

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS PUBLIC HEARING
APRIL 15, 2015**

ATTENDANCE: Linda Grace, Acting Chair; Robert Russo, Acting Secretary;
Kelly Perez; John J. Carolan; Leticia Colon

STAFF: Dennis Buckley, Zoning Official; Paul Boucher, Zoning
Department; Atty. Ed Schmidt, Associate City Attorney;
Diego Guevara, Design Review Coordinator

CALL TO ORDER

Commissioner Grace reconvened the meeting at 6:00 PM after recessing the previous night. A quorum was present. She then introduced the Commissioners and staff members seated. She reviewed the procedures to those present. She announced a slight change to the order of the agenda in order to accommodate a scheduling conflict.

NEW BUSINESS

ITEM #13 RE: 1148 WILLIAM STREET (1148 William Navcapman, LLC)- Seeking variances of the density requirement of 2,700 sq. ft. of property per residential unit and the minimum landscaping requirement of Sec. 5-1-3 to permit the establishment of four (4) additional residential units in the existing 20-unit apartment house in an R-C zone.

Attorney Raymond Rizio came forward, and requested a deferment as his client was out of state and wanted to be present for the proceedings.

ITEM #12 RE: 1300 SEAVIEW AVENUE (Seaview Avenue Realty, LLC)- Seeking a use variance of Sec. 8-3-2 and a variance of the prohibition of the expansion of a nonconforming use under Sec. 4-12-3 to permit the construction of a 9,000 sq. ft. addition to the existing warehouse building in an MU-LI zone and coastal area.

Attorney Rizio remained on the floor and stated that he was representing Seaview Avenue Realty, and that they were seeking a use variance for 1300 Seaview Avenue, as well as an expansion of a nonconforming use to construct a 9,000 sq. ft addition to the existing structure.

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He noted that there were no mailings for this matter, as the property in question takes up the entire block.

Atty. Rizio stated that the property is currently operated by Murphy Road Recycling Haulers, which specializes as a recycler of fibrous materials, such as newspaper. In the current facility, they sort, bail, and move the fibrous material that has previously been collected from haulers. He stated the property was purchased in the 1980s as a recycling center, and that now a much larger space is required due to more strenuous recycling requirements. He said that the company needs more laydown room and better machinery to split and separate all the different materials and store them in different batches. The facility as it stands cannot handle the amount of material coming in, and by adding the addition it will satisfy current recycling regulations. He stated that they had contacted the East End NRZ and the organization had unanimously supported their proposed addition. Atty. Rizio requested a condition of approval stating all operations must take place inside the building, ensuring no construction debris on the property's grounds.

Commissioner Grace asked whether there was an issue with the paper materials flying around. Atty. Rizio said that the addition would eliminate that issue entirely, and is in fact one of the main reasons they would like to construct it.

Commissioner Grace asked if Atty. Rizio had reviewed Mr. Guevara's proposed landscaping plan. He stated that he had not seen it. Commissioner Grace then provided the plan to him, which he examined. Atty. Rizio stated that they were amenable to the plan, as well as an L2 standard at 95% opacity. He then stated that there were storage roll-offs present on the property, but they are always empty. Commissioner Grace inquired about the location of the roll-offs, and he indicated they were behind a screened area. Mr. Russo asked if the roll-offs were comparable to dumpsters, and Atty. Rizio answered in the affirmative. Mr. Buckley then stated that no dumpsters are permitted in coastal areas, and that they may have to return to address the roll-offs as a separate issue. Atty. Rizio stated that was fine, and their primary concern was variance(s) at hand. Commissioner Grace clarified that should they approve the variance, it would be under the condition that there is no outside storage, including the roll-offs. Atty. Rizio said that he understood. Commissioner Grace asked Mr. Buckley if the issue of the roll-offs would have to go to Coastal, and Mr. Dudley answered in the affirmative.

Mr. Russo asked how long the business had been operating. Atty. Rizio stated that Automated Salvage had started as early as 1994, while the recycling permit was granted in the 1980s. The recycling regulations changes in 1996, then again in 2010, and again more recently.

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Commissioner Grace asked if there was anyone present who wished to speak in favor of the application. No one came forward. She then asked if there was anyone present who wished to oppose the application. Hearing none, Commissioner Grace closed the hearing on 1300 Seaview Avenue.

ITEM #14 RE: 658 MADISON AVENUE AKA 200 BEERS STREET (Eduardo Cruz)- Seeking a variance of the required off-street parking under Sec. 11-1-2 to legalize the (additional) printing business in the existing garage/warehouse for the on-site deli take-out/bakery in an OR zone.

Atty. Rizio remained on the floor, and introduced himself as representative on the matter of 658 Madison Avenue. He stated that they were seeking a variance of the required off-street parking in order to legalize the printing business located in the existing deli/bakery. Atty. Rizio stated that the printing business itself is very small, with no counters or stocking in a 450 sq. ft. room. He said that they primarily make and print stickers to go on cars, and customers personalize them, order them, then pick them up at the location. They are very active in the Brazilian community in that area. He stated that there was in fact plenty of on-street parking, even if the individuals would need to park further down the street. As the North Avenue jail takes up the other side of the street, parking does not appear to be an issue. Atty. Rizio stated that it was a clean, safe operation and that using the space as such was a better alternative than expanding any other type of retail. He further asserted that hardship is applicable as there is nowhere to create any parking, as he cannot foresee a time when the jail would be redeveloped for any other use.

Commissioner Grace asked if the business had already been established in the location? Atty. Rizio answered in the affirmative. When the Commissioner asked about the hours, he stated the hours were 8 AM to 6 PM, Monday through Friday, and 8 AM to 5 PM Saturdays. She further asked how long the business had been operating, and he answered they had been open a few months.

Atty. Rizio asserted that the printing business was a much less intense use than what had been there previously, while conceding that it is a busy site. However, he also stated that the area has no residential neighbors, and that they would agree to conditions that there be no shelving, and no stocking.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application. No one came forward. She then asked if there was anyone present who wished to

oppose the application. Hearing none, Commissioner Grace closed the hearing on 658 Madison Avenue AKA 200 Beers Street.

ITEM #8 RE: 1944-1954 BOSTON AVENUE (William Marshall/City of Life): Seeking a variance of the minimum number of off-street parking spaces as required under Sec. 11-1-2 to permit the establishment of a house of worship in existing commercial office building in an OR zone.

Rev. William Marshall came forward and introduced himself. He was unable to produce the required mailings, and Commissioner Grace informed him his matter could not be heard that evening without said mailings. Mr. Marshall asked if he could try to retrieve the mailings and have the matter heard. Commissioner Grace stated that he may, should he arrive before the other agenda items were addressed. In the event he did not, the matter would likely be deferred till next month.

ITEM #9 RE: 917 WOOD AVENUE (Habitat for Humanity of Coastal Fairfield County)- Seeking a use variance under Sec. 6-1-2 to permit the construction of a single-family dwelling on a nonconforming lot in an OR zone.

Mr. Kevin Moore, Director of Construction for Habitat for Humanity, came forward and described the logistics of the organization, and presented the necessary mailings. He stated that they provide non-profit affordable housing to individuals who make between 30-70% of the average income. Selected families contribute 500 hours of sweat equity during construction and by fulfilling this condition, secure an interest free mortgage. He stated that they had completed nearly 200 homes in the Coastal Fairfield County area, and that these homes are now paying nearly half a million in property taxes per year.

Mr. Moore explained that they were seeking permission to build a single family, 4 bedroom, 2 bath home with off-street parking for two vehicles at 917 Wood Avenue, which is in a zone that prohibits single or 2-family homes. Mr. Moore then provided a photo of a house similar in style to the intended construction built the previous year. Mr. Moore went on to say that he felt the proposed home would be in keeping with the neighborhood aesthetic and would make use of an excavated, vacant lot, thus improving the quality of the neighborhood.

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Commissioner Grace asked if they intended to provide tandem parking. Mr. Moore answered in the affirmative.

Ms. Perez asked if they planned to address the issue of sidewalk replacement. Mr. Moore answered that they intended to replace the sidewalks, and were happy to have this as a condition of approval.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application. No one came forward. She then asked if there was anyone present who wished to oppose the application. Hearing none, Commissioner Grace closed the hearing on 917 Wood Avenue.

ITEM #10 RE: 84 MAPLE STREET (Habitat for Humanity of Coastal Fairfield County)- Seeking a use variance under Sec. 8-3-2 and a variance of the front setback requirement under Sec. 8-3-3 to permit the construction of a single-family dwelling on an undersized lot in an MU-LI zone.

Mr. Moore remained on the floor and stated they were seeking a variance to build a single family, 4 bedroom, 2 bath home with off-street parking on 84 Maple Street, which is located in a multi-zone that prohibits single family homes. He presented he required mailings. He explained that they were proposing the same design previously displayed for Item 9, with the addition of exterior embellishments to satisfy the Historic Commission, in keeping with the neighborhood aesthetics. He further stated that there were a number of homes in the area, and that this construction would return a currently vacant, blighted lot to the city tax rolls.

Mr. Russo inquired about the other properties on the street. Mr. Moore stated that on the right there is a large, recently renovated historic home that houses six units, and the remainder of the street is home to a combination of duplexes and 3-family homes.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application. No one came forward. She then asked if there was anyone present who wished to oppose the application. Hearing none, Commissioner Grace closed the hearing on 84 Maple Street.

ITEM #11 RE: 103 SEASIDE AVENUE (Brian Walker)- Seeking a variance of the minimum side setback requirement under Sec. 5-1-3 to permit the construction of a 2nd floor rear dormer addition to the existing single-family dwelling in an R-A zone.

It was determined that the pertinent individuals in the matter of 103 Seaside Avenue were not present. Mr. Russo called the matter forward on 4 separate counts, but received no response.

Attorney Schmidt stated that he did not know the reason for the absence, but urged the Board to consider a deferment, in the event the absence was due to confusion over room change.

CONSENT AGENDA

ITEM #6 RE: 680 PARK AVENUE (City of Bridgeport Board of Education)- Seeking to erect a 10' chain link fence in place of the previously approved 8' chain link fence along the southern soccer field boundary abutting South Avenue.

Mr. Buckley brought to the Board's attention a request to change the height of the fence around 680 Park Avenue's soccer field from 8 feet to 10 feet, due to the nature of the sport. Atty. Schmidt acknowledged that it was a safety concern, and Mr. Boucher pointed out that it was located directly near the South Avenue overpass.

Mr. Buckley's second item of note concerned 10 Boston Avenue (formerly a Town Fair Tire), now owned by BMW Bridgeport, who had previously been approved to establish display and storage in this location. He stated that they were in the process of changing the facility to a different style of building, and wanted to know if they could use their additional space to store vehicles while the additional building (a car wash) is constructed. Mr. Carolan asked if the measure would be temporary, and Mr. Buckley answered in the affirmative. Commissioner Grace inquired about the nature of the car wash, and he stated that it was being put in place behind the existing facility for detailing. She further asked if the cars were exclusively BMW, running, and for sale. Mr. Buckley confirmed that they were. Commissioner Grace suggested they institute a limited time period, and Mr. Russo suggested less than a year.

Mr. Buckley's third item concerned 61 Hurd Avenue, a Brazilian restaurant, that wished to expand their current service bar into a full, sit down consumer bar with more seating. Mr. Carolan asked if there could be a potential parking problem, and Mr. Buckley stated that they had previously been in for a parking variance. Commissioner Grace inquired about the hours of the facility, which Mr. Buckley stated were every day of the week, lunch and dinner.

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Commissioner Grace stated that the matter was large enough to necessitate a hearing, and Mr. Buckley stated he would advise them to schedule a hearing to sort the details, address parking, and address the Board's concerns.

Mr. Buckley's fourth item concerned the Bridgeport Neighborhood Trust on Stratford Avenue. Mr. Buckley stated that the first floor of the building was approved as retail in 2013, and that they now have a tenant for the ground floor who wants to utilize the space as a daycare. He further stated that they would require no additional parking. Commissioner Grace asked if the rental agreement comprised the entire first floor, and Mr. Buckley answered in the affirmative. She further asked if it was still a commercial venture, and Mr. Buckley confirmed this, as it was not a non-profit. Mr. Carolan asked if there was issue with the different use, and Mr. Buckley stated that while it was different, it was still an acceptable use of the space.

DECISION SESSION

ITEM #13 RE: 1148 WILLIAM STREET (1148 William Navcapman, LLC)- Seeking variances of the density requirement of 2,700 sq. ft. of property per residential unit and the minimum landscaping requirement of Sec. 5-1-3 to permit the establishment of four (4) additional residential units in the existing 20-unit apartment house in an R-C zone.

****COMMISSIONER CAROLAN MOVED TO DEFER THE MATTER OF 1148 WILLIAM STREET TO THE FOLLOWING MEETING ON MAY 12, 2015.**

****COMMISSIONER COLON SECONDED THE MOTION.**

****MOTION PASSED UNANIMOUSLY.**

ITEM #12 RE: 1300 SEAVIEW AVENUE (Seaview Avenue Realty, LLC)- Seeking a use variance of Sec. 8-3-2 and a variance of the prohibition of the expansion of a nonconforming use under Sec. 4-12-3 to permit the construction of a 9,000 sq. ft. addition to the existing warehouse building in an MU-LI zone and coastal area.

****COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #12 RE: 1300 SEAVIEW AVENUE (SEAVIEW AVENUE REALTY, LLC) SEEKING A USE VARIANCE OF SEC. 8-3-2 AND A VARIANCE OF THE PROHIBITION OF THE EXPANSION OF A NONCONFORMING USE UNDER SEC. 4-12-3 TO PERMIT THE**

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CONSTRUCTION OF A 9,000 SQ. FT. ADDITION TO THE EXISTING WAREHOUSE BUILDING IN AN MU-LI ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:

- 1. THE ADDITION AND SITE WORK SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE PETITIONER IS TO COMPLY WITH ALL RECOMMENDATIONS OF THE CITY ENGINEER IN HIS LETTER DATED 03/23/15.**
- 3. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 4. THE BUFFER STRIP TO BE INCREASED BY A 5' AND PLANTED TO THE L-3 STANDARD.**

FOR THE FOLLOWING REASONS:

- 1. FACILITATES THE GROWTH AND EXPANSION OF AN EXISTING BUSINESS WITHIN THE CITY.**

****COMMISSIONER PEREZ SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

ITEM #14 RE: 658 MADISON AVENUE AKA 200 BEERS STREET (Eduardo Cruz)- Seeking a variance of the required off-street parking under Sec. 11-1-2 to legalize the (additional) printing business in the existing garage/warehouse for the on-site deli take-out/bakery in an OR zone.

****COMMISSIONER CAROLAN MOVED TO DENY AGENDA ITEM #14 RE: 658 MADISON AVENUE AKA 200 BEERS STREET (EDUARDO CRUZ) SEEKING A VARIANCE OF THE REQUIRED OFF-STREET PARKING UNDER SEC. 11-1-2 TO LEGALIZE THE (ADDITIONAL) PRINTING BUSINESS IN THE EXISTING GARAGE/WAREHOUSE FOR THE ON-SITE DELI TAKE-OUT/BAKERY IN AN OR ZONE FOR THE FOLLOWING REASONS:**

- 1. THE APPROVAL OF THIS PETITION WOULD CONTRIBUTE TO AN EXISTING OVERUSED SITE.**

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- 2. THE SUBJECT PREMISES IS LOCATED IN A HEAVILY CONGESTED AREA AND THE APPROVAL OF THIS PETITION WOULD RESULT IN A DETRIMENT TO PUBLIC SAFETY.**
- 3. THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL OR UNUSUAL HARDSHIP RELATING TO THIS PETITION AND PROPERTY.**
- 4. THE ONLY APPROVED USES OF THIS PROPERTY ARE A 2-FAMILY BUILDING, A BARBER SHOP, AND A BAKERY-DELI TAKE OUT. ALL OTHER USES ARE TO BE DISCONTINUED.**

****COMMISSIONER RUSSO SECONDED THE MOTION.**

****MOTION PASSED UNANIMOUSLY.**

ITEM #8 RE: 1944-1954 BOSTON AVENUE (William Marshall/City of Life): Seeking a variance of the minimum number of off-street parking spaces as required under Sec. 11-1-2 to permit the establishment of a house of worship in existing commercial office building in an OR zone.

****COMMISSIONER COLON MOVED TO DEFER THE MATTER OF 1944-1954 BOSTON AVENUE TO THE FOLLOWING MEETING ON MAY 12, 2015.**

****COMMISSIONER RUSSO SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

ITEM #9 RE: 917 WOOD AVENUE (Habitat for Humanity of Coastal Fairfield County)- Seeking a use variance under Sec. 6-1-2 to permit the construction of a single-family dwelling on a nonconforming lot in an OR zone.

****COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #9 RE: 917 WOOD AVENUE (HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY) SEEKING A USE VARIANCE UNDER SEC. 6-1-2 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON A NONCONFORMING LOT IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE HOME SHALL BE MOVED FORWARD TO THE PREVAILING SETBACK IN THE IMMEDIATE AREA.**

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2. **THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
3. **CURBING AND SIDEWALK SHALL BE REPLACED IN ACCORDANCE WITH CITY STANDARDS.**
4. **THE FRONT OF THE SUBJECT PREMISES TO BE PLANTED TO THE L-2 STANDARD AND PROPERLY MAINTAINED.**

FOR THE FOLLOWING REASONS:

1. **THE PROPOSED DEVELOPMENT IS THE BEST USE OF THIS UNIQUELY SHAPED LOT.**
2. **PROVIDES NEW CONSTRUCTION IN AN OLDER, MIXED USE NEIGHBORHOOD.**

****COMMISSIONER PEREZ SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

ITEM #10 RE: 84 MAPLE STREET (Habitat for Humanity of Coastal Fairfield County)- Seeking a use variance under Sec. 8-3-2 and a variance of the front setback requirement under Sec. 8-3-3 to permit the construction of a single-family dwelling on an undersized lot in an MU-LI zone.

****COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM #10 RE: 84 MAPLE STREET (HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY) SEEKING A USE VARIANCE UNDER SEC. 8-3-2 AND A VARIANCE OF THE FRONT SETBACK REQUIREMENT UNDER SEC. 8-3-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON AN UNDERSIZED LOT IN AN MU-LI 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. **CURBING AND SIDEWALK SHALL BE REPLACED IN ACCORDANCE WITH CITY STANDARDS.**
3. **THE FRONT OF THE SUBJECT PREMISES TO BE PLANTED TO THE L-2 STANDARD AND PROPERLY MAINTAINED.**

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FOR THE FOLLOWING REASONS:

- 1. PROVIDES A NEW RESIDENTIAL BUILDING IN AN OLD NEIGHBORHOOD.**
- 2. THE HOME AS DESIGNED WILL COMPLIMENT THE IMMEDIATE AREA.**

****COMMISSIONER GRACE SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

ITEM #11 RE: 103 SEASIDE AVENUE (Brian Walker)- Seeking a variance of the minimum side setback requirement under Sec. 5-1-3 to permit the construction of a 2nd floor rear dormer addition to the existing single-family dwelling in an R-A zone.

****COMMISSIONER CAROLAN MOVED TO DEFER THE MATTER OF 103 SEASIDE AVENUE TO THE FOLLOWING MEETING ON MAY 12, 2015.**

****COMMISSIONER RUSSO SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

ITEM #6 RE: 680 PARK AVENUE (City of Bridgeport Board of Education)- Seeking to erect a 10' chain link fence in place of the previously approved 8' chain link fence along the southern soccer field boundary abutting South Avenue.

****COMMISSIONER RUSSO MOVED TO APPROVE CONSENT AGENDA ITEM #6 RE: 680 PARK AVENUE (CITY OF BRIDGEPORT BOARD OF EDUCATION) SEEKING TO ERECT A 10' CHAIN LINK FENCE IN PLACE OF THE PREVIOUSLY APPROVED 8' CHAIN LINK FENCE ALONG THE SOUTHERN SOCCER FIELD BOUNDARY ABUTTING SOUTH AVENUE FOR THE FOLLOWING REASON:**

- 1. TO PROMOTE THE SAFETY OF STUDENTS UTILIZING THE RECREATIONAL FIELD.**

****COMMISSIONER COLON SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

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DISCUSSION ITEM RE: 10 BOSTON AVENUE

****COMMISSIONER CAROLAN MOVED TO APPROVE DISCUSSION ITEM RE: 10 BOSTON AVENUE (BMW BRIDGEPORT) SEEKING THE TEMPORARY STORAGE OF VEHICLES FOR BMW OF BRIDGEPORT WITH THE FOLLOWING CONDITIONS:**

- 1. VEHICLES MAY BE STORED ONLY UNTIL TO MAY 1, 2016.**
- 2. ANY DISPLAY OF “FOR SALE” VEHICLES WOULD REQUIRE AN APPROVAL FROM THE PLANNING & ZONING COMMISSION.**

**** COMMISSIONER RUSSO SECONDED THE MOTION.**

****MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

****COMMISSIONER COLON MOVED TO ADJOURN.**

****COMMISSIONER RUSSO SECONDED THE MOTION.**

****MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:00 PM.

Respectfully submitted,

Catherine Ramos

Telesco Secretarial Services

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