



ZONING BOARD OF APPEALS
AUGUST 13, 2019
REGULAR MEETING
CITY OF BRIDGEPORT

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

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

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

OTHERS: City Attorney Russell Liskov; Nicholas Sampieri, Zoning Inspector

CALL TO ORDER.

Commissioner Alves called the meeting to order at 6:05 p.m. A quorum was present. She introduced the Commissioners seated and reviewed the meeting protocol for everyone present.

D-2 (#4) RE: 1705 FAIRFIELD AVENUE – 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. Raymond Rizio of Russo & Rizio came forward and requested a deferment due to new recommendations from OPED. He also waived the statutory requirements.

ITEM D-1 (#1) RE: 344 – 346 HANOVER STREET – Antinozzi Assoc. – 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.

The mailings were turned in. Mr. Lisi came forward and said that the building had burned down a number of years ago and the property owner was informed that there was an expiration date on how long they could rebuild the structure.

Mr. Chris DeAngelis of Cabezas-DeAngelis Engineers & Surveyors came forward and displayed a site plan and a street layout. The building has been narrowed to have 5 feet between the property lines and the sides of the building. They also moved the building back so that there would be parking in front of the building rather than on the street.

Mr. DeAngelis spoke about the deed restrictions which only allows the building to be replaced in kind rather than having the lots combined and one larger residence constructed. There were some engineering comments dated June 18th and are the standard comments for this type of project.

Mr. Lisi came forward and explained that it was a three family residence. The height is the same. There were delays with the insurance company, which was one of the problems with starting construction. Mr. Lisi said that the City Attorney had agreed with him that there should not be an issue with rebuilding in kind. He distributed a copy of the State law regarding this.

Commissioner Alves asked how many off street parking spaces the regulations required. Mr. DeAngelis said that they were two off street spaces.

Commissioner McClain asked why the owner was not aware that there was only an 18 month window to rebuild. Mr. Lisi said that the owner did not receive a letter informing of that fact.

Commissioner Alves asked if there was anyone present who wished to speak in favor of the application.

Mr. Carlos Andrews of the Bridgeport Housing Authority (BHA) came forward and said that they were trying to improve the property. It doesn't do the City or the neighborhood any good to leave the property vacant.

Mr. Bill Coleman came forward and said that OPED works with the BHA on various projects and that this would be a positive move for the neighborhood.

Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, she closed the hearing on 344 – 346 Hanover Street.

ITEM: #1 RE: 65 OHIO AVENUE – Elizabeth Development – Seeking to modify a condition of approval to a petition granted by the Zoning Board of Appeals on July

10, 2007 that permitted the construction of a 1-family dwelling to now construct a 2-family dwelling on a nonconforming lot in an R-B zone.

Ms. Lillian Elizabeth came forward and turned in the green mailing receipts. She said that they were asking to change the requirement of the property being restricted to a single family lot. However, the property was sold and the new owner wants to build a two family residence. The parking will be on the property with each apartment having a space assigned to it.

Commissioner Alves asked if there was anyone present who wished 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 public hearing on 65 Ohio Avenue.

A resident came forward and said that he wished to speak in opposition to the application.

**** COMMISSIONER SHEPARD MOVED TO ALLOW A RESIDENT WHO WISHED TO SPEAK IN OPPOSITION.**

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Joseph Lasameri came forward and said that he felt the area was overcrowded and the lot had not maintained it for the last 12 years.

Mr. Jose Gambino who lives right next door came forward and said that he had concerns about construction

Ms. Elizabeth said that the owner just purchased the lot recently. She also pointed out that it was located in an RB zone.

After hearing those opposed speak and granting the applicant rebuttal, Commissioner Alves closed the public hearing on 65 Ohio Avenue.

ITEM: #2 RE: 59 HUBBELL STREET – German Granados – Seeking a variance of Sec. 14-3-3(i) which prohibits outside storage of equipment and materials in the coastal area in an I-L zone.

Ms. Lindsay Aravela came forward and turned in the green mailing receipt. This request is for a kiln type oven for drying firewood. There will be 6 wheeler trucks entering and leaving the property. There are three tents currently on the property.

Commissioner Alves asked how the firewood would be delivered. She was told that it would be between 8 a.m. and 4 p.m.

Commissioner Alves asked if there was anyone present who wished 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 public hearing on 59 Hubbell Street.

ITEM: #3 RE: 85 ASHLEY STREET – 85 Ashley Street, Bridgeport, LLC – Seeking to legalize an accessory structure previously denied by the Zoning Board of Appeals on June 12, 2018 which was erected without an application for a Certificate of Zoning Compliance as required under Sec. 14-1-1, as well as exceeding the maximum height requirement of 15’ by 7.2’ under Sec. 5-1-3 on a nonconforming lot in an R-B zone.

Atty. Raymond Rizio of Russo & Rizio came forward and greeted the Commission. He explained that this was about a garage that had an improperly pitched roof. A tree fell on the structure and then the roof collapsed under the weight of the snow. The roof is 22 feet high and there is no possibility of the attic area being used for storage or living space. The house was in the process of being restored when the owner discovered that he had done some work without a permit because he thought he was repairing the garage, not rebuilding it.

Atty. Rizio distributed a packet of photos to each Commissioner and one for the record. This garage is in an area that is desperate for parking. The building now has the correct height and slope. He then also distributed a letter from a neighbor in support of the project. The previous garage was improperly constructed and the roof was too flat, which is why it collapsed. This has been structurally engineered with the proper pitch and supports.

Mr. Buckley came forward and explained that the roof exceeds the height by 7 feet.

Atty. Rizio said that there was no negative impact and that reducing the roof by 7 feet would be pointless. He said that renovating the garage and house were a positive. Due to the fact that there are three bays in the garage, the support structure are steel beams to support the building. This was a non-building code garage that was renovated. It is also consistent with the neighboring buildings. He said that his client would be willing to have conditions that the area under the roof not be used for storage or living space.

Discussion followed regarding the actual footprint and structure of the original building. It was decided to continue the application in order for the Commissioners to receive and review information on the actual footprint and structure of the original building.

ITEM: #4 RE: 155 DAVENPORT STREET – ACG Contracting, LLC – Seeking approval for a customary accessory use under Table 2a for a caretaker

occupancy without a functional kitchen at the existing industrial complex in an I-L zone.

Atty. Raymond Rizio of Russo & Rizio came forward and greeted the Commission. Atty. Rizio said that his client would like to turn a second floor area into a caretaker's occupancy. This is a recycling facility and there is no functioning kitchen on the second floor. By putting a condition that the occupancy is an employee of the business operating on the site, the space would remain as an accessory use. Atty. Rizio distributed copies of photos showing the second floor along with the existing kitchen.

Commissioner Alves asked if there was anyone present who wished to speak in favor of the application.

Mr. Keith Williams, president of the East End NRZ came forward and said that they did not have a problem with this.

Council Member Ernest Newton came forward and said that he lives nearby. The owner has kept his promises and keeps the area clean.

Commissioner Alves asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the public hearing on 155 Davenport Street.

ITEM: #5 RE: 80 STEVEN STREET (aka 112 QUARRY STREET) – Aderisone L. DeSouza, Owner – Seeking a modification of an approval to a petition granted by the Zoning Board of Appeals on December 12, 2016 which permitted the construction of a 2-family dwelling with parking in the rear yard to now allow parking on the side yards in an R-C zone.

ITEM: #6 RE: 90 STEVEN STREET (aka 112 QUARRY STREET) – Aderisone L. DeSouza, Owner – Seeking a modification of an approval to a petition granted by the Zoning Board of Appeals on December 13, 2016 which permitted the construction of a 2-family dwelling with parking in the rear yard to now allow parking on the side yards in an R-C zone.

Atty. Raymond Rizio of Russo & Rizio came forward and greeted the Commission. Atty. Rizio said that there was an error made in the plans. When the engineer drew up the plans, he accidentally added an additional 25 feet to the street frontage. There also were plans to have parking in the back but the topography drops about 20 to 30 feet in the back. There is room to have stacked parking on either side of the buildings. This application is for a change of plans, not a variance.

Commissioner Alves asked if there was anyone present who wished 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 public hearing on 80 & 90 Steven Street.

ITEM: #7 RE: 4086 MAIN STREET – La Casa Del Tequilla – Seeking a variance of Sec. 12-10 (b) (1) which prohibits the establishment of a retail liquor package store within 750 feet of a daycare center (sensitive use) in an OR-R zone.

Atty. Charles Willinger of Willinger, Willinger and Bucci came forward and greeted the Commissioners. He then turned in the mailings. The petitioner is La Casa Del Tequilla, LLC. Atty. Willinger then introduced the Mones family and they would like to have a package store. The rental area is only 811 square feet in an OR-R zone. Package stores are permitted as of right within an OR-R zone. He said that the small strip mall had a bakery, but that business has since closed, which means that half of the strip mall is vacant.

Atty. Willinger displayed a site plan. He said that his client was not aware that there were a commercial daycare center, the Busy Beaver Day Care, located nearby. Atty. Willinger explained that the daycare did not have obvious signage and was in a building that appears to be a residence.

Atty. Willinger said that on page 6 of the new Master Plan has a goal of reducing the tax burden on the residents by attracting new businesses. Regarding the hardship is applying a new zoning to existing strip malls. The regulation was designed to protect students from individuals loitering outside package stores.

Atty. Willinger pointed out that if someone wanted to get to the daycare from the package stores, they would have to cross Main Street and Woodside, along with three properties to arrive at the Daycare Center. He pointed out that there was no identification outside of the day care. The students who attend Busy Beaver range for infants to age 4. When they are outside, they can not be seen from the street. The day care is in operating from 7:30 a.m. in the morning while the package store's busy time is in the evenings.

The shopping center was constructed in 1955 and in 1985, Busy Beavers received a variance to operate in a commercial zone. The courts have recognized that location can be the basis of hardship. He reminded everyone that it is the State of Connecticut that controls how many package stores are in the City.

The Commission has the authority to grant this application based on Sec. 12-10(b)(2) which allows the 750 foot zone be waived in the commercial and retail zones. Section 14-7(4)(8) which would allow the Commission to grant this application because there is nothing that would impair anything.

Commissioner McLain asked if there was ever a liquor store at this location. Atty. Willinger said that there had not been to his knowledge.

Commissioner Alves asked if there was anyone present who wished 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.

Mr. Richard Ledger of Brookside Liquor came forward and said Ms. Haig had spent about six months researching this. he said that the 750 feet zone was a quality of life issue and that Atty. Willinger had pointed out that there were some locations where the customers hang around. No one can guarantee that the customers won't hang around. He said that years ago, there had been an application for a liquor store at this shopping center, which was denied by the ZBA. The owner of Busy Beavers can see the shopping center from her facility, which is only 300 feet away. He added that they had already won their first appeal.

Ms. Leanne Totam said that there were three liquor stores in the area already.

Council Member Rosalina Roman-Christy came forward and said that she would like the Commission to deny the application because there are three package stores in the area, on Jewett Avenue, Cassell and Main and finally at Brookside Shopping Center. Along with numerous restaurants that have liquor licenses. She pointed out that the parents would be driving back and forth with the children to the daycare.

Atty. Willinger came forward and noted that the first speaker was the owner of Brookside Liquor and that he did not want competition. Competition is not to be considered when dealing with land use issues. Mr. Ledge mentioned homeless people and customers loitering. Atty. Willinger said that rarely has he ever seen that. Regarding the Busy Beaver Day care, there is no danger from this package store.

Atty. Willinger pointed out that there was no prohibition regarding the location of a liquor store and day cares. This is not a bar or tavern where the customers drink on site. The customers purchase the liquor and leave the premises.

He said that the Commission should let this family obtain their American Dream.

RECESS

Commissioner Alves announced a recess at 7:45 p.m. She reconvened the meeting at 7:50 p.m.

DECISION SESSION.

ITEM D-1 (#1) RE: 344 – 346 HANOVER STREET – Antinozzi Assoc. – 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.

Atty. Liskov asked what was there before. Mr. Boucher said that there was a three family there before. Atty. Liskov said that State law supercedes State law and unless they intentionally abandon the project, they can rebuild.

**** COMMISSIONER SHEPARD MOVED TO APPROVE ITEM D-1 (#1) RE: 344 – 346 HANOVER STREET – ANTINOZZI ASSOC. – 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.**

**** THE MOTION TO APPROVE FAILED DUE TO THE LACK OF A SECOND.**

**** COMMISSIONER CAROLAN MOVED TO DENY AGENDA ITEM D-1 (#1) RE: 344 – 346 HANOVER STREET – ANTINOZZI ASSOC.. – 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 FOR THE FOLLOWING REASONS:**

REASONS COMMISSIONERS OPPOSED:

- **THERE IS INADEQUATE OFF-STREET PARKING AVAILABLE TO TENANTS IN A VERY CONGESTED NEIGHBORHOOD.**
- **CONSTRUCTING A 3-FAMILY DWELLING ON AN UNDERSIZED 30' WIDE LOT IS AN OVERUSE OF THE SUBJECT PREMISES AND WILL PROMOTE ADVERSE QUALITY OF LIFE ISSUES.**
- **THREE-FAMILY DWELLINGS 10 FEET APART IS MUCH TOO CLOSE AS EVIDENCED BY THE FIRE THAT DESTROYED THE PREVIOUS DWELLING ON THE SUBJECT SITE.**
- **THERE WAS NO CLAIM OR JUSTIFICATION OF HARDSHIP ASSOCIATED WITH THIS PETITION.**

REASONS COMMISSIONER IN FAVOR (SHEPARD):

- **THE AREA IS ALREADY CONGESTED.**
- **REMOVING THE TRASH AND DEBRIS FROM THE SUBJECT SITE WOULD BE AN IMPROVEMENT TO THE NEIGHBORHOOD.**

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION TO DENY PASSED WITH FOUR (4) IN FAVOR (ALVES, CAROLAN, MCCLAIN AND NASTU) AND ONE (1) OPPOSED (SHEPARD).**

D-2 (#4) RE: 1705 FAIRFIELD AVENUE – 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 D-2 (#4) RE: 1705 FAIRFIELD AVENUE – 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 WEDNESDAY, SEPTEMBER 11, 2019.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #1 RE: 65 OHIO AVENUE – Elizabeth Development – Seeking to modify a condition of approval to a petition granted by the Zoning Board of Appeals on July 10, 2007 that permitted the construction of a 1-family dwelling to now construct a 2-family dwelling on a nonconforming lot in an R-B zone.

**** COMMISSIONER MCCLAIN MOVED TO GRANT AGENDA ITEM: #1 RE: 65 OHIO AVENUE – ELIZABETH DEVELOPMENT – SEEKING TO MODIFY A CONDITION OF APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON JULY 10, 2007 THAT PERMITTED THE CONSTRUCTION OF A 1-FAMILY DWELLING TO NOW CONSTRUCT A 2-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-B ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND GRANTED 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.**
- 4. THE DRIVEWAYS SHALL BE PAVED FROM THE FRONT PROPERTY LINE TO THE REAR CORNERS OF THE BUILDING.**

FOR THE FOLLOWING REASONS:

- 1. A 2-FAMILY DWELLING IS A PERMITTED USE IN THE R-B ZONE.**
- 2. THE NEIGHBORHOOD IS MADE UP OF 1- AND 2-FAMILY DWELLINGS.**
- 3. THE OFF-STREET PARKING AS CONDITIONED ABOVE (#4) WILL ENSURE MORE THAN ADEQUATE PARKING FOR BOTH UNITS.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #2 RE: 59 HUBBELL STREET – German Granados – Seeking a variance of Sec. 14-3-3(i) which prohibits outside storage of equipment and materials in the coastal area in an I-L zone.

**** COMMISSIONER CAROLAN MOVED TO DENY AGENDA ITEM: #2 RE: 59 HUBBELL STREET – GERMAN GRANADOS – SEEKING A VARIANCE OF SEC. 14-3-3(I) WHICH PROHIBITS OUTSIDE STORAGE OF EQUIPMENT AND MATERIALS IN THE COASTAL AREA IN AN I-L ZONE FOR THE FOLLOWING REASONS:**

- THE PETITIONER FAILED TO ESTABLISH AN UNUSUAL CONDITION OR EXCEPTIONAL HARDSHIP RELATING TO THIS PARCEL OF PROPERTY.**
- THE PROJECT AS PRESENTED IS OUT OF CHARACTER FOR THE AREA.**
- THE A-2 SURVEY OF FOUR (4) PARCELS OF PROPERTY IS NOT AN ADEQUATE SITE DEVELOPMENT PLAN.**

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #3 RE: 85 ASHLEY STREET – 85 Ashley Street, Bridgeport, LLC – Seeking to legalize an accessory structure previously denied by the Zoning Board of Appeals on June 12, 2018 which was erected without an application for a Certificate of Zoning Compliance as required under Sec. 14-1-1, as well as exceeding the maximum height requirement of 15’ by 7.2’ under Sec. 5-1-3 on a nonconforming lot in an R-B zone.

**** COMMISSIONER SHEPARD MOVED TO CONTINUE AGENDA ITEM: #3 RE: 85 ASHLEY STREET – 85 ASHLEY STREET, BRIDGEPORT, LLC – SEEKING TO LEGALIZE AN ACCESSORY STRUCTURE PREVIOUSLY DENIED BY THE ZONING BOARD OF APPEALS ON JUNE 12, 2018 WHICH WAS ERECTED WITHOUT AN APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE AS REQUIRED UNDER SEC. 14-1-1, AS WELL AS EXCEEDING THE MAXIMUM HEIGHT REQUIREMENT OF 15’ BY 7.2’ UNDER SEC. 5-1-3 ON A NONCONFORMING LOT IN AN R-B ZONE TO WEDNESDAY, SEPTEMBER 11, 2019 TO ALLOW THE APPLICANT TO PRESENT TO THE BOARD ADDITIONAL INFORMATION REGARDING THE ORIGINAL GARAGE STRUCTURE, SIZE HEIGHT AND FOOT-PRINT.**

**** COMMISSIONER MCCLAIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #4 RE: 155 DAVENPORT STREET – ACG Contracting, LLC – Seeking approval for a customary accessory use under Table 2a for a caretaker

occupancy without a functional kitchen at the existing industrial complex in an I-L zone.

**** COMMISSIONER MCCLAIN MOVED TO GRANT AGENDA ITEM: #4 RE: 155 DAVENPORT STREET – ACG CONTRACTING. LLC – SEEKING APPROVAL FOR A CUSTOMARY ACCESSORY USE UNDER TABLE 2A FOR A CARETAKER OCCUPANCY WITHOUT A FUNCTIONAL KITCHEN AT THE EXISTING INDUSTRIAL COMPLEX IN AN I-L ZONE WITH THE FOLLOWING CONDITIONS:**

1. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMITS FOR THE FOR THE MODIFICATIONS TO THE PREVIOUSLY APPROVED PETITION.

2. FOR SAFETY AND SECURITY CONCERNS ONLY THE OWNER(S) AND EMPLOYEES MAY UTILIZE THE ACCESSORY USE AREA.

FOR THE FOLLOWING REASON:

NIGHT WATCHMAN OR CARETAKER ACCOMMODATIONS ARE NOT UNUSUAL IN INDUSTRIAL COMPLEX FACILITIES.

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #5 RE: 80 STEVEN STREET (aka 112 QUARRY STREET) – Aderisone L. DeSouza, Owner – Seeking a modification of an approval to a petition granted by the Zoning Board of Appeals on December 12, 2016 which permitted the construction of a 2-family dwelling with parking in the rear yard to now allow parking on the side yards in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM: #5 RE: 80 STEVEN STREET (AKA 112 QUARRY STREET) – ADERISONE L. DESOUZA, OWNER – SEEKING A MODIFICATION OF AN APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON DECEMBER 12, 2016 WHICH PERMITTED THE CONSTRUCTION OF A 2-FAMILY DWELLING WITH PARKING IN THE REAR YARD TO NOW ALLOW PARKING ON THE SIDE YARDS IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

1. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND GRANTED 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.**
- 4. THE DRIVEWAYS SHALL BE PAVED FROM THE FRONT PROPERTY LINE TO THE REAR CORNERS OF THE BUILDING.**

FOR THE FOLLOWING REASON:

THE TOPOGRAPHY OF THE SUBJECT LOT CREATES A HARDSHIP WITH RELATION TO THE OFF-STREET PARKING AREAS BEING LOCATED IN THE REAR YARD.

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM: #6 RE: 90 STEVEN STREET (aka 112 QUARRY STREET) – Aderisone L. DeSouza, Owner – Seeking a modification of an approval to a petition granted by the Zoning Board of Appeals on December 13, 2016 which permitted the construction of a 2-family dwelling with parking in the rear yard to now allow parking on the side yards in an R-C zone.

**** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM: #6 RE: 90 STEVEN STREET (aka 112 QUARRY STREET) – ADERISONE L. DESOUSA, OWNER – SEEKING A MODIFICATION OF AN APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON DECEMBER 13, 2016 WHICH PERMITTED THE CONSTRUCTION OF A 2-FAMILY DWELLING WITH PARKING IN THE REAR YARD TO NOW ALLOW PARKING ON THE SIDE YARDS IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND GRANTED 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.**
- 4. THE DRIVEWAYS SHALL BE PAVED FROM THE FRONT**

PROPERTY LINE TO THE REAR CORNERS OF THE BUILDING.

FOR THE FOLLOWING REASON:

THE TOPOGRAPHY OF THE SUBJECT LOT CREATES A HARDSHIP WITH RELATION TO THE OFF-STREET PARKING AREAS BEING LOCATED IN THE REAR YARD.

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

ITEM: #7 RE: 4086 MAIN STREET – La Casa Del Tequilla – Seeking a variance of Sec. 12-10 (b) (1) which prohibits the establishment of a retail liquor package store within 750 feet of a daycare center (sensitive use) in an OR-R zone.

**** COMMISSIONER MCCLAIN MOVED TO DENY AGENDA ITEM : #7 RE: 4086 MAIN STREET – LA CASA DEL TEQUILLA – SEEKING A VARIANCE OF SEC. 12-10 (B) (1) WHICH PROHIBITS THE ESTABLISHMENT OF A RETAIL LIQUOR PACKAGE STORE WITHIN 750 FEET OF A DAYCARE CENTER (SENSITIVE USE) IN AN OR-R ZONE FOR THE FOLLOWING REASON:**

THE PETITIONER FAILED TO PRESENT AN UNUSUAL CIRCUMSTANCE OR UNUSUAL HARDSHIP RELATING TO THIS APPLICATION OR PARCEL OF PROPERTY.

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

APPROVAL OF MINUTES

Commissioner Alves said that she had been on the website and only seen one set of minutes. This was because during January, February and March, the ZBA did not have a quorum.

• May 14, 2019

The following correction was noted:

Page 2, paragraph 3, line 5: please change the followings from
“50 feet of frontage and the new property 150 feet of frontage.”

To:

City of Bridgeport
Zoning Board of Appeals
Regular Meeting
August 13, 2019

50 feet of frontage and the new property 50 feet of frontage.

**** COMMISSIONER MCCLAIN MOVED TO APPROVE THE MINUTES OF MAY 14, 2019 AS CORRECTED.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF MAY 14, 2019 AS CORRECTED PASSED UNANIMOUSLY.**

Commissioner Nastu said that the package was not being left in the foyer of his building.

• June 11, 2019

These were not approved because copies of the minutes were not available.

• July 9, 2019

The following correction was noted:

Page 4, paragraph 5, line 1: please change the following from :

“He was told that it was hearted by gas.”

To “He was told that it was heated by gas.”

**** COMMISSIONER CAROLAN MOVED TO APPROVE THE MINUTES OF JULY 9, 2019 AS CORRECTED.**

**** COMMISSIONER SHEPARD SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF JULY 9, 2019 AS CORRECTED PASSED UNANIMOUSLY.**

ADJOURNMENT.

**** COMMISSIONER CAROLAN MOVED TO ADJOURN.**

**** COMMISSIONER NASTU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

S. L. Soltes

Telesco Secretarial Services