



ZONING BOARD OF APPEALS
JUNE 12, 2018
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
(203) 576-7217 Phone
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ATTENDANCE: Maria Alves, Acting Chair; Robin Shepard Secretary; John Carolan, B. Oyiboka Benson

STAFF: Dennis Buckley, Zoning Official

CALL TO ORDER

Commissioner Alves called the meeting to order at 6:12 p.m. She introduced the Commissioners seated and stated that she would be Acting Chair for the meeting. She reviewed the rules with everyone and explained that there were only four Commissioners present, so for an application to receive approval, it would require a unanimous vote. If any applicant wished to defer until there were five Commissioners present, they could do so.

ITEM D-1 RE: 186 OHIO AVENUE – Petition of V and L Properties – Seeking a *variance of the prohibition of dividing a conforming lot into two (2) non-conforming lots under Sec. 4-12-5b and also to validate the existing 2-family dwelling on a lot with a variance of the minimum area and width under Sec. 5-1-3 in an R-B zone.

Atty. Rizio came forward and said that this was one of two applications that shared a common boundary. He asked if he could combine the two applications and present both at the same time. This was agreeable to all.

ITEM D-2 (#3) RE: 196 OHIO AVENUE – Petition of V and L Properties – Seeking a *variance of the minimum lot area and width and also to waive the minimum setback requirement and the required 2,700-sq. ft. of property per residential unit under Sec. 5-1-3 to permit the construction of a 2-family dwelling in an R-C zone.

Atty. Rizio said that the two lots shared a common boundary but one lot is a vacant lot. He said that these were pre-existing lots and submitted copies of the conveyance Tax deed and copies of the tax bills. Atty. Rizio said that the family believed they were buying two lots and had paid taxes on two lots.

Atty. Rizio said that there were a few two family buildings across the street. Now Atty. Rizio said that they wanted to re-establish the lot lines. He said that the landscaping was

currently at 45%. The only variances they need is for minimum area and a reduction of the frontage footage.

The applicant would like to put a two family on the new lot. It is a pre-existing lot and is zoned for RC, which can have up to a three family residence. The variance on this application is for a 2,500 sq. ft. Of property per residential unit. Atty. Rizio said that there was also a variance request for the side yard. When the two properties are plotted, there will be about 25 feet between the two houses. He said that P&Z had put a property line down the middle of the lots after the property was purchased more than 10 years ago.

Commissioner Alves asked if the grounds had been cleared and cleaned for development. Atty. Rizio said that they had. He distributed 8 photographs of the subject and the abutting property.

Commissioner Alves asked where the shrubberies would be placed. Atty. Rizio indicated where they would be on a photograph. Commissioner Alves asked if there would be a fence between the two properties. Atty. Rizio said that they were not currently planning to put a fence in but could do so if the Commission wanted one.

Commissioner Benson asked for clarification on the taxes, which Atty. Rizio reviewed with him.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against.

Ms. Maria Periera of Nutmeg Avenue came forward and said that about a year ago, there had been a proposal for another project on Ohio Avenue. There were 50 residents at that meeting. Ms. Periera said that she had met with the developer and wanted to know why the property had been blighted for years. She said that she had asked why they were doing multiple family instead of a single family resident. She was told that the developer could not make enough money on a single family home. Ms. Periera said that she had gone from door to door to speak with the neighbors and most were against the project.

She asked the ZBA to review the Brooklawn LLC decision and she then read the definition of a "hardship" and said that squeezing a two family house onto the property that just had a shed up until a few months ago just shows greed and collecting additional rent.

Mr. Ed Clemont of 195 Ohio Avenue came forward and spoke about the fact that there were a number of driveways that have exits on Ohio Avenue. He listed the various numbers of vehicles that were parking on the street. He said there needs to be access for emergency vehicles. He said that there is no fire lane.

Ms. Helen Losak of Bradley Street and York Street in Bridgeport came forward. She said that helped Ms. Periera collect signatures on Sunday. Several of the residents expressed concerns about the fact that emergency vehicles would not be able to turn around. People park in the fire line and they should be ticketed. She asked where visitors would park. Realistically, the parking will not be possible. This could put the City in a situation of liability. Many of the residents are elderly and have medical needs. It important to have access. She then spoke about the City Attorney's who were being paid a great deal and one would think that they would protect the City from this type of liability. She said that she loves Bridgeport and its residents. She said that she would like to see Bridgeport become a safe city.

Atty. Rizio said that other than the resident across the street, everyone else lives blocks away. He pointed out that the parcel was zoned as a multi-family zone and that the building has larger set backs than required. A two family would only require a 6 foot setback.

Atty. Rizio also pointed out that the applicant was not present for a parking variance, but for re-establishing the zoning lines. The chief objection from the opposition is that they don't want a two family residence, but that is already permitted by zoning. The applicant is entitled to a two family. He requested that the Committee members look at the staff recommendations. It is zoned Residence C, for a three family. This is only about the side yard variance and that does not affect any of the neighbors. This is not a self created problem. The parking issues is from other residences that do not have enough parking for their own residences.

Atty. Rizio pointed out that the old lots were all 50 feet by 100 feet. The Commission will have to adjust this because otherwise every lot in the City will before the Commission for a variance.

C-1 (#3) RE: 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 said that the parcel was surrounded by three family dwellings and they want to make this a 3 family dwelling. He said that the Commission had not wanted two driveways, The applicant decided to take down the garage and now they have a conforming driveway and six off street parking spaces. The applicant has done a tremendous job of cleaning it up and will be putting in landscaping.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against. Hearing none, Commissioner Alves closed the public hearing on 36—38 Garden Terrace.

ITEM D-3 (#2) RE: 98 GROVERS AVENUE – 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.

Atty. Greg Cava came forward and said that he was present to represent the applicants. He explained that there were a few changes made by the contractor that had not been part of the original plan. He indicated where there was 400 linear feet of rip rap and the installation of some slab stone steps without permits. There was also a pool installed that was not where the plans indicated it. The Coastal Site Plan has indicated that there would be no impact on the coastal site.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against. Hearing none, Commissioner Alves closed the public hearing on 98 Grovers Avenue.

ITEM #1 RE: 85 ASHLEY STREET – Petition of 85 Ashley St, Bridgeport, LLC – Seeking to legalize the extensive repair to the existing accessory structure under Sec. 4-12-4 and also seeking a height variance under Sec. 5-1-3 for the new pitched roof which exceeds the 15-ft. height requirement by 7.2 ft. in an R-B zone.

Commissioner Shepard called for Agenda Item #1 - 85 Ashley Street with no response.

ITEM #2 RE: 29 FEDERAL STREET – Petition of Afraino Mendonca – Seeking to expunge a condition of approval to a petition granted by the Zoning Board of Appeals on 07/08/14, which permitted the establishment of a restaurant with a consumer bar and a dining patio without any type of live-entertainment in an OR-G zone.

Atty. Rizio came forward and introduced himself. He said that he was representing the applicant, Mr. Mendonca, who was a restaurant owner. Atty. Rizio said that 29 Federal Street had a change of liquor permit. Mr. Mendonca purchased the property in December. One of the neighbors wrote a letter expressing concerns about noise if a DJ or live entertainment was allowed outside. Atty. Rizio distributed packets of five photos showing the subject property along with the surrounding properties. Mr. Mendonca spoke with the neighbors and they have agreed to have a three piece ensemble or a DJ inside the building. Atty. Rizio submitted a petition with 5 signatures supporting this .

Mr. Mendonca often has family orientated events such as birthday parties. Mr. Mendonca owns and operates other restaurant venues. This is an attempt to change this from a drinking club to a family orientated venue. Mr. Mendonca will be doing the Bridgeport Festival this year.

Commissioner Alves asked about the previously requested parking agreement. Atty. Rizio submitted a copy of the parking agreement.

Commissioner Alves asked about the hours of operation, which Mr. Mendonca reviewed with Commission.

Commissioner Benson asked about the parking arrangement. Atty. Rizio said that on the week-ends there is parking available.

Mr. Benson asked about the noise from the entertainment. Atty. Rizio said that there would not be any more noise than a radio or TV being inside. He added that there were a number of commercial buildings in the area that should not have a problem with the neighbors. This is a business and industrial area. Mr. Mendonca said that he would not have any bands on the back patio. He does not want to have any problems with the neighbors.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone opposed to the application.

Dr. Dan Davis came forward and said that he had been there for 31 years. He was glad to hear that Mr. Menudoca now owns the place. He said that his tenants have complained about noise after 10 p.m. The sound from the three piece ensemble will extend beyond the building.

Dr. Davis said that there have been many times when people have parked in his tenants' spots. He also pointed out that there was no where else to put the recycling but near the patio. He said that he would not want to eat near a recycling container. He said that he wants the business to be successful but not at the expense of his tenants.

Atty. Rizio said that they don't want to have events outside, but establish a family orientation restaurant. Atty. Rizio said that dr. Davis had problems in the past but that things have been quiet since December. Atty. Rizio said that the building directly behind them signed a petition in favor.

He said that he understood that this was not operated properly before. he said that if the tenants had an issue about noise after 10 p.m., they could contact the restaurant. In the

hands of the right operator, the business could be a success, but the operator needs the right tools to succeed.

Commissioner Alves closed the public hearing on 29 Federal Street.

ITEM #3 RE: 98 MORGAN AVENUE – Petition of Adailton Calheira – Seeking a variance of the minimum side and front setback requirements under Sec. 5-1-3 and also seeking a variance of the prohibition of extending and enlarging a nonconforming structure under Sec. 4-12-4a to permit the construction of a single-family dwelling in an R-C zone.

Atty. Rizio came forward and said that he was presenting the application. Atty. Rizio submitted 6 photos showing the property. He explained that there was an existing garage on the property and wants to connect the garage to the house. If the owner does this, it is no longer an accessory structure. The variance that is being requested is very small. Atty. Rizio reviewed the neighboring residences. The hardship is that it is a pre-existing, non-conforming use. It is almost impossible to build a modest single family two story residence on this non conforming corner lot.

Commissioner Alves asked if the fence would be removed. Atty. Rizio confirmed that it would be removed. Commissioner Alves asked what would be on the second story of the garage. Atty. Rizio said that it was for storage and reminded everyone that the garage already exists.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against. Hearing none, Commissioner Alves closed the public hearing on 98 Morgan Avenue.

ITEM #4 RE: 250 NORTH AVENUE – Petition of North Capitol, LLC – Seeking a *variance of the prohibition of extending and enlarging a nonconforming use under Sec. 4-12-3a and also seeking a variance waiving 15 of the required 36 on-site parking spaces under Sec. 11-1-2 15 to permit a double drive-thru lane at the existing fast food restaurant in an MU-LI zone.

Atty. Rizio came forward and said that McDonald's has been upgrading their facilities and they are looking to enhance their drive thru. Between 60 to 70% of their business is done via the drive thru. Atty. Rizio then submitted 9 color photographs of the property and the drive thru. Atty. Rizio said that right now the plan shows the dumpsters located on the corner of North Avenue and Capitol avenue. He also stated that Safe Lite Glass and McDonald's share dumpsters. McDonald's wants their customers to only wait 120 seconds from the placing of the order to the food delivery. The corner area is actually state land and is well kept.

There will be four less parking spaces. The reconfiguration of the drive thru will force everyone to use the by pass lane.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against. Hearing none, Commissioner Alves closed the public hearing on 250 North Avenue.

ITEM #5 RE: 123 PARKVIEW AVENUE – Petition of Washington Cabezas, PE, LS -- Seeking a use variance under Sec. 5-1-2 to permit the construction of a 2-family dwelling in a single-family R-A zone.

Mr. Chris DeAngelis of Washington Cabezas came forward and submitted the mail receipts. He said that this was a request for a two family residences in a single family zone. Mr. DeAngelis reviewed the details of the parcel location with the Commission. He said that on April 18th, there were comments from Diego which the applicant has complied with. There was a request to add a sidewalk . Mr. DeAngelis explained that the grade change would not be conducive to a sidewalk. There is no sidewalk to connect it to, either. There was also a recommendation to rotate the orientation of the dumpster.

Commissioner Alves asked if there would be excavation done. Mr. DeAngelis said that there would be excavation for the basement.

Commissioner Alves asked if there were issues with run off. Mr. DeAngelis reviewed the storm water plan.

Commissioner Alves asked if the dumpster would be screened off since it is in the front of the property. Mr. DeAngelis indicated where the dumpster would be on the site plan. '

Commissioner Alves asked if there would be three bedrooms. Mr. DeAngelis said that this was so.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against. Hearing none, Commissioner Alves closed the public hearing on 123 Parkview Avenue.

ITEM #6 RE: 65 CLIFFORD STREET – Petition of Habitat for Humanity of Coastal Fairfield County – Seeking a *variance of the minimum side and front setback requirements under Sec. 5-1-3 and also seeking a variance of the prohibition

of extending and enlarging a nonconforming structure under Sec. 4-12-4a to permit the construction of a single-family dwelling in an R-C zone.

Mr. Kevin Moore came forward and submitted the green mailing cards. He said that Habitat had built over 200 homes in Bridgeport and sells the homes to low income families. He said that Habitat had acquired a parcel on Clifford Street. He said that Habitat was proposing a 7 foot set back. The driveway can not be moved from its proposed spot due to the fact there is a utility pole. The driveway will allow for stacked parking for two vehicles.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against. Hearing none, Commissioner Alves closed the public hearing on 65 Clifford Street.

Following the conclusion of the hearings, Commissioner Shepard called for anyone present to present 85 Ashley Street. The applicants came forward.

ITEM #1 RE: 85 ASHLEY STREET – Petition of 85 Ashley St, Bridgeport, LLC – Seeking to legalize the extensive repair to the existing accessory structure under Sec. 4-12-4 and also seeking a height variance under Sec. 5-1-3 for the new pitched roof which exceeds the 15-ft. height requirement by 7.2 ft. in an R-B zone.

Ms. Michelle Holmes came forward and said they had purchased a blighted property. Mr. Holmes submitted the green mailing cards. She said that a tree had fallen on the building and when the structural engineer came, he expressed strong concern about integrity of the roof. Although the building is pre-existing and has existing metal brackets for the original structure. The roof peak is 22 feet high which is over the 15 ft. height restriction.

Commissioner Alves asked if there was anyone in favor of the application. No one came forward.

Commissioner Alves asked if there was anyone present to speak against. Hearing none, Commissioner Alves closed the public hearing on 85 Ashley Street.

RECESS.

Commissioner Alves announced a recess at 8:22 p.m. Commissioner Alves called the meeting to order at 8:26 p.m.

DECISION SESSION.

ITEM D-1 RE: 186 OHIO AVENUE – Petition of V and L Properties – Seeking a *variance of the prohibition of dividing a conforming lot into two (2) non-conforming lots under Sec. 4-12-5b and also to validate the existing 2-family dwelling on a lot with a variance of the minimum area and width under Sec. 5-1-3 in an R-B zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM D-1 RE: 186 OHIO AVENUE – PETITION OF V AND L PROPERTIES – SEEKING A *VARIANCE OF THE PROHIBITION OF DIVIDING A CONFORMING LOT INTO TWO (2) NON-CONFORMING LOTS UNDER SEC. 4-12-5B AND ALSO TO VALIDATE THE EXISTING 2-FAMILY DWELLING ON A LOT WITH A VARIANCE OF THE MINIMUM AREA AND WIDTH UNDER SEC. 5-1-3 IN AN R-B ZONE WITH THE FOLLOWING CONDITIONS:**

1. BOTH THE FRONT AND REAR YARDS SHALL BE CLEANED AND CLEARED OF ALL TRASH, DEBRIS AND VEHICLES.

2. THE 3RD FLOOR SHALL BE INSPECTED BY THE ZONING DEPARTMENT TO ENSURE THAT THE ROOMS BEING USED ARE IN CONJUNCTION WITH THE 2ND FLOOR APARTMENT.

FOR THE FOLLOWING REASONS:

1. HISTORICALLY THIS WAS A STAND-ALONE LOT.

2. THE NEIGHBORHOOD CONSISTS OF 50' X 100' LOTS, WHICH WAS THE LEGAL LOT SIZE WHEN THE NEIGHBORHOOD WAS DESIGNED AND DEVELOPED.

**** COMMISSIONER ALVES SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Commissioner Benson asked for clarification on the Zoning regulation where two adjoining lots were considered as one parcel due to the fact that they were owned by the same person. Every other City Department recognizes this as two individual lots.

ITEM D-2 (#3) RE: 196 OHIO AVENUE – Petition of V and L Properties – Seeking a *variance of the minimum lot area and width and also to waive the minimum setback requirement and the required 2,700-sq. ft. of property per residential unit under Sec. 5-1-3 to permit the construction of a 2-family dwelling in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM D-2 (#3) RE: 196 OHIO AVENUE – PETITION OF V AND L PROPERTIES – SEEKING A *VARIANCE OF THE MINIMUM LOT AREA AND WIDTH AND**

ALSO TO WAIVE THE MINIMUM SETBACK REQUIREMENT AND THE REQUIRED 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:

- 1. THE PROPERTY SHALL BE DEVELOPED IN ACCORDANCE WITH THE R-B ZONE STANDARDS.**
- 2. AN AS-BUILT, A-2 SURVEY MAP SHALL BE RECORDED ON THE LAND RECORDS OF THE CITY OF BRIDGEPORT AT COMPLETION OF CONSTRUCTION.**
- 3. A 5' BUFFER STRIP OF 6' ARBORVITAEES SHALL BE PLANTED ALONG THE SOUTH/EASTERLY PROPERTY LINE.**
- 4. THE FRONT OF THE NEW DWELLING SHALL BE PLANTED WITH LOW LYING SHRUBS, PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.**

FOR THE FOLLOWING REASONS:

- 1. THE LOT WAS LEGAL AND CONFORMING WHEN NEIGHBORHOOD WAS DESIGNED AND DEVELOPED.**
- 2. THE PROPOSED DEVELOPMENT IS IN KEEPING WITH OTHER HOMES AND LOTS IN THE NEIGHBORHOOD.**
- 3. THE APPROVAL OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.**

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

C-1 (#3) RE: 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 CAROLAN MOVED TO APPROVE AGENDA ITEM C-1 (#3) RE: 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 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 CONVERSION INTO A 3-FAMILY DWELLING SHALL BE IN ACCORD WITH THE CURRENT FIRE CODE OF THE STATE OF CT.

3. ALL VEHICLES ARE TO PARK IN THE REAR YARD AS INDICATED ON THE SITE PLAN.

4. THE OVERGROWN SHRUBS ARE TO BE PRUNED OR REPLACED WITH LOW LYING SHRUBS; PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.

FOR THE FOLLOWING REASONS:

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

2. THERE ARE OTHER 3-FAMILY DWELLINGS IN THE IMMEDIATE AREA, ALL HAVING SUITABLE OFF-STREET PARKING.

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

ITEM D-3 (#2) RE: 98 GROVERS AVENUE – 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.

Mr. Buckley said that this had been taken to John Gaucher for review and a Certificate of approval had been issued.

**** COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM D-3 (#2) RE: 98 GROVERS AVENUE – 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 FOR THE FOLLOWING REASONS:

- 1. THE PETITIONER HAS RECEIVED A CERTIFICATE OF PERMISSION FROM THE DEPARTMENT OF ENERGY AND ENVIRONMENT PROTECTION (DEEP).**
- 2. THE POOL AND CONCRETE DECKING IS IN THE PROCESS OF BECOMING COMPLIANT WITH THE FEMA GUIDELINES.**

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

ITEM #1 RE: 85 ASHLEY STREET – Petition of 85 Ashley St, Bridgeport, LLC – Seeking to legalize the extensive repair to the existing accessory structure under Sec. 4-12-4 and also seeking a height variance under Sec. 5-1-3 for the new pitched roof which exceeds the 15-ft. height requirement by 7.2 ft. in an R-B zone.

This had already been built. Commissioner Alves said that when she visited the site, it looked like there were two driveways.

**** COMMISSIONER CAROLAN MOVED TO DENY AGENDA ITEM #1 RE: 85 ASHLEY STREET – PETITION OF 85 ASHLEY ST, BRIDGEPORT, LLC – SEEKING TO LEGALIZE THE EXTENSIVE REPAIR TO THE EXISTING ACCESSORY STRUCTURE UNDER SEC. 4-12-4 AND ALSO SEEKING A HEIGHT VARIANCE UNDER SEC. 5-1-3 FOR THE NEW PITCHED ROOF WHICH EXCEEDS THE 15-FT. HEIGHT REQUIREMENT BY 7.2 FT. IN AN R-B ZONE AND INCLUDES THE FOLLOWING REQUIREMENTS:**

- 1. THE GARAGE SHALL BE REMOVED OR MODIFIED TO COMPLY WITH THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT.**
- 2. ADDITIONAL DRIVEWAY SHALL BE REMOVED AND THE CITY RIGHT-OF-WAY AND CURBING SHALL BE RESTORED BACK TO ITS ORIGINAL CONDITION.**

FOR THE FOLLOWING REASON:

- 1. ANY CLAIMED HARDSHIP ON THE PART OF THIS PETITIONER IS SELF CREATED.**

**** COMMISSIONER ALVES SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM #2 RE: 29 FEDERAL STREET – Petition of Afraino Mendonca – Seeking to expunge a condition of approval to a petition granted by the Zoning Board of Appeals on 07/08/14, which permitted the establishment of a restaurant with a consumer bar and a dining patio without any type of live-entertainment in an OR-G zone.

**** COMMISSIONER SHEPARD MOVED TO APPROVE AGENDA ITEM #2 RE: 29 FEDERAL STREET – PETITION OF AFRAINO MENDONCA – SEEKING TO EXPUNGE A CONDITION OF APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON 07/08/14, WHICH PERMITTED THE ESTABLISHMENT OF A RESTAURANT WITH A CONSUMER BAR AND A DINING PATIO WITHOUT ANY TYPE OF LIVE-ENTERTAINMENT IN AN OR-G ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. SUNDAY THRU THURSDAY ANY ENTERTAINMENT IS PROHIBITED.**
- 2, FRIDAY AND SATURDAY A SMALL 3-PIECE ACOUSTICAL BAND IS PERMITTED IN THE BUILDING AND THE ENTERTAINMENT SHALL END BY 1 A.M.**
- 3. ABSOLUTELY NO ENTERTAINMENT OR MUSIC OF ANY KIND ON THE PATIO, WHICH IS FOR DINING ONLY.**
- 4. THE PATIO SHALL CLOSE WHEN THE KITCHEN CLOSES.**
- 5. THE PETITIONER SHALL SECURE A 5-YEAR LEASE AGREEMENT WITH THREE 5-YEAR OPTIONS PRIOR TO ANY USE OF THE PREMISES.**

FOR THE FOLLOWING REASON:

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

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM #3 RE: 98 MORGAN AVENUE – Petition of Adailton Calheira – Seeking a variance of the minimum side and front setback requirements under Sec. 5-1-3 and also seeking a variance of the prohibition of extending and enlarging a

nonconforming structure under Sec. 4-12-4a to permit the construction of a single-family dwelling in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #3 RE: 98 MORGAN AVENUE – PETITION OF ADAILTON CALHEIRA – SEEKING A VARIANCE OF THE MINIMUM SIDE AND FRONT SETBACK REQUIREMENTS UNDER SEC. 5-1-3 AND ALSO SEEKING A VARIANCE OF THE PROHIBITION OF EXTENDING AND ENLARGING A NONCONFORMING STRUCTURE UNDER SEC. 4-12-4A TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE BREEZEWAY STRUCTURE SHALL BE COMPLETELY REMOVED.**
- 2. THE GARAGE SHALL HAVE TWO (2) OVERHEAD DOORS FOR SUITABLE VEHICLE ACCESS AND FENCE BLOCKING GARAGE SHALL BE REMOVED.**
- 3. ATTIC OF GARAGE SHALL BE FOR STORAGE ONLY AND ANY TYPE OF HABITATION IS STRICTLY PROHIBITED.**
- 4. PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASON:

CLEANS UP A NON-COMPLIANT LOT AND USE AND SHALL BE A MUCH NEEDED IMPROVEMENT TO THE AREA.

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

ITEM #4 RE: 250 NORTH AVENUE – Petition of North Capitol, LLC – Seeking a *variance of the prohibition of extending and enlarging a nonconforming use under Sec. 4-12-3a and also seeking a variance waiving 15 of the required 36 on-site parking spaces under Sec. 11-1-2 15 to permit a double drive-thru lane at the existing fast food restaurant in an MU-LI zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #4 RE: 250 NORTH AVENUE – PETITION OF NORTH CAPITOL, LLC – SEEKING A *VARIANCE OF THE PROHIBITION OF EXTENDING AND ENLARGING A NONCONFORMING USE UNDER SEC. 4-12-3A AND ALSO SEEKING A**

VARIANCE WAIVING 15 OF THE REQUIRED 36 ON-SITE PARKING SPACES UNDER SEC. 11-1-2 15 TO PERMIT A DOUBLE DRIVE-THRU LANE AT THE EXISTING FAST FOOD RESTAURANT IN AN MU-LI ZONE WITH THE FOLLOWING CONDITIONS:

- 1. LANDSCAPING AT THE CAPITOL AVENUE/NORTH AVENUE INTERSECTION SHALL BE INCREASED AND PLANTED WITH LOW LYING SHRUBS.**
- 2. ANY TRASH OR REFUSE CONTAINERS IN THE FRONT YARDS OF THE SUBJECT PREMISES IS STRICTLY PROHIBITED.**
- 3. THE REDESIGNED TRAFFIC PATTERN SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**

FOR THE FOLLOWING REASON:

THE SUBJECT PREMISES AND ADJOINING RETAIL STRIP MALL HAVE CRITICAL TRAFFIC CONGESTION AND THE PROPOSED CHANGES TO THE DRIVE-THRU WINDOW SHOULD HELP INCREASE THE ON-SITE TRAFFIC FLOW.

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

ITEM #5 RE: 123 PARKVIEW AVENUE – Petition of Washington Cabezas, PE, LS -- Seeking a use variance under Sec. 5-1-2 to permit the construction of a 2-family dwelling in a single-family R-A zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #5 RE: 123 PARKVIEW AVENUE – PETITION OF WASHINGTON CABEZAS, PE, LS -- SEEKING A USE VARIANCE UNDER SEC. 5-1-2 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN A SINGLE-FAMILY R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE 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.**

3. THE PETITIONER SHALL INCORPORATE THE RECOMMENDATIONS OF THE DESIGN REVIEW COORDINATOR IN HIS REPORT DATED 04/18/18.

FOR THE FOLLOWING REASONS:

- 1. THE MAJORITY OF THE HOMES IN THIS AREA ARE 2-FAMILY DWELLINGS.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO UNACCEPTABLE IMPACT ON THE IMMEDIATE AREA.**

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

ITEM #6 RE: 65 CLIFFORD STREET – Petition of Habitat for Humanity of Coastal Fairfield County – Seeking a *variance of the minimum side and front setback requirements under Sec. 5-1-3 and also seeking a variance of the prohibition of extending and enlarging a nonconforming structure under Sec. 4-12-4a to permit the construction of a single-family dwelling in an R-C zone.

**** COMMISSIONER BENSON MOVED TO APPROVE AGENDA ITEM #6 RE: 65 CLIFFORD STREET – PETITION OF HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY – SEEKING A *VARIANCE OF THE MINIMUM SIDE AND FRONT SETBACK REQUIREMENTS UNDER SEC. 5-1-3 AND ALSO SEEKING A VARIANCE OF THE PROHIBITION OF EXTENDING AND ENLARGING A NONCONFORMING STRUCTURE UNDER SEC. 4-12-4A TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE 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 REASON:

THE RESTRICTIONS OF THE FRONT ALLEYWAY, COMBINED WITH THE LOCATION OF THE UTILITY POLE NECESSITATES A VARIANCE FOR SUITABLE DEVELOPMENT OF THIS PARCEL OF LAND.

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

OTHER BUSINESS.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD.

APPROVAL OF MINUTES.

April 2018

- ** COMMISSIONER ALVES MOVED THE ZONING BOARD OF APPROVAL MINUTES OF APRIL 2018.**
- ** COMMISSIONER CAROLAN SECONDED.**
- ** THE MOTION TO APPROVE THE MINUTES OF THE APRIL MINUTES FOR THE ZONING BOARD OF APPROVAL AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT.

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

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services