asked Atty. Liskov about this. Atty. Liskov said that there was an opportunity for those in favor and those opposed to speak. Once rebuttal happens, the matter is closed.

A discussion followed about where the dumpster could be located on the property. Commissioner McLaine said that the animal waste should be bagged to prevent odors.

Mr. Buckley asked about the barbed wire. Commissioner Alves said that the barbed wire must be removed. She added that if the property is not kept clean, a cease and desist order should be issued.

It was pointed out that there was an issue with trash and the barbed wire. It was clear that the City of Bridgeport would have to babysit the property.

Atty. Rizio suggested the use of a cease and desist order be issued. There was an objection regarding the fact that they were building without a permit. Mr. Buckley stated that they would not be releasing a Certificate of Occupancy until the conditions are met.

Commissioner McLaine said that the owners do not verbally harass the neighbors. Atty. Liskov said verbal harassment was not part of Land Use.

Commissioner Shepard asked if there would be daily fines if the owner ignored the cease and desist order. Mr. Buckley said that the Commission does not have that authority but after a 10-day period, they would file a prosecutor's request and then they would go before the Housing Court. The judge would be the one to impose fines. There are several avenues open for the City at that point.

Commissioner McLaine asked about the hours of operation. Atty. Liskov said that the Commission does not control their hours of operation.

Commissioner Carolan pointed out that the addition was 279 square feet addition, about the size of a bathroom. He wanted to know why this was being made into a federal case. Atty. Liskov said that the structure itself has very little to do with anything, but the owner has not been a good neighbor. The neighbors have the right to complain about their situation. The structure is the tail that wags the dog.

C-2 621 Washington Avenue – Seeking a use variance of Section 5-1-2 and also seeking variances of the front and side setback requirements, the maximum site coverage and the minimum landscaping requirement of section 5-1-3, the minimum landscaping requirements of Section 11-1-14, the location and overall dimensions of the proposed accessory structure as required under Section 4-9-1, and waive five of the seven onsite parking spaces as required under Table 8A to permit the establishment of a four pump gas station with a 210 square foot cashier's booth in a Residence C Zone.

Commissioner Alves said this was a continuation from last month. Commissioner Jakes had asked that the City Engineer to review the plans and make comments on the traffic report.

Atty. Rizio said that the client wishes to build a small gas station with a small cashier's area in a Residence C zone. The focus of the application is a use variance. The City Engineer has suggested a number of changes and the client needs to discuss this with the City Engineer regarding the modifications. The client needs a Special Permit. The Commission can condition this approval upon the City Engineer's approval. The detailed traffic study and report, along with the details of the client's discussion with the City Engineer will have to take place before the client can go to Planning and Zoning.

Atty. Rizio said that the client was looking for the ZBA to approve the location of the gas station. He said that the property was in a commercial corridor and surrounded by commercial properties on a major street.

Commissioner McLaine said that he had reviewed the plans.

Commissioner Alves said that last month when they reviewed the plans, there were four Commissioners present: Commissioner Matchem, Commissioner Jakes, Commissioner Shepard and herself. Atty. Liskov said that according to the rules, those who were not present at the previous meeting needed to hear the audio file before participating. Commissioner McLaine said that he had read the minutes. Atty. Liskov explained that the minutes were not sufficient to fulfill the requirement. If there is a continuance, the Commissioners would have the opportunity to listen to the audio file.

Commissioner Alves said that the traffic report had been distributed. She said the Commission should move forward. She asked Commissioner Jakes if he was comfortable with the report.

Atty. Rizio pointed out that the Planning and Zoning would be requiring that all the City Engineer's conditions are satisfied in order to receive a Special Permit.

Commissioner Jakes said that they had discussed this application at the last meeting, and he had no further questions. Commissioner Shepard did not have any questions at this time.

Commissioner Alves asked if there was anyone present who wished to speak in favor of the application. No one indicated they wished to speak. Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the public hearing on 621 Washington Avenue.

Commissioner Alves then closed the Public Hearing portion of the meeting.

DECISION SESSION.

C-1 650 & 670 Knowlton Street -- Petition of 276 Ash St., LLC-Seeking variances of the maximum site coverage requirement and the minimum landscaping requirement under Section 8-3-3 to legalize the 279 square-foot one-story addition currently under construction in an MU-IL zone and Coastal Area.

City of Bridgeport
Zoning Board of Appeals
Regular Meeting

May 12, 2020

9

Page

**** COMMISSIONER MCLAINЕ MOVED TO APPROVE AGENDA ITEM C-1 650 & 670 KNOWLTON STREET -- PETITION OF 276 ASH ST., LLC-SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE REQUIREMENT AND THE MINIMUM LANDSCAPING REQUIREMENT UNDER SECTION 8-3-3 TO LEGALIZE THE 279 SQUARE-FOOT ONE-STORY ADDITION CURRENTLY UNDER CONSTRUCTION IN AN MU-IL ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1. THE OUTSIDE STORAGE OF TRASH AND MATERIALS IS STRICTLY PROHIBITED.**
- 2. THE REFUGE CONTAINER SHALL NOT BE WITHIN 15 FEET OF ANY PROPERTY LINE AND SHALL BE ENCLOSED WITH A 6 FOOT PRIVACY FENCE.**
- 3. ALL ANIMAL WAYS TO BE BAGGED AND PLACED IN THE CONTAINER DAILY.**
- 4. ALL RAZOR WIRE TO BE REMOVED AS IT IS IN VIOLATION OF SECTION 11 - 8 -C OF THE ZONING REGULATIONS.**
- 5. THE PETITIONER TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A ZONING COMPLIANCE CERTIFICATE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASONS:

- 1. THE PROPOSED ADDITION PROVIDES NEEDED STORAGE SPACE FOR AN EXISTING BUSINESS.**
- 2. THE GRANTING OF THIS PETITION WITH THE CONDITIONS STATED ABOVE WILL BE AN IMPROVEMENT TO THE AREA.**

**** COMMISSIONER MATCHEM SECONDED.**

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (MCLAINЕ, SHEPARD ,MATCHEM AND ALVES) AND ONE OPPOSED (CAROLAN).**

C-2 621 Washington Avenue – Seeking a use variance of Section 5-1–2 and also seeking variances of the front and side setback requirements, the maximum site coverage and the minimum landscaping requirement of section 5-1-3, the minimum landscaping requirements of Section 11-1-14, the location and overall dimensions of the proposed accessory structure as required under Section 4-9-1, and

waive five of the seven onsite parking spaces as required under Table 8A to permit the establishment of a four pump gas station with a 210 square foot cashier's booth in a Residence C Zone.

**** COMMISSIONER JAKES MOVED TO APPROVE AGENDA ITEM C-2 621 WASHINGTON AVENUE – SEEKING A USE VARIANCE OF SECTION 5-1-2 AND ALSO SEEKING VARIANCES OF THE FRONT AND SIDE SETBACK REQUIREMENTS, THE MAXIMUM SITE COVERAGE AND THE MINIMUM LANDSCAPING REQUIREMENT OF SECTION 5-1-3, THE MINIMUM LANDSCAPING REQUIREMENTS OF SECTION 11-1-14, THE LOCATION AND OVERALL DIMENSIONS OF THE PROPOSED ACCESSORY STRUCTURE AS REQUIRED UNDER SECTION 4-9-1, AND WAIVE FIVE OF THE SEVEN ON SITE PARKING SPACES AS REQUIRED UNDER TABLE 8A TO PERMIT THE ESTABLISHMENT OF A FOUR PUMP GAS STATION WITH A 210 SQUARE FOOT CASHIER'S BOOTH IN A RESIDENCE C ZONE. WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISE SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. ALL THE RECOMMENDATIONS OF THE CITY ENGINEER IN HIS REPORT OF MAY 6, 2020 SHALL BE INCORPORATED INTO THE DEVELOPMENT OF THIS PROPERTY.**
- 3. THE PETITIONER TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A ZONING COMPLIANCE CERTIFICATE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASONS:

- 1. THE DEVELOPMENT OF THIS PROPERTY WILL BE A MUCH-NEEDED IMPROVEMENT TO THE WASHINGTON AVENUE CORNER.**
- 2. THE GAS STATION FACILITY WILL PROVIDE A CONVENIENCE TO THE AREA.**

**** COMMISSIONER MATCHEM SECONDED.**

**** THE MOTION PASSED WITH FOUR IN FAVOR (SHEPARD, JAKES, MATCHEM AND ALVES).**

APPROVAL OF MINUTES.

March 10, 2020

Commissioner McLaine said on page 2, regarding Fairfield Avenue, the minutes need to be rewritten with the questions and responses included. The decisions did not include the conditions or reasons.

A discussion followed about the February 11, 2020 minutes. Commissioner Alves asked that the February minutes be included in the packet.

It was decided to table the minutes until the Commissioners to next month.

ADJOURNMENT.

- ** COMMISSIONER MCLAINE MOVED TO ADJOURN**
- ** COMMISSIONER JAKES SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:30 p.m.

Respectfully submitted

Telesco Secretarial Services