

**ZONING BOARD OF APPEALS
AUGUST 10, 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; Neil Boney, Zoning Enforcement Officer

CALL TO ORDER

Chairman Piccirillo called the meeting to order at 6:14 p. m. A quorum was present. He reviewed the procedures with those present.

NEW BUSINESS

#5 461 & 479 Huntington Tpke and 161 Evers St. – Petition of Huntington Development, LLC – Seeking a variance of the minimum sq. ft. of 2,700 sq. ft. of property per residential unit under Sec. 5-1-3 and also seeking a variance of two (2) of the required 23 off-street parking spaces required under Sec. 11-1-2; variances of all interior and parking lot interior landscaping, as well as the minimum parking setback requirements and perimeter landscaping requirements of Sec. 11-1-3 to permit the construction of a 2-story 11-unit apartment building on the same lot as a 2-story 3-unit apartment building in the proposed OR zone.

Atty. Rizzio came forward to request that the item be deferred in order to allow him time to read Mr. Diego Guevara’s report, and incorporate the report into his plans.

#3 3389 Fairfield Ave. – Petition of Zachary Weiner – Seeking another parking variance under Sec. 11-1-2 to waive five (5) additional on-site parking spaces (for a total of 12 of the required 30) to permit the establishment of a glass blowing studio in the existing multi-tenant commercial building in an OR zone and coastal area.

Atty. Diane Lord came forward to withdraw the item.

CONTINUED ITEMS

C-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.

Neil Boney came forward with Atty. Bryan LeClerc to speak in opposition to the item. Mr. Boney provided pictures of the site as well as a binder of documents detailing the history of the site. Mr. Boney showed aerial pictures of the site taken in the years 1990, 1995, and 2000. In 1990, scrap metal and auto wrecking from the previous owner were visible. In 1995, the pile of depositing material is present. In 2000, the pile had grown in size.

Mr. Boney stated that O & G needed to come forward for approvals at the time they took over the site. O & G has been in violation of Bridgeport zoning requirements that were revised in 1985, as well as state statutes.

Mr. Boney stated that on March 24, 2016, an anonymous complaint was made inquiring about the height of the pile of depositing material at the location. Mr. Boney then made two site visits to the location and took pictures. Mr. Boney found no review or application put in by O & G for approvals. Mr. Boney read his April 6, 2016 letter to O & G. In the letter, he issued a cease and desist order, and stated his desire to open a dialogue with all necessary parties.

Atty. Rizzio came forward in favor of the item. He stated that O & G took over the location from Jacob Brothers, the previous owners, and used the land under the same category as Jacob Brothers had been operating under. In the 1980s, Jacob Brothers had gotten all of the proper approvals necessary for dealing with scrap metal and auto wrecking on that site. He stated that when O & G took over the location, the land was being used in the same category as Jacob Brothers had been using it, and there was no need to seek new approvals for work on the site.

Atty. Rizzio stated that in 2008, O & G sent a letter to the planning and zoning board to make sure that no approvals that were necessary for the operations that O & G was carrying out at the location. He stated that after the letter was sent, no problems with approvals were brought forward for O & G to address. He stated that over the past ten years, O & G has met with the zoning officials numerous times, and there were no problems until the anonymous inquiry was made in March of 2016.

Atty. LeClerc came forward to offer a rebuttal to Atty. Rizzio. He stated that Jacob Brothers had junked cars at the location. O & G uses the location to crush concrete blocks and transfer the product to another relocation. It is high impact recycling, and a different use category than that of Jacob Brothers. O & G is trying to rely on pre-existing approvals, and there were no pre-existing approvals. Atty. LeClerc stated that the 2008 letter from O & G is self-serving. It states O+ & G's position but it is not binding on the city in any matter.

Chairman Piccirillo closed the public hearing.

C-2 (#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.

Atty. Robert Russo came forward in favor of the item. He stated that at last month's meeting, it was requested that a storage container be put in use for the storage of old tires. That request has been honored, and a new storage container is in place. He stated that if the storage container is not what the commission had in mind, that a different type of container can be installed. He also stated that work has been done to improve the landscaping at the location.

Mr. Woody Alaceia came forward in favor of the item. He stated that he has lived in the neighborhood for thirty years and he is glad that Saltamontes Tire Co. is there. The business has had a positive impact on the neighborhood.

Mr. Arturo Lopez came forward in favor of the item. He stated that the location was in bad condition before Saltamontes Tire Co. took over the location. The location has significantly improved the surrounding area, and is a good business.

Chairman Piccirillo closed the public hearing.

DEFERRED ITEM

D-1 (#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.

Atty. Ray Rizzio came forward in favor of the item. He provided eight pictures of the location. He stated that the location has been cleaned up and it has not looked this good in ten years. The plan is to build a building using the existing foundation. Cars will be stored in the building and the owner wishes to store a boat in the back corner of the lot. The vehicles that will be stored in the building will be cars that have been towed. He stated that retail has not worked in the neighborhood, and this building will be a big improvement compared to the building that is there now. There will not be a problem with traffic going in and out of the location because there will not be a large number of cars going in and out per day.

Mr. Richard Gerrard came forward in favor of the item. He stated that approval of the building will allow the business to continue.

Chairman Piccirillo read a letter in opposition from OPED Director Tom Gil into the record. It stated that the city of Bridgeport, in coordination with the Connecticut Department of Transportation, is currently undertaking a project designing a new road that goes through 2149 Seaview Avenue. Approval of this variance could be detrimental to the project.

NEW BUSINESS

#1 1917 Boston Ave. – Petition of Boston Shell – Seeking variances of the minimum building setback and accessory structure setbacks under 6-1-3 to legalize the shed addition and placement of decorative trellis structures at the recently established gas station and convenience store use in an OR zone.

Mr. Yasser Alany came forward in favor of the item. Provided pictures of the location. He described the decorative pergolas and shed roof over the generator.

Mr. Jose Saltamontes came forward in favor of the item. He stated that he is in favor of anything that is done to improve the location.

#2 126 Frank St. – Petition of Santos Foundations, Inc. – Seeking a variance of the maximum height of 15' for an accessory structure under Sec. 6-1-3 and also seeking to waive 10% of the landscaping required under Sec. 11-3-1c and legalize the outside storage of materials, eliminating 17 of the on-site parking spaces under Sec. 14-12-3a to permit the construction of a 52' x 47' x 21' accessory structure with an attached canopy in an OR zone.

Mr. Don Santos came forward in favor of the item. He described the accessory structure with the attached canopy. He stated that the roof is pitched and is 21 feet high at its highest point. He stated that there is a fence around the property. He stated that the accessory structure is necessary because the business is expanding with more trucks and materials.

#4 185 Dover St. – Petition of J.A.X. Sales & Service, LLC – Seeking to expunge two conditions of approval to a petition granted by the Zoning Board of Appeals on 12/10/91 and one condition of approval granted on 08/11/86, which permitted the establishment of a used car dealership prohibiting outdoor storage and installation of barbed wire in an R-C zone.

Mr. Alex Rivera came forward in favor of the item. He stated that cars that are parked on the sidewalk are not his. He does all of his repairs inside, and has three tow trucks. He stated that he understands that the barbed wire on the fence has to be removed.

#6 90 Quilan Ave. – Petition of Morgan Tallman – Seeking a variance of Sec. 5-1-3 of the side setback requirement of 10'; the rear setback requirement of 5' and the height requirement of 15'. Also seeking a variance of the prohibition of enlarging a nonconforming structure of Sec. 4-12-4a, as well as a variance of the maximum accessory size requirements of Sec. 4-9-1c(2) to

permit the establishment of an artists' studio including the installation of electrical, heating and water/waste lines in an R-AA zone.

Atty. Rizzio came forward to speak in favor of the item. He stated that, Ms. Morgan Tallman, is an artist and wishes to have a home office. No customers would be visiting the site. He stated that she wishes to have a bathroom and sink, but will remove them from the plans if they would prevent approval. He stated no window would be located in the rear.

Mr. Tim O'Conner came forward in favor of the item. He is a neighbor of Ms. Tallman and he stated that he has no problem with the plan. He likes that there will be no window in the rear, and it will not interfere with his privacy.

CONSENT AGENDA

404-408 Charles Street Petition of 404 Charles Development, LLC

DECISION SESSION

C-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.

**** COMMISSIONER BENSON MOVED TO UPHOLD THE ZONING ENFORCEMENT OFFICERS ORDER TO COMPLY C-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 FOR THE FOLLOWING REASON:**

THE APPLICANT FAILED TO APPLY FOR AND RECEIVE A CERTIFICATE OF ZONING COMPLIANCE AND A COASTAL AREA MANAGEMENT APPROVAL AS STATED IN THE RECORD AT THE PUBLIC HEARING.

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

**** THE MOTION PASSED UNANIMOUSLY.**

(#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.

**** COMMISSIONER COLON MOVED TO GRANT C-2 (#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 WITH THE FOLLOWING CONDITIONS:**

1. Service bay enclosure to be completed and painted to match the exterior of the main building.
2. A new attractive container shall be placed to the right of the main building in compliance with the setbacks for the storage of tires awaiting disposal.
3. All plantings and shrubbery shall be properly maintained and replaced as necessary for the duration of this approved use.
4. Other than the two service vehicles there shall be no storage of vehicles, equipment or tires in the parking lot when the business is closed.
5. Any work on any type vehicle in the parking lot is strictly prohibited.

FOR THE FOLLOWING REASONS:

1. The granting of this petition will have no adverse impact on the neighborhood.
2. This automotive related use is in harmony with other automotive related uses in the immediate area.

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

DEFERRED ITEM

D-1 (#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 DENY D-1 (#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 FOR THE FOLLOWING REASONS:**

1. The petitioner failed to present any unusual circumstance or unusual hardship associated with this petition that would warrant the approval of a use variance.
2. The petition as presented would prove to be an overuse of the subject premises.
3. The proposed use is not in keeping with the master plan of development or the redevelopment of the Seaview Avenue corridor.

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

#1 1917 Boston Ave. – Petition of Boston Shell – Seeking variances of the minimum building setback and accessory structure setbacks under 6-1-3 to legalize the shed addition and placement of decorative trellis structures at the recently established gas station and convenience store use in an OR zone.

**** COMMISSIONER GRACE MOVED TO GRANT #1 1917 BOSTON AVE. – PETITION OF BOSTON SHELL – SEEKING VARIANCES OF THE MINIMUM BUILDING SETBACK AND ACCESSORY STRUCTURE SETBACKS UNDER 6-1-3 TO LEGALIZE THE SHED ADDITION AND PLACEMENT OF DECORATIVE TRELLIS STRUCTURES AT THE RECENTLY ESTABLISHED GAS STATION AND CONVENIENCE STORE USE IN AN OR ZONE WITH THE FOLLOWING CONDITION:**

Finish shed enclosures and either paint or install vinyl siding to match the main building.

FOR THE FOLLOWING REASON:

The approval of this petition will enhance the look of the recently upgraded facility.

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

#2 126 Frank St. – Petition of Santos Foundations, Inc. – Seeking a variance of the maximum height of 15’ for an accessory structure under Sec. 6-1-3 and also seeking to waive 10% of the landscaping required under Sec. 11-3-1c and legalize the outside storage of materials, eliminating 17 of the on-site parking spaces under Sec. 14-12-3a to permit the construction of a 52’ x 47’ x 21’ accessory structure with an attached canopy in an OR zone.

**** COMMISSIONER GRACE MOVED TO GRANT #2 126 FRANK ST. – PETITION OF SANTOS FOUNDATIONS, INC – SEEKING A VARIANCE OF THE MAXIMUM HEIGHT OF 15’ FOR AN ACCESSORY STRUCTURE UNDER SEC. 6-1-3 AND ALSO SEEKING TO WAIVE 10% OF THE LANDSCAPING REQUIRED UNDER SEC. 11-3-1C AND LEGALIZE THE OUTSIDE STORAGE OF MATERIALS, ELIMINATING 17 OF THE ON-SITE PARKING SPACES UNDER SEC. 14-12-3A TO PERMIT THE CONSTRUCTION OF A 52’ X 47’ X 21’ ACCESSORY STRUCTURE WITH AN ATTACHED CANOPY IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

1. All temporary storage trailers are to be removed from the subject site.
2. The equipment and materials stored in the parking lot abutting the westerly property line are to be removed as this is not a permitted use in an OR zone.
3. The applicant shall file plans and applications for the issuance of a Certificate of Zoning Compliance and a Building Permit.
4. The development of the subject site shall be in strict accord with the plan submitted to and approved by the Board.

FOR THE FOLLOWING REASONS:

Accommodates the growth of a local business and eliminates an eye sore in the neighborhood.

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

#3 3389 Fairfield Ave. – Petition of Zachary Weiner – Seeking another parking variance under Sec. 11-1-2 to waive five (5) additional on-site parking spaces (for a total of 12 of the required 30) to permit the establishment of a glass blowing studio in the existing multi-tenant commercial building in an OR zone and coastal area.

NO ACTION WAS REQUIRED BY THE BRIDGEPORT ZONING BOARD OF APPEALS AS THE ABOVE-REFERENCED APPLICATION WAS WITHDRAWN.

#4 185 Dover St. – Petition of J.A.X. Sales & Service, LLC – Seeking to expunge two conditions of approval to a petition granted by the Zoning Board of Appeals on 12/10/91 and one condition of approval granted on 08/11/86, which permitted the establishment of a used car dealership prohibiting outdoor storage and installation of barbed wire an R-C zone.

**** COMMISSIONER ALVES MOVED TO GRANT #4 185 DOVER ST. – PETITION OF J.A.X. SALES & SERVICE, LLC – SEEKING TO EXPUNGE TWO CONDITIONS OF APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON 12/10/91 AND ONE CONDITION OF APPROVAL GRANTED ON 08/11/86, WHICH PERMITTED THE ESTABLISHMENT OF A USED CAR DEALERSHIP PROHIBITING OUTDOOR STORAGE AND INSTALLATION OF BARBED WIRE AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

1. Applicant shall remove all barbed wire from the subject premises.
2. Privacy slats shall be inserted into the chain link fence to soften the appearance of the auto storage area.
3. Outside storage of motor vehicles (in a neat and orderly fashion) is now permitted.

FOR THE FOLLOWING REASON:

The use of the subject premises is consistent with other automobile uses in the immediate area.

Commissioner colon seconded the motion.

The motion passed unanimously.

#5 461 & 479 Huntington Tpke and 161 Evers St. – Petition of Huntington Development, LLC – Seeking a variance of the minimum sq. ft. of 2,700 sq. ft. of property per residential unit under Sec. 5-1-3 and also seeking a variance of two (2) of the required 23 off-street parking spaces required under Sec. 11-1-2; variances of all interior and parking lot interior landscaping, as well as the minimum parking setback requirements and perimeter landscaping requirements of Sec. 11-1-3 to permit the construction of a 2-story 11-unit apartment building on the same lot as a 2-story 3-unit apartment building in the proposed OR zone.

**** COMMISSIONER COLON MOVED TO DEFER #5 461 & 479 HUNTINGTON TPKE AND 161 EVERS ST. – PETITION OF HUNTINGTON DEVELOPMENT, LLC – SEEKING A VARIANCE OF THE MINIMUM SQ. FT. OF 2,700 SQ. FT. OF**

PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 AND ALSO SEEKING A VARIANCE OF TWO (2) OF THE REQUIRED 23 OFF-STREET PARKING SPACES REQUIRED UNDER SEC. 11-1-2; VARIANCES OF ALL INTERIOR AND PARKING LOT INTERIOR LANDSCAPING, AS WELL AS THE MINIMUM PARKING SETBACK REQUIREMENTS AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-3 TO PERMIT THE CONSTRUCTION OF A 2-STORY 11-UNIT APARTMENT BUILDING ON THE SAME LOT AS A 2-STORY 3-UNIT APARTMENT BUILDING IN THE PROPOSED OR ZONE.

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

**** THE MOTION PASSED UNANIMOUSLY.**

#6 90 Quilan Ave. – Petition of Morgan Tallman – Seeking a variance of Sec. 5-1-3 of the side setback requirement of 10’; the rear setback requirement of 5’ and the height requirement of 15’. Also seeking a variance of the prohibition of enlarging a nonconforming structure of Sec. 4-12-4a, as well as a variance of the maximum accessory size requirements of Sec. 4-9-1c(2) to permit the establishment of an artists’ studio including the installation of electrical, heating and water/waste lines in an R-AA zone.

COMMISSIONER ALVES MOVED TO APPROVE #6 90 QUILAN AVE. – PETITION OF MORGAN TALLMAN – SEEKING A VARIANCE OF SEC. 5-1-3 OF THE SIDE SETBACK REQUIREMENT OF 10’; THE REAR SETBACK REQUIREMENT OF 5’ AND THE HEIGHT REQUIREMENT OF 15’. ALSO SEEKING A VARIANCE OF THE PROHIBITION OF ENLARGING A NONCONFORMING STRUCTURE OF SEC. 4-12-4A, AS WELL AS A VARIANCE OF THE MAXIMUM ACCESSORY SIZE REQUIREMENTS OF SEC. 4-9-1C(2) TO PERMIT THE ESTABLISHMENT OF AN ARTISTS’ STUDIO INCLUDING THE INSTALLATION OF ELECTRICAL, HEATING AND WATER/WASTE LINES IN AN R-AA ZONE FOR THE FOLLOWING REASONS:

1. The petitioner failed to present any unusual circumstance or unusual hardship associated with this petition that would warrant the approval of a use variance.
2. The petition as presented would prove to be an overuse of the subject premises.
3. The approval of this petition would set a precedence which is not appropriate in the most restrictive zone in the City.

**** COMMISSIONER BENSON SECONDED THE MOTION.**

**** THE MOTION FAILED TO PASS WITH TWO NO VOTES (CHAIRMAN PICCIRILLO AND COMMISSIONER GRACE).**

RE: 404 – 408 CHARLES STREET – Seeking to legalize the use of the 1967 approved 22-unit apartment building into 24-units.

CONTINUED TO TUESDAY, SEPTEMBER 13, 2016 IN ORDER TO GIVE COMMISSIONERS ADEQUATE TIME TO REVIEW THE RECOMMENDATIONS SUBMITTED BY THE ZONING DEPARTMENT PERSONNEL.

NO VOTE WAS TAKEN.

ADJOURNMENT

**** COMMISSIONER GRACE MOVED TO ADJOURN.
** COMMISSIONER BENSON SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:37 p.m.

Respectfully submitted,

Tom Blaney
Telesco Secretarial Services