



ZONING BOARD OF APPEALS
AUGUST 15, 2018
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
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ATTENDANCE: Michael Piccirillo, Acting Chair; Robin Shepard, Secretary; John Carolan, B. Oyiboka Benson, Maria Alves

STAFF: Dennis Buckley, Zoning Official; Paul Boucher, Zoning Department

CALL TO ORDER

Commissioner Piccirillo called the meeting to order at 6:05 p.m. A quorum was present. He introduced the Commissioners seated and stated that he would be the Chair for the meeting. Commissioner Piccirillo then reviewed the hearing rules with everyone present.

ITEM #2 RE: 3369 – 3375 FAIRFIELD AVENUE – 3369 Fairfield Avenue LLC – Seeking a use variance under Sec. 6-1-2 to legalize the establishment of a landscaping business and also seeking to legalize the conversion of the office area into an apartment without any approvals and seeking to expunge two conditions of approval to an application granted by the Zoning Board of Appeals on June 12, 2012, which limited material storage, trucks and vehicles storage in the retail garden center in an OR zone.

Atty. Russo came forward and stated that the applicant, 3369 Fairfield Avenue LLC, was requesting a referral for Agenda Item #2.

ITEM #1 RE: 188 PEQUONNOCK STREET – Natwerks Catering & Events – Seeking an approval of location for a café/restaurant liquor permit with a consumer bar under Sec. 12-10 in the existing mixed-use building in an OR zone.

Mr. Nat Smith turned in the green receipts from the mailings. He then distributed copies of the Uncle Joe's Menu in full color along with some online reviews to the Commissioners.

Mr. Smith said that Uncle Joe's was an upscale Caribbean restaurant and bar. He said that they were not just a restaurant and bar but an experience. They want to have entertainment that will provide a taste of the Islands or the South. He said that he had acquired the property at 188 Pequonnock Street two years ago. He wants to open a full

service restaurant and have catering. When he moved to the USA thirteen years ago, he first lived in Bridgeport.

Currently the restaurant is only open for take out, but his online reviews have been very good. He said that he was surprised that an immigrant such as himself who was under 30 could employ so many people and put food on so many people' tables. This is a small black owned business.

Mr. Smith listed a number of events that he has been part of such as the recent Bridgeport Rally. He said that this will not just be another restaurant, but a landmark. He would like to make his dream a reality and create more jobs in the City.

Commissioner Piccirillo said that the site does not meet the criteria for a restaurant, but for a cafe. Mr. Buckley said that Mr. Smith had been granted a special permit for a restaurant, but he would like to have a cafe/restaurant liquor permit.

Commissioner Piccirillo asked if they would have entertainment. Mr. Smith said that at Sunday brunch, they may have a band during the day.

Commissioner Alves asked the hours of operation. Mr. Smith said that Take out is available from 11 a.m. to 9 p.m. However if they are allowed to have dine in, they will have to extend the hours.

Commissioner Alves asked how many people were employed. Mr. Smith replied that there were currently 10 staff for take out and about 30 for the catering side. He explained that he has a liquor license for catering.

Commissioner Alves asked where the walk in cooler was located. Mr. Smith indicated where it was on the floor plan.

Commissioner Piccirillo asked how many they could seat. Mr. Smith said that there were seats for 30 in the restaurant and an additional 10 at the bar.

Commissioner Benson asked about the liquor license details and pointed out that there were restaurants that operated without a liquor license. Mr. Smith said that he wanted his customers to be able to have the full Jamaican experience. He said that he was not a club person.

Commissioner Piccirillo asked if anyone was present that would like to speak in favor.

Mr. Eli Watson came forward and said he was the CEO of the "Broken Warrior" program that works out of the Bridgeport Library and Uncle Joe's just became a community partner. He spoke about how Uncle Joe's helped his program

Mr. Jeff Bishop, of the Bridgeport Regional Business Council came forward. He said that he works on business improvement and business retention. His organization has been working with Mr. Smith on his business plan and felt that it was a very exciting project for the Hollow. Mr. Bishop said that Mr. Smith already has a liquor license for the catering business. He added that Mr. Smith had been rehabbing the buildings and urged everyone to visit Uncle Joe's.

Ms. Ellen Blake came forward and said that she had met Mr. Smith at an event. She said that when she walked into the building, she was very impressed.

Mr. James Brown came forward representing his security company and stated his company will be providing security for the patrons to insure they have a pleasant and joyful experience.

Mr. Richard Blake came forward and said that the service was magnificent. He said that the area needs a full service restaurant for the Caribbean community.

Ms. Tanika King came forward and said that she appreciated the changes that Mr. Smith has brought to the area. Many people are now employed. He does not cut corners, he's an entrepreneur and an upstanding citizen. She said that having security is important for her and it is important to have the security so everyone is safe. She thanked the Commissioners for their time

Commissioner Piccirillo asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Piccirillo closed the hearing on 188 Pequonnock Street.

ITEM #2 RE: 3369 – 3375 FAIRFIELD AVENUE – 3369 Fairfield Avenue LLC –

Commissioner Shepard stated that there had been a request to defer this item to the next ZBA meeting.

ITEM #3 RE: 563 – 565 SHELTON STREET – Edwin Montanez – Seeking *variances of Sec. 5-1-3 of the residential density requirement of 2,700-sq. ft. of property per residential unit; the minimum and cumulative side yard setback requirement to permit the construction of a 2-family dwelling in an R-C zone.

Mr. Washington Cabezas came forward and displayed the site plans for a two family residence that had three bedrooms each.

Commissioner Piccirillo asked about the lack of windows in the rear. Mr. Cabezas explained that the bathrooms and closets were located there. Each unit has 1 1/2 baths.

Commissioner Benson asked for clarification on the parking. Mr. Cabezas said that they were providing four spaces and that the driveway was on the side of the house.

Commissioner Piccirillo asked if anyone was present that would like to speak in favor. No one came forward. Commissioner Piccirillo asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Piccirillo closed the hearing on 563 Shelton Street.

ITEM #4 RE: 19 MICHAEL STREET – Hector Oliva -- Seeking a *variance of the minimum lot size requirement under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-A zone.

Mr. Olivia submitted the green mailing receipts. He said that he had purchased two lots on Michael Street 15 years ago. This lot is less than 5,000 sq. ft. It is located on a cul de sac. He said that he would like the variance. The lot is short of the requirement by 218 sq. feet.

Commissioner Piccirillo asked if they had plans for the house. Mr. Olivia said that they had constructed one house and would likely repeat the same type. Mr. Boucher said that it was a subdivision and normally the applicant does not supply house plans.

Commissioner Piccirillo asked if there was anyone present who wished to speak in favor of the application. No one came forward.

Commissioner Piccirillo asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Piccirillo closed the hearing on 19 Michael Street.

ITEM #5 RE: 1598 CAPITOL AVENUE – Edward McClain d/b/a Joey’s Capitol Wood Service Center -- Seeking a *variance under Sec. 4-12-3 to legalize the establishment of a convenience store use in the existing motor vehicle general repair facility in an OR zone.

Mr. Edward McCain and his attorney came forward. The attorney said that his client had been given a zoning violation but pointed out that there had been a store at that location since the 1930's. The current store sells snacks, soda and candy, which it has since the 1970's under the prior owner. It is located in an OR zone.

Mr. McClain said that he has operated a towing business and often stopped there for soda, snacks and candy. He remembers it being there when he was a child. There never were any complaints before.

Mr. Buckley came forward and said that Mr. McClain had been in the office and prepared an application. He said that the zoning regulations and the principal use of the building as a gas station and automotive repair center.

Mr. Buckley said that this was an auto service center and now Mr. McClain wants to intensify the use. He checked with the City Attorney and the City Attorney said that he should bring it before the Board. The property has been non-conforming for many years.

The client's attorney said that the store there many years and distributed copies of pictures from 20 years ago. He said that they were simply asking for approval of the store. There is no expansion of the store.

Commissioner Piccirillo asked for some clarification on the changes to the store front. Mr. McClain said that there were no structural changes, just some cosmetic changes. There has been no changes to the square footage or the amount of sales area.

Commissioner Piccirillo asked if there was anyone present who wished to speak in favor of the application. No one came forward.

Commissioner Piccirillo asked if there was anyone present who wished to speak in opposition to the application.

Ms. Barbara Griffith said that she was a business owner opposed to this because one of the employees were blowing garbage off the property and there is a old Jeep on the property.

Mr. Tony Rodriguez said that he lives in the house behind the store. There is a problem because he pushes the snow on other people's property. He said that there was a young mother with her child who had a flat tire and he told the woman to get off his property. Mr. Rodriguez said that he had concerns about the tanker backing out onto the street and the lack of parking for emissions testing. There are many people who are concerned about the lack of courtesy and he has a signed petition.

Mr. McClain said that there was a problem a few years ago and Mr. Rodriguez ended up being arrested due to his actions. Mr. McClain said that he has a good relationship with many of the parents. The client's attorney then pointed out that Mr. McClain does not have the equipment to fix flats, but the garage on the corner does. Mr. McClain did not order the woman off the property, but directed her to the garage on the corner.

Commissioner Piccirillo then closed the hearing on 1598 Capitol Avenue.

ITEM #6 RE: 262 BROAD STREET – DK Painting and Restoration – Seeking a variance of the minimum side setback requirement under Sec. 5-1-3 to permit the construction of a 12' x 13' open wood deck in an R-B zone.

Mr. Dziejdzic came forward and gave a brief overview of the proposed wood deck.

Commissioner Alves said that the stairs would block one of the first floor windows. Mr. Dziejdzic said that they can't move the steps because the fire escape is on the other side. Discussion followed about the details.

Ms. Faith Fennelly said that she was the property owner. She purchased the property about six months ago. She is gutting the building and would like to have two units in the building. The deck will allow the second floor tenant to have access to the back yard and garden.

Commissioner Piccirillo asked if there was anyone present who wished to speak in favor of the application. No one came forward.

Commissioner Piccirillo asked if there was anyone present who wished to speak in opposition to the application.

The abutting property owner, Mr. Charles Hyers, came forward and said that he had written a letter and sent it in with a map. The building is part a row house with a court yard. He said that the proposed deck will block his windows and reduce the light in his unit. The units are only 16 feet wide.

Mr. Hyers said that this had been done on the other side of the building due to the fact that the zoning was commercial. The neighboring unit found the value of his unit dropped by 25%. Mr. Hyers then gave the details of his property values. He said that he did not object to a staircase or the construction of a garden, but the deck will cause him to lose privacy. The Queen Ann design has a high stoop and many bay windows.

Mr. Dziejdzic came forward and showed everyone where the details were on the drawing.

Commissioner Piccirillo then closed the hearing on 262 Broad Street and the public hearing session at 7:32 p.m.

OTHER BUSINESS

OB-1 DISCUSSION (1469 - 1473 Wood Ave.) – Change in the approved plans of October 23, 2007.

Mr. Buckley came forward and explained that the previous owner had died and there was a new owner with new plans.

**** COMMISSIONER ALVES MOVED TO APPROVE THE CHANGE IN THE APPROVED PLANS OF OCTOBER 23, 2007 FOR 1469 - 1473 WOOD AVE.**

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

OB-2 DISCUSSION – S/E CRN of Park Ave. and Geluldig.

Mr. Buckley came forward and explained these were the Town houses on corner of Park and Geluldig Street which eventually became student housing.

Mr. Buckley said that in the past there was hearing about Federal street and they could have a DJ, but no amplification. The Commissioners decided the applicant should come before the Board for clarification.

**** COMMISSIONER ALVES MOVED TO HAVE THE APPLICANT APPEAR BEFORE THE ZONING BOARD OF APPEALS FOR CLARIFICATION REGARDING THE S/E CRN OF PARK AVE. AND GELULDIG STREET.**

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

DECISION SESSION

ITEM #1 RE: 188 PEQUONNOCK STREET – Natwerks Catering & Events – Seeking an approval of location for a café/restaurant liquor permit with a consumer bar under Sec. 12-10 in the existing mixed-use building in an OR zone.

**** COMMISSIONER SHEPARD MOVED TO GRANT AGENDA ITEM #1 RE: 188 PEQUONNOCK STREET – NATWERKS CATERING & EVENTS – SEEKING AN APPROVAL OF LOCATION FOR A CAFÉ/RESTAURANT LIQUOR PERMIT WITH A CONSUMER BAR UNDER SEC. 12-10 IN THE EXISTING MIXED-USE BUILDING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. LIVE ENTERTAINMENT IS LIMITED TO A 3-PIECE BAND ONLY ON SUNDAYS FROM 11 A.M. TO 3 P.M.**
- 2. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE.**

FOR THE FOLLOWING REASON:

THE SERVING OF ALCOHOLIC BEVERAGES IS CUSTOMARY WITH THE SERVING OF FOOD.

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

ITEM #2 RE: 3369 – 3375 FAIRFIELD AVENUE – 3369 Fairfield Avenue – Seeking a use variance under Sec. 6-1-2 to legalize the establishment of a landscaping business and also seeking to legalize the conversion of the office area into an apartment without any approvals and seeking to expunge two conditions of approval to an application granted by the Zoning Board of Appeals on June 12, 2012, which limited material storage, trucks and vehicles storage in the retail garden center in an OR zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM #2 RE: 3369 – 3375 FAIRFIELD AVENUE – 3369 FAIRFIELD AVENUE – SEEKING A USE VARIANCE UNDER SEC. 6-1-2 TO LEGALIZE THE ESTABLISHMENT OF A LANDSCAPING BUSINESS AND ALSO SEEKING TO LEGALIZE THE CONVERSION OF THE OFFICE AREA INTO AN APARTMENT WITHOUT ANY APPROVALS AND SEEKING TO EXPUNGE TWO CONDITIONS OF APPROVAL TO AN APPLICATION GRANTED BY THE ZONING BOARD OF APPEALS ON JUNE 12, 2012, WHICH LIMITED MATERIAL STORAGE, TRUCKS AND VEHICLES STORAGE IN THE RETAIL GARDEN CENTER IN AN OR ZONE TO SEPTEMBER 11, 2018.**

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

ITEM #3 RE: 563 – 565 SHELTON STREET – Edwin Montanez – Seeking *variances of Sec. 5-1-3 of the residential density requirement of 2,700-sq. ft. of property per residential unit; the minimum and cumulative side yard setback requirement to permit the construction of a 2-family dwelling in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #3 RE: 563 – 565 SHELTON STREET – EDWIN MONTANEZ – SEEKING *VARIANCES OF SEC. 5-1-3 OF THE RESIDENTIAL DENSITY REQUIREMENT OF 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT; THE MINIMUM AND CUMULATIVE SIDE YARD SETBACK REQUIREMENT TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN STRICT ACCORD WITH THE PLANS 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. ALL CONSTRUCTION SHALL COMPLY WITH THE BASIC BUILDING CODE OF THE STATE OF CT.**
- 4. THE FRONT OF THE SUBJECT PREMISES SHALL BE PLANTED TO THE L-2 STANDARD; PROPERLY MAINTAINED AND REPLACED AS NECESSARY.**

FOR THE FOLLOWING REASONS:

- 1. THE LOT SIZE CONFORMS WITH OTHER RESIDENTIAL PROPERTIES IN THE AREA WHICH WERE DEVELOPED UNDER EARLIER VERSIONS OF THE ZONING REGULATIONS.**
- 2. THE DEVELOPMENT OF THIS PARCEL WILL ELIMINATE AN EYE SORE IN THE NEIGHBORHOOD.**

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

ITEM #4 RE: 19 MICHAEL STREET – Hector Oliva -- Seeking a *variance of the minimum lot size requirement under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-A zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #4 RE: 19 MICHAEL STREET – HECTOR OLIVA -- SEEKING A *VARIANCE OF THE MINIMUM LOT SIZE REQUIREMENT UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-A ZONE FOR THE FOLLOWING REASON:**

THE DEVELOPMENT OF THIS PORTION OF MICHAEL REQUIRES THE INSTALLATION OF A CUL-DE-SAC, WHICH CAN ACCOMMODATE THE TURNING RADIUS OF FIRE TRUCKS AND OTHER APPARATUS.

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

ITEM #5 RE: 1598 CAPITOL AVENUE – Edward McClain d/b/a Joey's Capitol Wood Service Center -- Seeking a *variance under Sec. 4-12-3 to legalize the

establishment of a convenience store use in the existing motor vehicle general repair facility in an OR zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #5 RE: 1598 CAPITOL AVENUE – EDWARD MCCLAIN D/B/A JOEY’S CAPITOL WOOD SERVICE CENTER -- SEEKING A *VARIANCE UNDER SEC. 4-12-3 TO LEGALIZE THE ESTABLISHMENT OF A CONVENIENCE STORE USE IN THE EXISTING MOTOR VEHICLE GENERAL REPAIR FACILITY IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE.**

FOR THE FOLLOWING REASONS:

- 1. A CONVENIENCE STORE USE IS CUSTOMARY WITH GASOLINE SALE FACILITIES.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO NEGATIVE IMPACT ON THE NEIGHBORHOOD.**

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

ITEM #6 RE: 262 BROAD STREET – DK Painting and Restoration – Seeking a variance of the minimum side setback requirement under Sec. 5-1-3 to permit the construction of a 12’ x 13’ open wood deck in an R-B zone.

**** COMMISSIONER BENSON MOVED TO DENY AGENDA ITEM #6 RE: 262 BROAD STREET – DK PAINTING AND RESTORATION – SEEKING A VARIANCE OF THE MINIMUM SIDE SETBACK REQUIREMENT UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 12’ X 13’ OPEN WOOD DECK IN AN R-B ZONE FOR THE FOLLOWING REASON:**

- 1. THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL CONDITION OR UNUSUAL HARDSHIP RELATING TO THIS PARCEL OF PROPERTY.**

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

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

APPROVAL OF MINUTES

Approval of ZBA Minutes for July 10, 2018 – Present: Acting Chairperson: Maria Alves; Commissioners: John Carolan, Robin Shepard and "Boka" (B. Oyiboka) Benson. Staff: Dennis Buckley, Zoning Clerk.

ADJOURNMENT.

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

The meeting adjourned at 8:09 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services