

**CITY OF BRIDGEPORT  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
APRIL 12, 2016**

**ATTENDANCE:** Linda Grace, Chair; John J. Carolan; Robyn Shepard; Maria Alves

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

**CALL TO ORDER**

The Chair called the meeting to order at 6:10 PM. A quorum was present.

The Chair gave a brief overview of the proceedings and introduced those seated. She stated that, as there were only four members present, the applicants were within their rights to defer their applications until such time as a full board was seated. No one came forward.

The Chair announced the following items were withdrawn and would not be heard:

**D-1 3425 Fairfield Ave. – Petition of Fairfield Avenue, LLC – WITHDRAWN on 04/8/16**

**D-3 (#1) 1603-1617 Barnum Ave. – Petition of Elegant Lounge – WITHDRAWN on 03/28/16**

**CONTINUED ITEMS**

**C-1 (#1) 500 Sylvan Ave. – Petition of Food Bazaar Market – Seeking a variance of Sec. 12-10a to permit the establishment of a package store use and the issuance of a package store liquor license in the existing commercial building within 1500 feet of a daycare center in an OR-R zone.**

Mr. Richard Blackwell came forward to represent the item. He stated that the primary reason Food Bazaar Market needs a variance is due to a childcare center 1200 feet from the property. Mr. Blackwell stated that the owner of the childcare center does not object to the store holding a package store liquor license, and presented the commissioners with copies of a letter attesting to this.

Mr. Blackwell stated that the Food Bazaar Market is a unique store that serves a diverse clientele who come from varying distances to purchase ethnic food items, among them Korean, Polish and Latin American staples. He stated that the owners would like to purchase specialty ethnic liquors that their clients cannot easily obtain elsewhere, and that this is in keeping with the spirit of the store itself. He stated that the intended liquor section would be sequestered in the portion of the store that formerly housed Hancock Pharmacy. Mr. Blackwell further stated that the addition of the license would bring even more business into the Bridgeport area.

Mr. Blackwell stated that the business is not impacting a residential area, as they are directly across the street from Home Depot. He stated that their store has brought in more sales for Home Depot, as Food Bazaar Market's clientele will come off of Exit 5 via Route 8 to shop there, and then make purchases at Home Depot due to the proximity.

Mr. Blackwell stated that allowing Food Bazaar Market a variance does not set a precedent for other package stores to request variances, as their request complies with the spirit of the regulation. He stated that there are no houses of worship or liquor stores within the designated range, and that the package store portion of their establishment is merely an element of a larger business.

The Chair asked if the intended liquor area of the store has a separate interior or exterior entrance/exit. Mr. Blackwell answered in the affirmative, but stated that he believes most people will enter the area from the store itself. The Chair asked about the store hours, and Mr. Blackwell stated that the store is open 7 days a week, from 7 AM to 10 PM. He further stated that they intend to conform with regulations concerning hours for alcohol sales. The Chair asked how many square feet the store is, and Mr. Blackwell stated that the liquor portion of the store is roughly 1800 to 1750 square feet. The Chair asked for some elaboration regarding the ethnic liquors Food Market Bazaar intends to sell. Mr. Blackwell stated they intend to carry primarily ethnic liquors native to countries their clients originate from, such as Korea or Mexico. The Chair asked if the store carries beer at present, and Mr. Blackwell answered in the affirmative. The Chair asked if they intend to limit their liquor selection to the aforementioned ethnic liquors, and Mr. Blackwell answered in the negative, stating that the selection will be a bit more expansive.

Mr. Blackwell stated that Food Bazaar Market has been excited by the favorable response they have had in Bridgeport, and that there are other locations in New York state. He stated that the addition of the liquor store would complement and enhance their Bridgeport location.

The Chair asked if anyone wished to speak in favor of the item. No one came forward. She then asked if anyone wished to speak in opposition.

Atty. Linda P.C. Laskey came forward on behalf of the Bridgeport Package Store Association. She distributed materials to the seated commissioners.

Atty. Laskey stated that package stores are prohibited from being within 1500 feet of any place of worship, school, childcare center and/or package store. She stated, under A-6, the powers of the commissioners are limited to granting variances in cases of exceptional difficulty or severe hardship. She stated that personal desire is not a basis for a variance, and that this principle has been reaffirmed repeatedly, most recently by Judge Dale Radcliffe. She stated that the inability to sell alcohol within 1500 feet of select establishments is not a legally recognized hardship, and thus, this is not grounds for a variance. In the case of Judge Radcliffe's ruling, he also emphasized that consent or lack of opposition on the part of any protected class (in this case, the daycare center) is not sufficient to grant a variance. Atty. Laskey stated that there is no unique aspect of property that warrants a variance or any indication that the space cannot be used for something else. She stated that denying this variance would in no way compromise the value of the property or render it unusable for any reason.

Atty. Laskey stated that Food Market Bazaar would need additional variances in order to sell alcohol. She further stated that, desirability aside, it is beyond the scope or discretion of the board to grant a variance of this nature, and that it would necessitate the regulations being changed, which would be under the purview of Planning and Zoning. Atty. Laskey stated that she was unsure if there were additional protected classes within the 1500 feet radius, and that she was unsure if the signatory on the petition had the legal authority to file a petition for the owners of the property.

Rich Augustynowicz came forward and stated that he is a retired police officer who owns a liquor store in Bridgeport. Mr. Augustynowicz stated that the law is the law, and that the specialty liquors they intend to sell can also be carried by any other package store. He stated that allowing this variance will set a precedent for other package stores to request variances on these grounds.

The Chair asked if Mr. Blackwell would like to offer a rebuttal.

Mr. Blackwell stated that the only protected class they are in proximity to is the childcare center, and that the Director's consent would seem to be the key factor. He stated that the parent corporation of Food Market Bazaar is the authorized entity, and that he has their consent to represent them. He stated that they are not asking for a specialty license, and that their main focus is providing maximum service to their clientele while being good neighbors. He stated that, as it will not be a standalone package store, it won't have a significant impact on the other liquor stores in the area. Mr. Blackwell stated that he finds the reaction of the other owners to be overblown relative to the situation, and that they are not attempting to compete with them, only provide benefits to their customers.

The Chair closed the hearing on 500 Sylvan Avenue.

### **DEFERRED ITEMS**

**D-2 2149 Seaview Ave. – Petition of 2149 Seaview Avenue, LLC – Seeking a usevariance of Sec. 6-1-2 and also seeking a variance of all of the required landscaping of Sec. 6-1-3 to permit the establishment of an industrial service storage yard of vehicles, boats and heavy machinery in an OR zone.**

Atty. Raymond Rizio stated that the item has been deferred a number of times due to a variety of factors, and that they would like to open the hearing, then continue it to the next meeting. He stated that he discussed the issue with Mr. Buckley, and that the continuance is in the interest of allowing the applicants to add additional landscaping.

Mr. Buckley clarified that the item has maximized its number of deferrals, and thus opening it and asking for a continuance is the appropriate course of action.

**D-4 (#4) 2476 (aka 2472-2478) East Main St & 25 Ohio Ave. – Petition of Julia Chuchuca and Jose Manuel Chapa – Seeking a variance of Sec. 12-10 to permit the issuance of a restaurant beer & wine liquor license within 1500 feet of other liquor licensed premises, and also seeking variances of the minimum number of off-street parking spaces of Sec. 11-1-2; the minimum parking space size of 9' x 20' under Sec. 11-1-10 to convert the existing take-out food establishment into a 30-seat restaurant in an OR and R-B zone.**

Jasmine Velazquez and Julia Chuchuca came forward to speak in the item. Ms. Velazquez turned in the appropriate mailings.

The Chair asked for clarification regarding the location of the restaurant, and Ms. Velazquez stated that the location is in the middle of the block, beside a barber shop, in a building that was formerly a hardware store. The Chair asked for the restaurant's hours, and Ms. Velazquez stated that they operate from 10 AM to 10 PM, 7 days a week. The Chair asked if the location is a full restaurant, and Ms. Velazquez answered in the affirmative. The Chair inquired about the parking for the location, and Ms. Velazquez stated that they have 14 of the required 19 spaces, and are asking for a variance to make the space 8 feet wide rather than 9 feet wide. The Chair asked how many people work at the establishment, and Ms. Velazquez stated that there are 5 full-time employees, and that the restaurant is family run. The Chair asked if the employees drive to work, and Ms. Velazquez stated that all of the employees park on the street. Ms. Chuchuca stated that only one of the employees actually utilizes a car. The Chair asked if Ms. Chuchuca was the primary cook, and Ms. Chuchuca stated that her husband was the primary cook, but that she does so as well. The Chair asked if they intend to have a service bar rather than a seated bar, and Ms. Velazquez answered in the affirmative. The Chair asked where the alcohol would be stored, and Ms. Velazquez stated that they have a cellar downstairs for bulk storage, and what is being served will be in the fridge. The Chair clarified that there will be no appearance of a bar, and Ms. Velazquez answered in the affirmative.

Commissioner Alves asked if there would be live entertainment, and Ms. Velazquez answered in the negative, stating that they are strictly a restaurant, and that they only play music over their speakers.

The Chair asked how many people can be seated at the location, and Ms. Velazquez stated that they have 11 tables, and can accommodate from 44 to 50 people. The Chair asked if the restaurant accommodates private parties or entertainment, and Ms. Velazquez stated that larger parties can reserve tables, but there is no live entertainment or anything similar.

The Chair asked if anyone wished to speak in favor of the item. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 2476 (aka 2472-2478) East Main St & 25 Ohio Ave.

**D5 (#5) 1944-1954 Boston Ave. – Petition of Shanta Blackburn – Seeking to modify a condition of approval of an application granted by the Board on 08-11-15 to legalize the placement of a 6' high privacy fence on a corner lot in an OR zone.**

Shanta Blackburn came forward and stated that since her last appearance before the commissioners, she has moved the fence on her property back, as displayed in pictures she submitted. She stated that the fence is still six feet in height, and asked that it stay as such to protect the children she has at her daycare facility. She stated that she has had a police chase end in her yard in the past, and, in one instance, a non-custodial parent with a restraining order attempted to make contact with their child against court order. She stated that incidents such as those described would have been far worse if either of them could overcome the fence and get onto the property. Ms. Blackburn asked that the commissioners respectfully allow the fence to maintain its height.

The Chair asked for clarification that the fence goes all the way around the property, along East and Boston Avenues, and Ms. Blackburn answered in the affirmative.

The Chair asked if anyone wished to speak in favor of the application.

Att. Brad Barneys stated that he was speaking on behalf of the landlord and himself, as he is a tenant on the second floor of the building in question. Atty. Barneys requested the fence be allowed to stay, as it provides security to the children and building on a busy street. He stated that, at 6'3, he could easily reach over a regulation height 4 foot fence, and that it offers no obstruction for road or foot traffic.

The Chair asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 1944-1945 Boston Avenue.

### **NEW BUSINESS**

**#1 98 Morgan Ave. – Petition of Elizabeth Design Development, LLC – Seeking a variance of the maximum density requirement of 2,700 sq. ft. of property per residential unit and also seeking to waive 5 ft. of the required 15' front setback and 1ft. and 6 ft. of the required 11' side yard setback requirement under Sec. 5-1-3 to permit the construction of a 2-family dwelling in a non-conforming lot in an R-C zone.**

Naomi Matos came forward to speak on the application. She stated that the existing structure is currently a 3 car garage, and that it is very close to the sidewalk and preexisting nonconforming. She stated that they intend to keep that structure and refurbish it to provide necessary parking for the adjacent 2-family home.

The Chair asked if the garage has 3 separate doors for the intended cars. Ms. Mato stated that it will potentially have 3 doors, and that they want to keep the structure as it is only a foot and 3 inches from the side lots.

Ms. Mato stated that they can't do much of anything with the space, and going forward, they would like to have the setbacks moved, because it is a corner lot and they have 15 feet on each side. She stated that they would like to gain 5 feet from the 2 fronts, bringing the new total to 10 feet, with a side setback of 5 feet instead of 10 feet. Ms. Mato stated that they are proposing a 2-family home, and that the floor plan and elevation conform to the neighborhood. Ms. Mato stated that the improvements to the property will help the neighborhood overall, and if they follow the regulations as they are now, they can build a single family home, but it will only be 15 feet wide, which is almost impossible to construct. She stated, with Central High School so close, there will be lots of teens around and don't want to encourage any vandalism with an empty lot.

The Chair asked if the garage has an additional structure to it, and Ms. Mato stated that what appears to be another building is simply another part of the garage. The Chair asked if there would be a driveway, and Ms. Mato stated that there would be access directly into the garage from the Windsor Street side street. The Chair asked if the applicant intends to refurbish the garage and build the new structure simultaneously, and Ms. Mato answered in the affirmative. Ms. Mato stated that the accessory structure is, at present, a brick material storage area, and that they intend to refurbish the roof and doors to fit the house. The Chair asked if the owner intends to sell the property, and Ms. Mato answered in the negative, stating that the owner of the lot wants to build a house for his family, with the additional unit serving as a home for one of his two grown daughters.

Commissioner Alves asked if there would be landscaping, and Ms. Mato answered in the negative, stating that there was not enough area per unit. Ms. Mato further stated that in the front of the lot around entire corner would be 10 feet by 10 feet of landscaping.

Commissioner Carolan asked if there would be room for plantings on the property, and Ms. Mato stated that they could have roughly 5-6 feet for landscaping by the edge of the property.

The Chair asked for clarification that there is a small patch of lawn in the rear of the property, and Ms. Mato answered in the affirmative.

Commissioner Alves asked if the garage is to be attached to the building, and Ms. Mato stated that the garage will be refurbished, a deck will be built, and the garage will not be attached.

The Chair asked about the location of the deck. Ms. Mato stated that the small deck will be very close to the garage and is accessible via the basement and main level of the house as an emergency exit, though the footprint of the home would not change.

Ms. Mato stated that this would be a great improvement for the area, and that it takes a blighted lot and turns it into something that enhances the neighborhood.

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 98 Morgan Avenue.

**#2 48 Fifth St. – Petition of Loida & Kenneth Gant – Seeking variances of the minimum density requirement of 2,700 sq. ft. of property per residential unit; the front, side and rear setback requirements of Sec. 5-3-1 and also seeking to waive the minimum on-site parking space size of 9’ x 20’ to legalize the construction of a 2 ½ story, 1,400 sq. ft addition and to permit the conversion of a single-family dwelling into a two-family dwelling in an R-C zone.**

Joshua George and Kenneth Grant came forward to speak on the application.

Mr. George stated that they were present to ask that the pre-existing home be changed from a single family to 2-family home. He stated that they went to the Zoning Department and made some changes in response to their suggestions.

The Chair inquired about the changes. Mr. George stated that there is now parking in the front to make the residence more habitable. The Chair asked if they took away the grass, and Mr. George answered in the affirmative. The Chair asked about the location of the porch. Mr. George stated that the porch is in the same location as previously described. The Chair asked if both units of the home are occupied, and Mr. George answered in the negative, stating that only one of the units is in use.

The Chair clarified that the changes are less grass and new parking, and Mr. George answered in the affirmative. Mr. George further stated that they shortened the porch to 35 x 100.

Mr. George stated that he lives in the unit on the property, while Mr. Grant owns the property itself.



The Chair asked if anyone wished to speak in favor of the application. No one came forward. She further asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 48 Fifth Street.

**#3 798 Park Ave. – Petition of Ark Construction, LLC – Seeking variances of the minimum side setback requirement; the maximum site coverage and the minimum landscaping requirements of Sec. 5-1-3 and also seeking to waive the ADA ramp to lot line requirement of Sec. 4-3-2 to permit the construction of a 400 sq. ft. addition and an ADA ramp to the existing funeral home in an R-C zone.**

Benjamin Quintero came forward to speak on the item. He stated that he wants to build an addition behind his house to serve as a work area, as there is no longer any room in the 12 x 10 space in the funeral home. He stated that he has worked at that location for over 50 years, and the addition he hopes to build is directly behind the garage, with 15 x 25 square foot dimensions. He stated that he also owns the property next door, and that the ADA ramp requirement waiver is due to the fact that they have direct access to the funeral home from the parking garage.

The Chair asked if the addition encroaches into the parking lot, and Mr. Quintero answered in the negative. The Chair asked for confirmation that the addition will be attached to garage, thus providing direct access to the building, and Mr. Quintero answered in the affirmative.

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 798 Park Avenue.

**#4 96 Quinlan Ave. – Petition of Morgan Tallman – Seeking a variance of the minimum side and rear setback requirements of 10 ft. and the maximum height requirement of 15’ under Sec. 5-1-3 and also seeking a variance of Sec. 12-7-1(c)(3) to permit a home office use in the existing garage by adding a 440 sq. ft. 2nd**

Atty. Rizio stated that Ms. Tallman has communicated with the neighbors, and that the design they are proposed has been constructed by a well known architect from Fairfield. He stated that the applicant wants to add an addition on the garage in order to create a home office where Ms. Tallman can create her artwork. Atty. Rizio stated that the elevations are an improvement, and that the second story of the garage is already being utilized for storage. He stated that they will create a dormer, with windows in the front and no windows in the back, per the request of a neighbor, in the interest of his property. He stated that they do not want to turn this into an

additional living space, and that there is a sink, toilet and mini fridge to store supplies, as some are temperature sensitive. Atty. Rizio stated that Ms. Tallman does interior painting for a variety of different customers, and thus she needs to create samples and swatches to provide her clients with examples of finishes and concepts. He stated that their request in keeping with the spirit of the regulation, and that it won't change the character of the neighborhood, as it is a very small use. He stated that the area is just 400 square feet, and that the construction will be minimal. Atty. Rizio stated that Ms. Tallman will be the only individual working in the space, and that there will be no combustible materials, only latex. He stated that the structure will be completely enclosed, and that from the outside, it will maintain a residential garage facade. Atty. Rizio stated that their hardship is contending with a preexisting nonconforming structure. He further stated that Ms. Tallman works on-site by day and will utilize the studio by night.

The Chair asked if the addition would have heat and air conditioning, and Atty. Rizio answered in the affirmative. Ms. Tallman stated that they would likely use radiant heat, as it is a small space. The Chair asked if Ms. Tallman currently works from home, and Atty. Rizio answered in the affirmative, as well as on-site. The Chair asked if Ms. Tallman every brings clients to the house, and Atty. Rizio answered in the negative. He further stated that they would be comfortable self-imposing conditions so the addition has no way of becoming a full on office. The Chair noted her concern that the office could be used as such. Atty. Rizio stated that they would be amenable to conditions so that there would be no expositional painting, signage, or additional exterior lighting.

The Chair stated that she was concerned this would open up the door for other businesses to use the space for much heavier uses. Atty. Rizio stated that Ms. Tallman only intends to use it as a home office, and any other uses violate standing regulations, and thus cannot use it for other purposes. Atty. Rizio stated that this will be an overall improvement, and that the neighbors have warmly accepted the idea of the addition.

The Chair asked if anyone wished to speak in favor of the application.

Tim O'Connor came forward and stated that he lives directly behind the Tallman residence. He stated that he is in support of the application, and that he made the request regarding windows, as addressed by Atty. Rizio.

Stuart Sachs came forward and stated that he is a registered landscape architect and former owner of the Tallman residence. He stated that the addition increases the space as well as the number of artists and designers in Black Rock. He stated that he himself, as a landscape architect and thus a creative contractor, had in his 25 years working at home, rarely had a client come to

his home. He stated that they are not increasing the footprint of the building, and that the proposed addition is physically and architecturally complementary to the area aesthetic.

The Chair asked if there was a second floor on the garage while Mr. Sachs owned the property, and he answered in the affirmative. Mr. Sachs further stated that he sympathizes with Ms. Tallman's need for space, as he used the space for some of the work he did laying out blueprints and illustration drawings, which has since become digitized, whereas Ms. Tallman's work still requires a great deal of physical space.

The Chair asked if anyone would like to speak in opposition. Hearing none, she closed the hearing on 96 Quinlan Avenue.

### **DECISION SESSION**

**C-1 RE: 500 SYLVAN AVENUE – SEEKING A VARIANCE OF SEC. 12-10A TO PERMIT THE ESTABLISHMENT OF A PACKAGE STORE USE AND THE ISSUANCE OF A PACKAGE STORE LIQUOR LICENSE IN THE EXISTING COMMERCIAL BUILDING WITHIN 1500 FEET OF A DAYCARE CENTER IN AN OR-R ZONE.**

**\*\* COMMISSIONER CAROLAN MOVED TO APPROVE ITEM C-1 RE: 500 SYLVAN AVENUE – SEEKING A VARIANCE OF SEC. 12-10A TO PERMIT THE ESTABLISHMENT OF A PACKAGE STORE USE AND THE ISSUANCE OF A PACKAGE STORE LIQUOR LICENSE IN THE EXISTING COMMERCIAL BUILDING WITHIN 1500 FEET OF A DAYCARE CENTER IN AN OR-R ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PROPOSED PACKAGE STORE USE IS CONSISTENT IN LARGE WAREHOUSE STYLE GROCERY STORES.**
- 2. THE EXISTING STORE HAS A GROCERY BEER PERMIT. THIS UPGRADE IN LICENSE WOULD BE AN ADDED CONVENIENCE TO THE PATRONS AND CUSTOMERS.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

**\*\* MOTION FAILED TO PASS WITH ONE (1) VOTE (ALVES) IN OPPOSITION, FOR THE FOLLOWING REASONS:**

- 1. THERE WAS RECENT JUDICIAL ACTION BY JUDGE DALE RADCLIFFE ON THE EXACT SAME ISSUE IN A DIFFERENT LOCATION IN THE CITY, WHICH UPHELD THE OPPOSITIONS' APPEAL AND REVERSED THE APPROVAL OF THE ZONING BOARD OF APPEALS.**

**D-1 RE: 3425 FAIRFIELD AVENUE – SEEKING A VARIANCE OMITTING SEVEN (7) OF THE 30 REQUIRED OFF-STREET PARKING SPACES OF SEC. 11-1-2 AND ALSO SEEKING TO ESTABLISH AN OUTDOOR DINING PATIO ALONG THE FAIRFIELD AVENUE FRONTAGE OF THE EXISTING CAFÉ RESTAURANT AND THE ISSUANCE OF A PATIO LIQUOR PERMIT OF SEC. 12-10C IN AN OR ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO ACCEPT THE WITHDRAWAL OF ITEM D-1 RE: 3425 FAIRFIELD AVENUE – SEEKING A VARIANCE OMITTING SEVEN (7) OF THE 30 REQUIRED OFF-STREET PARKING SPACES OF SEC. 11-1-2 AND ALSO SEEKING TO ESTABLISH AN OUTDOOR DINING PATIO ALONG THE FAIRFIELD AVENUE FRONTAGE OF THE EXISTING CAFÉ RESTAURANT AND THE ISSUANCE OF A PATIO LIQUOR PERMIT OF SEC. 12-10C IN AN OR ZONE.**

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

**D-2 RE: 2149 SEAVIEW AVENUE – SEEKING A USE-VARIANCE OF SEC. 6-1-2 AND ALSO SEEKING A VARIANCE OF ALL OF THE REQUIRED LANDSCAPING OF SEC. 6-1-3 TO PERMIT THE ESTABLISHMENT OF AN INDUSTRIAL SERVICE STORAGE YARD OF VEHICLES, BOATS AND HEAVY MACHINERY IN AN OR ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO CONTINUE ITEM D-2 RE: 2149 SEAVIEW AVENUE – SEEKING A USE-VARIANCE OF SEC. 6-1-2 AND ALSO SEEKING A VARIANCE OF ALL OF THE REQUIRED LANDSCAPING OF SEC. 6-1-3 TO PERMIT THE ESTABLISHMENT OF AN INDUSTRIAL SERVICE STORAGE YARD OF VEHICLES, BOATS AND HEAVY MACHINERY IN AN OR ZONE.**

**\*\* COMMISSIONER CAROLAN SECONDED THE MOTION. JCC**

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

**Item D-2 is continued to Tuesday, May 10, 2016 in order to have an opportunity to establish more “green” area on the subject site.**

**D-3 (#1) RE: 1603 – 1617 BARNUM AVENUE – SEEKING TO MODIFY THE CONDITIONS OF APPROVAL ON A PETITION GRANTED BY THE BOARD ON 02-14-12 TO NOW INCLUDE VARIOUS TYPES OF LIVE ENTERTAINMENT TO AN EXISTING RESTAURANT IN AN OR ZONE**

**\*\* COMMISSIONER ALVES MOVED TO ACCEPT THE WITHDRAWAL OF ITEM D-3 (#1) RE: 1603 – 1617 BARNUM AVENUE – SEEKING TO MODIFY THE CONDITIONS OF APPROVAL ON A PETITION GRANTED BY THE BOARD ON 02-14-12 TO NOW INCLUDE VARIOUS TYPES OF LIVE ENTERTAINMENT TO AN EXISTING RESTAURANT IN AN OR ZONE.**

**\*\* COMMISSIONER CAROLAN SECONDED THE MOTION.**

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

**D-4 RE: 2476 (AKA 2472-2478) EAST MAIN STREET & 25 OHIO AVENUE – SEEKING A VARIANCE OF SEC. 12-10 TO PERMIT THE ISSUANCE OF A RESTAURANT BEER & WINE LIQUOR LICENSE WITHIN 1500 FEET OF OTHER LIQUOR LICENSED PREMISES, AND ALSO SEEKING VARIANCES OF THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES OF SEC. 11-1-2; THE MINIMUM PARKING SPACE SIZE OF 9’ X 20’ UNDER SEC. 11-1-10 TO CONVERT THE EXISTING TAKE-OUT FOOD ESTABLISHMENT INTO A 30-SEAT RESTAURANT IN AN OR AND R-B ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO GRANT ITEM D-4 RE: 2476 (AKA 2472-2478) EAST MAIN STREET & 25 OHIO AVENUE – SEEKING A VARIANCE OF SEC. 12-10 TO PERMIT THE ISSUANCE OF A RESTAURANT BEER & WINE LIQUOR LICENSE WITHIN 1500 FEET OF OTHER LIQUOR LICENSED PREMISES, AND ALSO SEEKING VARIANCES OF THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES OF SEC. 11-1-2; THE MINIMUM PARKING SPACE SIZE OF 9’ X 20’ UNDER SEC. 11-1-10 TO CONVERT THE EXISTING TAKE-OUT FOOD ESTABLISHMENT INTO A 30-SEAT RESTAURANT IN AN OR AND R-B ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THERE SHALL BE NO BAR OR SERVICE BAR LOCATED WITHIN THIS FACILITY.**
- 2. PIPED IN MUSIC AND TELEVISION ARE THE ONLY PERMITTED SOURCES OF ENTERTAINMENT.**
- 3. RESTAURANT HOURS ARE RESTRICTED TO 10AM – 10PM DAILY.**
- 4. ALL ALCOHOLIC BEVERAGES SHALL BE STORED IN A COOLER OR REFRIGERATOR IN THE KITCHEN AND TO BE SERVED BY THE STAFF TO THE CUSTOMERS SEATED AT TABLES.**

**FOR THE FOLLOWING REASONS:**

- 1. IT IS CUSTOMARY TO DISPENSE BEER OR WINE IN CONJUNCTION WITH THE SERVING OF MEALS.**

**2. THE GRANTING OF THIS PETITION SHALL HAVE NO NEGATIVE IMPACT ON THE IMMEDIATE AREA.**

**\*\* COMMISSIONER CAROLAN SECONDED THE MOTION. JCC**

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

**D-5 RE: 1944 – 1954 BOSTON AVENUE – SEEKING TO MODIFY A CONDITION OF APPROVAL OF AN APPLICATION GRANTED BY THE BOARD ON 08-11-15 TO LEGALIZE THE PLACEMENT OF A 6’ HIGH PRIVACY FENCE ON A CORNER LOT IN AN OR ZONE.**

**\*\* COMMISSIONER SHEPARD MOVED TO GRANT ITEM D-5 RE: 1944 – 1954 BOSTON AVENUE – SEEKING TO MODIFY A CONDITION OF APPROVAL OF AN APPLICATION GRANTED BY THE BOARD ON 08-11-15 TO LEGALIZE THE PLACEMENT OF A 6’ HIGH PRIVACY FENCE ON A CORNER LOT IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE LOCATION AND HEIGHT OF THE FENCE SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**

**FOR THE FOLLOWING REASONS:**

- 1. THE HEIGHT OF THE FENCE SHALL PROVIDE AN ADDED MEASURE OF SECURITY FOR THE CHILDREN AT THIS FACILITY.**

**\*\* COMMISSIONER CAROLAN SECONDED THE MOTION.**

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

**#1 RE: 98 MORGAN AVENUE – SEEKING A VARIANCE OF THE MAXIMUM DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT AND ALSO SEEKING TO WAIVE 5 FT. OF THE REQUIRED 15’ FRONT SETBACK AND 1FT. AND 6 FT. OF THE REQUIRED 11’ SIDE YARD SETBACK REQUIREMENT UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN A NON-CONFORMING LOT IN AN R-C ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO DENY ITEM #1 RE: 98 MORGAN AVENUE – SEEKING A VARIANCE OF THE MAXIMUM DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT AND ALSO SEEKING TO WAIVE 5 FT. OF THE REQUIRED 15’ FRONT SETBACK AND 1FT. AND 6 FT. OF THE REQUIRED 11’ SIDE YARD SETBACK REQUIREMENT UNDER SEC. 5-1-3 TO**

**PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN A NON-CONFORMING LOT IN AN R-C ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITION, AS PRESENTED, WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**
- 2. THE PETITIONER FAILED TO ESTABLISH ANY UNUSUAL CONDITION OR HARDSHIP THAT WOULD WARRANT AN APPROVAL BY THE BOARD.**

**\*\* COMMISSIONER CAROLAN SECONDED THE MOTION.**

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

**#2 RE: 48 FIFTH STREET – SEEKING VARIANCES OF THE MINIMUM DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT; THE FRONT, SIDE AND REAR SETBACK REQUIREMENTS OF SEC. 5-3-1 AND ALSO SEEKING TO WAIVE THE MINIMUM ON-SITE PARKING SPACE SIZE OF 9' X 20' TO LEGALIZE THE CONSTRUCTION OF A 2 ½ STORY, 1,400 SQ. FT ADDITION AND TO PERMIT THE CONVERSION OF A SINGLE-FAMILY DWELLING INTO A TWO-FAMILY DWELLING IN AN R-C ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO DENY ITEM #2 RE: 48 FIFTH STREET – SEEKING VARIANCES OF THE MINIMUM DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT; THE FRONT, SIDE AND REAR SETBACK REQUIREMENTS OF SEC. 5-3-1 AND ALSO SEEKING TO WAIVE THE MINIMUM ON-SITE PARKING SPACE SIZE OF 9' X 20' TO LEGALIZE THE CONSTRUCTION OF A 2 ½ STORY, 1,400 SQ. FT ADDITION AND TO PERMIT THE CONVERSION OF A SINGLE-FAMILY DWELLING INTO A TWO-FAMILY DWELLING IN AN R-C ZONE FOR THE FOLLOWING REASONS:**

- 1. EVEN THOUGH THE PETITIONER PROVIDED SOME OFF-STREET PARKING, THE OVERALL PROJECT AS PRESENTED STILL RESULTS IN AN OVERUSE OF THE SUBJECT SITE.**
- 2. THE PETITIONER FAILED TO ESTABLISH ANY UNUSUAL CONDITION AND HARDSHIP THAT WOULD WARRANT AN APPROVAL BY THE BOARD.**
- 3. FURTHERMORE, THE BOARD HAS ORDERED THIS ILLEGAL ADDITION TO THE ORIGINAL DWELLING BE REMOVED.**

**\*\* COMMISSIONER CAROLAN SECONDED THE MOTION.**

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

**#3 RE: 798 PARK AVENUE – SEEKING VARIANCES OF THE MINIMUM SIDE SETBACK REQUIREMENT; THE MAXIMUM SITE COVERAGE AND THE MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 5-1-3 AND ALSO SEEKING TO WAIVE THE ADA RAMP TO LOT LINE REQUIREMENT OF SEC. 4-3-2 TO PERMIT THE CONSTRUCTION OF A 400 SQ. FT. ADDITION AND AN ADA RAMP TO THE EXISTING FUNERAL HOME IN AN R-C ZONE.**

**\*\* COMMISSIONER CAROLAN MOVED TO GRANT ITEM #3 RE: 798 PARK AVENUE – SEEKING VARIANCES OF THE MINIMUM SIDE SETBACK REQUIREMENT; THE MAXIMUM SITE COVERAGE AND THE MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 5-1-3 AND ALSO SEEKING TO WAIVE THE ADA RAMP TO LOT LINE REQUIREMENT OF SEC. 4-3-2 TO PERMIT THE CONSTRUCTION OF A 400 SQ. FT. ADDITION AND AN ADA RAMP TO THE EXISTING FUNERAL HOME IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THIS PROJECT SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. ALL CONSTRUCTION ACTIVITY SHALL BE IN STRICT ACCORD WITH THE BASIC BUILDING CODE OF THE STATE OF CT.**
- 3. THE PETITIONER MUST FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

**FOR THE FOLLOWING REASON:**

- 1. THE PROPOSED RAMP WILL COMPLY WITH THE ADA REGULATIONS FOR PUBLIC ACCESS.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

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

**#4 RE: 96 QUINLAN AVENUE – SEEKING A VARIANCE OF THE MINIMUM SIDE AND REAR SETBACK REQUIREMENTS OF 10 FT. AND THE MAXIMUM HEIGHT REQUIREMENT OF 15’ UNDER SEC. 5-1-3 AND ALSO SEEKING A VARIANCE OF SEC. 12-7-1(C)(3) TO PERMIT A HOME OFFICE USE IN THE EXISTING GARAGE BY ADDING A 440 SQ. FT. 2ND STORY ADDITION TO THE EXISTING ACCESSORY STRUCTURE IN AN R-AA ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO DENY ITEM #4 RE: 96 QUINLAN AVENUE – SEEKING A VARIANCE OF THE MINIMUM SIDE AND REAR SETBACK REQUIREMENTS OF 10 FT. AND THE MAXIMUM HEIGHT REQUIREMENT OF 15’**



**UNDER SEC. 5-1-3 AND ALSO SEEKING A VARIANCE OF SEC. 12-7-1(C)(3) TO PERMIT A HOME OFFICE USE IN THE EXISTING GARAGE BY ADDING A 440 SQ. FT. 2ND STORY ADDITION TO THE EXISTING ACCESSORY STRUCTURE IN AN R-AA ZONE WITHOUT PREJUDICE FOR THE FOLLOWING REASON:**

- 1. TO GIVE THE PETITIONER THE OPPORTUNITY TO ADEQUATELY JUSTIFY THE NEED TO ENLARGE THE EXISTING NONCONFORMING ACCESSORY STRUCTURE (SEE SEC. 4-12-4A & B), AS WELL AS ESTABLISHING A LEGAL HARDSHIP, AS AN APPROVAL OF THIS PETITION WOULD SET A PRECEDENCE IN THIS MOST RESTRICTIVE ZONE WITHIN THE CITY.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

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

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

**Story Addition to the Existing Accessory Structure in an R-AA Zon.**

**\*\* COMMISSIONER CAROLAN MOVED TO HEAR THE APPLICATION RELATED TO A STORY ADDITION TO THE EXISTING ACCESSORY STRUCTURE IN AN R-AA ZONE.**

**\*\* COMMISSIONER ALVES SECONDED THE MOTION.**

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

### **APPROVAL OF MINUTES**

**\*\* COMMISSIONER ALVES MOVED TO APPROVE THE MEETING MINUTES OF THE MARCH 8, 2016 MEETING WITH THE FOLLOWING CORRECTIONS:**

- 1. PAGE FOUR: MS. PIZICHELLI'S FULL NAME SHALL BE SPELLED THUSLY- JULIE CATANA PIZICHELLI.**
- 2. PAGE TEN: THE APARTMENT UNITS BEING REFERRED TO ARE SINGLE UNIT.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

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

### **ADJOURNMENT**

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

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

The meeting ended at 8:45 PM.

Respectfully submitted,

Catherine Ramos  
Telesco Secretarial Services