



ZONING BOARD OF APPEALS
NOVEMBER 13, 2018
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
(203) 576-7217 Phone
(203) 576-7213 Fax

ATTENDANCE: Maria Alves, Acting Chair; Kyle LaBuff, Acting Secretary;
John Carolan, Joe McClaine

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

CALL TO ORDER

Acting Chair Alves called the meeting to order at 6:08 p.m. A quorum was present.

Acting Chair Alves explained to those present that there were only four Commissioners seated so that any petition presented at the meeting would require an unanimous vote for approval. She announced that any applicant that wished to have a full Board present could request their application be deferred.

RESCHEDULED OCTOBER 9TH ITEMS DUE TO LACK OF QUORUM.

ITEM C-1 RE: 3369 – 3375 FAIRFIELD AVENUE – Petition of 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.

Commissioner LaBuff announced that Agenda Item C1 had been withdrawn and would be addressed during the Decision Session.

ITEM D-1 (#1) RE: 2450 NORTH AVENUE – Petition of Godwin Chow – Seeking a variance of Sec. 11-8-3 which prohibits fences exceeding 48 inches in height be erected within the front setback of any residential zone.

Mr. Chow came forward and turned in the green certified mailing slips. Mr. Chow stated his name and address for the record and said that he was hard of hearing. He then requested that they repeat the instructions.

Mr. Chow said that he lives in a historical district and he is trying to build a fence but had been told he must stop. The fence is 6 feet high. The fence borders a street that the City has abandoned.

As a first time home buyer, he has found out that there are many restrictions and with the condo being built nearby, his street is now a short cut to North Avenue. Someone tried to cut through his property and almost killed his grandson. People are throwing garbage over the fence and he needs the fence to be higher so they won't do that. The neighbors are also using the property as a shortcut to Park Avenue.

Mr. Chow displayed a photo of the area.

Mr. Boucher came forward and said that he was Clerk for the Historic Commission. Mr. Boucher explained that Mr. Chow 's property borders a funeral home and that fence will be 6 feet high. Commissioner Carolan said that the fence needs to be only 4 feet high because of traffic visibility.

Commissioner McClain suggested that he eliminate the back gate on the property.

Mr. Buckley came forward and said that there were some enforcement issues about storage issues on the property that include larger vehicles and motorcycles. He added that a cease and desist order had been issued for the property.

Mr. Chow said that he works on antique cars and once the garage is built, the vehicles will be moved inside and the shipping container will be removed. He displayed the plans for the garage. This is not a business, but a hobby.

Commissioner McClain asked Mr. Chow if he had complied with the cease and desist order. Mr. Chow said that he had been harassed by a neighbor who had told him to go back to his own country. He spoke about how he was reusing the wood from pallets for the fence and also to make wood pellets for stoves. The property has been cleaned up.

Mr. Bonney, the Enforcement Officer, said that he had not known this application was on the agenda, but stated Mr. Chow has one shipping container, two or three unregistered, non-operating vehicles that are covered along with a number of the wooden pallets. Mr. Bonney said that this process was being done in reverse. The shipping container is considered an accessory structure. When one vehicle is covered, it's okay, but multiple vehicles on the property present a problem.

Mr. Chow explained that if he can build the garage, the various items will be moved inside. He recently was able to have a building plan for the garage approved.

Commissioner Alves asked if anyone was present to speak in favor. No one came forward. She asked if there was anyone to speak in opposition. Hearing none, Commissioner Alves closed the public hearing on 2450 North Avenue at 6:30 p.m.

ITEM #1 RE: 1771 (aka 1789) BARNUM AVENUE – Petition of Barnum Fuels, LLC – Seeking variances of the maximum height of 15’ and the minimum front setback of 10’ under Sec. 6-1-3 and also of the minimum landscaping requirements of Sec. 11-3 to permit the installation of a pump island canopy in an OR zone.

Mr. Tucker Chase and the owner of Barnum Fuels came forward. Mr. Chase distributed copies of photographs. He showed where the required canopy over the pumps. Once a new canopy is installed, the pumps will be situated in a better arrangement for the vehicles. The variances are related to the set backs. He explained that the change involves higher vehicles. The entire property is covered with asphalt and there would be no change with the landscaping.

Commissioner Alves asked if anyone was present to speak in favor. No one came forward. She asked if there was anyone to speak in opposition. Hearing none, Commissioner Alves closed the public hearing on 1771 Barnum Avenue at 6:34 p.m.

ITEM #2 RE: 255 ALBA AVENUE – Petition of David Chavez – Seeking a variance of the 20-foot rear setback requirement under Sec. 5-1-3 to permit the construction of a 310-sq. ft. open wood deck within 2.5-feet of the abutting property in an R-A zone.

Commissioner LaBuff announced that Agenda Item #2 had been withdrawn and would be addressed during the Decision Session.

ITEM #3 RE: 118 – 120 & 128 BEARDSLEY STREET – Petition of Morton Family, LLC – Seeking a use variance under Sec. 5-1-2 to permit the establishment of a non-conforming 19-space parking lot in an R-BB zone

Mr. Washington Cabezas came forward to present the application. He explained that this was an application for exclusive parking for the staff. Commercial parking is not allowed in this residential zones. but this is for the staff of Morton's Mortuary. The lot will be secured and well lit at night. By developing this property into a dedicated parking lot, it will be safer for the employees; it will moved cars off the streets and also provide more security at night. Mr. Cabezas said that having the exit on Smith Street will prevent more traffic going out on to Barnum Avenue. There is a storm water catchment system that will be installed along with some landscaping. The lot is very close to I-95 and there is a significant noise. The lot is located directly across the street from the mortuary.

Commissioner Alves asked if anyone was present to speak in favor. No one came forward. She asked if there was anyone to speak in opposition. Hearing none, Commissioner Alves closed the public hearing on 118-120 & 128 Beardsley Street at 6:41 p.m.

ITEM #4 RE: 2382 (aka 2350-2394) MAIN STREET – Petition of El Tenampa Restaurant – Seeking to modify an approval of an application granted by the Zoning Board of Appeals on June 8, 2011, which permitted the establishment of a beer and wine café use in an existing restaurant in an OR-G zone.

Commissioner LaBuff called the item three times. There was no response.

NOVEMBER SCHEDULED ITEMS.

ITEM (1) RE: 87 WILLIAM STREET – Petition of Bennett Unlimited, LLC – Seeking variances of the minimum front and side setback requirements; the minimum lot area and width and the minimum density requirement of 2,700-sq. ft. of property per residential unit under Sec. 5-1-3, and waive all three (3) of the required off-street parking spaces required under Sec. 11-1-2 to legalize the conversion of a 1-family into a 2-family residential dwelling without any approvals in an R-C zone.

Mr. Mike Zarbo of New Milford, CT and Mr. Bennett came forward to request a variance for the side set back. It is a pre-existing property since 1992 and has effectively has no side yard. The hardship is that this is a pre-existing condition. This is a conversion of a one family to a two family. Mr. Bennett said that he had purchased the property as a three family and was taxes by the Assessor's as a three family, but zoning lists it as a one family. Mr. Bennett wants to keep it as a two family.

Commissioner Alves asked if there was any parking on the property. Mr. Bennett said there was not.

Commissioner McClaine asked when they discovered it was a two family resident. Mr. Bennett said that up until the 1980's, it was a single family home. Later it was made into a residence with an office. Then it became a three family home. The real estate attorney discovered the Assessor's had it listed as a three family. Currently, the top two floors are one residence and the bottom two floors are another residence.

Mr. Boucher said that when the owner came in for the permits for the electrical issues they discovered it was only one meter.

Commissioner Alves asked if anyone was present to speak in favor. No one came forward. She asked if there was anyone to speak in opposition. Hearing none, Commissioner Alves closed the public hearing on 87 William Street at 6:50 p.m.

ITEM (2) RE: 285 KENT AVENUE – Petition of Spadaccino Real Estate Company – Seeking a variance of the 2,700-sq. ft. of property per residential unit under Sec. 5-1-3; and the required on-site parking space requirements of Sec. 11-1-2 to waive five (5) of the required eight (8) spaces to legalize the conversion of a storefront to residential for a total of four (4) apartments in an R-C zone.

Mr. Salvatore Spadaccino handed in the mailing receipt. He said that when they applied for a new roof, they discovered the building was listed as only a three family residence rather than a four family residence. It has been used for veteran housing since 2010. It has been listed as a four unit housing residence since 2007. Each of the four unit has one bedroom, with a kitchen and bath. There is a two car garage on the property.

Commissioner Alves asked where the residents park. Mr. Spadaccino said that right now, only one resident has a car, so there is no parking issue. Most of the veterans that come to the facility have been homeless, so they don't usually have cars.

Commissioner McClaine asked if the facility would continue to be used for veterans. Mr. Spadaccino said that it would be. Mr. McClain asked if there were any issues with the neighbors. Mr. Spadaccino said there were no issues with the neighbors.

Commissioner Alves asked if anyone was present to speak in favor. No one came forward. She asked if there was anyone to speak in opposition. Hearing none, Commissioner Alves closed the public hearing on 285 Kent Avenue at 6:57 p.m.

ITEM (3) RE: 3369 – 3375 FAIRFIELD AVENUE – Petition of 3369-3375 Fairfield Avenue – Appealing under Sec. 14-10 of the City of Bridgeport Zoning Regulations and Sec. 8-7 of the CT General State Statutes; whereby it is alleged the Zoning Official erred in his decision to not process an application for additional truck storage without Zoning Board of Appeals approval in an OR zone and coastal area.

Atty. Rizio came forward and requested that this item be deferred.

ITEM (4) RE: 4219 MAIN STREET & 50 LOURMEL STREET – Petition of McDonalds USA – Seeking variances under Sec. 6-1-3 to waive the required 75% of building length to meet the front setback line on both the primary and secondary frontages; waive the maximum allowable setback requirement of 10 feet for both primary and secondary building walls and waive all side setback requirements and the minimum building height requirement. Also seeking variances of the building siting requirement of Sec. 6-1-4; the minimum window area coverage requirement under Sec. 6-1-5h; the prohibition of a drive-thru facility under Table 7; the prohibition of location for a drive-thru facility under Sec. 12-5-1a(4) and the drive and drive-thru setback and screening requirements under Sec. 11-1-13b & 12-5a to

permit the construction of a 1-story, 4,371-sq. ft., 70-seat fast food restaurant with a drive-thru facility in an OR-R zone.

Atty. Rizio came forward and said that there were four McDonald's in Bridgeport. He then distributed photos of the McDonalds built in 1965, which was the first in Bridgeport and second one in the State of Connecticut. When drive thrus started to expand, between 10 to 15% of the business utilized the drive thru. Now there is 70% of the business handled through the restaurant.

Atty. Rizio displayed the site plans and explained that McDonald's had acquired a parcel in the back and intended to put a buffer along the back border. Because of the changes in the traffic, the business and the regulations, McDonald's had decided to tear down the building and moved the building closer to Main Street. Everyone will have to enter from Main Street. That will reduce traffic on Lourmel.

Atty. Rizio gave an overview of the proposed traffic flow and pointed out that they want the orders to be filled within 180 seconds (approx. 3 minutes). There also UberEats, which means drivers are picking up multiple orders. The new drive thru will have two lanes, one for the regular customers and one for UberEats. The new queue will allow 12 vehicles to be stacked and the menu boards will be re-positioned.

Due to the fact that this is one of the first 150 McDonalds built, the property does not conform to the regulations. This reconfiguration and reconstruction will bring the property into more alignment with the current regulations.

Atty. Rizio the reviewed the variances being requested. He explained that there was a requirement to increase the windows on the secondary frontage that requires the side of the building facing the street would have windows. This would have widows on the kitchen, the break room and the storage. There will be windows, but they will be non-functioning.

He went on to give a summary of the changes with the requirements for the setback measurements along with the changes in the facade. Because this is a corner lot, there is no way to prevent the pedestrians from seeing the vehicles waiting in the drive thru.

Atty. Rizio said that McDonald's was not going anywhere, but because it has been there over 50 years the business has changed. McDonald's wants to bring this property up to the same level that they have on their other three properties. This will reduce the traffic on Lourmel, reduce the curb cuts and improve the safety. Their goal is not only to sell hamburgers, but also reduce their liability.

Commissioner Alves had several questions about the various items positioned on the site plan, the landscaping and the planned demolition ion of the newly acquired residence. Atty. Rizio reviewed the details of the site plans with the Commission.

Commissioner Alves asked if anyone was present to speak in favor.

Mr. Terry Sullivan of 1113 Austin Street came forward to speak in favor of the application. He said that he had noticed that the vehicles were backing up onto the street and was in favor of this proposal.

Commissioner Alves asked if anyone was present to speak in opposition.

Mr. Araya Ghirmay of 62 Lourmel Street came forward and said that he was against this because it was noisy and there were a lot of flies in the street. There is garbage all over the place. This is not right. Mr. Ghirmay said that he has lived there for 18 to 19 years. His neighbor sold his house to the McDonald's and he will be the abutting property owner. Now there will be more noise and more garbage on his property.

Commissioner McClaine asked if it would help if the staff had more garbage cans on the property. Mr. Ghirmay said that he has to clean up the garbage every day.

Atty. Rizio said that there were two things that might help. Mr. Ghirmay's house elevation is actually higher than the McDonald's. The trash container will be completely enclosed with an 8 foot retaining wall. He said that they would be willing to put a solid fence that was 6 feet between the arbor vitas trees and the property lines. The question is how to make this property safer, more conforming, and more efficient. By shifting the drive thru traffic to the newly designed driveway, it will reduce the noise and garbage on Lourmel. This is a balance between the City's desires, the Zoning Department zoning, and the neighborhood's interests.

Commissioner McClain asked if the client would agree to noise reduction fencing and having the garbage picked up at a better time. Atty. Rizio said that his client would agree to those conditions.

Commissioner Alves closed the public hearing on 4219 Main Street at 7:48 p.m.

ITEM (5) RE: 34-36 (aka 10-14) WILSON STREET – Petition of Tom Quinn – Requesting a rehearing on a petition that was denied by the Zoning Board of Appeals on 09/11/18 as the petitioner failed to present a legal hardship for the construction of a 2-family dwelling on a nonconforming lot in an R-C zone.

Atty. Rizio requested that this application be deferred to December 11, 2018

ITEM #4 RE: 2382 (aka 2350-2394) MAIN STREET – Petition of El Tenampa Restaurant – Seeking to modify an approval of an application granted by the Zoning Board of Appeals on June 8, 2011, which permitted the establishment of a beer and wine café use in an existing restaurant in an OR-G zone.

Commissioner LaBuff called the item three times. There was no response.

Commissioner Alves closed the Public Hearings at 7:50 p.m.

RECESS

Commissioner Alves announced a recess at 7:51 p.m. She called the meeting back to order at 7:56 p.m.

DECISION SESSION

Atty. Liskov reminded the Commission about the definition of hardship and the fact that any votes that were taken would have to be unanimous in order for any given application to pass.

ITEM C-1 RE: 3369 – 3375 FAIRFIELD AVENUE – Petition of 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.

**** COMMISSIONER CAROLAN MOVED TO ACCEPT THE REQUEST FOR WITHDRAWAL FOR APPLICATION C-1 RE: 3369 – 3375 FAIRFIELD AVENUE – PETITION OF 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.**

**** COMMISSIONER LABUFF SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-1 (#1) RE: 2450 NORTH AVENUE – Petition of Godwin Chow – Seeking a variance of Sec. 11-8-3 which prohibits fences exceeding 48 inches in height be erected within the front setback of any residential zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT APPLICATION D-1 (#1) RE: 2450 NORTH AVENUE – PETITION OF GODWIN CHOW – SEEKING A**

VARIANCE OF SEC. 11-8-3 WHICH PROHIBITS FENCES EXCEEDING 48 INCHES IN HEIGHT BE ERECTED WITHIN THE FRONT SETBACK OF ANY RESIDENTIAL ZONE.

Discussion followed regarding the items being stored on the property without permission.

**** COMMISSIONER CAROLAN WITHDREW HIS PREVIOUS MOTION TO GRANT APPLICATION ITEM D-1 (#1) RE: 2450 NORTH AVENUE – PETITION OF GODWIN CHOW – SEEKING A VARIANCE OF SEC. 11-8-3 WHICH PROHIBITS FENCES EXCEEDING 48 INCHES IN HEIGHT BE ERECTED WITHIN THE FRONT SETBACK OF ANY RESIDENTIAL ZONE.**

**** COMMISSIONER CAROLAN MOVED TO DENY WITHOUT PREJUDICE APPLICATION ITEM D-1 (#1) RE: 2450 NORTH AVENUE – PETITION OF GODWIN CHOW – SEEKING A VARIANCE OF SEC. 11-8-3 WHICH PROHIBITS FENCES EXCEEDING 48 INCHES IN HEIGHT BE ERECTED WITHIN THE FRONT SETBACK OF ANY RESIDENTIAL ZONE FOR THE FOLLOWING REASON:**

THE PROPERTY NEEDS TO BE IN COMPLIANCE WITH THE ZONING REGULATIONS PRIOR TO REQUESTING ANY VARIANCES FROM THIS BOARD.

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

ITEM #1 RE: 1771 (aka 1789) BARNUM AVENUE – Petition of Barnum Fuels, LLC – Seeking variances of the maximum height of 15’ and the minimum front setback of 10’ under Sec. 6-1-3 and also of the minimum landscaping requirements of Sec. 11-3 to permit the installation of a pump island canopy in an OR zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT APPLICATION ITEM #1 RE: 1771 (aka 1789) BARNUM AVENUE – PETITION OF BARNUM FUELS, LLC – SEEKING VARIANCES OF THE MAXIMUM HEIGHT OF 15’ AND THE MINIMUM FRONT SETBACK OF 10’ UNDER SEC. 6-1-3 AND ALSO OF THE MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 11-3 TO PERMIT THE INSTALLATION OF A PUMP ISLAND CANOPY IN AN OR ZONE WITH THE FOLLOWING CONDITION:**

THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING

PERMIT.

FOR THE FOLLOWING REASONS:

CANOPIES AND FIRE SUPPRESSION SYSTEMS ARE REQUIRED BY FIRE CODE FOR ALL SELF-SERVICE GASOLINE SALES.

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

THE SIZE OF THE LOT AND LOCATION OF THE BUILDING AND PUMP ISLAND NECESSITATE THE NEED FOR THE VARIANCES REQUESTED.

**** COMMISSIONER LABUFF SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM #2 RE: 255 ALBA AVENUE – Petition of David Chavez – Seeking a variance of the 20-foot rear setback requirement under Sec. 5-1-3 to permit the construction of a 310-sq. ft. open wood deck within 2.5-feet of the abutting property in an R-A zone.

**** COMMISSIONER CAROLAN MOVED TO ACCEPT THE WITHDRAWAL OF ITEM #2 RE: 255 ALBA AVENUE – PETITION OF DAVID CHAVEZ – SEEKING A VARIANCE OF THE 20-FOOT REAR SETBACK REQUIREMENT UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 310-SQ. FT. OPEN WOOD DECK WITHIN 2.5-FEET OF THE ABUTTING PROPERTY IN AN R-A ZONE.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM #3 RE: 118 – 120 & 128 BEARDSLEY STREET – Petition of Morton Family, LLC – Seeking a use variance under Sec. 5-1-2 to permit the establishment of a non-conforming 19-space parking lot in an R-BB zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE APPLICATION ITEM #3 RE: 118 – 120 & 128 BEARDSLEY STREET – PETITION OF MORTON FAMILY, LLC – SEEKING A USE VARIANCE UNDER SEC. 5-1-2 TO PERMIT THE ESTABLISHMENT OF A NON-CONFORMING 19-SPACE PARKING LOT IN AN R-BB ZONE WITH THE FOLLOWING CONDITIONS:**

THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.

THE PARKING LOT IS FOR THE EXCLUSIVE USE OF THE EMPLOYEES AND VISITORS TO THE MORTUARY AND SHALL BE CLOSED AND LOCKED UNTIL NEEDED DURING CALLING HOURS.

FOR THE FOLLOWING REASON:

DUE TO THE PROXIMITY TO I-95, THE LOT IS NO LONGER SUITABLE FOR RESIDENTIAL USE.

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

ITEM #4 RE: 2382 (aka 2350-2394) MAIN STREET – Petition of El Tenampa Restaurant – Seeking to modify an approval of an application granted by the Zoning Board of Appeals on June 8, 2011, which permitted the establishment of a beer and wine café use in an existing restaurant in an OR-G zone.

**** COMMISSIONER CAROLAN MOVED TO DENY WITHOUT PREJUDICE
ITEM #4 RE: 2382 (AKA 2350-2394) MAIN STREET – PETITION OF EL TENAMPA RESTAURANT – SEEKING TO MODIFY AN APPROVAL OF AN APPLICATION GRANTED BY THE ZONING BOARD OF APPEALS ON JUNE 8, 2011, WHICH PERMITTED THE ESTABLISHMENT OF A BEER AND WINE CAFÉ USE IN AN EXISTING RESTAURANT IN AN OR-G ZONE FOR THE FOLLOWING REASON:**

THE PETITIONER FAILED TO ATTEND THE PUBLIC HEARING.

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

ITEM (1) RE: 87 WILLIAM STREET – Petition of Bennett Unlimited, LLC – Seeking variances of the minimum front and side setback requirements; the minimum lot area and width and the minimum density requirement of 2,700-sq. ft. of property per residential unit under Sec. 5-1-3, and waive all three (3) of the required off-street parking spaces required under Sec. 11-1-2 to legalize the conversion of a 1-family into a 2-family residential dwelling without any approvals in an R-C zone.

**** COMMISSIONER MCCLAIN MOVED TO DENY ITEM (1) RE: 87 WILLIAM STREET – PETITION OF BENNETT UNLIMITED, LLC – SEEKING**

VARIANCES OF THE MINIMUM FRONT AND SIDE SETBACK REQUIREMENTS; THE MINIMUM LOT AREA AND WIDTH AND THE MINIMUM DENSITY REQUIREMENT OF 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3, AND WAIVE ALL THREE (3) OF THE REQUIRED OFF-STREET PARKING SPACES REQUIRED UNDER SEC. 11-1-2 TO LEGALIZE THE CONVERSION OF A 1-FAMILY INTO A 2-FAMILY RESIDENTIAL DWELLING WITHOUT ANY APPROVALS IN AN R-C ZONE FOR THE FOLLOWING REASONS:

THE PETITIONER FAILED TO PRESENT OR ESTABLISH AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS PROPERTY.

RENOVATIONS OVER THE YEARS WERE DONE WITHOUT REGARD TO PERMITS OR SAFETY STANDARDS WHICH COULD BE DETRIMENTAL TO OCCUPANTS.

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM (2) RE: 285 KENT AVENUE – Petition of Spadaccino Real Estate Company – Seeking a variance of the 2,700-sq. ft. of property per residential unit under Sec. 5-1-3; and the required on-site parking space requirements of Sec. 11-1-2 to waive five (5) of the required eight (8) spaces to legalize the conversion of a storefront to residential for a total of four (4) apartments in an R-C zone.

**** COMMISSIONER MCCLAIN MOVED TO APPROVE ITEM (2) RE: 285 KENT AVENUE – PETITION OF SPADACCINO REAL ESTATE COMPANY – SEEKING A VARIANCE OF THE 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3; AND THE REQUIRED ON-SITE PARKING SPACE REQUIREMENTS OF SEC. 11-1-2 TO WAIVE FIVE (5) OF THE REQUIRED EIGHT (8) SPACES TO LEGALIZE THE CONVERSION OF A STOREFRONT TO RESIDENTIAL FOR A TOTAL OF FOUR (4) APARTMENTS IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

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

EACH APARTMENT SHALL HAVE ONE ASSIGNED AND NUMBERED PARKING SPACE.

LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED PLAN, AS WELL AS PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.

FOR THE FOLLOWING REASONS:

THE PROPOSED RESIDENTIAL USE IS LESS INTENSIVE THAN A RETAIL USE.

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

**** COMMISSIONER LABUFF SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM (3) RE: 3369 – 3375 FAIRFIELD AVENUE – Petition of 3369-3375 Fairfield Avenue – Appealing under Sec. 14-10 of the City of Bridgeport Zoning Regulations and Sec. 8-7 of the CT General State Statutes; whereby it is alleged the Zoning Official erred in his decision to not process an application for additional truck storage without Zoning Board of Appeals approval in an OR zone and coastal area.

**** COMMISSIONER CAROLAN MOVED TO DEFER ITEM (3) RE: 3369 – 3375 FAIRFIELD AVENUE – PETITION OF 3369-3375 FAIRFIELD AVENUE – APPEALING UNDER SEC. 14-10 OF THE CITY OF BRIDGEPORT ZONING REGULATIONS AND SEC. 8-7 OF THE CT GENERAL STATE STATUTES; WHEREBY IT IS ALLEGED THE ZONING OFFICIAL ERRED IN HIS DECISION TO NOT PROCESS AN APPLICATION FOR ADDITIONAL TRUCK STORAGE WITHOUT ZONING BOARD OF APPEALS APPROVAL IN AN OR ZONE AND COASTAL AREA TO DECEMBER 11, 2018.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM (4) RE: 4219 MAIN STREET & 50 LOURMEL STREET – Petition of McDonalds USA – Seeking variances under Sec. 6-1-3 to waive the required 75% of building length to meet the front setback line on both the primary and secondary frontages; waive the maximum allowable setback requirement of 10 feet for both primary and secondary building walls and waive all side setback requirements and the minimum building height requirement. Also seeking variances of the building siting requirement of Sec. 6-1-4; the minimum window area coverage requirement under Sec. 6-1-5h; the prohibition of a drive-thru facility under Table 7; the prohibition of location for a drive-thru facility under Sec. 12-5-1a(4) and the drive and drive-thru setback and screening requirements under Sec. 11-1-13b & 12-5a to

permit the construction of a 1-story, 4,371-sq. ft., 70-seat fast food restaurant with a drive-thru facility in an OR-R zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE ITEM (4) RE: 4219 MAIN STREET & 50 LOURMEL STREET – PETITION OF MCDONALDS USA – SEEKING VARIANCES UNDER SEC. 6-1-3 TO WAIVE THE REQUIRED 75% OF BUILDING LENGTH TO MEET THE FRONT SETBACK LINE ON BOTH THE PRIMARY AND SECONDARY FRONTAGES; WAIVE THE MAXIMUM ALLOWABLE SETBACK REQUIREMENT OF 10 FEET FOR BOTH PRIMARY AND SECONDARY BUILDING WALLS AND WAIVE ALL SIDE SETBACK REQUIREMENTS AND THE MINIMUM BUILDING HEIGHT REQUIREMENT. ALSO SEEKING VARIANCES OF THE BUILDING SITING REQUIREMENT OF SEC. 6-1-4; THE MINIMUM WINDOW AREA COVERAGE REQUIREMENT UNDER SEC. 6-1-5H; THE PROHIBITION OF A DRIVE-THRU FACILITY UNDER TABLE 7; THE PROHIBITION OF LOCATION FOR A DRIVE-THRU FACILITY UNDER SEC. 12-5-1A(4) AND THE DRIVE AND DRIVE-THRU SETBACK AND SCREENING REQUIREMENTS UNDER SEC. 11-1-13B & 12-5A TO PERMIT THE CONSTRUCTION OF A 1-STORY, 4,371-SQ. FT., 70-SEAT FAST FOOD RESTAURANT WITH A DRIVE-THRU FACILITY IN AN OR-R ZONE WITH THE FOLLOWING CONDITIONS:**

INOPERABLE GLASS WINDOWS SHALL BE INSTALLED ALONG THE LOURMEL AVENUE FRONTAGE.

A 6-FOOT, NOISE REDUCTION FENCE SHALL BE INSTALLED ON TOP OF THE RETAINING WALL FROM DIRECTLY BEHIND THE ROW OF 6' ARBORVITAE PLANTS WHICH SHALL BE PLANTED 3- FEET CENTER.

THE REFUSE AREA SHALL BE ENCLOSED AND SCREENED FROM VIEW AND HAVE A SUITABLE GATE OPENING.

TRASH AND LITTER FROM THE SIDEWALKS AND STREET SHALL BE CLEANED UP BY STAFF MEMBERS, INCLUDING THE AREA IN FRONT OF NEIGHBORING PROPERTIES, EVERY 4-HOURS BETWEEN 8AM AND 8PM.

THE REDEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.

ALL LANDSCAPING SHALL BE PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.

FOR THE FOLLOWING REASONS:

THE REDEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.

THE NEW FACILITY AND SITE WORK MORE CLOSELY COMPLIES WITH THE CURRENT ZONING REGULATIONS.

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

THE REDESIGNED TRAFFIC PATTERN WILL IMPROVE THE CUSTOMER WAIT TIME AND WILL BE MUCH SAFER FOR MOTORIST AND PEDESTRIANS AS WELL.

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM (5) RE: 34-36 (aka 10-14) WILSON STREET – Petition of Tom Quinn – Requesting a rehearing on a petition that was denied by the Zoning Board of Appeals on 09/11/18 as the petitioner failed to present a legal hardship for the construction of a 2-family dwelling on a nonconforming lot in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER ITEM (5) RE: 34-36 (AKA 10-14) WILSON STREET – PETITION OF TOM QUINN – REQUESTING A REHEARING ON A PETITION THAT WAS DENIED BY THE ZONING BOARD OF APPEALS ON 09/11/18 AS THE PETITIONER FAILED TO PRESENT A LEGAL HARDSHIP FOR THE CONSTRUCTION OF A 2-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-C ZONE TO DECEMBER 11, 2018.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADOPTION OF MINUTES

August 15, 2018

There was not a quorum present to approve the minutes from August 15, 2018.

September 11, 2018

**** COMMISSIONER CAROLAN MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 11, 2018 MEETING.**

**** COMMISSIONER LABUFF SECONDED.
** THE MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 11,
2018 MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT

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

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services