



ZONING BOARD OF APPEALS
DECEMBER 11, 2018
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
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ATTENDANCE: Maria Alves, Acting Chair; John Carolan, Edward "Joe" McClain and Kyle LaBuff

OTHERS: Dennis Buckley, Zoning Clerk, Attorney Russell Liskov

CALL TO ORDER.

Acting Chair Alves called the meeting to order a 6:10 p.m. A quorum was present. She read the formal announcement as posted in the paper and introduced the Commissioners seated. She requested that everyone turn off their cell phones and reviewed the other hearing rules.

ITEM D-1 (3) RE: 3369 – 3375 FAIRFIELD AVENUE – Petition of 3369 Fairfield Avenue, LLC – 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 said that his client had submitted a Zoning application and the Zoning Office had not issues approval for additional truck storage. Atty. Rizio distributed copies of the past history of the site which was for a retail garden center.

The parcel was in an OR zone that would allow the garden center. He then gave a brief overview of the history. The property owner wanted to remain consistent with a garden center, but would not be storing a dump truck for top soil, but trucks that are used for landscaping.

The building has one apartment on the second floor, which is approved of as of right. This is completely separate from issues that the Fire Marshal may have or Building Inspectors. The building is a legal building.

Atty. Rizio reviewed the various regulations with the Commissioners. He indicated that there was a Coastal Review letter from Mr. Gaucher that had been received.

Atty. Rizio then spoke about the types of vehicles that would be permitted on the property, all of which are used by the company. He then distributed copies of photos of the property and the type of materials stored there.

There have been statements made that Mr. Philbin has been running his landscaping business from Fairfield Avenue site. The landscaping business is located in Fairfield on Kenwood Avenue and while the landscaping employees may come into the office for instructions, the trucks and the landscaping equipment, are stored in the Kenwood Avenue site in Fairfield.

Atty. Rizio pointed out that if there were any changes in the business, the Zoning Officers would be there, issuing a cease and desist.

Mr. Buckley then came forward and stated that he was the Zoning Official for the City of Bridgeport. He said that he was present to defend his actions. He handed out a packet of information about the parcel including photos.

Mr. Buckley said that Mr. Philbin had tried to legalize the use of the property as a landscaping property in April of 2012. That application was denied. Another application was made and there was a conditional approval. He went on to say that the second floor apartment was constructed without permits. There were no approvals for landscaping equipment to be stored on site.

Mr. Buckley said that there were issues with the landscaping business right from the very start. He then cited some minutes from a number of years ago citing complaints from the neighbors. Former Chairman Piccirillo noted in one of the approvals that this property was not to be used as a staging site for the landscaping business.

Mr. Buckley said that the Fire Marshal had discovered that the second floor apartment had been constructed without permits. He said that there was no issue with that apartment as long as they get permits.

Mr. Buckley said that Atty. Rizio had said that there was no problem with parking, but that particular portion of Fairfield Avenue is no parking area. The vehicles that are permitted on the property are "light" trucks which have single axels. All the photos that he displayed were dual axel trucks.

Mr. Buckley pointed out that the application stated that the site contains a landscaping use. Landscape contracting is an industrial use. He added that while the landscaping business is located in Fairfield, but that the parcel where they are located was sold and is slated to be used for condos.

Mr. Buckley then pointed out the differences in the trucks that were parked on the photo from those that are described as light trucks. He said that in the Minutes of the meeting

from June 2018 addressed the issue of back hoes, and other heavy landscaping equipment.

Commissioner McClain said that he had been at the site in November and there were no trucks on the property. He said that he did not see a problem with the trucks coming to the garden center to pick up their materials. Mr. Buckley replied that permission was given to Mr. Philbin to deliver materials. Commissioner McClain pointed out that a landscaper might come to purchase material from Mr. Philbin. He said he did not think it was unreasonable.

Atty. Liskov asked whether the trucks were parked there overnight. Mr. Buckley said that they were. Atty. Liskov asked how he knew this. Mr. Buckley said that he lives in the area.

Atty. Rizio said that the piece that was missing was that there was outdoor storage. He said that outdoor storage of vehicles includes the parking of the vehicles for more than 72 hours. However, there is no parking requirement. People can come in and pick up supplies there. This is not a violation of the regulation. The applicant is not trying to hide anything. He pointed out that he did not write the rules. The landscapers buy their materials in the morning in order to start their jobs. The trucks come and go.

Atty. Rizio said that he was not present to prove hardship. He said that the application wants to move forward and get all the permits. However, they have the right to run a retail garden center.

Commissioner Carolan asked about the salt spreaders and the snow plow shown in one of the photos. Atty. Rizio said that those were not there on the property today.

Atty. Liskov asked if the property was compliance when the application was made. Atty. Rizio said they were. Atty. Liskov then suggested that they reapply for the approval tomorrow and this would establish a baseline. Mr. Buckley pointed out that there were prior violations. Atty. Liskov said that the prior acts can not be held against them. Atty. Rizio said that he would request the Commission continue the application at this time.

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 said that Mr. Diego Rivera had made recommendation but the application did not follow through so the applicant would like to have a re-hearing in January.

Commissioner Alves asked if there was anyone present who was in favor of the application. No one came forward. Commissioner Alves asked if there was anyone present who was in opposition to the application. Hearing none, Commissioner Alves closed the public session at 7:15 p.m.

RECESS

Commissioner Alves announced a recess at 7:15 p.m. She called the meeting back to order at 7:20 p.m.

DECISION SESSION

ITEM D-1 (3) RE: 3369 – 3375 FAIRFIELD AVENUE – Petition of 3369 Fairfield Avenue, LLC – 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 MCCLAIN MOVED TO CONTINUE AGENDA ITEM D-1 (3) RE: 3369 – 3375 FAIRFIELD AVENUE – PETITION OF 3369 FAIRFIELD AVENUE, LLC – 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 JANUARY 8, 2019 AT 6:00 P.M. FOR FURTHER INFORMATION AND CONSIDERATION.
** COMMISSIONER LABUFF SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

D-2 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 MCCLAIN MOVED TO RE-HEAR AGENDA ITEM D-2 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 FOR THE FOLLOWING REASON:**

THE PETITIONER STATES THE NEW APPLICATION WILL HAVE MAJOR DIFFERENCES FROM THE PREVIOUS SUBMITTAL.

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

APPROVAL OF MINUTES

August 15, 2018

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

November 13, 2018

**** COMMISSIONER CAROLAN MOVED TO APPROVE THE MINUTES FROM THE NOVEMBER 13, 2018 MEETING.
** COMMISSIONER MCCLAIN SECONDED.
** THE MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 13, 2018 MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT

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

The meeting adjourned at 7:23 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services