

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
APRIL 10, 2018**

ATTENDANCE: Michael Piccirillo, Chair; Linda Grace; Robin Shepard; John Carolan; Maria Alves

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

I. CALL TO ORDER

Chairman Piccirillo called the meeting to order at 6:07 p. m.

II. ROLL CALL

Chairman Piccirillo called the roll, and a quorum was present.

III. PUBLIC HEARING

DEFERRRED ITEMS

D-1 (D-4) 522 Pequonnock St. – Petition of David Vazquez – Seeking an approval of location under Sec. 12-10b to establish a café restaurant liquor use and the issuance of a café liquor permit (service bar only) for the proposed 68-seat dining room to be used in conjunction with the existing grocery store/deli in the multi-tenant commercial building in an OR-G zone.

The item was withdrawn.

D-2 (#2) 120, 140, 152 Morgan Ave. – Petition of KMF Bridgeport, LLC – Seeking variances of the minimum landscaping requirements; the maximum site coverage requirements and the minimum density requirement of 2,700-sq. ft. of property per residential unit under Sec. 5-1-3 and also seeking a variance of 13 of the 31 required off-street parking spaces of Sec. 11-1-2 to legalize two (2) basement apartments in the existing three building apartment complex in an RC zone.

Attorney Raymond Rizio came forward in support of the item. He stated that the site plans have been revised. He stated that the buildings will stay as it is with no changes being made to them. He stated that the amount of parking will be increased. He stated that the lot currently has 9% landscaping and that amount will be increased to 27%.

Atty. Rizio stated that the building was constructed in the 1950s. The basements of two of the buildings were converted into housing. He stated that the City has been collecting taxes on those basement units for the past 15 years.

Atty. Rizio stated that the new owner of the property renovated the buildings and made upgrades to the property. He stated that there were 13 parking spaces and there are now 16 spaces. He stated that all of the units are studios or one bedroom apartments.

Atty. Rizio stated that a white vinyl stockade fence will be installed. He stated that we will accept, as a condition of approval, that the requirement to repave and repair the driveway. He stated that we will accept as a condition of approval that the dumpsters must be enclosed by fencing with privacy slats.

Atty. Rizio stated that the basement units have small windows which are about 5 feet from the floor. He stated that the door will be used as the emergency exit.

NEW ITEMS

#1 580 North Ave. – Petition of 580 North Avenue, LLC – Seeking variances of the location of an accessory structure under Sec. 4-9-1a, as well as the allowable size of an accessory structure under Sec. 4-9-1c and the minimum lot line setback under Sec. 7-1-3 to permit the construction of a canopy over the pump islands at the proposed gas station/convenience store in an I-L zone.

Attorney Diane Lord came forward in support of the item. She stated that the location was previously used as a used car lot. She stated that before being used as a used car lot, it was a gas station. She stated that the building will be used a convenience store. That is the only proposed use for the building.

Atty. Lord stated that a variance is needed for the canopy that is to be placed over the gas pumps. She stated that the canopy does not negate the intent of the regulations. She stated that the canopy does not block the building. She stated that the canopy does not negate the intent of the regulations requiring an accessory structure to be less than 50% of the size of the building.

Atty. Lord stated that the zoning regulations do not apply to canopies. She stated that the fire code requires a fire suppression system and a canopy over the gas tanks.

Atty. Lord stated that the proposed gas station is in line with the City Master Plan. She stated that it has no negative impact on the neighborhood. She stated that the business would contribute to business productivity in the area. She stated that the gas station would be the only one on the northbound side of the street. Customers travelling northbound will no longer have to turn into the gas station on the southbound side of the avenue.

Atty. Lord stated that no used cars will be sold at the location. She stated that no automotive repairs would be made at the location.

Mr. Eddie Jamal came forward in support of the item. He stated that used cars are on the lot adjacent to this parcel. He stated that the adjacent lot is a separate entity with no affiliation to him.

Atty. Lord stated that we will accept directional arrows painted on the pavement and signs requiring one-way traffic as a condition of approval.

Atty. Joel Green came forward in opposition to the item. He stated that the lot is too small for a six pump gas station and convenience store. He stated that there are a variety of other uses for the lot, so the size of the lot is not a hardship. He stated that on the plans, the convenience store has a doorway separating it into two sections. He stated that it appears the applicant wishes to have two types of stores in the building.

Atty. Green stated that he researched cases involving variance requests for canopies. He stated that he found that in each case he looked at, the request was denied. He stated that the regulations apply to canopies.

Atty. Lord came forward with her rebuttal. She stated that compliance with the fire code is a sufficient hardship.

#2 98 Grovers Ave. – Petition of k. Oni Chukwu and Leslie D. Koons– Seeking to modify the approved coastal site plan review which was granted by the Zoning Board of Appeals on 12/11/13 to legalize the reconstruction of 400 lineal feet of rip rap; the placement of slab stone steps to the low water mark; the location of a new swimming pool and the establishment of a sand beach in an R-AA zone and coastal area.

The item was deferred to May 8, 2018.

#3 36-38 Garden Terrace – Petition of Horacio Delucca – Seeking a use variance under Sec. 5-1-2 as well as a variance of the prohibition of stacked parking under Sec. 11-1-7b to permit the conversion of a 2-family dwelling into a 3-family dwelling in an R-B zone.

Atty. Rizio came forward. He stated that the plans have been revised. Chairman Piccirillo stated that the plans must include 5 parking spaces without stacked parking.

Atty. Rizio requested that the item be deferred.

#4 75-77 James St. – Petition of Berkshire Estates, LLC – Seeking variances of the residential density requirement of 2,700-sq. ft. of property per residential unit; the maximum site coverage requirement and the minimum landscaping requirements of Sec. 5-1-3, as well as a variance of three (3) of the nine (9) required off-street parking spaces of Sec. 11-1-2 and a variance of the minimum landscaping buffer required under Sec. 11-1-13 to legalize the conversion of a legal 4-family dwelling into a 6-family dwelling in an R-C zone.

Atty. Rizio came forward in support of the item. He stated that the lot is in need of a lot of work. He stated that it is an interesting property with a beautiful building. The building is 100 years old. He stated that it has been refurbished and is still under construction.

Atty. Rizio stated that the two car garage has been removed and will be replaced by three parking spaces. There will be a total of seven parking spaces on the lot. The driveway will be replaced. Fencing will be put up around the rear and side of the property.

Atty. Rizio stated that the current owner purchased the property under the impression that it was legally a six family building.

#5 390 Harlem Ave. – Petition of Nancy Lojano – Seeking variances of the minimum side rear setback requirements under Sec. 5-1-3, as well as the prohibition of enlarging a nonconforming structure under Sec. 4-12-4a to permit the construction of a 300-sq. ft. front addition and 720 sq. ft. 2nd floor addition to the existing single-family dwelling in an R-A zone.

Atty. Mike Zarba stated that the building was constructed in 1919. He stated that we are proposing a second floor addition with a deck. He stated that there will be no change to the footprint of the building. He stated that the deck will be 300 square feet. He stated that the driveway will be paved. He stated that the parking area off the driveway will be paved and storm water runoff will be controlled.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

No items were brought forward.

DECISION SESSION

DEFERRRED ITEMS

D-1 (D-4) 522 Pequonnock St. – Petition of David Vazquez – Seeking an approval of location under Sec. 12-10b to establish a café restaurant liquor use and the issuance of a café liquor permit (service bar only) for the proposed 68-seat dining room to be used in conjunction with the existing grocery store/deli in the multi-tenant commercial building in an OR-G zone.

- ** COMMISSIONER GRACE MOVED TO ACCEPT THE WITHDRAWL OF 522 PEQUONNOCK ST. – PETITION OF DAVID VAZQUEZ – SEEKING AN APPROVAL OF LOCATION UNDER SEC. 12-10B TO ESTABLISH A CAFÉ RESTAURANT LIQUOR USE AND THE ISSUANCE OF A CAFÉ LIQUOR PERMIT (SERVICE BAR ONLY) FOR THE PROPOSED 68-SEAT DINING ROOM TO BE USED IN CONJUNCTION WITH THE EXISTING GROCERY STORE/DELI IN THE MULTI-TENANT COMMERCIAL BUILDING IN AN OR-G ZONE.**
- ** COMMISSIONER ALVES SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

D-2 (#2) 120, 140, 152 Morgan Ave. – Petition of KMF Bridgeport, LLC – Seeking variances of the minimum landscaping requirements; the maximum site coverage requirements and the minimum density requirement of 2,700-sq. ft. of property per residential unit under Sec. 5-1-3 and also seeking a variance of 13 of the 31 required off-street parking spaces of Sec. 11-1-2 to legalize two (2) basement apartments in the existing three building apartment complex in an RC zone.

- ** COMMISSIONER SHEPARD MOVED TO APPROVE 120, 140, 152 MORGAN AVE. – PETITION OF KMF BRIDGEPORT, LLC – SEEKING VARIANCES OF THE MINIMUM LANDSCAPING REQUIREMENTS; THE MAXIMUM SITE COVERAGE REQUIREMENTS AND THE MINIMUM DENSITY REQUIREMENT OF 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 AND ALSO SEEKING A VARIANCE OF 13 OF THE 31 REQUIRED OFF-STREET PARKING SPACES OF SEC. 11-1-2 TO LEGALIZE TWO (2) BASEMENT APARTMENTS IN THE EXISTING THREE BUILDING APARTMENT COMPLEX IN AN RC ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. ALL STOCKADE FENCING ALONG THE NORTHERN AND WESTERLY PROPERTY LINES SHALL BE REPLACED WITH NEW WHITE VINYL PRIVACY FENCING.**
- 2. BUFFER STRIP IN FRONT OF THE VINYL FENCE SHALL BE PLANTED WITH GRASS; PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.**
- 3. LOW LYING SHRUBS SHALL BE PLANTED ALONG THE FRONT PROPERTY LINE, AS WELL AS ALONG THE DRIVEWAY NEXT TO THE BUILDINGS AT 120 AND 140 MORGAN AVENUE.**
- 4. WALKWAYS/SIDEWALKS SHALL BE CONCRETE, AS WELL AS THE CITY SIDEWALK ALONG WINDSOR STREET.**
- 5. DRIVEWAYS AND PARKING AREAS ARE TO BE REPAVED AND STRIPED IN ACCORDANCE WITH SEC. 11-1-12B OF THE ZONING REGULATIONS.**

6. THE PETITIONER WILL ESTABLISH (3) THREE ADDITIONAL PARKING SPACES AS INDICATED ON THE REVISED SITE PLAN SUBMITTED AT THE HEARING.

7. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.

8. ALL WORK SHALL BE COMPLETED PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY.

9. THE PETITIONER SHALL INCORPORATE ALL RECOMMENDATIONS OF THE CITY ENGINEER IN HIS LETTER DATED 03/16/18.

FOR THE FOLLOWING REASONS:

1. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.

2. THE LEGALIZATION OF THE TWO ADDITIONAL APARTMENTS WILL BE THE CATALYST FOR THE SITE IMPROVEMENTS.

3. THE PROJECT AS APPROVED WILL BE A BENEFIT TO THIS OLDER NEIGHBORHOOD.

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

**** THE MOTION PASSED UNANIMOUSLY.**

NEW ITEMS

#1 580 North Ave. – Petition of 580 North Avenue, LLC – Seeking variances of the location of an accessory structure under Sec. 4-9-1a, as well as the allowable size of an accessory structure under Sec. 4-9-1c and the minimum lot line setback under Sec. 7-1-3 to permit the construction of a canopy over the pump islands at the proposed gas station/convenience store in an I-L zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE 580 NORTH AVE. – PETITION OF 580 NORTH AVENUE, LLC – SEEKING VARIANCES OF THE LOCATION OF AN ACCESSORY STRUCTURE UNDER SEC. 4-9-1A, AS WELL AS THE ALLOWABLE SIZE OF AN ACCESSORY STRUCTURE UNDER SEC. 4-9-1C AND THE MINIMUM LOT LINE SETBACK UNDER SEC. 7-1-3 TO PERMIT THE CONSTRUCTION OF A CANOPY OVER THE PUMP ISLANDS AT THE PROPOSED GAS STATION/CONVENIENCE STORE IN AN I-L ZONE.**

**** COMMISSIONER SHEPARD SECONDED THE MOTION.**

**** COMMISSIONER SHEPARD WITHDREW HER SECONDING OF THE MOTION.**

**** THE MOTION FAILED.**

**** COMMISSIONER ALVES MOVED TO DENY 580 NORTH AVE. – PETITION OF 580 NORTH AVENUE, LLC – SEEKING VARIANCES OF THE LOCATION OF AN ACCESSORY STRUCTURE UNDER SEC. 4-9-1A, AS WELL AS THE ALLOWABLE SIZE OF AN ACCESSORY STRUCTURE UNDER SEC. 4-9-1C AND THE MINIMUM LOT LINE SETBACK UNDER SEC. 7-1-3 TO PERMIT THE CONSTRUCTION OF A CANOPY OVER THE PUMP ISLANDS AT THE PROPOSED GAS STATION/CONVENIENCE STORE IN AN I-L ZONE WITHOUT PREJUDICE FOR THE FOLLOWING REASONS:**

- 1. THE PETITION AS PRESENTED WILL RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**
- 2. THE PETITIONER FAILED TO PRESENT AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO CONDITIONS DIRECTLY AFFECTING THIS PARCEL OF LAND.**

**** COMMISSIONER GRACE SECONDED THE MOTION.**
**** THE MOTION PASSED WITH FOUR VOTES IN FAVOR AND ONE ABSTENTION (COMMISSIONER CAROLAN).**

#2 98 Grovers Ave. – Petition of k. Oni Chukwu and Leslie D. Koons– Seeking to modify the approved coastal site plan review which was granted by the Zoning Board of Appeals on 12/11/13 to legalize the reconstruction of 400 lineal feet of rip rap; the placement of slab stone steps to the low water mark; the location of a new swimming pool and the establishment of a sand beach in an R-AA zone and coastal area.

**** COMMISSIONER GRACE MOVED TO DEFER 98 GROVERS AVE. – PETITION OF K. ONI CHUKWU AND LESLIE D. KOONS– SEEKING TO MODIFY THE APPROVED COASTAL SITE PLAN REVIEW WHICH WAS GRANTED BY THE ZONING BOARD OF APPEALS ON 12/11/13 TO LEGALIZE THE RECONSTRUCTION OF 400 LINEAL FEET OF RIP RAP; THE PLACEMENT OF SLAB STONE STEPS TO THE LOW WATER MARK; THE LOCATION OF A NEW SWIMMING POOL AND THE ESTABLISHMENT OF A SAND BEACH IN AN R-AA ZONE AND COASTAL AREA TO MAY 8, 2018.**

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

#3 36-38 Garden Terrace – Petition of Horacio Delucca – Seeking a use variance under Sec. 5-1-2 as well as a variance of the prohibition of stacked parking under Sec. 11-1-7b to permit the conversion of a 2-family dwelling into a 3-family dwelling in an R-B zone.

**** COMMISSIONER GRACE MOVED TO CONTINUE 36-38 GARDEN TERRACE – PETITION OF HORACIO DELUCCA – SEEKING A USE VARIANCE UNDER SEC. 5-1-2 AS WELL AS A VARIANCE OF THE PROHIBITION OF STACKED PARKING UNDER SEC. 11-1-7B TO PERMIT THE CONVERSION OF A 2-FAMILY DWELLING INTO A 3-FAMILY DWELLING IN AN R-B ZONE TO MAY 8, 2018.**

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

#4 75-77 James St. – Petition of Berkshire Estates, LLC – Seeking variances of the residential density requirement of 2,700-sq. ft. of property per residential unit; the maximum site coverage requirement and the minimum landscaping requirements of Sec. 5-1-3, as well as a variance of three (3) of the nine (9) required off-street parking spaces of Sec. 11-1-2 and a variance of the minimum landscaping buffer required under Sec. 11-1-13 to legalize the conversion of a legal 4-family dwelling into a 6-family dwelling in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE 75-77 JAMES ST. – PETITION OF BERKSHIRE ESTATES, LLC – SEEKING VARIANCES OF THE RESIDENTIAL DENSITY REQUIREMENT OF 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT; THE MAXIMUM SITE COVERAGE REQUIREMENT AND THE MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 5-1-3, AS WELL AS A VARIANCE OF THREE (3) OF THE NINE (9) REQUIRED OFF-STREET PARKING SPACES OF SEC. 11-1-2 AND A VARIANCE OF THE MINIMUM LANDSCAPING BUFFER REQUIRED UNDER SEC. 11-1-13 TO LEGALIZE THE CONVERSION OF A LEGAL 4-FAMILY DWELLING INTO A 6-FAMILY DWELLING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. THE PETITIONER SHALL INCORPORATE ALL RECOMMENDATIONS OF THE CITY ENGINEER IN HIS LETTER DATED 03/16/18.**
- 3. ALL RENOVATIONS SHALL COMPLY WITH THE BASIC BUILDING CODE OF THE STATE OF CT.**

FOR THE FOLLOWING REASONS:

- 1. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**
- 2. THE PLAN AS APPROVED WILL LEGALIZE AN EXISTING CONDITION.**

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

#5 390 Harlem Ave. – Petition of Nancy Lojano – Seeking variances of the minimum side rear setback requirements under Sec. 5-1-3, as well as the prohibition of enlarging a nonconforming structure under Sec. 4-12-4a to permit the construction of a 300-sq. ft. front addition and 720-sq. ft. 2nd floor addition to the existing single-family dwelling in an R-A

zone.

**** COMMISSIONER GRACE MOVED TO APPROVE 390 HARLEM AVE. – PETITION OF NANCY LOJANO – SEEKING VARIANCES OF THE MINIMUM SIDE REAR SETBACK REQUIREMENTS UNDER SEC. 5-1-3, AS WELL AS THE PROHIBITION OF ENLARGING A NONCONFORMING STRUCTURE UNDER SEC. 4-12-4A TO PERMIT THE CONSTRUCTION OF A 300-SQ. FT. FRONT ADDITION AND 720-SQ. FT. 2ND FLOOR ADDITION TO THE EXISTING SINGLE-FAMILY DWELLING IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PARKING AREA AND DRIVEWAY SHALL BE REPAVED IN ACCORDANCE WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE PETITIONER SHALL INCORPORATE ALL RECOMMENDATIONS OF THE CITY ENGINEER IN HIS LETTER DATED 03/16/18.**
- 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:

THE UNIQUE SHAPE OF THIS LOT, COMBINED WITH THE LOCATION OF THIS SINGLE-FAMILY DWELLING PROHIBIT ANY MODIFICATIONS WITHOUT THE NEED OF A VARIANCE.

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

APPROVAL OF MINUTES

March 20, 2018

Page 4 Change “Commissioner moved to approve” to “Commissioner Grace moved to approve”

**** COMMISSIONER GRACE MOVED TO APPROVE THE MARCH 20, 2018 MINUTES AS AMENDED.
** COMMISSIONER SHEPARD 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 7:31 p. m.

Respectfully submitted,

Tom Blaney
Telesco Secretarial Services