

CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 9, 2019

ATTENDANCE: Maria Alves, Chair; John Carolan, Edward McClain,
Michael Nastu

STAFF: Dennis Buckley, Zoning Official, Paul Boucher, Assistant
Zoning
Official

OTHERS: City Attorney Mike Jankovsky; Nicholas Sampieri, Zoning
Inspector

I. CALL TO ORDER

Commissioner Alves called the meeting to order at 6:05 p.m.

II. ROLL CALL.

Commissioner Alves called the roll and announced that a quorum was present. She explained that since only four Commissioners were seated, any agenda item that was presented would have to have all four Commissioners vote to approve in order to pass.

D-1 Petition of 580 NORTH AVENUE – 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. 11-1-13 to permit the construction of an 1,820-sq. ft. pump island with canopy at the gas station building currently under construction in an I-L zone.

Mr. Eddie Jamal came forward and said that he would like to withdraw the first two requests of his petition and was just present to discuss the landscaping. He said that he had photos of other locations with landscaping. He said that this was a five foot landscaping area that the cars were constantly backing over or running over. Often people dump their cigarette butts or other garbage there. There are other landscaped areas along the sides of the property. Mr. Jamal then submitted a photograph of a similar existing landscaped area that was being required from another gas station for the record.

Commissioner Alves asked if any member of the public present who wished to speak in favor of the application. No one came forward. Commissioner Alves then asked if any member of the public who wished to speak in opposition to the application.

Atty. Joel Green of the Law Firm of Green and Gross came forward and stated he was representing his clients from 547 North Avenue. His client is located directly across the street. He said that there was no basis for removing this landscaping and quoted the landscaping requirements. He said that the P&Z created this legislation because they wished to see the properties beautified. The applicant claims that there is landscaping on the sides, but this is not a hardship. He cited a number of cases regarding this type of variance and reiterated that there was no hardship. The applicant has chosen to put a large convenience store and gas station on the property, but if it was a smaller gas station and convenience store, it would fit on the site better. Mr. Jamal is seeking to over-develop the property.

Commissioner McClain asked if Atty. Green's client's property was in compliance with the zoning laws. Atty. Green replied that he did not know. He pointed out that there had been a gas station on the property in the past. Commissioner McClain said that he felt that the proposed gas station was within the current industry standards. Atty. Green said that he was not aware of any variances that involved his client's property. He then challenged Commissioner McClain to find case law supporting the hardship.

Mr. Jamal came forward to present his rebuttal and said that he was shocked that the opposition would care about the landscaping. He added that the photos of the five foot patch of landscaping was actually his competitor's property. Atty. Green was hired for one reason and only one reason, which was to stop the development of competition.

#4 1705 FAIRFIELD AVENUE – Petition of RJYZ Bridgeport, LLC – Seeking variances of the front setback requirement of Sec. 7-1-3; the perimeter landscaping requirement of Sec. 11-1-13; the setback and landscaping requirements for stacking lanes under Sec. 12-5A; the minimum window area requirement and the minimum street wall area requirements under Sec. 12-5-1(b)(4) to permit the construction of a 600-sq. ft. coffee shop and a 7,619-sq. ft. retail store on one lot in an I-L zone.

Atty. Rizio came forward and requested a deferral to the August 13, 2019 meeting.

ITEM D-2 (#4) 133 SHELL STREET – Petition of Partners Home Improvement, LLC –Seeking a variance of Sec. 4-12-5b which prohibits any use which violates the lot size and frontage requirements and variances of the minimum lot area and frontage requirements under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-B zone.

Mr. Marcos Reinheimer, of Primrose Companies, came forward to present the application. He said that this was a separately taxed lot and was created when both abutting lots were under the same ownership. In March of 2018, the lot was sold and is now under different ownership. It is surrounded by duplexes and other R-B structures. The owner wishes to construct a single family home on the parcel.

Mr. Reinheimer reviewed the details and noted that it would be well within the requirements other than the variances for the lot size and frontage requirements. This is a pre-existing lot. If the request is granted, it will not significantly change the zoning and will rehabilitate a vacant parcel of land.

Commissioner Alves asked for clarification on the site plan regarding the driveway. Mr. Reinheimer indicated where the driveway was located on the site plans.

Commissioner Alves asked if any member of the public present who wished to speak in favor of the application. No one came forward. Commissioner Alves then asked if any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 133 Shell Street.

#1 344 – 346 HANOVER STREET – Petition of Antinozzi Assoc./Paul A. Lisi – Seeking variances of the density requirement of 2,700-sq. ft. per residential unit; the front setback requirement of 15 feet; the side setback requirement of 10 feet; the minimum lot area of 9,000-sq. ft. and the minimum frontage requirement of 60 feet under Sec. 5-1-3. Also seeking a variance of the required five (5) off-street parking spaces under Sec. 11-1-2 and a variance of the prohibition of minimizing nonconforming lots under Sec. 4-12-5b to permit the construction of a 3-family residential dwelling on a nonconforming lot in an R-C zone.

Mr. Paul Lisi came forward and requested the item be deferred to the August meeting.

#2 RE: 37 LENOX AVENUE – Petition of Baptichon Pologne – Seeking a variance of the residential density requirement of 2,700-sq. ft. per residential unit and a variance of the prohibition of the creation of a nonconformity under Sec. 4-12-4b to convert the existing 1-family residential dwelling into a 2-family residential dwelling in an R-C zone.

Mr. Marcos Reinheimer, of Primrose Companies, came forward and turned in the mailings. He said that the property was an existing 2 1/2 story house in an RC zone. The owner wishes to convert it into a two family home and there is an existing freestanding garage. 42% of the property has landscaping. Most of the neighboring homes are two or three family zones. Mr. Reinheimer then reviewed the floor plan and explained that the

house had experienced a fire. The building is now being renovated. The owner has owned house for more than 32 years and finds the stairs are becoming a challenge. She has since relocated her bedroom on the first floor.

This property is in an RC zone. The request is for a waiver for density. This would allow for a second apartment. The bathroom is already there and this would only require the addition of a kitchen. There is enough parking spaces.

Commissioner Alves asked if the first floor has been renovated already. Mr. Reinheimer said that they had not started all the renovations yet.

Commissioner Nastu asked about the room on the third floor. Mr. Reinheimer explained that there was only one access and that the roof line did not allow for much more than storage or a play room.

Commissioner Carolan asked how the house was heated. He was told that it was heated by gas. Commissioner Carolan asked about whether the chimney would be removed. He was told that the standard now vent directly to the outside. Commissioner Carolan asked how the chimney would be demolished. Mr. Reinheimer said that they will dismantle it and cap it. This will also allow the bathroom on the second floor to be larger.

Commissioner McClain expressed concern about the fact that the third floor had a bathroom. The owner agreed to remove the third floor bathroom as a condition of approval.

Commissioner Alves asked if any member of the public present who wished to speak in favor of the application. No one came forward. Commissioner Alves then asked if any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 37 Lenox Avenue.

#3 1452 BARNUM AVENUE – Petition of 1460 Barnum Avenue – Seeking a use variance under Sec. 7-1-2 to permit the establishment of a 3,755-sq. ft. day care facility in the existing commercial building in an I-H zone.

Atty. Rizio came forward, greeted the Commissioners and distributed copies of color photos and turned in the mailing receipts. He explained that this facility would provide training for adult with developmental disabilities over the age of 21. The nearest location for these types of services is the Kennedy Center.

The hardship involves a zoning line that runs through the property. One of the zones was a Heavy Industrial Zone and a facility of this nature is not allowed in that type of zone.

Other than that, the facility has plenty of parking, is near a hospital and various other amenities for the clients.

Atty. Rizio reviewed the details shown in the photos and indicated that the property backs up to a storage facility. The clients do not drive there and there will be a bus that brings them to the facility and takes them home at the end of the day. He indicated that there were multiple uses on the adjoining property. The facility serves the needs of the clients. It will be a private facility and will pay taxes.

Atty. Rizio respectfully requested that this be approved and indicated that the property owners were present.

Commissioner Alves asked about the hours. Atty. Rizio said that the State of Connecticut has requirements for the hours, but he felt that the program would run from 8:00 a.m. to 5:00 p.m. Commissioner Alves had a number of questions about the number of staff that would be on site and the different types of activities that would be done on site. Atty. Rizio provided her with the information she requested.

Commissioner Alves asked if any member of the public present who wished to speak in favor of the application.

Mr. Bill Coleman came forward to speak in favor of the project. He said that this was a creative solution for using vacant space.

Commissioner Alves then asked if any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 1452 Barnum Avenue.

Commissioner Alves closed public hearing portion of the meeting at 7:01 p.m.

DECISION SESSION

D-1 Petition of 580 NORTH AVENUE – 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. 11-1-13 to permit the construction of an 1,820-sq. ft. pump island with canopy at the gas station building currently under construction in an I-L zone.

**** COMMISSIONER MCCLAIN MOVED TO APPROVE AGENDA ITEM D-1 PETITION OF 580 NORTH AVENUE – 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. 11-1-13 TO PERMIT THE CONSTRUCTION OF AN 1,820-SQ. FT. PUMP ISLAND WITH CANOPY AT THE GAS STATION BUILDING CURRENTLY UNDER CONSTRUCTION IN AN I-L ZONE FOR THE FOLLOWING REASONS:

- 1. THE DEVELOPMENT OF THE SUBJECT SITE CONFORMS WITH THE INDUSTRY STANDARDS.**
- 2. THE OMISSION OF LANDSCAPING ALONG THE FRONT LOT LINE WILL NOT HAVE AN IMPACT ON THE DEVELOPMENT OVERALL.**
- 3. THE ENTRY AND EXIT TO THE SUBJECT PREMISES WILL BE BETTER WITHOUT LANDSCAPING.**

**** COMMISSIONER CAROLAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-2 (#4) 133 SHELL STREET – Petition of Partners Home Improvement, LLC –Seeking a variance of Sec. 4-12-5b which prohibits any use which violates the lot size and frontage requirements and variances of the minimum lot area and frontage requirements under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-B zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM D-2 (#4) 133 SHELL STREET – PETITION OF PARTNERS HOME IMPROVEMENT, LLC – SEEKING A VARIANCE OF SEC. 4-12-5B WHICH PROHIBITS ANY USE WHICH VIOLATES THE LOT SIZE AND FRONTAGE REQUIREMENTS AND VARIANCES OF THE MINIMUM LOT AREA AND FRONTAGE REQUIREMENTS UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-B ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 3. THE FRONT OF THE SUBJECT PREMISES SHALL BE PLANTED**

WITH LOW-LYING SHRUBS; PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.

FOR THE FOLLOWING REASONS:

- 1. THE CHANGE IN THE ZONING REGULATIONS CREATED A NONCONFORMING LOT WHICH IN TURN ESTABLISHES A VALID HARDSHIP.**
- 2. THE DEVELOPMENT AS APPROVED IS IN CONFORMANCE WITH THE NEIGHBORHOOD.**
- 3. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#1 344 – 346 HANOVER STREET – Petition of Antinozzi Assoc./Paul A. Lisi – Seeking variances of the density requirement of 2,700-sq. ft. per residential unit; the front setback requirement of 15 feet; the side setback requirement of 10 feet; the minimum lot area of 9,000-sq. ft. and the minimum frontage requirement of 60 feet under Sec. 5-1-3. Also seeking a variance of the required five (5) off-street parking spaces under Sec. 11-1-2 and a variance of the prohibition of minimizing nonconforming lots under Sec. 4-12-5b to permit the construction of a 3-family residential dwelling on a nonconforming lot in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM #1 344 – 346 HANOVER STREET – PETITION OF ANTINOZZI ASSOC./PAUL A. LISI – SEEKING VARIANCES OF THE DENSITY REQUIREMENT OF 2,700-SQ. FT. PER RESIDENTIAL UNIT; THE FRONT SETBACK REQUIREMENT OF 15 FEET; THE SIDE SETBACK REQUIREMENT OF 10 FEET; THE MINIMUM LOT AREA OF 9,000-SQ. FT. AND THE MINIMUM FRONTAGE REQUIREMENT OF 60 FEET UNDER SEC. 5-1-3. ALSO SEEKING A VARIANCE OF THE REQUIRED FIVE (5) OFF-STREET PARKING SPACES UNDER SEC. 11-1-2 AND A VARIANCE OF THE PROHIBITION OF MINIMIZING NONCONFORMING LOTS UNDER SEC. 4-12-5B TO PERMIT THE CONSTRUCTION OF A 3-FAMILY RESIDENTIAL DWELLING ON A NONCONFORMING LOT IN AN R-C ZONE TO AUGUST 13, 2019.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#2 RE: 37 LENOX AVENUE – Petition of Baptichon Pologne –

Seeking a variance of the residential density requirement of 2,700-sq. ft. per residential unit and a variance of the prohibition of the creation of a nonconformity under Sec. 4-12-4b to convert the existing 1-family residential dwelling into a 2-family residential dwelling in an R-C zone.

**** COMMISSIONER MCCLAIN MOVED TO APPROVE AGENDA ITEM #2
RE: 37 LENOX AVENUE – PETITION OF BAPTICHON POLOGNE –
SEEKING A VARIANCE OF THE RESIDENTIAL DENSITY REQUIREMENT
OF 2,700-SQ. FT. PER RESIDENTIAL UNIT AND A VARIANCE OF THE
PROHIBITION OF THE CREATION OF A NONCONFORMITY UNDER SEC.
4-12-4B TO CONVERT THE EXISTING 1-FAMILY RESIDENTIAL DWELLING
INTO A 2- FAMILY RESIDENTIAL DWELLING 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 RECONFIGURATION OF THIS DWELLING SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**
- 3. THE 3RD FLOOR BATHROOM SHALL BE REMOVED IN ITS ENTIRETY.**

FOR THE FOLLOWING REASONS:

- 1. THE USE OF THIS PROPERTY CONFORMS WITH THE OTHER HOMES IN THE IMMEDIATE AREA.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.**

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

#3 1452 BARNUM AVENUE – Petition of 1460 Barnum Avenue – Seeking a use variance under Sec. 7-1-2 to permit the establishment of a 3,755-sq. ft. day care facility in the existing commercial building in an I-H zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM #3
1452 BARNUM AVENUE – PETITION OF 1460 BARNUM AVENUE – SEEKING
A USE VARIANCE UNDER SEC. 7-1-2 TO PERMIT THE ESTABLISHMENT
OF A 3,755-SQ. FT. DAY CARE FACILITY IN THE EXISTING COMMERCIAL
BUILDING IN AN I-H ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASONS:

- 1. A HARDSHIP EXISTS AS THIS PROPERTY IS IN TWO DIFFERENT ZONES.**
- 2. THE APPROVED USE WILL PROVIDE MUCH NEEDED COMMUNITY SERVICE.**
- 3. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

#4 1705 FAIRFIELD AVENUE – Petition of RJYZ Bridgeport, LLC –Seeking variances of the front setback requirement of Sec. 7-1-3; the perimeter landscaping requirement of Sec. 11-1-13; the setback and landscaping requirements for stacking lanes under Sec. 12-5A; the minimum window area requirement and the minimum street wall area requirements under Sec. 12-5-1(b)(4) to permit the construction of a 600-sq. ft. coffee shop and a 7,619-sq. ft. retail store on one lot in an I-L zone.

**** COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM #4 1705 FAIRFIELD AVENUE – PETITION OF RJYZ BRIDGEPORT, LLC -- SEEKING VARIANCES OF THE FRONT SETBACK REQUIREMENT OF SEC. 7-1-3; THE PERIMETER LANDSCAPING REQUIREMENT OF SEC. 11-1-13; THE SETBACK AND LANDSCAPING REQUIREMENTS FOR STACKING LANES UNDER SEC. 12-5A; THE MINIMUM WINDOW AREA REQUIREMENT AND THE MINIMUM STREET WALL AREA REQUIREMENTS UNDER SEC. 12-5-1(B)(4) TO PERMIT THE CONSTRUCTION OF A 600-SQ. FT. COFFEE SHOP AND A 7,619-SQ. FT. RETAIL STORE ON ONE LOT IN AN I-L ZONE TO THE AUGUST 13, 2019 MEETING.**

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD.

Mr. Buckley came forward and informed the Commission that in April, they had approved an application regarding 78 Hanford Avenue. The plans have been changed and the appearance of the proposed building is now different. He asked the Commissioners if they wished to have the application come back before them for an updated review. This was agreeable to all.

APPROVAL OF MINUTES.

June 11, 2019 Minutes.

Commissioner McClain stated that the July Agenda was not posted on the website until July 5th and the information packets were not mailed until June 30th. He said that he wanted the information packets sooner. Mr. Buckley explained that he mails the packets out as soon as he gets the documentation and information. Commissioner McClain said that Mr. Buckley should mail the packets out earlier with whatever information he has at that time.

Commissioner McClain stated that there were no Zoning Board of Appeals minutes posted for 2019. Mr. Boucher said that he would check into this. Mr. Boucher said that he had not received the revised minutes for the May meeting.

The following corrections were noted for the June 11, 2019 Minutes:

Page 1, under OTHERS:, please replace the following:

OTHERS: Raymond Rizzio, Petitioner; Marcos Reyhamer, Petitioner

WITH:

OTHERS: City Attorney Mike Jankovsky; Nicholas Sampieri, Zoning Inspector

Page 2, under 57 Weber Street, paragraph 2, line 2: please change "in regards" to

"in regard"

Page 3, paragraph 2, line 1, please change "Two petitioners came" to "Two opponents
came"

It was agreed that the June minutes would not be approved until revised versions were received.

ADJOURNMENT.

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

The meeting adjourned at 7:23 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services