

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

**ATTENDANCE:** Michael Piccirillo, Chair; Boca Benson; Leticia Colon, Linda Grace; Maria Alves

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

**CALL TO ORDER**

Chairman Piccirillo called the meeting to order at 6:10 p. m. A quorum was present. He reviewed the procedures with those present.

**CONTINUED ITEMS**

No deferred business was brought before the board.

**DEFERRED ITEMS**

**D-1 1225 SEAVIEW AVE. – Petition of O & G Industries, Inc – 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.**

Attorney Chris Russo came forward to request a continuance of the item.

Chairman Piccirillo closed the public hearing on the item.

**D-2 (#1) 92 & 152 HOWARD AVE. – Petition of O & G Industries, Inc – 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.**

The item was withdrawn on July, 6, 2016.

### NEW ITEMS

**RE: 91 (aka 81-99) BOOTH STREET – Seeking a variance of Sec. 11-1-2 by waiving 13 of the required 31 off-street parking spaces and also seeking variances of the interior landscaping; perimeter landscaping and parking setback requirements of Sec. 11-1-3 to establish a social club use in a facility closed by court order on 03/22/12 in an OR zone.**

No one came forward or in opposition to the item.

**#2 168-170 Fairview Ave. – Petition of Maria Jose Decarvalho – Seeking a variance waiving the required 3’ setback requirement of Sec. 5-1-3 to legalize the construction of a 1-story, 3-car garage in an R-A zone.**

Ms. Maria Decarvalho came forward in favor of the item with Ms. Anna Caroline speaking on her behalf. Ms. Caroline stated that the original garage, which is still standing, is too small. She built the new garage to hold her car and the cars of her employees. There are four cars that would regularly be using the new garage and she plans on tearing down the old garage. She stated that the height of the new garage has been lowered to one story.

The members of the board questioned her about the remaining area on the lot, whether or not any space remained for landscaping, and the condition of the original garage.

Ms. Edna Cirella came forward in opposition to the item. She stated that she thought the garage that was put up is a monstrosity and that it is not necessary.

Chairman Piccirillo closed the public hearing on the item.

**#3 98 MORGAN AVE. – Petition of Elizabeth Design Development, LLC – Seeking variances of the minimum lot area, minimum front and minimum side setback requirements of Sec. 5-1-3 to permit the construction of a 1-family dwelling on a nonconforming lot in an R-C zone.**

Ms. Lillian Matos came forward to speak in favor of the item. She stated that the existing structure will be refurbished to match the house. She stated that the design would conform to the neighborhood.

Chairman Piccirillo closed the public hearing on the item.

**#4 698 CAPITOL AVE. – Petition of Robinson Soares – Seeking a variance of the minimum side setback requirement of Sec. 5-1-3 to permit the construction of a 2nd floor 286 sq. ft. addition in an R-C zone.**

Mr. Robinson Soares came forward to speak in favor of the item. He stated that the new construction would replace the existing porch and take up the same amount of space. He stated that the open space on the first space would stay the same.

Chairman Piccirillo closed the public hearing on the item.

**#5 110-112 NEWFIELD AVE. – Petition of Habitat for Humanity of Coastal Fairfield County – Seeking a variance of the minimum 9' x 20' off-street parking space size requirement of Sec. 11-1-10 to permit the construction of a side-by-side, 2-family dwelling with four (4) off-street parking spaces in an R-BB zone and coastal area.**

Kevin Moore of Habitat for Humanity came forward in favor of the item. He stated that the lot is narrow and can fit a duplex. It keeps with the esthetic of the neighborhood. He stated that there would be two cars parked on either side of the units.

Chairman Piccirillo closed the public hearing on the item.

**#6 1955 BOSTON AVE. – Petition of Saltamontes Tire Co., LLC – Seeking a use variance under Sec. 6-1-2 to legalize the sales and installation of passenger vehicle tires and also to legalize the emergency road service for tractor trailers in the existing commercial building in an OR zone.**

Attorney Robert Russo came forward with Mr. Pineda Avela to speak in favor of the item. He stated that the store currently sells tires and would like to install tires. He provided pictures of the store and the surrounding area to show that the store fit in with the surrounding area.

The members of the board discussed the changing of tires that currently goes on outside of the building and the storage of old tires in the back corner of the lot, and trucks that are parked at the location.

Mr. John August came forward in favor of the item. He stated that the trucks are sent out to change tires on tractor trailers, and that they are parked at this location when not in use.

Mr. Richard Demora came forward in favor of the item. He stated that the business is good for the neighborhood.

Mr. Eduardo Martinez came forward in favor of the item. He stated that the business works neat and clean when changing tires.

Mr. Eduardo Gaitan came forward in favor of the item. He stated that he works next door to the business and that Mr. Avela is a good neighbor.

Mr. Curt Jennings sent in a letter in opposition to the item. He provided photos of tires being changed outdoors at the location.

Chairman Piccirillo closed the public hearing on the item.

**#7 2149 SEAVIEW AVE. – Petition of 2149 Seaview Avenue, LLC – Seeking a use variance of Sec. 6-1-2 and also seeking variances of the maximum front setback requirement of 10’ to 26’ of Sec. 6-1-3; waive the additional standards of Sec. 6-1-4 (a & b) relating to the building siting and window requirements; the purpose and intent of the OR zone under Sec. 6-2-1 and the prohibition of outdoor storage and activity under Table 7 to permit an Industrial use consisting of the storage of boats, motor vehicles, heavy equipment and machinery in an OR zone.**

Attorney Chris Russo came forward and requested a deferral.

**#8 515 WEST AVE. – Petition of West Development, LLC – Seeking a modification of the approved plan of development on a petition granted on 08/09/11 to now need a variance of the maximum height requirement of 45’ under Sec. 10-10-14 and Table 4-h to permit the construction of a 4-story, 50’ apartment building in an NCVD zone.**

Attorney Chris Russo came forward in favor of the item. He stated that a gas line was discovered and necessitates a change in plan.

Mr. Bill Coleman came forward in favor of the item. He stated that the item is good for the development of the area.

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

There were no other additional items to consider at this time.

#### **APPROVAL OF MINUTES**

Minutes were not voted on.

#### **DECISION SESSION**

**ITEM C-1 1225 SEAVIEW AVENUE – 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.**

**\*\* COMMISSIONER GRACE MOVED TO GRANT A CONTINUANCE TO WEDNESDAY AUGUST 10, 2016 FOR ITEM C-1 1225 SEAVIEW AVENUE – 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.**

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

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

**D-2 (#1) 92 & 152 HOWARD AVENUE – 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.**

**THE ITEM WAS WITHDRAWN.**

**ITEM #1 91 (aka 81-99) BOOTH STREET – Seeking a variance of Sec. 11-1-2 by waiving 13 of the required 31 off-street parking spaces and also seeking variances of the interior landscaping; perimeter landscaping and parking setback requirements of Sec. 11-1-3 to establish a social club use in a facility closed by court order on 03/22/12 in an OR zone.**

**\*\* COMMISSIONER ALVES MOVED TO DENY ITEM #1 91 (AKA 81-99) BOOTH STREET – SEEKING A VARIANCE OF SEC. 11-1-2 BY WAIVING 13 OF THE REQUIRED 31 OFF-STREET PARKING SPACES AND ALSO SEEKING VARIANCES OF THE INTERIOR LANDSCAPING; PERIMETER LANDSCAPING AND PARKING SETBACK REQUIREMENTS OF SEC. 11-1-3 TO ESTABLISH A SOCIAL CLUB USE IN A FACILITY CLOSED BY COURT ORDER ON 03/22/12 IN AN OR ZONE FOR THE FOLLOWING REASONS:**

- 1. FACILITY CLOSED BY COURT ORDER AS THERE WAS NO JUSTIFICATION FOR A VARIANCE THAT WOULD WAIVE 13 OF THE REQUIRED 31 PARKING SPACES.**
- 2. THE INTENSIFICATION OF USE FOR THIS FACILITY IS NOT SUITABLE FOR THIS LOCATION**

**3. PROPERTY CURRENTLY IN THE PROCESS OF FORECLOSURE MAKING OWNERSHIP UNCLEAR.**

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

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

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**ITEM #2 168 – 170 FAIRVIEW AVENUE – Seeking a variance waiving the required 3’ setback requirement of Sec. 5-1-3 to legalize the construction of a 1-story, 3-car garage in an R-A zone.**

**\*\* COMMISSIONER GRACE MOVED TO DENY ITEM #2 168 – 170 FAIRVIEW AVENUE – SEEKING A VARIANCE WAIVING THE REQUIRED 3’ SETBACK REQUIREMENT OF SEC. 5-1-3 TO LEGALIZE THE CONSTRUCTION OF A 1-STORY, 3-CAR GARAGE IN AN R-A ZONE FOR THE FOLLOWING REASONS:**

- 1) PETITIONER HAS ONCE AGAIN FAILED TO ESTABLISH A VALID HARDSHIP RELATING TO THIS APPLICATION.**
- 2) FURTHERMORE, THE STRUCTURE SHALL BE REMOVED TO AVOID ANY FURTHER ENFORCEMENT ACTIVITY.**

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

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

**ITEM #3 98 MORGAN AVENUE – Seeking variances of the minimum lot area, minimum front and minimum side setback requirements of Sec. 5-1-3 to permit the construction of a 1-family dwelling on a nonconforming lot in an R-C zone.**

**COMMISSIONER ALVES MOVED TO APPROVE ITEM #3 98 MORGAN AVENUE – SEEKING VARIANCES OF THE MINIMUM LOT AREA, MINIMUM FRONT AND MINIMUM SIDE SETBACK REQUIREMENTS OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 1-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE GARAGE ADDITION SHALL BE REMOVED AND TWO (2) OVERHEAD DOORS INSTALLED FACING WINDSOR PLACE. THE GARAGE SHALL BE SIDED WITH THE SAME MATERIAL USED ON THE DWELLING.**
- 2. THE CONSTRUCTION OF THE DWELLING SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**

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. ELIMINATES AN EYESORE IN THE NEIGHBORHOOD.
2. PROVIDES A NEW SINGLE-FAMILY HOME IN THE CITY.
3. LOT WAS ESTABLISHED PRIOR TO THE CURRENT MINIMUM AREA AND FRONTAGE REQUIREMENTS.

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

**ITEM #4 698 CAPITOL AVENUE – Seeking a variance of the minimum side setback requirement of Sec. 5-1-3 to permit the construction of a 2nd floor 286 sq. ft. addition in an R-C zone.**

**COMMISSIONER ALVES MOVED TO GRANT ITEM #4 698 CAPITOL AVENUE – SEEKING A VARIANCE OF THE MINIMUM SIDE SETBACK REQUIREMENT OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2ND FLOOR 286 SQ. FT. ADDITION IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

4. THE CONSTRUCTION OF THE ADDITION SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.
5. 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 GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.
2. ACCOMMODATES THE NEEDS OF A GROWING FAMILY IN AN OWNER OCCUPIED TWO-FAMILY DWELLING.

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

**ITEM #5 110 – 112 NEWFIELD AVENUE – Seeking a variance of the minimum 9’ x 20’ off-street parking space size requirement of Sec. 11-1-10 to permit the construction of a side-by-side, 2-family dwelling with four (4) off-street parking spaces in an R-BB zone and coastal area.**

**\*\* COMMISSIONER ALVES MOVED TO APPROVE ITEM #5 110 – 112 NEWFIELD AVENUE – SEEKING A VARIANCE OF THE MINIMUM 9’ X 20’ OFF-STREET PARKING SPACE SIZE REQUIREMENT OF SEC. 11-1-10 TO PERMIT THE CONSTRUCTION OF A SIDE-BY-SIDE, 2-FAMILY DWELLING WITH FOUR (4) OFF-STREET PARKING SPACES IN AN R-BB ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1. THE CONSTRUCTION OF THE 2-FAMILY HOME SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. 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. PROVIDES ADEQUATE OFF-STREET PARKING SPACES FOR RESIDENTS OF EITHER SIDE OF THE PROPOSED TWO-FAMILY DWELLING.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**

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

**ITEM #6 1955 BOSTON AVENUE – Seeking a use variance under Sec. 6-1-2 to legalize the sales and installation of passenger vehicle tires and also to legalize the emergency road service for tractor trailers in the existing commercial building in an OR zone.**

**COMMISSIONER BENSON MOVED TO ISSUE A CONINUANCE TO WEDNESDAY AUGUST 10, 2016 FOR ITEM #6 1955 BOSTON AVENUE – SEEKING A USE VARIANCE UNDER SEC. 6-1-2 TO LEGALIZE THE SALES AND INSTALLATION OF PASSENGER VEHICLE TIRES AND ALSO TO LEGALIZE THE EMERGENCY ROAD SERVICE FOR TRACTOR TRAILERS IN THE EXISTING COMMERCIAL BUILDING IN AN OR ZONE.**

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



**ITEM #7 2149 Seaview Ave. – Petition of 2149 Seaview Avenue, LLC – Seeking a use variance of Sec. 6-1-2 and also seeking variances of the maximum front setback requirement of 10’ to 26’ of Sec. 6-1-3; waive the additional standards of Sec. 6-1-4 (a & b) relating to the building siting and window requirements; the purpose and intent of the OR zone under Sec. 6-2-1 and the prohibition of outdoor storage and activity under Table 7 to permit an Industrial use consisting of the storage of boats, motor vehicles, heavy equipment and machinery in an OR zone.**

**\*\* COMMISSIONER GRACE MOVED TO DEFER TO WEDNESDAY, AUGUST 10, 2016 ITEM #7 2149 SEAVIEW AVE. – PETITION OF 2149 SEAVIEW AVENUE, LLC – SEEKING A USE VARIANCE OF SEC. 6-1-2 AND ALSO SEEKING VARIANCES OF THE MAXIMUM FRONT SETBACK REQUIREMENT OF 10’ TO 26’ OF SEC. 6-1-3; WAIVE THE ADDITIONAL STANDARDS OF SEC. 6-1-4 (A & B) RELATING TO THE BUILDING SITING AND WINDOW REQUIREMENTS; THE PURPOSE AND INTENT OF THE OR ZONE UNDER SEC. 6-2-1 AND THE PROHIBITION OF OUTDOOR STORAGE AND ACTIVITY UNDER TABLE 7 TO PERMIT AN INDUSTRIAL USE CONSISTING OF THE STORAGE OF BOATS, MOTOR VEHICLES, HEAVY EQUIPMENT AND MACHINERY IN AN OR ZONE.**

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

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

**ITEM #8 515 WEST AVENUE – Seeking a modification of the approved plan of development on a petition granted on 08/09/11 to now need a variance of the maximum height requirement of 45’ under Sec. 10-10-14 and Table 4-h to permit the construction of a 4-story, 50’ apartment building in an NCVD zone.**

**COMMISSIONER GRACE MOVED TO GRANT ITEM #8 515 WEST AVENUE – SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT ON A PETITION GRANTED ON 08/09/11 TO NOW NEED A VARIANCE OF THE MAXIMUM HEIGHT REQUIREMENT OF 45’ UNDER SEC. 10-10-14 AND TABLE 4-H TO PERMIT THE CONSTRUCTION OF A 4-STORY, 50’ APARTMENT BUILDING IN AN NCVD ZONE WITH THE FOLLOWING CONDITIONS:**

**\*\*\*\*\* NO CONDITIONS LISTED IN EMAIL FROM GLORIA BLACKWELL.**

**FOR THE FOLLOWING REASONS:**

**THE NCVD ZONE WAS ESTABLISHED AFTER PRIOR APPROVALS, AS WELL AS A BUILDING PERMIT WAS ISSUED TO CONSTRUCT THE BUILDING AS APPROVED ON 08/09/2011.**

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

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

**ADJOURNMENT**

- \*\* COMMISSIONER GRACE MOVED TO ADJOURN.**
- \*\* COMMISSIONER ALVES SECONDED THE MOTION.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:19 p.m.

Respectfully submitted,

Tom Blaney  
Telesco Secretarial Services