



ZONING BOARD OF APPEALS
APRIL 9, 2019
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; Robin Shepard, Secretary; John Carolan, Joe McClaine

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

CALL TO ORDER

Commissioner Alves called the meeting to order at 6:06 p.m. She said that there were only four Commissioners present. In order for a item to be approved, all four Commissioners must vote in favor of it. In May, there will be five Commissioners present. She said that any presenters who wished to come forward to request a deferment could do so.

Atty. Raymond Rizio came forward and requested that Agenda Item #3J – 55 Henderson St. – Petition of Boston Hill Development, LLC be deferred. He waived the statutory rights for the application.

Commissioner Alves announced that the following items had been withdrawn:

T-1 3369-3375 Fairfield Ave. – 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. WITHDRAWN on 02/11/19.

#1F 4348 Main St. – Petition of the Universal Church – Seeking a variance of the minimum off-street parking requirements under Sec. 11-1-2 by waiving 20 of the required 30 parking spaces for the proposed house of worship in an OR-R zone. WITHDRAWN.

#3F 420 Courtland Ave. – Petition of Ralph D. Forst – Seeking a variance prohibiting the expansion of a nonconforming structure under Sec. 4-12-4(a), also seeking a variance of the minimum rear setback under Sec. 5-1-3 to permit the construction of a 2-story addition to the existing single-family

dwelling, as well as a covered breezeway connecting the dwelling to the proposed oversized 1-car garage in an R-A zone. WITHDRAWN.

JANUARY 8TH ITEMS

#1J 141 Anchorage Dr. – Petition of 141 Anchorage, LLC – Seeking a variance of the minimum side setback requirement under Sec. 5-1-3 and seeking a coastal site plan review that is required under Sec. 14-3 to permit the construction of a single-family dwelling in an R-AA zone and coastal area.

Atty. Rizio came forward and submitted the green mailing receipts. He said that his client wish to build his home, but the property actually is two lots. Atty. Rizio then explained that there was an access easement to the waterfront on land which his client actually owns. In order to have the least amount of Coastal Impact, the house has been moved back, but it brings the back of the building within a foot of the access easement. Atty. Rizio then distributed packets of photos.

The lot actually provides much more buffering than if they moved the house forward and blocked the neighbor's view. No part of the building touches the access road. Atty. Rizio said that the unique shape of the lot requires the variance. If they move the house forward, they will not need a variance, but will have more of a Coastal resource Impact. He said that with the building located further back, there will be no coastal resource impact. If the owner merged the lots, they would have liability for anything that might happen on the access road.

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

Mr. William Coleman, the OPED Deputy Director, came forward and said that he was the Deputy Director of OPED. He said that this was the kind of range of housing they wished to see in the City. He said that OPED would like to see this house constructed.

Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 141 Anchorage Drive.

#2J 34-36 (aka 10-14) Wilson St. – Petition of T&N Properties, LLC – Seeking a variance of the prohibition of dividing a lot which creates a lot that is in violation of the lot size and frontage requirements under Sec. 4-12-5b and seeking variances of the minimum density requirement of the 2,700 sq. ft. per residential unit and the minimum frontage requirement of 75-ft. and the minimum lot size requirement of 7,500 sq. ft. under Sec. 5-1-3 to permit the construction of a 2-family dwelling in the R-C zone.

Atty. Rizio came forward and greeted the Commissioners. He distributed packets of photos. The owner had previously presented a plan that had duplexes, but Diego had suggested that the two units each occupy its own floor. This will be build on an existing lot within an RC zone. The plan meets all the setbacks, parking and landscaping. However, the lot is pre-existing and does not meet the current size requirements.

Atty. Rizio then said that the developer might be able to have an upstairs porch, also. It is not oversized building and meet the setbacks.

Commissioner Alves asked about the driveway. Atty. Rizio said that there would be two separate driveways. Commissioner Alves asked about parking in the back. Atty. Rizio said that if they had parking in the back, they would have to provide circulation and would lose a lot of green landscaping.

Commissioner Alves said that she had concerns about the light being re-directed. Atty. Rizio said he would accept that as a conditions.

Commissioner Alves asked if anyone was present that would like to speak in favor of the application. No one came forward. Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 34-36 Wilson Street.

FEBRUARY ITEMS

#2F 50 Kaechele Pl. – Petition of Joe Mota – Seeking a variance of the minimum rear set back requirement under Sec. 4-3-2 to permit the construction of an open wood deck within 6-feet of the rear property line in an R-A zone.

Mr. Max Taylor came forward and explained he had left the green cards in his car.

#4F 18, 30, 34, 44 Island Brook Ave. – Petition of Bud’s Service, LLC – Seeking a variance of the minimum landscaping requirements under Sec. 7-1-3, also seeking a variance prohibiting outdoor storage in a coastal area under Sec. 14-3-3(i) to permit the establishment of a repair facility and storage yard for motor vehicles in connection with the existing towing and repair facility at 44 Island Brook Avenue in an I-L zone and coastal area.

Mr. Charles Wade, the operator of Bud's Service, LLC came forward and handed in his mailing receipts. He said that the business tows for the Police Department. Some of the vehicles are operable and others are not.

Commissioner Alves asked if they would be able to install privacy fences where there are neighbors. Mr. Wade explained that one building is commercial and he owns the other building. The residents are his tenants.

Commissioner Alves asked if anyone was present that would like to speak in favor of the application. No one came forward. Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 18, 30, 34, 44 Island Brook Avenue.

#2F 50 Kaechele Pl. – Petition of Joe Mota – Seeking a variance of the minimum rear set back requirement under Sec. 4-3-2 to permit the construction of an open wood deck within 6-feet of the rear property line in an R-A zone. CONT'D.

Mr. Taylor came forward and turned in the green mailing cards. He said that he would like to building a deck on the back of his house. There were no questions from the Commissioner regarding this.

Commissioner Alves asked if anyone was present that would like to speak in favor of the application. No one came forward. Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 50 Kaechele Pl.

MARCH ITEM

#1M 78 Hanford Ave. – Petition of Christopher Clark – Seeking variances of the maximum density requirement of 2,700-sq. ft. of property per residential unit, as well as all the side setback requirements under Sec. 5-1-3 to permit the construction of a 2-family dwelling on a non-conforming lot in an R-C zone.

Atty. Rizio came forward and said that he was representing his client, Mr. Christopher Clark. He said that the previous buildings on the lot had burned down. He said that it is in an RC zone. Atty. Rizio said that the client was asking to reduce the side lot from 12 feet to 10 feet. This is in keeping with Black Rock. The design is in keeping with houses nearby. The parking will be in driveways along side of the building. He then displayed the floor plans.

The lot is pre-existing and non-conforming. This is not a self created hardship. He then displayed photos of the locations. Because there are some architectural features for the third floor, the side set backs are 12 feet. The RC zone permits 3 families, but the third floor will be for storage only.

Commissioner Alves said that having two driveways was out of character. Atty. Rizio said that the single driveways were non-conforming. This plan will provide four spaces when they only are required to have three. By having the two driveways, they are segregating the parking and are within conformity.

Commissioner Alves asked if there would be landscaping. Atty. Rizio said that with two driveways, they will have more landscaping and green space than if they had parking in the back.

Commissioner McClaine asked how wide the driveways would be. Atty. Rizio said that they were 10 feet wide.

Commissioner Alves asked if anyone was present that would like to speak in favor of the application. No one came forward. Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 78 Hanford Ave.

NEW ITEMS

#1A 479 Wayne St. (proposed lot “B”) – Petition of 179 Wayne Street, LLC – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create two (2) nonconforming lots and also seeking a variance of Sec. 5-1-3 to legalize the existing single-family dwelling in a nonconforming lot in an R-B zone.

Atty. Rizio came forward and requested that Agenda Item #1A 479 Wayne St. (proposed lot “B”). – Petition of 179 Wayne Street, LLC – be deferred. He waived the statutory rights for the application.

#2A 479 (aka 473) Wayne St. (proposed lot “A”) – Petition of 179 Wayne Street, LLC – Seeking variances of the minimum lot size and minimum frontage requirements of Sec. 5-1-3 to permit the construction of a single-family dwelling on a nonconforming lot in an R-B zone.

Atty. Rizio came forward and requested that Agenda Item #2A 479 Wayne St. (proposed lot “A”). – Petition of 179 Wayne Street, LLC – be deferred. He waived the statutory rights for the application.

#3A 580 North Ave. – Petition of 580 North Avenue, LLC – Seeking a variance of 6’ of the required front setback requirement, as well as the maximum size of an accessory structure under Sec. 4-9-1a & c and also seeking a variance of the minimum perimeter landscaping requirements of Sec. 11-1-3 to permit the construction of an 1,820-sq. ft. pump island with canopy at a gas station and convenience store under construction in an I-L zone.

Mr. Buckley came forward and said that the legal ad contained an error because Sec. 11-1-3 should read Sec. 11-1-13. Mr. Buckley said that there was opposition present, so he recommended that the Commission not go forward with the hearing.

Atty. Charles Willinger, who was representing the client, said that he felt that the reference would not matter. This was a minor typo. He stated that he would like to go forward with the application.

Mr. Buckley noted that he had not had the opportunity to speak with Atty. Liskov regarding his concerns.

Commissioner Alves said that she had received a document from the Judge regarding this matter and he would like the Commission to delay. Atty. Willinger said that the Judge was concerned about the issue of the convenience store. He pointed out that this issue involved the canopy.

Mr. Buckley noted that there was an additional error in the legal notice due to the fact that it listed both the gas station and the convenience store. Mr. Buckley repeated that he had not had the opportunity to speak with Atty. Liskov regarding his concerns.

Commissioner Alves asked the Commissioners to vote on a motion to proceed with the hearing.

**** THE MOTION TO PROCEED WITH THE HEARING ON AGENDA ITEM #3A 580 NORTH AVE. – PETITION OF 580 NORTH AVENUE, LLC – SEEKING A VARIANCE OF 6’ OF THE REQUIRED FRONT SETBACK REQUIREMENT, AS WELL AS THE MAXIMUM SIZE OF AN ACCESSORY STRUCTURE UNDER SEC. 4-9-1A & C AND ALSO SEEKING A VARIANCE OF THE MINIMUM PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-3 TO PERMIT THE CONSTRUCTION OF AN 1,820-SQ. FT. PUMP ISLAND WITH CANOPY AT A GAS STATION AND CONVENIENCE STORE UNDER CONSTRUCTION IN AN I-L ZONE FAILED TO PASS WITH TWO IN FAVOR (CAROLAN AND MCCLAINE) AND TWO AGAINST (SHEPARD AND ALVES).**

#4A 136-140 James St. – Petition of Rose-Tiso & Co., LLC – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create four (4) nonconforming lots in an R-C zone.

Mr. Phil Tiso, of Rose-Tiso, came forward and said that he was present to represent Mr. Steve Eaton, the developer.

Mr. Tiso handed in the mailing receipts. He displayed a site drawing. He said that they would like to divide the lot into four parcels. Each lot would be slightly deficient in terms of size. The entire parcel is 33,00 square feet. The reason the lots are non-conforming is because of the steepness of the terrain. He indicated where a retaining wall must be created. The surrounding lots are 54,000 sq ft. The lot that has the least amount of square footage has 70,000 square feet.

Commissioner Alves asked about the number of bedrooms. Mr. Tiso indicated where the two bedroom unit was located and three bedroom units would be.

Commissioner Alves asked about the parking and the landscaping. Mr. Tiso pointed out the parking area and said wherever there is not paving will be green space. He noted that the design was consistent with a subdivision right across the street.

Mr. Steven Eaton came forward and said that his group had built some workforce housing right next door. Now they want to do some two family units.

Commissioner Alves asked if anyone was present that would like to speak in favor of the application.

Council Member Alfredo Castillo, of the 136th District came forward and said that he and his Council partner, Council Member Zambrano Viggiano were both supporting this because the Hollow has been neglected for years. When the property came up for sale, he asked Mr. Eaton if he could develop four residence on the property.

Mr. Bill Coleman, the OPED Deputy Director, came forward and said that this project would allow the City clean up a former commercial site and this will also combine homeowner ship. The houses that Mr. Eaton built across the street have sold.

Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 136-140 James St.

#5A 797 Washington Ave. – Petition of St. Joseph Charitable Center for the Poor & Needy, Inc. – Seeking a use variance under Sec. 5-1-2 to permit the establishment of a parking lot to be used in conjunction with the Thomas Merton Center at 43 Madison Avenue in an R-C zone.

Mr. David Bjorklund, Jr. came forward and handed in the green mailing receipts. He said that Merton House has become quite the place for serving over 400 meals a day. There is also a multi-unit building on the same property. There are only 18 parking spaces.

There was a single family home on the corner which was demolished. The application is for 12 parking spaces, not 14 spaces. The access will not be off of Washington Street, which is very busy, but Madison. He said that the storm water system will conform to the City's standards. The lot will be used by volunteers and staff. Mr. Brian Jenkins came forward and indicated where the walkway was on the property.

Commissioner Alves asked about the placement of the light poles. Mr. Bjorklund indicated where they were located on the plans.

Commissioner Alves asked if anyone was present that would like to speak in favor of the application. Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 797 Washington Ave.

RECESS.

Commissioner Alves declared a recess at 7:25 p.m. She reconvened the meeting at 7:27 p.m.

DECISION SESSION.

T-1 3369-3375 Fairfield Ave. – 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. This item was withdrawn on 02/11/19.

Mr. Buckley reported that the applicant had been looking for more truck storage.

The Commission had requested Mr. Buckley to do some Zoning Compliance inspections regarding the apartment on the property. He explained that there were some issues with the Fire Marshal that the applicant was working on.

Mr. Buckley was also asked to monitor the site for vehicle storage. he reported that there were an incident or two when the box truck was stored overnight.

**** COMMISSIONER CAROLAN MOVED TO ACCEPT THE WITHDRAWAL OF AGENDA ITEM T-1 3369-3375 FAIRFIELD AVE. – 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 SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#1J 141 Anchorage Dr. – Petition of 141 Anchorage, LLC – Seeking a variance of the minimum side setback requirement under Sec. 5-1-3 and seeking a coastal site plan review that is required under Sec. 14-3 to permit the construction of a single-family dwelling in an R-AA zone and coastal area.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #1J 141 ANCHORAGE DR. – PETITION OF 141 ANCHORAGE, LLC – SEEKING A VARIANCE OF THE MINIMUM SIDE SETBACK REQUIREMENT UNDER SEC. 5-1-3 AND SEEKING A COASTAL SITE PLAN REVIEW THAT IS REQUIRED UNDER SEC. 14-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-AA ZONE AND COASTAL AREA 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 DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND GRANTED BY THE BOARD.**
- 3. THE FRONT OF THE SINGLE-FAMILY DWELLING SHALL BE PLANTED TO THE L-2 (1) STANDARD, MAINTAINED AND REPLANTED WHEN NECESSARY.**

FOR THE FOLLOWING REASON:

THE GRANTING OF THIS PETITION WILL BE A VAST IMPROVEMENT TO THE IMMEDIATE AREA.

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

#2J 34-36 (aka 10-14) Wilson St. – Petition of T&N Properties, LLC – Seeking a variance of the prohibition of dividing a lot which creates a lot that is in violation of the lot size and frontage requirements under Sec. 4-12-5b and seeking variances of the minimum density requirement of the 2,700 sq. ft. per residential unit and the minimum frontage requirement of 75-ft. and the minimum lot size requirement of 7,500 sq. ft. under Sec. 5-1-3 to permit the construction of a 2-family dwelling in the R-C zone.

**** COMMISSIONER MCCLAIN MOVED TO GRANT AGENDA ITEM #2J 34-36 (AKA 10-14) WILSON ST. – PETITION OF T&N PROPERTIES, LLC – SEEKING A VARIANCE OF THE PROHIBITION OF DIVIDING A LOT WHICH CREATES A LOT THAT IS IN VIOLATION OF THE LOT SIZE AND FRONTAGE REQUIREMENTS UNDER SEC. 4-12-5B AND SEEKING VARIANCES OF THE MINIMUM DENSITY REQUIREMENT OF THE 2,700 SQ. FT. PER RESIDENTIAL UNIT AND THE MINIMUM FRONTAGE REQUIREMENT OF 75-FT. AND THE MINIMUM LOT SIZE REQUIREMENT OF 7,500 SQ. FT. UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A**

2-FAMILY DWELLING IN THE R-C ZONE WITH THE FOLLOWING CONDITIONS:

- 1. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL INCORPORATE ALL OF THE RECOMMENDATIONS OF THE DESIGN REVIEW COORDINATOR IN HER LETTER, WITH THE EXCEPTION OF THE SINGLE DRIVEWAY AND REAR YARD PARKING.**
- 3. THE FRONT OF THE SINGLE-FAMILY DWELLING SHALL BE PLANTED TO THE L-2 (1) STANDARD, MAINTAINED AND REPLANTED WHEN NECESSARY.**
- 4. THE PETITIONER SHALL FILE AN APPLICATION FOR A CURB CUT TO COMPLY WITH THE CITY ORDINANCE.**
- 5. THE PARKING LOT SECURITY LIGHT LOCATED ALONG THE REAR PROPERTY LINE SHALL BE REMOVED.**

FOR THE FOLLOWING REASON:

THE DEVELOPMENT AS APPROVED CONFORMS WITH PROPERTIES IN THE IMMEDIATE AREA.

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#3J 55 Henderson St. – Petition of Boston Hill Development, LLC – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot into three (3) nonconforming lots and seeking a variance of the minimum lot area and width under Sec. 5-1-3 of the proposed lots and also a use variance of Sec. 5-1-2 to permit the construction of three 2-family dwellings in an R-A zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM #3J – 55 HENDERSON ST. – PETITION OF BOSTON HILL DEVELOPMENT, LLC – SEEKING A VARIANCE OF SEC. 4-2-2 WHICH PROHIBITS THE REDUCTION IN SIZE OF A CONFORMING LOT INTO THREE (3) NONCONFORMING LOTS AND SEEKING A VARIANCE OF THE MINIMUM LOT AREA AND WIDTH UNDER SEC. 5-1-3 OF THE PROPOSED LOTS AND ALSO A USE VARIANCE OF SEC. 5-1-2 TO PERMIT THE CONSTRUCTION OF THREE 2-FAMILY DWELLINGS IN AN R-A ZONE TO MAY 14, 2019.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#1F 4348 Main St. – Petition of the Universal Church – Seeking a variance of the minimum off-street parking requirements under Sec. 11-1-2 by waiving 20 of the required 30 parking spaces for the proposed house of worship in an OR-R zone.

**** COMMISSIONER CAROLAN MOVED TO ACCEPT THE WITHDRAWAL OF AGENDA ITEM 1F 4348 MAIN ST. – PETITION OF THE UNIVERSAL CHURCH – SEEKING A VARIANCE OF THE MINIMUM OFF-STREET PARKING REQUIREMENTS UNDER SEC. 11-1-2 BY WAIVING 20 OF THE REQUIRED 30 PARKING SPACES FOR THE PROPOSED HOUSE OF WORSHIP IN AN OR-R ZONE.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#2F 50 Kaechele Pl. – Petition of Joe Mota – Seeking a variance of the minimum rear set back requirement under Sec. 4-3-2 to permit the construction of an open wood deck within 6-feet of the rear property line in an R-A zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #2F 50 KAEICHELE PL. – PETITION OF JOE MOTA – SEEKING A VARIANCE OF THE MINIMUM REAR SET BACK REQUIREMENT UNDER SEC. 4-3-2 TO PERMIT THE CONSTRUCTION OF AN OPEN WOOD DECK WITHIN 6-FEET OF THE REAR PROPERTY LINE IN AN R-A ZONE WITH THE FOLLOWING CONDITION:**

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 UNIQUE CONFIGURATION OF THIS LOT COMBINED WITH THE LOCATION OF THE SINGLE-FAMILY DWELLING PROVIDE A VALID HARDSHIP ASSOCIATED WITH THIS PETITION.

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#3F 420 Courtland Ave. – Petition of Ralph D. Forst – Seeking a variance prohibiting the expansion of a nonconforming structure under Sec. 4-12-4(a), also seeking a variance of the minimum rear setback under Sec. 5-1-3 to permit the construction of a 2-story addition to the existing single-family dwelling, as well as a covered breezeway connecting the dwelling to the proposed oversize 1-car garage in an R-A zone.

**** COMMISSIONER CAROLAN MOVED TO ACCEPT THE WITHDRAWAL OF AGENDA ITEM #3F 420 COURTLAND AVE. – PETITION OF RALPH D. FORST – SEEKING A VARIANCE PROHIBITING THE EXPANSION OF A NONCONFORMING STRUCTURE UNDER SEC. 4-12-4(A), ALSO SEEKING A VARIANCE OF THE MINIMUM REAR SETBACK UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2-STORY ADDITION TO THE EXISTING SINGLE-FAMILY DWELLING, AS WELL AS A COVERED BREEZEWAY CONNECTING THE DWELLING TO THE PROPOSED OVERSIZE 1-CAR GARAGE IN AN R-A ZONE.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#4F 18, 30, 34, 44 Island Brook Ave. – Petition of Bud’s Service, LLC – Seeking a variance of the minimum landscaping requirements under Sec. 7-1-3, also seeking a variance prohibiting outdoor storage in a coastal area under Sec. 14-3-3(i) to permit the establishment of a repair facility and storage yard for motor vehicles in connection with the existing towing and repair facility at 44 Island Brook Avenue in an I-L zone and coastal area.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #4F 18, 30, 34, 44 ISLAND BROOK AVE. – PETITION OF BUD’S SERVICE, LLC – SEEKING A VARIANCE OF THE MINIMUM LANDSCAPING REQUIREMENTS UNDER SEC. 7-1-3, ALSO SEEKING A VARIANCE PROHIBITING OUTDOOR STORAGE IN A COASTAL AREA UNDER SEC. 14-3-3(I) TO PERMIT THE ESTABLISHMENT OF A REPAIR FACILITY AND STORAGE YARD FOR MOTOR VEHICLES IN CONNECTION WITH THE EXISTING TOWING AND REPAIR FACILITY AT 44 ISLAND BROOK AVENUE IN AN I-L ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1. THE INSTALLATION OF RAZOR WIRE IS STRICTLY PROHIBITED. ANY EXISTING RAZOR WIRE SHALL BE REMOVED.**
- 2. THE PETITIONER SHALL INSTALL PRIVACY SLATS IN THE CHAIN LINK FENCE TO SHIELD THE ABUTTING RESIDENTIAL PROPERTIES AND NEIGHBORS FROM THE SIGHT OF VEHICLES BEING TOWED TO AND STORED AT THIS LOCATION.**

FOR THE FOLLOWING REASON:

THE PROPOSED USE COMPLIES WITH SIMILAR USES IN THE IMMEDIATE AREA.

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#1M 78 Hanford Ave. – Petition of Christopher Clark – Seeking variances of the maximum density requirement of 2,700-sq. ft. of property per residential unit, as well as all the side setback requirements under Sec. 5-1-3 to permit the construction of a 2-family dwelling on a non-conforming lot in an R-C zone

**** COMMISSIONER MCCLAINÉ MOVED TO GRANT AGENDA ITEM #1M 78 HANFORD AVE. – PETITION OF CHRISTOPHER CLARK – SEEKING VARIANCES OF THE MAXIMUM DENSITY REQUIREMENT OF 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT, AS WELL AS ALL THE SIDE SETBACK REQUIREMENTS UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING ON A NON-CONFORMING LOT IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. THE FRONT OF THE SINGLE-FAMILY DWELLING SHALL BE PLANTED TO THE L-2 (1) STANDARD, MAINTAINED AND REPLANTED WHEN NECESSARY.**
- 3. THE PETITIONER SHALL FILE AN APPLICATION FOR A CURB CUT TO COMPLY WITH THE CITY ORDINANCE.**
- 4. THE PROPERTY SHALL BE DEVELOPED IN ACCORDANCE WITH THE R-B ZONE DEVELOPMENT STANDARDS.**
- 5. ANY HABITATION OF ATTIC AREA IS STRICTLY PROHIBITED.**

FOR THE FOLLOWING REASON:

THE REDEVELOPMENT OF THE SUBJECT PREMISES WILL BE AN IMPROVEMENT TO THE IMMEDIATE AREA.

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#1A 479 Wayne St. (proposed lot “B”) – Petition of 179 Wayne Street, LLC – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create two (2) nonconforming lots and also seeking a variance of Sec. 5-1-3 to legalize the existing single-family dwelling in a nonconforming lot in an R-B zone.

**** COMMISSIONER SHEPARD MOVED TO DEFER AGENDA ITEM #1A 479 WAYNE ST. (PROPOSED LOT “B”) – PETITION OF 179 WAYNE STREET, LLC – SEEKING A VARIANCE OF SEC. 4-2-2 WHICH PROHIBITS THE REDUCTION IN SIZE OF A CONFORMING LOT TO CREATE TWO (2)**

NONCONFORMING LOTS AND ALSO SEEKING A VARIANCE OF SEC. 5-1-3 TO LEGALIZE THE EXISTING SINGLE-FAMILY DWELLING IN A NONCONFORMING LOT IN AN R-B ZONE TO MAY 14, 2019.

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#2A 479 (aka 473) Wayne St. (proposed lot "A" – Petition of 179 Wayne Street, LLC – Seeking variances of the minimum lot size and minimum frontage requirements of Sec. 5-1-3 to permit the construction of a single-family dwelling on a nonconforming lot in an R-B zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM #2A 479 (AKA 473) WAYNE ST. (PROPOSED LOT "A" – PETITION OF 179 WAYNE STREET, LLC – SEEKING VARIANCES OF THE MINIMUM LOT SIZE AND MINIMUM FRONTAGE REQUIREMENTS OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-B ZONE TO MAY 14, 2019.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#3A 580 North Ave. – Petition of 580 North Avenue, LLC – Seeking a variance of 6' of the required front setback requirement, as well as the maximum size of an accessory structure under Sec. 4-9-1a & c and also seeking a variance of the minimum perimeter landscaping requirements of Sec. 11-1-3 to permit the construction of an 1,820-sq. ft. pump island with canopy at a gas station and convenience store under construction in an I-L zone.

The hearing for Agenda Item #3A – 580 North Ave. – Petition of 580 North Avenue, LLC – Seeking a variance of 6' of the required front setback requirement, as well as the maximum size of an accessory structure under Sec. 4-9-1a & c and also seeking a variance of the minimum perimeter landscaping requirements of Sec. 11-1-3 to permit the construction of an 1,820-sq. ft. pump island with canopy at a gas station and convenience store under construction in an I-L zone was deferred to May 14, 2019 by the Commission's vote due to the incorrectly published legal notice.

#4A 136-140 James St. – Petition of Rose-Tiso & Co., LLC – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create four (4) nonconforming lots in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT #4A 136-140 JAMES ST. – PETITION OF ROSE-TISO & CO., LLC – SEEKING A VARIANCE OF SEC. 4-2-2 WHICH PROHIBITS THE REDUCTION IN SIZE OF A CONFORMING LOT TO CREATE FOUR (4) NONCONFORMING LOTS IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND GRANTED BY THE BOARD.**
- 3. THE FRONT OF ALL FOUR (4) RESIDENTIAL DWELLINGS SHALL BE PLANTED TO THE L-2 (1) STANDARD, MAINTAINED AND REPLANTED WHEN NECESSARY.**

FOR THE FOLLOWING REASONS:

- 1. THE GRANTING OF THIS PETITION WILL BE A VAST IMPROVEMENT TO THE IMMEDIATE AREA.**
- 2. THE REDEVELOPMENT OF THE SUBJECT PREMISES WILL PROVIDE NEW HOUSING UNITS IN AN OLD NEIGHBORHOOD.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#5A 797 Washington Ave. – Petition of St. Joseph Charitable Center for the Poor & Needy, Inc. – Seeking a use variance under Sec. 5-1-2 to permit the establishment of a parking lot to be used in conjunction with the Thomas Merton Center at 43 Madison Avenue in an R-C zone.

**** COMMISSIONER SHEPARD MOVED TO GRANT AGENDA ITEM #5A 797 WASHINGTON AVE. – PETITION OF ST. JOSEPH CHARITABLE CENTER FOR THE POOR & NEEDY, INC. – SEEKING A USE VARIANCE UNDER SEC. 5-1-2 TO PERMIT THE ESTABLISHMENT OF A PARKING LOT TO BE USED IN CONJUNCTION WITH THE THOMAS MERTON CENTER AT 43 MADISON AVENUE IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. REFUSE CONTAINERS SHALL BE FENCED IN WITH A 6-FOOT PRIVACY FENCE AND A LOCKABLE GATE.**
- 2. NEW FENCING AND LANDSCAPING SHALL BE INSTALLED AS PER PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 3. THE PARKING LOT SHALL BE PAVED AND STRIPED IN ACCORDANCE WITH SEC. 11-1-12 OF THE ZONING REGULATIONS.**
- 4. THE PETITIONER SHALL FILE AN APPLICATION FOR A CURB CUT TO COMPLY WITH THE CITY ORDINANCE.**

FOR THE FOLLOWING REASONS:

- 1. THE PROPERTY IS NO LONGER DESIRABLE FOR A RESIDENTIAL USE.**
- 2. THE REDEVELOPMENT OF THE SUBJECT PREMISES WILL PROVIDE MUCH NEEDED OFF-STREET PARKING FOR THE STAFF AND VOLUNTEERS OF THE THOMAS MERTON CENTER.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

Mr. Buckley introduced Mr. Michael Nastu, who will be joining the Commission as a new Alternate.

APPROVAL OF MINUTES

Approval of ZBA Minutes for August 15, 2018 – Present: Acting Chairperson: Michael Piccirillo; Commissioners: Maria Alves, John Carolan, Robin Shepard, and "Boka" (B. Oyiboka) Benson. Staff: Dennis Buckley, Zoning Clerk and Paul Boucher, Assistant Zoning Official. Office of City Attorney: Russell Liskov.

Commissioner McClaine said that the ZBA Minutes were not easy to locate on the website.

He was also concerned about the timeframe that the information arrives at the Commissioners' homes. He said that the information is required to be submitted 4 to 5 weeks before the hearing. He stated that the information packets should come out two weeks before the meeting. He added that the agendas should be posted to the website seven days before the meeting.

Commissioner McClaine said that unapproved minutes for August 15th 2018 which had not been reviewed by the Board were used at the September 4th Council Meeting. He said that this had been done for a political purpose and why they were not approved and that they remained on the website.. He asked who was responsible for this and wanted to know how it happened. Mr. Buckley said that he would look into it.

Commissioner Alves asked why the ZBA could not review the information two weeks before like the P&Z does. Mr. Buckley said that sometimes the packets have to go to the Fire Marshal or the ZBA.

Commissioner Alves asked what had happened with the August minutes Mr. Buckley said that he would look into it. Commissioner McClaine said that he was the subject of one of the applications and the minutes were incorrect.

Approval of ZBA Minutes for December 11, 2018 – Present: Acting Chairperson: Maria Alves. Commissioners: John Carolan, Edward “Joe” McClaine and Kyle LaBuff. Staff: Dennis Buckley, Zoning Clerk and Paul Boucher, Assistant Zoning Official. Office of City Attorney: Russell Liskov.

Commissioner Alves said that she did not have the August minutes or the December minutes were not in the packet. Mr. Boucher said that he could reprint the minutes and send them to the Commissioners.

ADJOURNMENT

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

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services