



ZONING BOARD OF APPEALS
NOVEMBER 10, 2020
REGULAR MEETING
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
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ATTENDANCE: Edward McLaine, Chair; Maria Alves, John Carolan, Michael Nastu, Robin Shepard

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

CALL TO ORDER.

Commissioner McLaine called the meeting at 6:00 p.m. on Tuesday, November 10, 2020.

He 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, return receipt of notification from abutting property owners has been relaxed if the ZBA agenda has been online with the publication's earliest normal publication date in the Connecticut Post.

This agenda was placed on the City website, which complied with that requirement. The Zoning Department staff posted appropriate signs at each property on tonight's agenda. This meeting is being recorded to comply with the Open Meeting Requirements and will be available on the City web page following immediately each meeting.

Commissioner McLaine reviewed the details for participating in the meeting and confirmed that Mr. Sampieri would be managing the Zoom meeting. There were no questions regarding the procedure.

Atty. Liskov stated that the Governor had changed the requirement regarding the signage, and it was no longer required.

Commissioner McLaine called the roll. A quorum was present.

#1. 273 (aka 257 BROOKLAWN AVENUE – Seeking a variance of the maximum height requirement of 4-feet in the front setback under Sec. 11-8-3b(1) to legalize the placement of a 6-foot privacy fence within the front setback in the R-A zone.

Mr. Carrasquillo said that he would like to install a fence in the rear of his yard for the security of his family. He said that he owns two vehicles and the property is irregularly shaped. A number of vehicles in his area have been either broken into or stolen.

Commissioner Carolan asked about backing the vehicles out onto the street. He stated that the gates and the fence need to be four feet high across the driveway apron. Mr. Carrasquillo said that the fence needs to be six feet high to protect his family. Each gate panel costs over \$200. The corner at Briarwood and Brooklawn is an area where cars speed. He said that he would be also asking to install a ring camera and a mirror.

Commissioner McLaine asked if there was anyone who wished to speak in favor of the application.

The resident who lives at 257 Brooklawn Avenue, said Mr. Carrasquillo was his neighbor. The resident said he was supporting his neighbor and would like the fence.

Commissioner McLaine asked if there was anyone who would like to speak in opposition.

Mr. Smith of 51 Villa Avenue, Fairfield spoke. Mr. Smith said that the property has been an eyesore and the two new properties are a major improvement. It's a lovely fence and a lovely home. He is in favor of the application.

Commissioner McLaine asked if there was anyone who wished to speak in opposition of the application. Hearing none, he closed the public hearing on item 6:16 p.m.

**** COMMISSIONER CAROLAN MOVED TO APPROVE APPLICATION #1 FOR 273 BROOKLAWN AVENUE WITH THE FOLLOWING CONDITION:**

THE GATES AND ONE SECTION OF THE FENCING ON EITHER SIDE OF THE GATES SHALL BE LOWERED TO 4 FEET.

FOR THE FOLLOWING REASONS:

- 1. THE FENCING AS APPROVED WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**
- 2. THE REDUCTION IN HEIGHT WILL INCREASE VISIBILITY FOR**

VEHICLES ENTERING AND EXITING THE SUBJECT SITE.

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

#2. 686 BURNSFORD AVENUE – Seeking a variance of the 20’ cumulative side yard setback requirement under Sec. 5-1-3 to legalize the car port addition in a R-A zone.

Mr. Castillo was represented by Mr. Leonardo Rodriguez. Mr. Rodriguez said that Mr. Castillo did not realize he needed a permit because the structure was not a living space. Mr. Castillo is getting older and just underwent knee surgery. Having the carport will help reduce the snow on the driveway.

Commissioner McLaine asked if there was anyone who wished to speak in favor of the application.

Council Member Pereira said that there were 16 constituents that were waiting to speak on two particular items.

Commissioner McLaine said that there had been requests submitted to defer the applications for 301 Jennings Avenue and 139 Magnolia Street.

Commissioner McLaine asked if there was anyone who wished to speak in opposition of the application. Hearing none, he closed the public hearing on the application for 686 Burnsford Avenue.

**** COMMISSIONER CAROLAN MOVED TO DENY APPLICATION #2 - 686 BURNSFORD AVENUE FOR THE FOLLOWING REASON:**

THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS PETITION OR PARCEL OF LAND.

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

#3. 1534-1542 SEAVIEW AVENUE – Seeking to expunge a condition of approval to a petition granted by the Zoning Board of Appeals on April 14, 2015 which permitted a professional office use exclusively for residents of the building in an I-L zone.

Ms. Williams said that she had the documents that she had been requested to forward. She was that she was seeking to rent the space to provide professional development to the community, without this being expunged, she would not be able to provide those services to the community.

Commissioner McLaine asked if there was anyone who wished to speak in favor of the application. No one indicated they wished to speak.

Commissioner McLaine asked if there was anyone who wished to speak in opposition of the application. Hearing none, he closed the public hearing on item at 6:29 p.m.

**** COMMISSIONER NASTU MOVED TO DENY APPLICATION #3 1534-1542 SEAVIEW AVENUE FOR THE FOLLOWING REASON:**

THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS PETITION OR PARCEL OF LAND.

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

#4. 139 MAGNOLIA STREET – Seeking a variance of the prohibition of the expansion of a nonconforming structure under Sec. 4-12-4a to permit the construction of a 1-story addition to the existing 1-family residential dwelling and also seeking a variance of the prohibition of the expansion of an accessory structure above 50% under Sec. 4-9-1c(2) to permit the construction of a 1-story addition to the existing garage in an R-B zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER APPLICATION #4 139 MAGNOLIA STREET TO TUESDAY, DECEMBER 10, 2020.
** COMMISSIONER NASTU SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

#5. 1905 BARNUM AVENUE – Requesting a rehearing on a petition which was denied by the Board on July 14, 2020 which sought to establish a used car dealership license in a portion of the existing general repair facility in an O-R zone.

Atty. Russo said that he was present on behalf of Mr. Zulekfal. His client applied for an additional car dealership and was no longer asking for the car dealership. There would have been two vehicle repair facilities on the site. He is in the process of evicting the tenant.

Commissioner McLaine said that what they were asking for was significantly different than the original request. Mr. Buckley commented that when the applicant before the Commission, it is usually to present new information.

**** COMMISSIONER CAROLAN MOVED TO DENY APPLICATION #5 1905 BARNUM AVENUE FOR THE FOLLOWING REASON:**

THE BOARD DETERMINED THAT THE NEW INFORMATION PRESENTED WAS SUBSTANTIALLY DIFFERENT FROM THE ORIGINAL PETITION.

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#6. 795 GRAND STREET – Seeking a variance of the minimum distance requirement of 750-feet from a sensitive use (grammar school) under Sec. 12-10b(1) to permit the grocery beer permit use at the existing mixed use building in an R-C zone.

Ms. Nally Sanchez, who was representing her son. They are applying for a grocery beer permit.

Commissioner McLaine asked how long they had owned the store. Ms. Sanchez said that they had owned it for two years. She listed the hours of operation.

Commissioner McLaine asked if there was anyone who wished to speak in favor of the application. No one indicated they wished to speak.

Commissioner McLaine asked if there was anyone who wished to speak in opposition of the application.

A resident who has lived across the street for 27 years indicated that she was opposed to this because the last thing that they needed to have is more liquor in the area.

Ms. Sanchez said that her store was the only store in that area and the store is three blocks away from the school.

Commissioner McLaine closed the public hearing on the item at 6:42 p.m.

**** COMMISSIONER CAROLAN MOVED TO DENY APPLICATION #6 795 GRAND STREET FOR THE FOLLOWING REASON:**

THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS PETITION OR PARCEL OF LAND.

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

#7 301 JENNINGS AVENUE – 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 seeking variances of Sec. 4-2-4c which dictates front and rear lot dimensional standards and Sec. 5-1-3 and Table 3 to waive all zone development standards to permit the legalization of an existing 1-family dwelling on a newly created nonconforming lot and allow the construction of a 1-family dwelling on a newly created nonconforming lot in an R-A zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER APPLICATION #7 301 JENNINGS AVENUE.
** COMMISSIONER NASTU SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

Mr. Buckley said that he had an item on behalf on OPED. The CT Bar Association would be conducting their training on March 6th. They request that the Commissioners consider attending the workshop. Atty. Liskov said that it was a very helpful workshop and highly recommended they consider attending. Mr. Buckley said that it was most likely to be held virtually.

APPROVAL OF THE MINUTES

Commissioner McLaine said that the minutes that needed to be corrected had not been sent out. He said that the September minutes should have been reformatted. Commissioner McLaine said that all questions are listed, and the answers included. He said that they have to take extra care to ensure that the format is followed.

Commissioner McLaine said that Council Member Pereira had emailed Mr. Buckley stating that there were no signs posted at 301 Jennings Avenue. He then requested that the Zoning Department post signage at all the properties on the agenda.

Atty. Liskov said that he would assist with the reply to Council Member Pereira. He noted that the department was doing the best they could do under the circumstances. Commissioner McLaine said that they were required to post the signage. Attorney Liskov reiterated his earlier statement that the sign posting requirement had been relaxed by the Governors Executive Order.

All the minutes have to be redrafted. October has his name misspelled and lists him as Acting Chairman. The format is correct; however, they did not state the questions and the answers.

Commissioner McLaine said that there were too many spelling and grammar errors for a professional business. He said that he has had to refer to past agendas and minutes. Therefore, they should be proof read before submission.

ADJOURNMENT

**** COMMISSIONER CAROLAN MOVED TO ADJOURN.**

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:57 p.m.

Respectfully submitted

Telesco Secretarial Services