



ZONING BOARD OF APPEALS
JUNE 14, 2016
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
(203) 576-7217 Phone
(203) 576-7213 Fax

ATTENDANCE: Michael Piccirillo, Chair; Robin Shepard, Acting Secretary;
Leticia Colon, John Carolan

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

CALL TO ORDER.

Commissioner Piccirillo called the meeting to order at 6:10 p.m. A quorum was present. He reviewed the procedures with those present. He noted that there were only four Commissioners seated and any approval would require an unanimous vote.

ITEM D-1 (#6) RE: 75 HEMLOCK STREET – Petition of Rogerio Mendes, Owner - Seeking a variance of the minimum side setback requirement of 6’ of Sec. 5-1-3 to permit the construction of a 1-story addition to the existing 1-family dwelling in an R-BB zone.

Mr. Mendes came forward and turned in the mailing receipts. Mr. Brian Burdo of Lafayette Design also came forward and said that the owner, Mr. Mendez would like to add a second floor but the age of the house would make this non-complaint. He submitted a letter from a neighbor. It will remain as a one family and add two bedrooms upstairs. There would not be a bathroom upstairs.

Commissioner Piccirillo asked if there was anyone present who wished to speak in favor of the application. No one came forward. He then asked if there was anyone present who wished to oppose the application. Hearing none, Commissioner Piccirillo closed the hearing on 75 Hemlock Street at 6:14 p.m.

ITEM D-1 (#9) RE: 1225 SEAVIEW AVENUE – O & G Industries, Inc, (Atty. Raymond Rizio) Appealing under Sec. 14-10 of the Zoning Regulations of the City of Bridgeport and Sec. 8-7 of the CT State Statutes whereby it is alleged that the Zoning Enforcement Officer erred in his issuance of an Order to Comply for the expansion of the concrete and rock crushing business without proper approvals in an MU-LI zone and coastal area.

Mr. Buckley came forward and said that he had received a letter from Atty. Rizio requesting that this item be deferred to July 12, 2016. This is the second deferment request for this item.

ITEM #1 RE: 92 & 152 HOWARD AVENUE – O & G Industries, Inc, (Atty. Raymond Rizio) - Seeking variances prohibiting outdoor storage of materials causing fumes or dust and the displacement of materials off-site under Sec. 11-6-1 c & d and also seeking variances of the prohibition of outdoor storage of materials in a coastal area of Sec. 14-3-3 i and high impact use of Sec. 7-1-2 to permit the recycling, manufacturing and processing and freight handling of gravel, topsoil, construction debris, rock and asphalt in an I-L zone and coastal area.

Mr. Buckley came forward and said that he had received a letter from Atty. Rizio requesting that this item be deferred to July 12, 2016. He said that there was a problem because the applicant was changing the plans. Atty. Schmidt said that the Commission would have to grant the deferral.

ITEM #2 RE: 59 – 61 SAVOY STREET – Jeney Marte, Owner - Seeking a variance of two (2) of the required five (5) off-street parking spaces of Sec. 11-1-2 and also seeking variances of the maximum site coverage requirement and minimum landscaping requirement of Sec. 5-1-3 to permit the establishment of a 3rd residential unit in the attic area of an existing 2-family dwelling in an R-BB zone.

Mr. Marte came forward and handed in the green cards. He gave a brief overview of the request. He said that he had a two family house and the third floor was just an attic. There is a bathroom, but no kitchen. Commissioner Carolan said that it was originally built as a two family resident. Mr. Marte agreed. The dormers are already in place.

Commissioner Piccirillo asked if there was anyone present who wished to speak in favor of the application. No one came forward. He then asked if there was anyone present who wished to oppose the application. Hearing none, Commissioner Piccirillo closed the hearing on 59-61 Savoy Street at 6:24 p.m.

ITEM #3 RE: 126 FRANK STREET – Santos Foundation, Inc, Owner - Seeking a variance of the maximum height of 15' of an accessory structure under Sec. 6-1-3 and also seeking to waive the 10% of the required 15% landscaping required of Sec.11-3-1c and legalize the outside storage of materials in a portion of the parking lot under Sec. 14-12-3a to permit the construction of a 52' x 47' x 21' accessory structure in an OR zone

Commissioner Shepard called the item there was no response. She called the item three more times. There was no response.

Commissioner Piccirillo closed the public hearing portion of the meeting at 6:26 p.m.

RECESS

Commissioner Piccirillo announced a recess at 6:26 p.m. He called the meeting back to order at 6:30 p.m.

DECISION SESSION.

ITEM D-1 (#6) RE: 75 HEMLOCK STREET – Petition of Rogerio Mendes, Owner - Seeking a variance of the minimum side setback requirement of 6’ of Sec. 5-1-3 to permit the construction of a 1-story addition to the existing 1-family dwelling in an R-BB zone.

**** COMMISSIONER SHEPARD MOVED TO GRANT ITEM D-1 (#6) RE: 75 HEMLOCK STREET – PETITION OF ROGERIO MENDES, OWNER - SEEKING A VARIANCE OF THE MINIMUM SIDE SETBACK REQUIREMENT OF 6’ OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 1-STORY ADDITION TO THE EXISTING 1-FAMILY DWELLING IN AN R-BB ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PROPERTY SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE APPLICANT SHALL FILE PLANS AND APPLICATION FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASONS:

- 1. THE APPROVAL OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.**
- 2. THIS USE IS IN HARMONY WITH USES IN THE IMMEDIATE AREA.**

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

ITEM D-1 (#9) RE: 1225 SEAVIEW AVENUE – O & G Industries, Inc, (Atty. Raymond Rizio) - Appealing under Sec. 14-10 of the Zoning Regulations of the City of Bridgeport and Sec. 8-7 of the CT State Statutes whereby it is alleged that the Zoning Enforcement Officer erred in his issuance of an Order to Comply for the expansion of the concrete and rock crushing business without proper approvals in an MU-LI zone and coastal area.

Mr. Piccirillo asked if the Commissioners could deny the request for the deferment because Atty. Rizio was not present. Atty. Schmidt pointed out that the opponents should have an opportunity to speak. Mr. Buckley said that since the letter was received 48 hours in advance, it is normally granted.

**** COMMISSIONER SHEPARD MOVED TO DEFER AGENDA ITEM D-1 (#9) RE: 1225 SEAVIEW AVENUE – O & G INDUSTRIES, INC, (ATTY. RAYMOND RIZIO) APPEALING UNDER SEC. 14-10 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-7 OF THE CT STATE STATUTES WHEREBY IT IS ALLEGED THAT THE ZONING ENFORCEMENT OFFICER ERRED IN HIS ISSUANCE OF AN ORDER TO COMPLY FOR THE EXPANSION OF THE CONCRETE AND ROCK CRUSHING BUSINESS WITHOUT PROPER APPROVALS IN AN MU-LI ZONE AND COASTAL AREA TO JULY 12, 2016.**

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

ITEM #1 RE: 92 & 152 HOWARD AVENUE – O & G Industries, Inc, (Atty. Raymond Rizio) - Seeking variances prohibiting outdoor storage of materials causing fumes or dust and the displacement of materials off-site under Sec. 11-6-1 c & d and also seeking variances of the prohibition of outdoor storage of materials in a coastal area of Sec. 14-3-3 i and high impact use of Sec. 7-1-2 to permit the recycling, manufacturing and processing and freight handling of gravel, topsoil, construction debris, rock and asphalt in an I-L zone and coastal area.

**** COMMISSIONER SHEPARD MOVED TO DEFER AGENDA ITEM #1 RE: 92 & 152 HOWARD AVENUE – O & G INDUSTRIES, INC, (ATTY. RAYMOND RIZIO) - SEEKING VARIANCES PROHIBITING OUTDOOR STORAGE OF MATERIALS CAUSING FUMES OR DUST AND THE DISPLACEMENT OF MATERIALS OFF-SITE UNDER SEC. 11-6-1 C & D AND ALSO SEEKING VARIANCES OF THE PROHIBITION OF OUTDOOR STORAGE OF MATERIALS IN A COASTAL AREA OF SEC. 14-3-3 I AND HIGH IMPACT USE OF SEC. 7-1-2 TO PERMIT THE RECYCLING, MANUFACTURING AND PROCESSING AND FREIGHT HANDLING OF GRAVEL, TOPSOIL, CONSTRUCTION DEBRIS, ROCK AND ASPHALT IN AN I-L ZONE AND COASTAL AREA TO JULY 12, 2016.**

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

ITEM #2 RE: 59 – 61 SAVOY STREET – Jeney Marte, Owner - Seeking a variance of two (2) of the required five (5) off-street parking spaces of Sec. 11-1-2 and also seeking variances of the maximum site coverage requirement and minimum landscaping requirement of Sec. 5-1-3 to permit the establishment of a 3rd residential unit in the attic area of an existing 2-family dwelling in an R-BB zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #2 RE: 59 – 61 SAVOY STREET – JENEY MARTE, OWNER - SEEKING A VARIANCE OF TWO (2) OF THE REQUIRED FIVE (5) OFF-STREET PARKING SPACES OF SEC. 11-1-2 AND ALSO SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE REQUIREMENT AND MINIMUM LANDSCAPING REQUIREMENT OF SEC. 5-1-3 TO PERMIT THE ESTABLISHMENT OF A 3RD RESIDENTIAL UNIT IN THE ATTIC AREA OF AN EXISTING 2-FAMILY DWELLING IN AN R-BB ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PROPERTY SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE APPLICANT SHALL FILE PLANS AND APPLICATION FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 3. ALL CONSTRUCTION RELATING TO THE ESTABLISHMENT OF A 3RD FLOOR RESIDENTIAL UNIT SHALL COMPLY WITH THE BASIC BUILDING CODE (2009) OF THE STATE OF CT.**

FOR THE FOLLOWING REASONS:

- 1. THE APPROVAL OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.**
- 2. THIS USE IS IN HARMONY WITH USES IN THE IMMEDIATE AREA.**

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

ITEM #3 RE: 126 FRANK STREET – Santos Foundation, Inc, Owner - Seeking a variance of the maximum height of 15’ of an accessory structure under Sec. 6-1-3 and also seeking to waive the 10% of the required 15% landscaping required of Sec.11-3-1c and legalize the outside storage of materials in a portion of the parking lot under Sec. 14-12-3a to permit the construction of a 52’ x 47’ x 21’ accessory structure in an OR zone.

**** COMMISSIONER CAROLAN MOVED TO DENY WITHOUT PREJUDICE AGENDA ITEM #3 RE: 126 FRANK STREET – SANTOS FOUNDATION, INC, OWNER - SEEKING A VARIANCE OF THE MAXIMUM HEIGHT OF 15’ OF AN ACCESSORY STRUCTURE UNDER SEC. 6-1-3 AND ALSO SEEKING TO WAIVE THE 10% OF THE REQUIRED 15% LANDSCAPING REQUIRED OF SEC.11-3-1C AND LEGALIZE THE OUTSIDE STORAGE OF MATERIALS IN A PORTION OF THE PARKING LOT UNDER SEC. 14-12-3A TO PERMIT THE CONSTRUCTION OF A 52’ X 47’ X 21’ ACCESSORY STRUCTURE IN AN OR ZONE BECAUSE THE APPLICANT FAILED TO ATTEND THE PUBLIC HEARING WITH THE FOLLOWING RECOMMENDATION:**

APPLICANT SHOULD MAKE EVERY EFFORT TO CLEANUP AND ORGANIZE THE SUBJECT PREMISES, ESPECIALLY IN THAT PART OF THE PARKING LOT BEING USED FOR STORAGE AND THE AREA THAT IS PROPOSED TO BE THE SITE OF A NEW GARAGE.

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

OTHER BUSINESS

OB-2 515 West Ave. – Petition of Hampshire-Bridgeport, LLC – Seeking an approval of a slight modification of development and location of building due to the location of a Southern CT Gas Company supply line along the frontage of this site.

Mr. Bill Coleman of OPED came forward to present the request of Hampshire-Bridgeport, LLC. Mr. Buckley explained where the location was and said that the building has to be moved back from the street because of the gas line and the zone changed, which had an impact on the site. Mr. Coleman displayed site plans and photos of the site. The gas line takes a jog and goes under the sidewalk and this necessitated the building be moved back. This has also resulted in a loss of two parking spaces. However, there will be more landscaping. One space will be lost due to the relocation of the dumpster and a second one was used for a bicycle rack. They are required to have 27 spaces. OPED felt that it was a good proposal. Mr. Carolan asked why the gas line went under the sidewalk. Mr. Coleman said that he believed they had spoken to UI about the gas line. Moving gas lines is very expensive and would cause additional problems.

Mr. Guevara then spoke about the height of the building and said that they may need a waiver. The road rises and causes a problem. Mr. Coleman said that the AT&T building, the senior tower and various other buildings are much taller. Mr. Coleman said that the height at one end is 44 feet and at the other end was 50 feet. Mr. Buckley said that the project had been approved, but by the time that the permit was pulled, the zone had changed and they were no longer in compliance. Discussion about the details followed. Atty. Schmidt pointed out that getting financing for projects like this is difficult. Mr. Coleman suggested that a sense of the board be taken. Mr. Piccirillo pointed out that the project had been approved before the zoning change. Mr. Carolan, Ms. Shepard and Ms. Colon agreed.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM OB-2
515 WEST AVE. – PETITION OF HAMPSHIRE-BRIDGEPORT, LLC –
SEEKING AN APPROVAL OF A SLIGHT MODIFICATION OF
DEVELOPMENT AND LOCATION OF BUILDING DUE TO THE LOCATION
OF A SOUTHERN CT GAS COMPANY SUPPLY LINE ALONG THE
FRONTAGE OF THIS SITE.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OTHER MATTERS THAT MAY COME BEFORE THE BOARD.

There were no additional items to consider at this time.

APPROVAL OF MINUTES.

April 12, 2016

Mr. Buckley pointed out that a quorum was not present to approve the minutes.

May 11, 2016

Mr. Buckley pointed out that a quorum was not present to approve the minutes.

ADJOURNMENT.

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

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:00 p.m.

Respectfully submitted,
S. L. Soltes
Telesco Secretarial Services

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
June 14, 2016