

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
AUGUST 8, 2017**

ATTENDANCE: Michael Piccirillo, Chair; Linda Grace, John Carolan; Boca Benson; Maria Alves

STAFF: Russell Liskov, City Attorney; Dennis Buckley, Zoning Official; Paul Boucher, Assistant Zoning Official; Dan Brennan, Zoning Department

CALL TO ORDER

Mr. Piccirillo called the meeting to order at 6:09 p. m. A quorum was present.

DEFERRED ITEM

D-1 (#2) 3422 Main St. – Petition of Pamela Esposito – Seeking a variance of the maximum setback requirement of 10 feet under Sec. 4-3-2a1 and also seeking a variance of the minimum five (5) off-street parking space requirement under Sec. 11-1-2 and all of the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13 to permit the conversion of the existing single-family dwelling into a professional office building in an OR zone.

Attorney Raymond Rizio came forward in favor of the item. He stated that he wishes to convert an existing single-family dwelling into a professional office building. He distributed photographs of the location. He stated that five parking spaces are required but we have room for four spaces with two of the spaces needing to be stacked. He stated that a variance in the setback will also be needed. The handicapped ramp will go to the rear entrance instead of wrapping around the building. He stated that there are no issues with on street parking. The office will have a minimal amount of visitors.

NEW ITEMS

#1 1625 Railroad Ave. – Petition of Romans 10:9 Transport, LLC – Seeking a use variance under Sec. 8-3-2 and also seeking a waiver of the prohibition of outside storage of heavy trucks under Table 7 of the supplemental uses; variances of the maximum site coverage and minimum landscaping under Sec. 8-3-3, as well as the minimum parking setbacks and perimeter landscaping requirements under Sec. 11-1-13 to permit the establishment of a swimming pool water business with six (6) tanker trucks in an MU-LI zone.

Attorney John Coughlin came forward in favor of the item. He stated that the business delivers water to hospitals, schools, construction sites as well as delivering pool water. He stated that he has confirmed with Aquarion that there will be no impact on other businesses along the water line. Drivers of the trucks will pull into the location and fill the trucks up with water. The refilling will be done outside of the building. Drivers will be told not to park on the street. The trucks will have 30 to 35 foot trailers and hold 6,000 gallons of water. He said the majority of the water delivery is done from the spring season though September.

Attorney Coughlin stated that the tenant that is currently there will be leaving. The skate board ramps that are currently outside of the building will be removed and the mural will be painted over. He stated that the use of water delivery business is consistent with the neighborhood. He stated he is willing to add landscaping.

Mr. Mike Daily came forward in opposition to the item. He stated that he owns an aluminum finishing business next adjacent to this location. He stated that his business uses an average of 17,000 gallons of water every day. He stated that water is critical to the success of his business. And he is not sure if the water supply is adequate to support the swimming pool water business.

Mr. Daily stated that Railroad Avenue is narrow and the trucks may block the street while waiting for other trucks to finish filling their tanks. He stated that the street has been dug up a few times, and it may not be able to support the weight of the water trucks. He stated that the water chillers between the buildings had been tagged with graffiti, and is concerned about it happening again.

Ms. Cheryl Prevolone came forward in opposition to the item. She stated that Railroad Avenue is frequently utilized for truck pick-ups and drop-offs. She is concerned with the water trucks blocking the entrance of the street where it is narrow. She stated that Railroad Avenue is a one way street and is concerned about the water trucks driving the wrong way. She stated that it is a safety concern.

Attorney Coughlin stated that Aquarion has assured him that the water supply is sufficient for his client. He stated that the trucks are under the 80,000 pound weight limit. He stated that the road is 70 feet wide at the entrance and is sufficient to handle the trucks. He stated that the use is within the definition of light industrial use.

#2 3425 Fairfield Ave. – Petition 3425 Fairfield Avenue, LLC – Seeking a variance of the minimum parking space size of 9' x 18' under Sec. 11-1-10 to reduce it to 8' x 18' and then waive 15 of the required 40 parking spaces required under Sec. 11-1-2 and also seeking a variance of the outside dining patio with liquor under Sec. 12-18-b5 to permit an open space with a bocce court in a portion of the existing parking lot; as well as an approval of location for a café restaurant use in an OR zone.

Attorney Rizio came forward in favor of the item. He stated that in 2012, this commission granted approval for an outdoor patio with a 6 foot high fence. He stated that the fence has come down, but that his client wishes to put the fence back up so that access to the patio can be controlled. There will be seating on the patio and food will be served.

He stated that there will be plenty of room for overflow parking. He provided photographs of the location. He stated that there have been no objections from neighbors. The owner of the brew pub next door is in support of approval. He stated that the footprint of the building will remain the same. He stated that reducing the size of the parking spaces will allow for four more parking spaces. There will be a total of 25 parking spaces. There will be no live music outside.

#3 533-535 Gregory St. – Petition of 505 Fifth Avenue Properties, LLC – Seeking a use variance under Sec. 5-1-2; a variance of the prohibition of enlarging a nonconforming 4-family dwelling in a 2-family zone under Sec. 4-12-3c and also seeking variances of the minimum lot area and width; the

minimum front and side setbacks and the maximum height requirements of Sec. 5-1-2, as well as a variance of all of the ten (10) off-street parking requirements under Sec. 11-1-2 to permit the expansion of the existing 4-family dwelling into a 6- family dwelling in an R-B zone.

Mr. Piccirillo stated that a request to have the item deferred was received this afternoon.

#4 703 East Main St. – Petition of Juan Hernandez/New England Investment, LLC – Seeking a variance of the hard surfaced parking lot as required under Sec. 11-1-12 to legalize the conversion of a 3-family dwelling into a 4-family dwelling in an OR zone.

Attorney Lewis Roman came forward in favor of the item. He did not have proof of mailings.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

Mr. Buckley stated that the house on Broadway Avenue that was approved was not built according to the conditions of approval. He stated that the deck is bigger than what was approved and there is not enough landscaping. The deck has two separate entrances that were not approved. Commissioner Piccirillo stated that the item should be added to next month's agenda.

Mr. Buckley stated that 40 Logan Street was approved but the required landscaping was paved over. Mr. Piccirillo stated that the item should be added to next month's agenda.

DECISION SESSION

DEFERRED ITEM

3422 MAIN STREET – Seeking a variance of the maximum setback requirement of 10 feet under Sec. 4-3-2a1 and also seeking a variance of the minimum five (5) off-street parking space requirement under Sec. 11-1-2 and all of the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13 to permit the conversion of the existing single-family dwelling into a professional office building in an OR zone.

**** COMMISSIONER GRACE MOVED TO APPROVE 3422 MAIN STREET – SEEKING A VARIANCE OF THE MAXIMUM SETBACK REQUIREMENT OF 10 FEET UNDER SEC. 4-3-2A1 AND ALSO SEEKING A VARIANCE OF THE MINIMUM FIVE (5) OFF-STREET PARKING SPACE REQUIREMENT UNDER SEC. 11-1-2 AND ALL OF THE MINIMUM PARKING SETBACK AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13 TO PERMIT THE CONVERSION OF THE EXISTING SINGLE-FAMILY DWELLING INTO A PROFESSIONAL OFFICE BUILDING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

THE EXTERIOR OF THE SUBJECT PREMISES SHALL BE RE-ROOFED, PAINTED OR VINYL SIDED AND LANDSCAPED.

THE USE OF THIS OFFICE SHALL BE LIMITED TO THAT OF A SOLE PRACTITIONER.

FOR THE FOLLOWING REASONS:

THE PETITION AS APPROVED WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA. THE LOT SIZE PROHIBITS A SUITABLE DESIGN TO COMPLY WITH THE ADA REQUIREMENTS FOR HANDICAP ACCESS.

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

NEW ITEMS

1625 RAILROAD AVENUE – Seeking a use variance under Sec. 8-3-2 and also seeking a waiver of the prohibition of outside storage of heavy trucks under Table 7 of the supplemental uses; variances of the maximum site coverage and minimum landscaping under Sec. 8-3-3, as well as the minimum parking setbacks and perimeter landscaping requirements under Sec. 11-1-13 to permit the establishment of a swimming pool water business with six (6) tanker trucks in an MU-LI zone.

**** COMMISSIONER CAROLAN 1625 RAILROAD AVENUE – SEEKING A USE VARIANCE UNDER SEC. 8-3-2 AND ALSO SEEKING A WAIVER OF THE PROHIBITION OF OUTSIDE STORAGE OF HEAVY TRUCKS UNDER TABLE 7 OF THE SUPPLEMENTAL USES; VARIANCES OF THE MAXIMUM SITE COVERAGE AND MINIMUM LANDSCAPING UNDER SEC. 8-3-3, AS WELL AS THE MINIMUM PARKING SETBACKS AND PERIMETER LANDSCAPING REQUIREMENTS UNDER SEC. 11-1-13 TO PERMIT THE ESTABLISHMENT OF A SWIMMING POOL WATER BUSINESS WITH SIX (6) TANKER TRUCKS IN AN MU-LI ZONE.**

The motion was not seconded.

**** COMMISSIONER PICCIRILLO MOVED TO DENY 1625 RAILROAD AVENUE – SEEKING A USE VARIANCE UNDER SEC. 8-3-2 AND ALSO SEEKING A WAIVER OF THE PROHIBITION OF OUTSIDE STORAGE OF HEAVY TRUCKS UNDER TABLE 7 OF THE SUPPLEMENTAL USES; VARIANCES OF THE MAXIMUM SITE COVERAGE AND MINIMUM LANDSCAPING UNDER SEC. 8-3-3, AS WELL AS THE MINIMUM PARKING SETBACKS AND PERIMETER LANDSCAPING REQUIREMENTS UNDER SEC. 11-1-13 TO PERMIT THE ESTABLISHMENT OF A SWIMMING POOL WATER BUSINESS WITH SIX (6) TANKER TRUCKS IN AN MU-LI ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITION AS PROPOSED WOULD BE AN OVERUSE OF THE SUBJECT PREMISES.**
- 2. THE PETITIONER FAILED TO JUSTIFY THE CLAIM OF HARDSHIP AS IT RELATES TO THIS PARCEL OF PROPERTY.**

**** COMMISSIONER ALVES SECONDED THE MOTION.
** THE MOTION PASSED WITH FOUR VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (MR. CAROLAN.)**

3425 FAIRFIELD AVENUE – Seeking a variance of the minimum parking space size of 9' x 18' under Sec. 11-1-10 to reduce it to 8' x 18' and then waive 15 of the required 40 parking spaces required under Sec. 11-1-2 and also seeking a variance of the outside dining patio with liquor under Sec. 12-18-b5 to permit an open space with a bocce court in a portion of the existing parking lot; as well as an approval of location for a café restaurant use in an OR zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE 3425 FAIRFIELD AVENUE – SEEKING A VARIANCE OF THE MINIMUM PARKING SPACE SIZE OF 9’ X 18’ UNDER SEC. 11-1-10 TO REDUCE IT TO 8’ X 18’ AND THEN WAIVE 15 OF THE REQUIRED 40 PARKING SPACES REQUIRED UNDER SEC. 11-1-2 AND ALSO SEEKING A VARIANCE OF THE OUTSIDE DINING PATIO WITH LIQUOR UNDER SEC. 12-18-B5 TO PERMIT AN OPEN SPACE WITH A BOCCIE COURT IN A PORTION OF THE EXISTING PARKING LOT; AS WELL AS AN APPROVAL OF LOCATION FOR A CAFÉ RESTAURANT USE IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER IS TO PROVIDE THE ZONING OFFICE WITH A PLAN FOR TABLES AND CHAIRS INDICATING THE OCCUPANCY APPROVED BY THE FIRE MARSHAL.**
- 2. ALL ALCOHOLIC BEVERAGES ARE TO BE SERVED BY THE WAIT STAFF ON THE DINING PATIO, WHICH WILL CLOSE WHEN THE KITCHEN CLOSES.**
- 3. THE EMERGENCY EXIT FROM THE PATIO IS TO BE KEPT CLOSED AT ALL TIMES AND BE EQUIPPED WITH AN ALARMED CRASH BAR.**
- 4. THE PETITIONER SHALL FILE PLANS AND APPLICATION FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A TENANT FIT-UP BUILDING PERMIT.**

FOR THE FOLLOWING REASONS:

- 1. THE RE-ESTABLISHMENT OF A RESTAURANT AND DINING PATIO IS CONSISTENT WITH OTHER DINING ESTABLISHMENTS ALONG THE BLACK ROCK/FAIRFIELD AVENUE CORRIDOR.**
- 2. THE SUBJECT PREMISES HAS BEEN A LIQUOR LICENSED RESTAURANT/CAFÉ FOR DECADES. THE APPROVAL OF THIS PETITION WILL HAVE A POSITIVE IMPACT ON THE IMMEDIATE AREA.**

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

533 – 535 GREGORY STREET – Seeking a use variance under Sec. 5-1-2; a variance of the prohibition of enlarging a nonconforming 4-family dwelling in a 2-family zone under Sec. 4-12-3c and also seeking variances of the minimum lot area and width; the minimum front and side setbacks and the maximum height requirements of Sec. 5-1-2, as well as a variance of all of the ten (10) off-street parking requirements under Sec. 11-1-2 to permit the expansion of the existing 4-family dwelling into a 6-family dwelling in an R-B zone.

**** COMMISSIONER ALVES MOVED TO DENY THE REQUEST TO BE DEFERRED BY 533 – 535 GREGORY STREET – SEEKING A USE VARIANCE UNDER SEC. 5-1-2; A VARIANCE OF THE PROHIBITION OF ENLARGING A NONCONFORMING 4-FAMILY DWELLING IN A 2-FAMILY ZONE UNDER SEC. 4-12-3C AND ALSO SEEKING VARIANCES OF THE MINIMUM LOT AREA AND WIDTH; THE MINIMUM FRONT AND SIDE SETBACKS AND THE MAXIMUM HEIGHT REQUIREMENTS OF SEC. 5-1-2, AS WELL AS A VARIANCE OF ALL OF THE TEN (10) OFF-STREET PARKING REQUIREMENTS UNDER SEC. 11-1-2 TO**

PERMIT THE EXPANSION OF THE EXISTING 4-FAMILY DWELLING INTO A 6- FAMILY DWELLING IN AN R-B ZONE.

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

** COMMISSIONER ALVES MOVED TO DENY 533 – 535 GREGORY STREET – SEEKING A USE VARIANCE UNDER SEC. 5-1-2; A VARIANCE OF THE PROHIBITION OF ENLARGING A NONCONFORMING 4-FAMILY DWELLING IN A 2-FAMILY ZONE UNDER SEC. 4-12-3C AND ALSO SEEKING VARIANCES OF THE MINIMUM LOT AREA AND WIDTH; THE MINIMUM FRONT AND SIDE SETBACKS AND THE MAXIMUM HEIGHT REQUIREMENTS OF SEC. 5-1-2, AS WELL AS A VARIANCE OF ALL OF THE TEN (10) OFF-STREET PARKING REQUIREMENTS UNDER SEC. 11-1-2 TO PERMIT THE EXPANSION OF THE EXISTING 4-FAMILY DWELLING INTO A 6- FAMILY DWELLING IN AN R-B ZONE WITHOUT PREJUDICE FOR THE FOLLOWING REASONS:

- 1). THE SIZE OF PROPERTY AND THE EXISTING DWELLING PROHIBIT ANY INCREASE IN THE INTENSITY.
- 2). NO HARDSHIP ASSOCIATED WITH THIS PETITION.

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

703 EAST MAIN STREET – Seeking a variance of the hard surfaced parking lot as required under Sec. 11-1-12 to legalize the conversion of a 3-family dwelling into a 4-family dwelling in an OR zone.

** COMMISSIONER ALVES MOVED TO CONTINUE 703 EAST MAIN STREET – SEEKING A VARIANCE OF THE HARD SURFACED PARKING LOT AS REQUIRED UNDER SEC. 11-1-12 TO LEGALIZE THE CONVERSION OF A 3-FAMILY DWELLING INTO A 4-FAMILY DWELLING IN AN OR ZONE TO MONDAY, SEPTEMBER 11, 2017

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

APPROVAL OF MINUTES

July 11, 2017

** COMMISSIONER GRACE MOVED TO APPROVE THE JULY 11, 2017 MINUTES AS SUBMITTED.
** COMMISSIONER ALVES SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

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

The meeting was adjourned at 8:00 p. m.

Respectfully submitted,

Tom Blaney
Telesco Secretarial Services