



ZONING BOARD OF APPEALS  
**SEPTEMBER 8, 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 J. Carolan, Edward McLaine, Robin Shepard, Michael N. Nastu

**ALTERNATES:** Ira Nachem

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

**CALL TO ORDER**

Commissioner Alves called the meeting to order at 6:00 p.m.

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 statute's normal earliest publication date in the Connecticut Post.

This agenda was placed on the City website 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.

**NEW BUSINESS**

**#1 100 & 106 Clifford St. – Petition of Habitat for Humanity of Coastal Fairfield County – Seeking a variance of lot area and width requirement under sec. 5-1-3 of the Zoning regulations to permit the construction of a 2-family dwelling on a 5,280-sq. ft. lot in an R-BB zone.**

Mr. Kevin Moore greeted the Commissioners and explained that they would be combining three non-conforming lots into one and building a two-family house. Commissioner Alves asked about the number of units. Mr. Moore reviewed the details.

Commissioner Alves asked about the parking. Mr. Moore replied that there were two stacked parking spaces per unit.

Commissioner Alves asked about if there would be landscaping. Mr. Moore said that they would be seeding a lawn.

Commissioner Shepard asked if they could combine the next application with this one. Mr. Buckley explained that it was a different type of building.

Commissioner Alves asked if there was anyone who would like to speak in favor of the application. There were no hands raised. Commissioner Alves asked if there was anyone who would like to speak against the application. Hearing none, Commissioner Alves closed the hearing on 100 & 106 Clifford St.

**\*\* COMMISSIONER MCLAINE MOVED TO APPROVE AGENDA ITEM #1 – 100 & 106 CLIFFORD ST. – PETITION OF HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY – SEEKING A VARIANCE OF LOT AREA AND WIDTH REQUIREMENT UNDER SEC. 5-1-3 OF THE ZONING REGULATIONS TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING ON A 5,280-SQ. FT. LOT IN AN R-BB ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PARCEL SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND GRANTED BY THE BOARD.**
- 2. THE FRONT OF THE SUBJECT PREMISES SHALL BE LANDSCAPED AND PLANTED TO THE L-2 STANDARD AND MAINTAINED AND REPLACED AS NEEDED.**
- 3. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

**FOR THE FOLLOWING REASONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISED WILL BE AN IMPROVEMENT TO THE NEIGHBORHOOD.**
- 2. THE PROJECT AS GRANTED GIVES A BRIDGEPORT RESIDENT THE OPPORTUNITY TO OWN A HOME IN THE CITY OF BRIDGEPORT.**

**\*\* COMMISSIONER CAROLAN SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**#2 112 Clifford St. – Petition of Habitat of Humanity of Coastal Fairfield County – Seeking a variance of the minimum lot area and width under sec. 5-1-3 of the Zoning regulations to permit the construction of a 1-family dwelling on a 2,640-sq. ft. lot in an R-BB zone.**

Mr. Kevin Moore greeted the Commissioners and said that it was similar to the previous application, but it was a 3 bedroom, 1 1/2 bath single family home on a pre-existing non-conforming lot.

Commissioner Alves asked about the parking. Mr. Moore said that there were two stacked parking spaces for the unit.

Commissioner Alves asked about landscaping. Mr. Moore said that they would be seeding a lawn.

Commissioner Alves asked if there was anyone who would like to speak in favor of the application. There were no hands raised. Commissioner Alves asked if there was anyone who would like to speak against the application. Hearing none, Commissioner Alves closed the hearing on 112 Clifford Street.

**\*\* COMMISSIONER NASTU MOVED TO APPROVE AGENDA ITEM #2 – 112 CLIFFORD ST. – PETITION OF HABITAT OF HUMANITY OF COASTAL FAIRFIELD COUNTY – SEEKING A VARIANCE OF THE MINIMUM LOT AREA AND WIDTH UNDER SEC. 5-1-3 OF THE ZONING REGULATIONS TO PERMIT THE CONSTRUCTION OF A 1-FAMILY DWELLING ON A 2,640-SQ. FT. LOT IN AN R-BB ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PARCEL SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND GRANTED BY THE BOARD.**
- 2. THE FRONT OF THE SUBJECT PREMISES SHALL BE LANDSCAPED AND PLANTED TO THE L-2 STANDARD AND MAINTAINED AND REPLACED AS NEEDED.**
- 3. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

**FOR THE FOLLOWING REASONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISED WILL BE AN IMPROVEMENT TO THE NEIGHBORHOOD.**
- 2. THE PROJECT AS GRANTED GIVES A BRIDGEPORT RESIDENT THE OPPORTUNITY TO OWN A HOME IN THE CITY OF BRIDGEPORT.**

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

**#3 6 Jillijam Pl. – Petition of James Morantus – Seeking variances of the location and height of fencing under sec. 11-8-3B1, which prohibits the placement of a 6’ privacy fence with the front setback and proximity to the street lot line.**

Mr. Morantus greeted the Commissioners. He said he was the owner of the property. He said his property was at the end of a street with an empty lot on one side and a neighbor on the other side. There is very little space in the back, most of the space is on the side. There are people roaming around in the vacant lot and trash that piles up in the area. He would like to enclose that side of the house so that they could have some privacy.

Commissioner Alves asked if they wanted the fence right to the property line. Mr. Morantus said that they would have a four-foot set back and would be using a privacy fence. Commissioner Alves asked if they would be fencing the entire property. Mr. Morantus said that they were only fencing the side and part of the front.

Commissioner Alves asked if there was anyone who would like to speak in favor of the application. There were no hands raised. Commissioner Alves asked if there was anyone who would like to speak against the application. Hearing none, Commissioner Alves closed the hearing on 6 Jillijam Place.

A discussion followed about the details of the hardship due to the fact that the first 16 feet have to be four feet in height by regulation.

**\*\* COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM #3  
6 JILLIJAM PL. – PETITION OF JAMES MORANTUS – SEEKING  
VARIANCES OF THE LOCATION AND HEIGHT OF FENCING UNDER SEC.  
11-8-3B1, WHICH PROHIBITS THE PLACEMENT OF A 6’ PRIVACY FENCE  
WITH THE FRONT SETBACK AND PROXIMITY TO THE STREET LOT LINE  
WITH THE FOLLOWING CONDITION:**

**THE FENCE AS APPROVED SHALL BE SETBACK A MINIMUM OF 4-  
FEET FROM THE FRONT PROPERTY LINE.**

**FOR THE FOLLOWING REASONS:**

- 1. THE UNIQUE SHAPE OF THE LOT, COMBINED WITH THE  
LOCATION OF THE HOME LIMIT THE USABLE YARD AREA  
AND PRIVACY.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE  
IMPACT ON THE NEIGHBORHOOD.**

**\*\* COMMISSIONER MCLAIN SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**#4 1023 Reservoir Ave. – Petition of BM Pro Builders, LLC – Seeking a variance under sec. 4-2-2 which prohibits the reduction of a conforming lot to create two nonconforming lots and seeking a variance under sec. 5-1-3 to construct 1-family dwellings on the lots having less than the lot and width requirements in an R-A zone.**

Atty. Willinger greeted the Commissioners and introduced the owner of the property. The request for a variance was submitted earlier in the day for two single family homes on property. Atty. Willinger gave a brief overview of the property owner who is a general contractor. The owner purchased the lot and cleaned it up. Atty. Willinger then reviewed the history of the parcel, which was part of the Woodlawn Park development created in 1817. The property only shows up on one unofficial map.

Atty. Willinger then reviewed the survey showing two 50 X100 lots and the floor plans. The units will have 3 bedrooms, 2 1/2 baths, garage and decks. They are consistent with the neighborhood.

The City Engineer has requested a new sidewalk be put in. The developer will be do this.

Atty. Willinger then reviewed the conditions of hardship, compliance with the comprehensive plan and consistency with the neighborhood. The hardship is based on the current regulations on a parcel that was created over 200 years ago and is consistent with the neighboring lots. He spoke about the creation of the lots and seeking the smallest variance possible. It is in harmony with the neighborhood without adverse impact.

Atty. Willinger then directed everyone to a site map and indicated where the parcel was located on that map. He said that he believed it would be an upgrade to the neighborhood and that this would be new construction in an older neighborhood.

Section 14-7e requires consistency with the Master Plan. Atty. Willinger said that these homes would-be single-family homes. The Master Plan has a goal to increase the housing and to update housing stock. He reviewed the increase in population in the city since 2008 and said that adding two more single family homes would be consistent with the Master Plan.

Commissioner Alves asked about the walkway in the front. Atty. Willinger directed her to the appropriate map showing the walkway. Atty. Willinger said that they could put in a front walk.

Commissioner Alves asked about the garage. Atty. Willinger said that it was a one car garage. There could be additional parking by the driveway. Commissioner Alves asked

about the curb cut mentioned by the City Engineer. Atty. Willinger showed where the cut would be.

Commissioner Alves asked about the landscaping. Atty. Willinger said that it would mostly be lawn. The owner will be given 62.8% landscaping which will be mostly lawn and some shrubs.

Commissioner Alves asked if there would be fencing to separate the lots by fencing. Atty. Willinger said that the fencing would be installed by the homeowners if they wished to have a fence.

Commissioner Alves asked if there was anyone who would like to speak in favor of the application. There were no hands raised. Commissioner Alves asked if there was anyone who would like to speak against the application.

Council Member Rosalina Roman-Christy, the 135th Council District representative, said that she was opposed to the development because the 4-22 section prohibits the division of a non-conforming lot into smaller non-conforming lots. She is not opposed to a one single family home, but objects to two single family homes.

Mr. Stephen Nelson, who is the president of Second Stone Ridge Condos and District Leader for the 135th District. He said that there had been other property owners who had wanted to put two houses on a single lot. Most of the neighboring houses are single family units. Squeezing two houses in there would be setting a precedent for others.

Ms. Judith Edwards, the President of the Reservoir NRZ, said that she had submitted a request that the owner meet with the NRZ. She said that the attorney had contacted her and said that it was okay for the owner to build on the lots. Ms. Edwards said that this was not how they do things in the 135th District. She requested that they continue the application for a month.

Council Member Mary McBride-Lee of the 135th District came forward and said that she was not against Habitat for Humanity building on Reservoir Avenue but was not in favor of putting a two-family residence on a single-family lot. She was also concerned because often people present one plan but change it later. It is important to keep the neighborhood uniform. Having houses very close to one another is altogether different. She said that she hoped the Commissioners would consider their request to limit it to a one family residence there. Having two houses on that lot is too much.

There was no one else who wished to speak against the petition.

Atty. Willinger said that Atty. Lord had called both Council Members and left messages about the project. They never received a response from either Council Members. He

added that they had contacted the NRZ President, Ms. Edwards, who informed them that the NRZ was not meeting because of COVID.

Atty. Willinger said that having this opposition at the eleventh hour was frustrating. He stated that they were not attempting to squeeze two family homes onto a single-family lot. Atty. Willinger said that there were a number of two-family residences in the neighborhood. The map shows that almost 100% of the single-family houses were on 50 x 100 foot lots, just like these two single family homes would be. He stated that the homes were needed and requested approval of the project.

**\*\* COMMISSIONER NASTU MOVED TO APPROVE AGENDA ITEM #4 RE: 1023 RESERVOIR AVENUE – SEEKING A VARIANCE UNDER SEC. 4-2-2 WHICH PROHIBITS THE REDUCTION OF A CONFORMING LOT TO CREATE TWO NONCONFORMING LOTS AND SEEKING A VARIANCE UNDER SEC. 5-1-3 TO CONSTRUCT 1-FAMILY DWELLINGS ON THE LOTS HAVING LESS THAN THE LOT AND WIDTH REQUIREMENTS IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. AN A-2 SURVEY SHALL BE FILED ON THE LAND RECORDS OF THE CITY OF BRIDGEPORT ESTABLISHING THE NEW LOT LINES.**
- 2. CONCRETE SIDEWALKS SHALL BE INSTALLED IN COMPLIANCE WITH THE ENGINEER DEPARTMENT’S STANDARDS.**
- 3. THE FRONT OF THE SUBJECT PREMISES SHALL BE LANDSCAPED WITH LOW LYING SHRUBBERY; PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.**
- 4. A FORMALIZED HARD SURFACED FOOTPATH SHALL BE INSTALLED FROM THE CONCRETE SIDEWALK LEADING UP TO THE FRONT DOOR OF THE NEWLY CONSTRUCTED DWELLINGS.**

**FOR THE FOLLOWING REASONS:**

- 1. THE NEIGHBORHOOD WAS MAPPED OUT AND DEVELOPED MORE THAN 90-YEARS AGO PRIOR TO THE ENACTMENT OF ZONING.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO UNACCEPTABLE IMPACT ON THE NEIGHBORHOOD.**
- 3. THE PROJECT AS PRESENTED AND APPROVED COMPLIES WITH THE MASTER PLAN OF CONSERVATION AND DEVELOPMENT.**
- 4. THE DEVELOPMENT OF THIS PROPERTY IS CONSISTENT WITH OTHER HOMES IN THE IMMEDIATE AREA.**

**\*\* COMMISSIONER CAROLAN SECONDED.**

**\*\* THE MOTION PASSED WITH FOUR IN FAVOR (SHEPARD, MCLAIN, NASTU AND CAROLAN) AND ONE (1) OPPOSED (ALVES).**

**#5 124 Seaside Ave. – Petition of Molly D ‘Andrea – Seeking a variance of the minimum setback requirement of 6’ to permit the construction of a 1-story 96-sq. ft. addition to the existing 1-family dwelling in an R-A zone.**

Ms. Molly D ‘Andrea spoke on the item. She said they were looking to put a side room and would consistent with the other neighborhood residences. There is a shared driveway and they would like to add a half bathroom on the left-hand side of the residence. There were no questions from the Commissioners.

Commissioner Alves asked if there was anyone who would like to speak in favor of the application. There were no hands raised. Commissioner Alves asked if there was anyone who would like to speak against the application. Hearing none, Commissioner Alves closed the hearing on 124 Seaside Avenue.

**\*\* COMMISSIONER MCLAIN MOVED TO APPROVE AGENDA ITEM #5 RE: 124 SEASIDE AVENUE – SEEKING A VARIANCE OF THE MINIMUM SETBACK REQUIREMENT OF 6’ TO PERMIT THE CONSTRUCTION OF A 1-STORY 96-SQ. FT. ADDITION TO THE EXISTING 1-FAMILY DWELLING IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

**1. THE ADDITION AS PRESENTED SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**

**2. THE APPLICANT SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

**FOR THE FOLLOWING REASONS:**

**1. THE APPROVAL OF THIS APPLICATION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**

**2. THIS APPROVAL ACCOMMODATES THE NEEDS OF A GROWING FAMILY.**

**\*\* COMMISSIONER NASTU SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Commissioner Alves closed the public hearing portion of the meeting at 7:10 p.m.

### **CONSENT AGENDA**



**(CA-1) 1370 Park Ave. – Petition of Believers Auto Repair and Sales – Seeking to waive the public hearing requirement for the continued use as a used car dealership under new ownership in an R-B zone.**

Mr. Buckley was present to speak on the item regarding the change of ownership. The Planning and Zoning Commission instituted Consent Agenda items for applications that had to do with issues like changes of ownership. Recently the State of Connecticut changed the jurisdiction on motor vehicles, moving them from Planning and Zoning to the Zoning Board of Appeals.

Mr. Buckley gave a brief history of the business. The business is up for sale and the new owner is requesting a public hearing waiver.

**\*\* COMMISSIONER MCLAINE MOVED TO DENY CONSENT AGENDA ITEM (CA-1) 1370 PARK AVE. – PETITION OF BELIEVERS AUTO REPAIR AND SALES – SEEKING TO WAIVE THE PUBLIC HEARING REQUIREMENT FOR THE CONTINUED USE AS A USED CAR DEALERSHIP UNDER NEW OWNERSHIP IN AN R-B ZONE.**

**\*\* COMMISSIONER NASTU SECONDED.**

**\*\* THE MOTION TO DENY PASSED UNANIMOUSLY.**

The applicant is required to participate in the next public hearing on October 13th to address the concerns of the Board.

#### **OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD**

**\*\* COMMISSIONER MCLAINE MOVED TO ELECT A CHAIR SEEING THAT THERE IS A FULL STAFF AND FIVE APPOINTED COMMISSIONERS.**

**\*\* COMMISSIONER NASTU SECONDED.**

Mr. Buckley said that normally, the elections are handled during the first of the year. Commissioner McLaine pointed out that the Commission had an Acting Chair and there was nothing in the City Charter that required them to wait until the first of the year.

Atty. Liskov asked if this was on the agenda. Commissioner McLaine said that it was not an Agenda Item. Discussion followed.

**\*\* COMMISSIONER MCLAINE MOVED THE QUESTION.**

**\*\* COMMISSIONER NASTU SECONDED.**

Atty. Liskov said that there would be another vote taken in January for Chair.

**\*\* THE MOTION TO ELECT A CHAIR PASSED WITH FOUR (4) IN FAVOR (MCLAINE, NASTU, SHEPARD AND CAROLAN) AND ONE (1) ABSTENTION (ALVES).**

**\*\* COMMISSIONER SHEPARD MOVED TO NOMINATE COMMISSIONER ALVES AS CHAIR.**

**\*\* COMMISSIONER ALVES SECONDED.**

Atty. Liskov asked if there was anyone else who wished to nominate a candidate as Chair.

**\*\* COMMISSIONER CAROLAN MOVED TO NOMINATE COMMISSIONER MCLAINE AS CHAIR.**

**\*\* COMMISSIONER MCLAINE SECONDED.**

Atty. Liskov asked if there was anyone else who wished to nominate a candidate as Chair. There were no additional nominations.

**\*\* THE VOTE RESULTS FOR ZONING BOARD OF APPEALS CHAIR WERE AS FOLLOWS:**

**ALVES – (SHEPARD, ALVES)**

**MCLAINE – (CAROLAN, NASTU, MCLAIN).**

Atty. Liskov stated that the Board had to vote for a Vice Chair.

**\*\* COMMISSIONER MCLAINE MOVED TO NOMINATE COMMISSIONER ALVES AS VICE CHAIR.**

**\*\* COMMISSIONER CAROLAN SECONDED.**

There were no additional nominations for Vice Chair.

**\*\* THE MOTION TO ELECT COMMISSIONER ALVES AS VICE CHAIR PASSED UNANIMOUSLY.**

Atty. Liskov stated that the Board had to vote for a Secretary.

**\*\* COMMISSIONER MCLAINE MOVED TO NOMINATE COMMISSIONER SHEPARD AS SECRETARY.**

Commissioner Shepard declined due to school obligations.

**\*\* COMMISSIONER MCLAINE MOVED TO NOMINATE COMMISSIONER CAROLAN AS SECRETARY.**

**\*\* COMMISSIONER CAROLAN SECONDED.**

There were no additional nominations for Secretary.

**\*\* THE MOTION TO ELECT COMMISSIONER CAROLAN AS SECRETARY PASSED UNANIMOUSLY.**

**APPROVAL OF MINUTES**

**\*\* COMMISSIONER MCLAINE MOVED THE MINUTES OF MARCH 10, 2020.  
\*\* COMMISSIONER SHEPARD SECONDED.  
\*\* THE MOTION TO APPROVE THE MINUTES OF MARCH 10, 2020 AS SUBMITTED PASSED UNANIMOUSLY.**

**Approval of ZBA Minutes for August 11, 2020** – Present: Acting Chairperson: Maria Alves. Commissioners: John Carolan, Edward McLaine, Michael Nastu (only observed) and Robin Shepard. Alternate Commissioner: Ira NACHEM and Michael Jacques. Staff: Dennis Buckley, Zoning Clerk, Nicholas Sampieri, Zoning Inspector. Office of City Attorney: Russell Liskov.

Page 6, paragraph 3, line 2: please change the following from:  
“He said that he did not see any safety”  
to: “He said that he did not see any safety issues.”

Page 7 under Corrections: Page 5, MOTION, Please change the following from:

**\*\* COMMISSIONER JACQUES MADE A MOTION TO DENY THE PETITION.  
\*\* COMMISSIONER SHEPARD MOVED TO SECOND TO DENY THE PETITION.  
\*\* THE PETITION WAS DENIED TWO TO TWO, WITH TWO AGAINST (ALVES AND NACHEM) AND TWO TO DENY (SHEPARD AND JACQUES).**

**TO:**

**\*\* COMMISSIONER JACQUES MADE A MOTION TO DENY THE PETITION.  
\*\* COMMISSIONER SHEPARD MOVED TO SECOND TO DENY THE PETITION.  
\*\* THE MOTION TO DENY THE PETITION FAILED WITH TWO (2) IN FAVOR (SHEPARD AND JACQUES) AND TWO (2) OPPOSED (ALVES AND NACHEM).**

Commissioner NACHEM stated he felt this would be his last meeting because he was temporary Commissioner. He said he enjoyed working with everyone and learned a great

deal. Atty. Liskov informed Commissioner NACHEM that he still had another month left on his term.

**ADJOURNMENT.**

**\*\* COMMISSIONER MCLAINE MOVED TO ADJOURN.**

**\*\* COMMISSIONER CAROLAN SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:31 p.m.

Respectfully submitted

Tedesco Secretarial Services