



ZONING BOARD OF APPEALS  
**OCTOBER 17, 2017**  
**REGULAR MEETING MINUTES**  
CITY OF BRIDGEPORT

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**ATTENDANCE:** Michael Piccirillo, Chair; Linda Grace, Secretary; John Carolan, Robin Shepard, Maria Alves (6:19 p.m.)

**STAFF:** Dennis Buckley, Zoning Official; Paul Boucher, Assistant Zoning Official; Atty. Russell Liskov, Associate City Attorney

**CALL TO ORDER**

Commissioner Piccirillo reconvened the October 10, 2017 recessed meeting to order at 6:14 p.m. on October 17, 2017. A quorum was present.

Commissioner Piccirillo explained that there were only four Commissioners present and while this is a quorum, if there is one no vote, the petition will not pass.

Commissioner Piccirillo announced that the following items would not be heard due to request for deferment by the applicants:

**ITEM #4 RE: 10 BOSTON AVENUE – Petition of 10 Boston Avenue, LLC (d/b/a BMW of Bridgeport) – Seeking a variance of the minimum landscaping requirement under Sec. 7-1-3 to permit the construction of a 44,500-sq. ft. new car dealership building in an I-L zone and coastal area.**

**ITEM #9 RE: 729 NORTH WASHINGTON AVENUE – Seeking a variance of the prohibition of outside storage of trucks, equipment and materials within the coastal area under Sec. 14-3-3i and also seeking variances of the maximum site coverage and all of the landscaping requirements of Sec. 7-1-3; a variance of the prohibition of utilizing the setback areas for material storage under Sec. 11-6-1a; a variance of the 5’ buffer requirement under Sec. 11-8-3b/I; a variance of the maximum fence height requirement of 8’ (City Council approval is also needed at the intersection) and a variance of storage piles of materials not to exceed 6’ in height under Sec. 11-8-3d to legalize a contractor yard use including 15’ high piles of millings, surrounded by a 10’ high fence in an I-L zone and coastal area.**

Commissioner Grace then read the first item to be heard.

**ITEM #2 RE: 495 SHELTON STREET – Petition of Washington Cabezas - Seeking a use variance under Sec. 6-1-2 to permit the construction of a single-family dwelling in an OR zone.**

This item was continued from the October 10th meeting.

Mr. Washington Cabezas, the property owner, came forward and greeted the Commissioners. He said that there had been some concerns about the external appearance of the house.

*Commissioner Alves joined the meeting at 6:19 p.m.*

Mr. Cabezas distributed updated drawing of the proposed house. He indicated where the front door was relocated, the addition of shutters in the front, the change in the roof height, along with additional landscaping and windows.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 495 Shelton Street at 6:22 p.m.

**ITEM #5 RE: 522 PEQUONNOCK STREET – Petition of David Vazquez – Seeking variances of the minimum landscaping requirement under Sec. 6-1-3; all of the minimum number of off-street parking requirement under Sec. 11-1-2 the liquor distance requirement of 1500’ under Sec. 12-10b to permit the issuance of a café restaurant permit with a consumer bar and to permit the 74-seat dining area in the existing deli/grocery store in an OR-G zone.**

Mr. Leo Rodriquez came forward and handed in the mailings and photos of the property. He said that the restaurant already had 50 seats and that they wanted to expand to a 74 seat restaurant with a full bar. Mr. Rodriquez explained that the lot was fully developed and there was no additional parking.

Commissioner Piccirillo pointed out that the restaurant was not in zoning compliance. Mr. Rodriquez said that he had not been part of that application.

Commissioner Grace questioned the location of the kitchen in relation for the dining area. Mr. Rodriquez said that the Health Department had no problems with the layout.

Mr. Buckley came forward and explained that the zoning requirements for the causal dining, which covers from 0 to 50 seats for a deli, would allow the Health Department to issue a restaurant license. The store and deli were sold and the buyer thought he had purchased a legal restaurant.

Commissioner Grace asked if it was a 7 day a week operation. Mr. Rodriguez said that it would be opened 7 days a week. Commissioner Grace asked about the hours. Mr. Rodriguez gave a brief overview of when the establishment would be in operation.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 522 Pequonnock Street at 6:34 p.m.

**ITEM #6 RE: 380 LINDLEY STREET – Petition of Superior Products Distributors, Inc. – Seeking a variance of the minimum landscaping requirement under Sec. 8-3-3 to validate the existing wholesale trade use in an MU-LI zone.**

Mr. Paul O'Sullivan came forward and said that he was there regarding the landscaping requirements. He explained that their building was the gray building to the left of the yellow building when looking at the property. Commissioner Grace said that the front was landscaped nicely, but that there was nothing more that they could add to the property.

Mr. O'Sullivan said that his company sells to contractors. There is some pipes and machinery stored outside. The contractors can come to purchase supplies or have them delivered.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 380 Lindley Street at 6:40 p.m.

**ITEM #7 RE: 1000 – 1002 MAPLEWOOD AVENUE – Petition of Matthew Giannattasio – Seeking a variance of the minimum number of off-street parking requirement of Sec. 11-1-2 to permit the establishment of a laundromat use on the 1st floor of the existing 3-family dwelling in an OR zone.**

Mr. Livingston McKenzie and Mr. Giannattasio came forward and said that they did not have enough parking, so they would like to take down the garage to provide more parking. Mr. McKenzie reviewed the hours.

Mr. Giannattasio said that he had spoken to the Fire Marshal's Office and that he was told he had to get approval from the ZBA.

Commissioner Carolan asked how they would be venting the driers. Mr. Giannattasio explained that they would be venting towards the street and he would put a facade in front of the vents.

Mr. Giannattasio explained that he had seen a local resident coming from the laundromat which was 3 miles away. Putting a laundromat on the first floor will help the neighborhood. It will be a self serve laundromat. There will be someone on site periodically for supervision.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 1000 – 1002 Maplewood Avenue at 6:47 p.m.

**ITEM #8 RE: 2075 FAIRFIELD AVENUE – Petition of Black Rock Tires, LLC – Seeking an approval of location to permit the mounting, balancing and installation of tires in the existing commercial garage building in an I-L zone.**

Mr. Soliman came forward and present the green mailing receipts. He then gave a brief overview of their proposal. The business would be open 7 days a week. All the work will be done inside the building and there will be no outside storage of used tires. The company will come and remove the used tires. There will be two employees and they hope to increase the number of employees in the future as the business grows.

Commissioner Grace asked where the dumpster would be located. Mr. Soliman came forward and indicated where it would be located on the site plan. Commissioner Grace said the dumpster would have to be enclosed.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 2075 Fairfield Avenue at 6:54 p.m.

**RECESS.**

Commissioner Piccirillo declared a recess at 6:54 p.m. He reconvened the meeting at 6:57 p.m.

**DECISION SESSION.**

**ITEM #2 RE: 495 SHELTON STREET – (Petition of Washington Cabezas) Seeking a use variance under Sec. 6-1-2 to permit the construction of a single-family dwelling in an OR zone.**

**\*\* COMMISSIONER GRACE MOVED TO GRANT AGENDA ITEM #2 RE: 495 SHELTON STREET – (PETITION OF WASHINGTON CABEZAS) SEEKING A USE VARIANCE UNDER SEC. 6-1-2 TO PERMIT THE**

**CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PARCEL SHALL BE IN STRICT ACCORD WITH THE REVISED PLAN 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. THE SUBJECT PARCEL IS AN IRREGULAR SHAPED LOT WHICH WOULD HINDER COMMERCIAL DEVELOPMENT.**
- 2. THE PROPOSED SINGLE-FAMILY DWELLING WILL MAKE USE OF A VACANT LOT, WHICH PREVIOUSLY HAD A 2-FAMILY DWELLING ON IT.**

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

**ITEM #4 RE: 10 BOSTON AVENUE – Petition of 10 Boston Avenue, LLC (d/b/a BMW of Bridgeport) – Seeking a variance of the minimum landscaping requirement under Sec. 7-1-3 to permit the construction of a 44,500-sq. ft. new car dealership building in an I-L zone and coastal area.**

**\* COMMISSIONER GRACE MOVED TO DEFER AGENDA ITEM #4 RE: 10 BOSTON AVENUE – PETITION OF 10 BOSTON AVENUE, LLC (D/B/A BMW OF BRIDGEPORT) – SEEKING A VARIANCE OF THE MINIMUM LANDSCAPING REQUIREMENT UNDER SEC. 7-1-3 TO PERMIT THE CONSTRUCTION OF A 44,500-SQ. FT. NEW CAR DEALERSHIP BUILDING IN AN I-L ZONE AND COASTAL AREA TO TUESDAY, NOVEMBER 14, 2017.**

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

**ITEM #5 RE: 522 PEQUONNOCK STREET – Petition of David Vazquez – Seeking variances of the minimum landscaping requirement under Sec. 6-1-3; all of the minimum number of off-street parking requirement under Sec. 11-1-2 the liquor distance requirement of 1500’ under Sec. 12-10b to permit the issuance of a café restaurant permit with a consumer bar and to permit the 74-seat dining area in the existing deli/grocery store in an OR-G zone.**

**\*\* COMMISSIONER GRACE MOVED TO DENY AGENDA ITEM #5 RE: 522 PEQUONNOCK STREET – PETITION OF DAVID VAZQUEZ – SEEKING VARIANCES OF THE MINIMUM LANDSCAPING REQUIREMENT UNDER SEC. 6-1-3; ALL OF THE MINIMUM NUMBER OF OFF-STREET PARKING REQUIREMENT UNDER SEC. 11-1-2 THE LIQUOR DISTANCE REQUIREMENT OF 1500’ UNDER SEC. 12-10B TO PERMIT THE ISSUANCE OF A CAFÉ RESTAURANT PERMIT WITH A CONSUMER BAR AND TO PERMIT THE 74-SEAT DINING AREA IN THE EXISTING DELI/GROCERY STORE IN AN OR-G ZONE FOR THE FOLLOWING REASONS:**

- 1. THE GRANTING OF THIS PETITION WOULD RESULT IN THE OVERUSE OF THE SUBJECT PREMISES.**
- 2. THE PETITIONER FAILED TO PRESENT OR ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PARCEL OF PROPERTY AND THE PROPOSED USE.**

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

**ITEM #6 RE: 380 LINDLEY STREET – Petition of Superior Products Distributors, Inc. – Seeking a variance of the minimum landscaping requirement under Sec. 8-3-3 to validate the existing wholesale trade use in an MU-LI zone**

**\*\* COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #6 RE: 380 LINDLEY STREET – PETITION OF SUPERIOR PRODUCTS DISTRIBUTORS, INC. – SEEKING A VARIANCE OF THE MINIMUM LANDSCAPING REQUIREMENT UNDER SEC. 8-3-3 TO VALIDATE THE EXISTING WHOLESALE TRADE USE IN AN MU-LI ZONE FOR THE FOLLOWING REASONS:**

- 1. THE UNIQUE SHAPE OF THE LOT, COMBINED WITH THE LOCATION OF THE BUILDING, CREATE A HARDSHIP RELATING TO LANDSCAPING ZONE DEVELOPMENT STANDARDS.**
- 2. THE SUBJECT PREMISES HAS BEEN ENTIRELY PAVED SEVERAL TIMES PRIOR TO THE ENACTMENT OF THE CURRENT ZONE DEVELOPMENT STANDARDS OF 2010.**

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

**ITEM #7 RE: 1000 – 1002 MAPLEWOOD AVENUE – Petition of Matthew Giannattasio – Seeking a variance of the minimum number of off-street parking**

requirement of Sec. 11-1-2 to permit the establishment of a laundromat use on the 1st floor of the existing 3-family dwelling in an OR zone.

**\*\* COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #7 RE: 1000 – 1002 MAPLEWOOD AVENUE – PETITION OF MATTHEW GIANNATTASIO – SEEKING A VARIANCE OF THE MINIMUM NUMBER OF OFF-STREET PARKING REQUIREMENT OF SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF A LAUNDROMAT USE ON THE 1ST FLOOR OF THE EXISTING 3-FAMILY DWELLING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. ALL CONSTRUCTION ACTIVITY SHALL COMPLY WITH THE BASIC BUILDING CODE OF THE STATE OF CT.**
- 3. THE GARAGE SHALL BE REMOVED AND THREE (3) PARKING SPACES SHALL BE ESTABLISHED AND POSTED FOR THE USE OF THE RESIDENTS OF THE BUILDING.**
- 4. THE HOURS OF OPERATION SHALL BE MONDAY THRU FRIDAY, 8 A.M. TO 8 P.M. AND SATURDAY AND SUNDAY, 8 A.M. TO 5 P.M.**

**FOR THE FOLLOWING REASONS:**

- 1. THE BUILDING WAS DESIGNED AND CONSTRUCTED TO BE RETAIL ON THE 1ST FLOOR WITH TWO (2) APARTMENTS ABOVE.**
- 2. THE PROPOSED USE WILL OFFER A MUCH NEEDED SERVICE TO THE AREA NEIGHBORS AND RESIDENTS.**

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

**ITEM #8 RE: 2075 FAIRFIELD AVENUE – Petition of Black Rock Tires, LLC – Seeking an approval of location to permit the mounting, balancing and installation of tires in the existing commercial garage building in an I-L zone.**

**\*\* COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #8 RE: 2075 FAIRFIELD AVENUE – PETITION OF BLACK ROCK TIRES, LLC – SEEKING AN APPROVAL OF LOCATION TO PERMIT THE MOUNTING, BALANCING AND INSTALLATION OF TIRES IN THE EXISTING COMMERCIAL GARAGE BUILDING IN AN I-L ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. ALL ACTIVITY RELATING TO THE TIRE BUSINESS SHALL BE CONFINED TO THE INTERIOR OF THE BUILDING.**
- 2. THE PARKING LOT SHALL BE STRIPED IN ACCORDANCE WITH SEC. 11-1-12 OF THE ZONING REGULATIONS AND FENCED WITH A 4' WROUGHT IRON STYLE FENCE.**
- 3. THE DUMPSTER SHALL BE LOCATED AT THE REAR PROPERTY LINE AS CLOSE TO THE BUILDING AS POSSIBLE AND SHALL BE ENCLOSED WITH A PRIVACY FENCE 6' IN HEIGHT WITH A SUITABLE GATE OPENING.**
- 4. THE HOURS OF OPERATION SHALL BE LIMITED TO MONDAY THRU FRIDAY, 7 A.M. TO 8 P.M. AND SATURDAY AND SUNDAY, 8 A.M. TO 5 P.M.**
- 5. USED AND WORN-OUT TIRES SHALL BE STORED WITHIN THE BUILDING AND DISPOSED OF ON A WEEKLY BASIS.**

**FOR THE FOLLOWING REASONS:**

- 1. THE BUILDING WAS DESIGNED AND ARRANGED TO BE USED AS AN AUTO RELATED SERVICE FACILITY.**
- 2. THE PROJECT AS APPROVED WILL HAVE NO NEGATIVE IMPACT ON THE IMMEDIATE AREA.**

**\*\* COMMISSIONER ALVES SECONDED.**

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

**ITEM #9 RE: 729 NORTH WASHINGTON AVENUE – Seeking a variance of the prohibition of outside storage of trucks, equipment and materials within the coastal area under Sec. 14-3-3i and also seeking variances of the maximum site coverage and all of the landscaping requirements of Sec. 7-1-3; a variance of the prohibition of utilizing the setback areas for material storage under Sec. 11-6-1a; a variance of the 5' buffer requirement under Sec. 11-8-3b/I; a variance of the maximum fence height requirement of 8' (City Council approval is also needed at the intersection) and a variance of storage piles of materials not to exceed 6' in height under Sec. 11-8-3d to legalize a contractor yard use including 15' high piles of millings, surrounded by a 10' high fence in an I-L zone and coastal area.**

**\*\* COMMISSIONER GRACE MOVED TO DEFER AGENDA ITEM #9 RE: 729 NORTH WASHINGTON AVENUE – SEEKING A VARIANCE OF THE PROHIBITION OF OUTSIDE STORAGE OF TRUCKS, EQUIPMENT AND MATERIALS WITHIN THE COASTAL AREA UNDER SEC. 14-3-3I AND ALSO SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE AND ALL OF THE LANDSCAPING REQUIREMENTS OF SEC. 7-1-3; A VARIANCE OF THE PROHIBITION OF UTILIZING THE SETBACK AREAS FOR MATERIAL STORAGE UNDER SEC. 11-6-1A; A VARIANCE OF THE 5' BUFFER**



**REQUIREMENT UNDER SEC. 11-8-3B/I; A VARIANCE OF THE MAXIMUM FENCE HEIGHT REQUIREMENT OF 8' (CITY COUNCIL APPROVAL IS ALSO NEEDED AT THE INTERSECTION) AND A VARIANCE OF STORAGE PILES OF MATERIALS NOT TO EXCEED 6' IN HEIGHT UNDER SEC. 11-8-3D TO LEGALIZE A CONTRACTOR YARD USE INCLUDING 15' HIGH PILES OF MILLINGS, SURROUNDED BY A 10' HIGH FENCE IN AN I-L ZONE AND COASTAL AREA TO TUESDAY, NOVEMBER 14, 2017.**

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

**APPROVAL OF MINUTES.**

**Approval of ZBA Minutes for August 8, 2017**

The following correction was noted:

Throughout the document, please change “vinal” to “vinyl”.

**\*\* COMMISSIONER GRACE MOVED TO APPROVE THE MINUTES FOR AUGUST 8, 2017 AS CORRECTED.  
\*\* COMMISSIONER CAROLAN SECONDED.  
\*\* THE MOTION TO APPROVE THE MINUTES OF THE AUGUST 8, 2017 MINUTES AS CORRECTED PASSED UNANIMOUSLY.**

**ADJOURNMENT.**

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

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

S. L. Soltes  
Telesco Secretarial Services