

## **NOTICE OF APPEAL**

### **SECTION 8-7 CONNECTICUT GENERAL STATUTES**

This appeal is addressed to the Bridgeport Zoning Board of Appeals, pursuant to Section 8-6 (a) (1) of the General Statutes. The statute reads:

“The Zoning Board of Appeals shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter, or any law, ordinance or regulation adopted under the provisions of this chapter...”

The undersigned, on behalf of Michelle Lyons of 91 Jewett Avenue in Bridgeport, and Lisa Williams of 488 Peet Street, Bridgeport, files this Notice of Appeal pursuant to Section 8-7 of the General Statutes. The appeal concerns an “order, requirement, or decision” issued by Bridgeport Zoning Administrator and Zoning Enforcement Officer Dennis Buckley.

The “order, requirement, or decision” in question was rendered on March 30, 2022. It is contained in an email from Mr. Buckley to Bridgeport City Council Member Lyons. The email also contains a two-paragraph legal opinion provided by Attorney Russell Liskov, to which Mr. Buckley refers (Ex. 1).

It is unclear whether Attorney Liskov issued his brief opinion on his own initiative, or following consultation with Attorneys representing the Bridgeport Roman Catholic Diocesan Corporation, the law firm of Russo & Rizio.

In order to provide proper context, background information and explanation must be included in this appeal.

On December 29, 2021, the Bridgeport Roman Catholic Diocesan Corporation, which owns 238 Jewett Avenue, in fee, submitted a Special Permit Application to the Bridgeport Planning and Zoning Commission. The application sought permission to establish, in an existing building “a new Bellarmine College to offer an Associate’s Degree,” in conjunction with Fairfield University (Ex. 2).

The Special Permit application explains that the proposed college would have its own “dedicated faculty, administrative support and Dean,” along with a “two-year Associates Degree curriculum.”

The Roman Catholic Diocese elected to file its Special Permit Application prior to January 1, 2022, the date on which the current Bridgeport Zoning Regulations took effect. Therefore, the application is governed by the Regulations that were in effect in December of 2021. Pursuant to those Regulations, 238 Jewett Avenue is located in a Residential R-A Zone.

238 Jewett Avenue was once the site of Notre Dame Girls High School. This use of the property ceased in the early 1970's and the building has not been used as a high school for nearly fifty (50) years.

In January of 2022, the Bellarmine College application was the subject of a Concept Review performed by Bridgeport's Office of Planning and Economic Development (OPED). The prior use of 238 Jewett Avenue was discussed. A memo from Design Review Coordinator, Jackson Strong, and dated January 19, 2022 declares (Ex. 3):

"(3) We discussed whether there is a preexisting approval for a school use. Upon review, It does not appear that any preexisting approvals relating specifically to a school use Exist."

However, notwithstanding both the OPED review, and a scheduled public hearing concerning the requested Special Permit, Attorney Liskov, without citing any controlling Special Permit, opined on March 29, 2022 that a Special Permit was not necessary and the property could be used "as of right" for the proposed college.

The following morning, via email, Mr. Buckley informed Council Member Lyons, "the City Attorney has determined that the Catholic Center may re-establish an educational use at 238 Jewett as it was once NDHS-Girls Campus. It will be withdrawn from the P & Z Agenda. I know that this is not the outcome that you were hoping for, but we have to follow the direction of the City Attorney."

On April 4, 2022, a letter was served in hand to Mr. Buckley. The letter challenged Attorney Liskov's opinion and reviewed the Regulations applicable to the R-A Zone (Ex.4).

As the April 4 letter states, a "school" is a permitted use in an R-A Zone, subject to the issuance of a Special Permit. Section 6.4.6 of the Regulations, defines schools to mean:

"Facilities which provide a curriculum of elementary and secondary instruction, public and private kindergartens, elementary schools, and high schools, including magnet schools."

The applicable Bridgeport Regulations, define "Colleges and Universities," in Section 6.4.1:

"Colleges and other institutions of Higher Learning, which offer Courses of general or specialized study leading to a degree. They are certified by an accreditation agency."

Uses

Community Colleges  
Liberal Arts Colleges

Nursing and Medical Schools not accessory to a hospital  
Seminaries  
Universities”

What is proposed for 238 Jewett Avenue, consistent with any reasonable reading of the Regulations, is a college, not a school.

Mr. Buckley replied to the April 4 letter by acknowledging that he had referred the communication to the City Attorney. He offered no further information or clarification concerning his March 30, email (Ex. 5).

As a follow up to Mr. Buckley’s response, a letter dated April 11, 2022, was hand-delivered to Attorney Liskov, Mr. Buckley and OPED.

Attorney Liskov was asked to provide a copy of the recorded Special Permit upon which he relied in his opinion (Ex. 6).

Attorney Liskov has not responded to this letter, and no Special Permit which would justify the opening of Bellarmine College has been discovered.

It is our position that even assuming, arguendo, that a prior Special Permit for a school exists, that approval cannot be transformed into an approval for a college.

Any such finding, would transform a permitted use into a non-conforming use, through over the counter maneuvers, designed to avoid the transparency mandated by the public hearing process.

Zoning regulations do not permit non-conforming uses, such as a college in an R-A Zone, to be established, either through the Special Permit process, or through private over-the-counter machinations.

The Appellants look forward to a full public hearing before the Bridgeport Zoning Board of Appeals.

When it hears an Appeal following a decision by a municipal zoning official, a Zoning Board of Appeals sits in a quasi-judicial capacity. Caserta v Zoning Board of Appeals, 226 Conn. 80, 87-88 (1993). Any appeal must be decided de novo. Therefore the action of the Zoning Enforcement Officer is not entitled to any deference or any presumption of validity. Woodbury Donuts, LLC. V Zoning Board of Appeals, 139 Conn. App. 748, 757-758 (2012).

The Appellants ask that the decision of Zoning Official Dennis Buckley, which was entered in reliance upon the opinion of the City Attorney, be reversed.

We further ask that the Bridgeport Zoning Board of Appeals make the following findings:

1. No preexisting use of 238 Jewett Avenue permits the property to be used as the proposed Bellarmine College.
2. A college is not a permitted use in a Residential R-A Zone in the Bridgeport Regulations applicable at the time that the Special Permit application was filed by the Roman Catholic Diocesan Corporation.

3. 238 Jewett Avenue was last used for a "school" in the 1970's, when Notre Dame Girls High School ceased to operate on the property.
4. No prior approval as a "school" or educational use of 238 Jewett Avenue, which specifically authorizes a "school use" exists.
5. The application for a Special Permit filed by the Roman Catholic Diocesan Corporation seeks authorization for a "college," not a "school," as those terms are defined in the applicable Bridgeport Regulations.

Respectfully submitted on April 20, 2022

  
**Carmen L. Lopez,**  
**175 Balmforth Street**  
**Bridgeport, CT 06605**

On behalf of

**City Council Member**  
**Michelle Lyons**  
**91 Jewett Avenue**  
**Bridgeport, CT 06606**

**Lisa Williams**  
**488 Peet Street**  
**Bridgeport, CT 06606**

**EXHIBIT: 1**

From: Lyons, Michelle Michelle.Lyons@bridgeportct.gov  
Subject: Fwd: 238 Jewett Avenue, Bridgeport<CT  
Date: Apr 2, 2022 at 1:21:32 PM  
To: Carmenlopez21@optonline.net  
Cc: Lyons, Michelle (external) tomich91@hotmail.com, Lyons, Michelle  
Michelle.Lyons@bridgeportct.gov

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Sent from my iPhone

Begin forwarded message:

**From:** "Lyons, Michelle" <Michelle.Lyons@bridgeportct.gov>  
**Date:** April 2, 2022 at 12:41:12 PM EDT  
**To:** Carmenlopez21@optonline.net  
**Cc:** "Lyons, Michelle (external)" <tomich91@hotmail.com>, "Lyons, Michelle" <Michelle.Lyons@bridgeportct.gov>  
**Subject:** Fwd: 238 Jewett Avenue, Bridgeport<CT

Sent from my iPhone

Begin forwarded message:

**From:** "Buckley, Dennis" <Dennis.Buckley@bridgeportct.gov>  
**Date:** March 30, 2022 at 10:26:36 AM EDT  
**To:** "Lyons, Michelle" <Michelle.Lyons@bridgeportct.gov>  
**Cc:** "Gill, Thomas" <Thomas.Gill@bridgeportct.gov>  
**Subject:** FW: Re: 238 Jewett Avenue, Bridgeport<CT

Michelle,

The City Attorney has determined the Catholic Center may reestablish an educational use @ 238 Jewett as it was once

NDHS – Girls campus. It will be withdrawn from the P&Z agenda. I know this is not the outcome you were hoping for, but we have to follow the direction of the City Attorney. DB

Dennis Buckley  
Zoning Administrator  
City of Bridgeport, Ct

**From:** Liskov, Russell <[Russell.Liskov@Bridgeportct.gov](mailto:Russell.Liskov@Bridgeportct.gov)>  
**Sent:** Tuesday, March 29, 2022 9:53 AM  
**To:** Buckley, Dennis <[Dennis.Buckley@Bridgeportct.gov](mailto:Dennis.Buckley@Bridgeportct.gov)>; Gill, Thomas <[Thomas.Gill@Bridgeportct.gov](mailto:Thomas.Gill@Bridgeportct.gov)>  
**Subject:** Re: 238 Jewett Avenue, Bridgeport<CT

I have reviewed the application for the use of the above property by Fairfield University. The property and plans and uses keep the property as an educational site. The prior approvals by the Bridgeport Planning and Zoning Commission has given several special exceptions to this property in the past. It is my legal opinion that these special exceptions run with the land and are akin to a variance. Once the special exception is granted, unless the owner affirmatively relinquishes such special exception, it remains in place in perpetuity. The case of Griswold Hills (citation omitted). Garibaldi at 163 Conn.235 (1972), and Fromer at 32 Conn. App. 799 (1993) and Robert Fuller on Land Use and practices further supports my legal conclusion that the property continues to be used as of right for educational purposes and is allowed based upon the special exceptions granted in the past. The use has never been abandoned and thus, the special exception continues to run with the land and is a pre-existing use and continues on for educational purposes.

If you have any further questions, I am available.

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance.

**EXHIBIT: 2**



CITY OF BRIDGEPORT

File No. D-3  
22-05

**PLANNING & ZONING COMMISSION  
APPLICATION**

REC'D IN THE BPT. ZONING  
DEPT. ON 12/30/21

1. NAME OF APPLICANT: The Bridgeport Roman Catholic Diocesan Corporation
2. Is the Applicant's name Trustee of Record? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, a sworn statement disclosing the Beneficiary shall accompany this application upon filing.
3. Address of Property: 238 Jewett Avenue / CT / 06606  
(number) (street) (state) (zip code)
4. Assessor's Map Information: Block No. 65/2378 Lot No. 10/B
5. Amendments to Zoning Regulations: (indicate) Article: N/A Section: \_\_\_\_\_  
(Attach copies of Amendment)
6. Description of Property (Metes & Bounds): See submitted survey; 479.48' x 110.08' x 148.33' x 216.41' x 651.33' x 303.65' x 123.00'
7. Existing Zone Classification: R-A
8. Zone Classification requested: N/A
9. Describe Proposed Development of Property: Proposed school use to be located within the existing building on the Site

Approval(s) requested: Special Permit and Site Plan Review

Signature: \_\_\_\_\_

Date: 12/29/2021

Print Name: \_\_\_\_\_

If signed by Agent, state capacity (Lawyer, Developer, etc.) Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Mailing Address: Chris Russo, Russo & Rizio, LLC, 10 Sasco Hill Road, Fairfield, CT 06824

Phone: 203-528-0590

Cell: 203-520-4603

Fax: 203-255-6618

E-mail Address: Chris@russorizio.com

\$ \_\_\_\_\_ Fee received

Date: \_\_\_\_\_

Clerk: \_\_\_\_\_

**THIS APPLICATION MUST BE SUBMITTED IN PERSON AND WITH COMPLETED CHECKLIST**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Completed & Signed Application Form   | <input checked="" type="checkbox"/> A-2 Site Survey       | <input checked="" type="checkbox"/> Building Floor Plans |
| <input checked="" type="checkbox"/> Completed Site / Landscape Plan   | <input type="checkbox"/> Drainage Plan                    | <input type="checkbox"/> Building Elevations             |
| <input checked="" type="checkbox"/> Written Statement of Development and Use                                      | <input checked="" type="checkbox"/> Property Owner's List | <input type="checkbox"/> Fee                             |
| <input checked="" type="checkbox"/> Cert. of Incorporation & Organization and First Report (Corporations & LLC's) |   |  |

**PROPERTY OWNER'S ENDORSEMENT OF APPLICATION**

The Bridgeport Roman Catholic Diocesan Corporation

Print Owner's Name

Owner's Signature

12/29/2021

Date

Print Owner's Name

Owner's Signature

Date

Lisa S. Broder\*  
LBroder@russorizio.com  
Colin B. Connor  
Colin@russorizio.com  
Robert G. Golger  
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David K. Kurata  
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\* Also Admitted in NY  
\* Also Admitted in VT  
\* Of Counsel

December 29, 2021

Dennis Buckley  
Zoning Administrator  
Zoning Department  
45 Lyon Terrace  
Bridgeport, CT 06604  
**HAND-DELIVERED**

**Re: Petition for Special Permit and Site Plan Review – 238 Jewett Avenue**

Dear Mr. Buckley:

Please accept, on behalf of my client, The Bridgeport Roman Catholic Diocesan Corporation, (the "Petitioner"), the following narrative and enclosed application materials as part of an application for a Special Permit and Site Plan Review under the Bridgeport Zoning Regulations (the "Regulations") for the property located at 238 Jewett Avenue (the "Site") for the interior conversion of a portion of the existing building to support a school use with classrooms and administrative offices and existing off-street parking in the R-A Zone.

#### Narrative

The Petitioner requests a Special Permit and Site Plan Review under the Regulations for the interior conversion of a portion of the existing building to support a school use with classrooms and administrative offices and existing off-street parking in the R-A Zone. The Site is located on Jewett Avenue in between Madison Avenue and Main Street. For decades, it has been the headquarters of the Petitioner. However, the Petitioner only utilizes a small portion of the existing building. Prior to its current use, the Site had a long history as the location of Notre Dame High School. The Petitioner proposes to return the majority of the existing building to that historical use while maintaining a small office area to support the Diocese. The Petitioner does not propose any physical changes to the Site or the footprint of the building. This change of use will entirely be an interior conversion. A school use is permitted in the R-A Zone.

The Petitioner, in conjunction with Fairfield University, proposes the establishment of a new **Bellarmino College** to offer an **Associate's Degree** to students from low-income and other historically underrepresented backgrounds, primarily in the surrounding Bridgeport region. This

unique model will allow the University to serve students for whom a Fairfield education has not been accessible and to strengthen support and advising services to help ensure the students' retention and debt-free graduation. The Petitioner anticipates that at full capacity, total enrollment will not exceed Two hundred (200) students. Faculty and students will occupy the existing classrooms within the building, which originally served as classrooms for Notre Dame High School.

The Petitioner proposes the creation of Bellarmine College as a new academic unit with its own dedicated faculty, administrative support, and Dean. Bellarmine College would recruit and serve students, primarily from Bridgeport, building upon Fairfield University's current student resources. Bellarmine College will propose a two-year Associate's Degree curriculum designed to provide students with maximum support, so that they will graduate debt-free, on time, and be fully prepared to transfer into a four-year institution should they so choose. The model further distinguishes its approach, following best practices for student retention, something community colleges are not designed to accommodate. Further, a cohesive Associate's Degree offered through Fairfield University guarantees that the majority – if not all – credits will transfer seamlessly into other four-year institutions. At Arrupe College LUC, the foundational model for the proposed Bellarmine College, 55% of students complete the Associate's Degree in two years, 88% of whom then proceed to a four-year institution with 75% of those completing their bachelor's degree.

While the primary goal of this program is to build a curriculum and support that provides students with transferrable credit and skills into a four-year institution, the curriculum is also designed to benefit the 20% of students who choose to stop with the Associate's Degree. Jobs requiring an Associate's Degree in 2017 offered a median income that was 46.3% higher than for jobs requiring a high school diploma. Internships, part-time work placement, and professional development training are built into the Bellarmine College model, providing students with real-world experience and income while completing their studies. Students choosing a career path at the end of their studies will be prepared to enter fields as potential paralegals, teaching assistants, medical or nursing assistants, and entry-level technicians.

Bellarmino College will be test blind and will have the ability to consider a student's potential beyond the typical statistics of a GPA and test score. For students who do not fit the profile of the most competitive students in the nation, Bellarmine College will consider other distinguishable factors that predict student success. All admitted students will be Pell Grant-eligible. Financial aid coupled with part-time employment guarantees that students will have the opportunity to graduate debt-free. While this level of financial support only covers the two-year program, the Bellarmine student support network provides transition guidance to help graduates navigate and anticipate financial obligations at other institutions, including public v. private and in-state v. out-of-state tuition differentials.

The Site has a long history of serving the residents of the City of Bridgeport. From its days as Notre Dame High School to serving the Catholic community as the headquarters of the Diocese to the proposed Bellarmine College, the Site and its existing building have decades of history serving the local community. The Petition marks the next phase and a tremendous opportunity to improve the lives of Bridgeport residents and students. The Site already features a


large off-street parking area, which can support the proposed use in conformity with the Regulations. The Petitioner is merely looking to convert the interior use of the existing building.

The Petition satisfies the Site Plan Review and Special Permit standards of Sections and 14-2-5 and 14-4-4 of the Regulations. The Petition is in conformity with the Master Plan of Conservation and Development ("POCD"). The Petition proposes no changes to the exterior of the existing building, which has been there for decades. It revitalizes a Site that has become more underutilized as the Diocese's demand for its space has waned. POCD at 125. The building and the Site would benefit from the presence of a new use. The Petition will totally transform and revitalize the Site.

The Petition will not impair future development of the surrounding area, but it will actually stimulate the neighborhood as a landmark property at one of the historic Bridgeport properties. Bellarmine College will reinvigorate the area as it draws students and faculty. It is important to note that students will not be living at the Site. The Petition will clearly have no impact on the Long Island Sound and the proposed use conforms to the residential zone. The proposed use will only enhance surrounding property values as well as the character and operation of the neighborhood. The Site also features adequate off-street parking for the proposed use under the Regulations. The Fairfield University has a longstanding history as an institution of higher learning and, therefore, has the experience to operate the proposed Bellarmine College.

For the reasons stated above, the Petitioner respectfully requests approval of the Petition for a Special Permit.

Sincerely,



Christopher Russo

**LIST OF PROPERTY OWNERS WITHIN 100' OF 328 JEWETT AVENUE**

<b>LOCATION</b>	<b>OWNER</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
401 JEWETT AV	FRAZIER TIMOTHY	401 JEWETT AVE	BRIDGEPORT	CT	06606
291 JEWETT AV	JOHNSON TYRONE A & DOTRICE M	291 JEWETT AVE	BRIDGEPORT	CT	06606
280 JEWETT AV	AH JEWETT ACQUISITION LLC C/O MATTHEW FINKLE	60 COLUMBUS CIRCLE	NEW YORK	NY	10023
488 PEET ST	WILLIAMS LISA M ET ALS	488 PEET ST	BRIDGEPORT	CT	06606
387 JEWETT AV	CANCELLIERI RONALD & MARY ANN	387 JEWETT AVE	BRIDGEPORT	CT	06606
311 JEWETT AV	KHAN SHER A & HASHMAT A KHAN	1522 OVERING ST	BRONX	NY	10461
444 PEET ST	NIESTEMSKI MAUREEN M	444 PEET ST	BRIDGEPORT	CT	06606
406 PEET ST	CAREY JULIE & TIMOTHY E	175 WINDERMERE ST	FAIRFIELD	CT	06825
375 JEWETT AV	AKTHER MAHAPUJA	375 JEWETT AVE	BRIDGEPORT	CT	06606
275 JEWETT AV	NORTH END PROPERTY LLC	170 CORNHILL STREET	BRIDGEPORT	CT	06606
238 JEWETT AV	BRIDGEPORT ROMAN CATHOLIC DIOCESAN CORPORATION	238 JEWETT AVE	BRIDGEPORT	CT	06606
456 PEET ST	UNDERHILL DERRICK & BRENDA M	456 PEET ST	BRIDGEPORT	CT	06606
415 JEWETT AV	MARRERO ROBERT SR & SYLVIA Z MARRERO	415 JEWETT AVE	BRIDGEPORT	CT	06606
345 GLENDALE AV #A02	VILLARREAL DAVID	345 GLENDALE AVE #A2	BRIDGEPORT	CT	06606
380 PEET ST	MIGUEL JOSE & FERNANDES SUSAN	380 PEET ST	BRIDGEPORT	CT	06606
405 GLENDALE AV #A03	BORGES BERNARDO	485 SAINT JOHNS PL, APT 2A	BROOKLYN	NY	11238
287 JEWETT AV	MARTINS JOSE ET AL	287 JEWETT AVE	BRIDGEPORT	CT	06606
468 PEET ST	JARRIN JONATHAN P	468 PEET ST	BRIDGEPORT	CT	06606
325 JEWETT AV	MICKLE TERI RENE	325 JEWETT AVE	BRIDGEPORT	CT	06606
430 PEET ST	WESTPHAL ANA L	430 PEET ST	BRIDGEPORT	CT	06606
337 JEWETT AV	SCHNEIDER DAVID P & THERESA A SCHNEIDER	337 JEWETT AVE	BRIDGEPORT	CT	06606
418 PEET ST	WOOD PATRICIA BARRETT	418 PEET ST	BRIDGEPORT	CT	06606
347 JEWETT AV	SANGIORGI RICHARD	347 JEWETT AVE	BRIDGEPORT	CT	06606

# BRIDGEPORT ROMAN CATHOLIC DIOCESAN CORPORATION, THE

ACTIVE

No information provided

## BUSINESS DETAILS

### Business Details

#### General Information

Business Name

BRIDGEPORT ROMAN CATHOLIC DIOCESAN CORPORATION, THE

Business status

ACTIVE

Citizenship/place of formation

Domestic/Connecticut

Business address

No information provided

Annual report due

NAICS code

Business ALEI

0191547

Date formed

11/27/1953

Business type

Religious

Mailing address

Last report filed

NAICS sub code

## Principal Details

None

## Agent details

None

## Filing History

### Business Formation - Certificate of Incorporation

0000112477

Filing date: 11/27/1953

Volume Type

C

Volume

380

Start page

185

Pages

0

Date generated

11/27/1953


## Name History

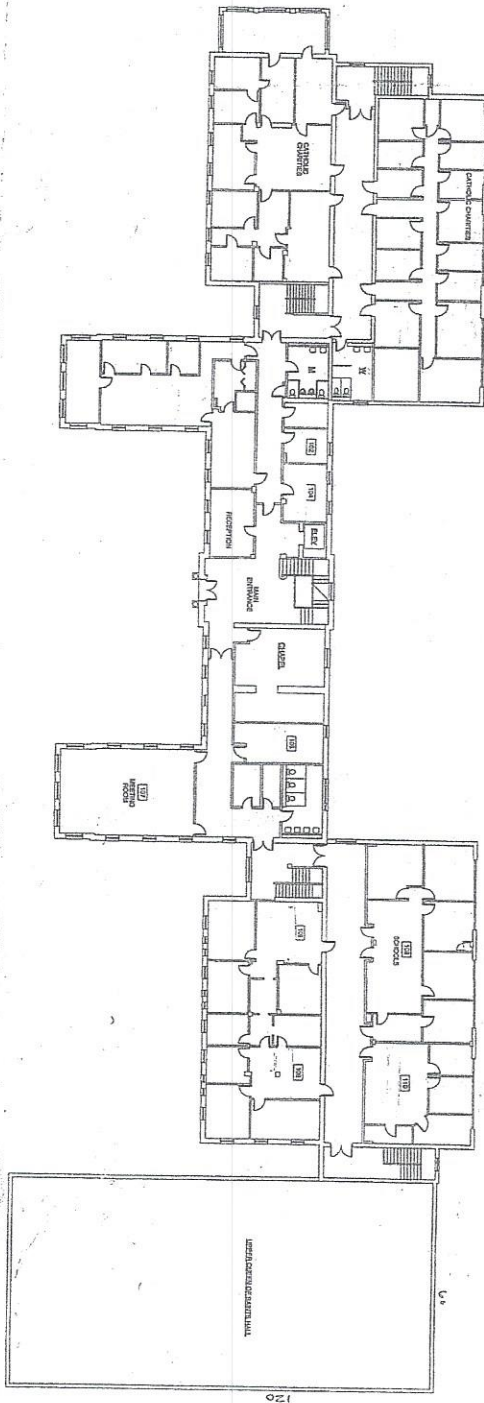
None

## Shares



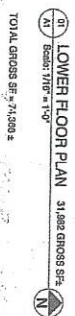


Appr. No.	Exp. Date	Inspection Note		Contract No.	Project Name <b>VINONET BARAK ARCHITECT</b> <b>365 MAIN STREET</b> <b>KENSINGTON, CT 06037</b> <b>860-828-0748</b>	Description of Bridgeport <b>Office of Emergency Services</b> <b>228 Inland Street</b>	Project Number <b>A-3</b>	Project Name <b>2009-243</b>	Date <b>1/16 - 1/17</b>	Drawn by <b>EC</b>	Reviewed by <b>VA</b>	Scale <b>1"</b>	Date <b>BB07.15</b>	Total Pages <b>3</b>

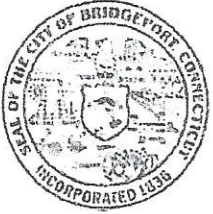


**FIRST FLOOR PLAN** 21,183 GROSS SF  
 Scale: 1/8" = 1'-0"  
 TOTAL GROSS SF = 74,358 ±

No. 1 Rev. 01/03 Date	Building/Room Name Building / Classrooms	Project Name VINCENT BARAK ARCHITECT 365 MAIN STREET KENSINGTON, CT 06037 860-929-0748	Project Name Office of Emergency Services 230 JEWELL STREET FIRST FLOOR PLAN	Project No. 2001-15 Date 01/03 Scale 1/8" = 1'-0" Sheet No. A-2 of 3
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[illegible]

**EXHIBIT: 3**



JOSEPH P. GANIM  
Mayor

*City of Bridgeport*  
**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT**

Margaret E. Morton Government Center  
999 Broad Street, Bridgeport, Connecticut 06604

THOMAS F. GILL  
Director

WILLIAM J. COLEMAN  
Deputy Director

TO: Christopher Russo; [Chris@russorizio.com](mailto:Chris@russorizio.com)  
Raymond Rizio; [Ray@russorizio.com](mailto:Ray@russorizio.com)

COPY: Lynn Haig, Director of Planning; [lynn.haig@bridgeportct.gov](mailto:lynn.haig@bridgeportct.gov); 203-576-7317  
Paul Boucher, Assistant Zoning Official; [paul.boucher@bridgeportct.gov](mailto:paul.boucher@bridgeportct.gov); 203-576-7217  
Nicholas Sampieri, Zoning Inspector; [nicholas.sampieri@bridgeportct.gov](mailto:nicholas.sampieri@bridgeportct.gov); 203-576-7217  
Bill Coleman, Deputy Director Econ Dev; [william.coleman@bridgeportct.gov](mailto:william.coleman@bridgeportct.gov); 203-576-7221

FROM: Jackson Strong, Design Review Coordinator; [Jackson.Strong@bridgeportct.gov](mailto:Jackson.Strong@bridgeportct.gov); 203-576-7306

DATE: 1/19/2022

RE: Concept Review 238 Jewett Avenue

Thank you for the submission of your proposal to convert a portion of the existing structure at 238 Jewett Avenue for the purpose of locating a school. Please review a summary of the discussion of our concept review meeting on Wednesday, 1/19/2022.

1. The applicant provided an overview of the proposed school. The school as described will be geared towards Bridgeport students and supporting them with educational programs to obtain both associates and bachelor's degrees. The building will not require any alterations in its size or footprint and will utilize currently unoccupied space.
2. It was inquired whether the building conforms to the current zoning code. The applicant stated that it does not conform to the existing code but that the application would seek to reestablish a previously existing school use with a special permit.
3. We discussed whether there is a preexisting approval for a school use. Upon review, it does not appear that any preexisting approvals relating specifically to a school use exists.

4. The applicant discussed the previous uses of the building, which included an elementary school, catholic high school, eleemosynary, and administrative offices.
5. We discussed how much of the building would be used for the proposed school. The applicant stated that roughly half of the building will be used for the proposed school with the other half continuing its existing uses as a diocese and offices for Catholic Charities. Based on the information available, the building is approximately 60,000 sq ft in size.
6. We discussed whether buses would be used for the students. The applicant stated that school buses will not be used, but there is sufficient proximity to public transportation via the 8 bus on Main Street and the 3 bus on Madison Avenue.

Please do not hesitate to contact me if you have any questions by phone at 203-576-7306 or via email: [Jackson.Strong@bridgeportct.gov](mailto:Jackson.Strong@bridgeportct.gov)

**EXHIBIT: 4**

April 4, 2022

Mr. Dennis Buckley  
Zoning Administrator  
Bridgeport City Hall  
45 Lyon Terrace  
Bridgeport, CT 06604  
HAND-DELIVERED

Re: Special Permit Application

Location of Property: 238 Jewett Avenue

Applicant: Bridgeport Roman Catholic Diocesan Corporation

Applicant's Attorney: Raymond Rizio

City Attorney: Russell Liskov

Dear Mr. Buckley:

I am writing to you at the request of Bridgeport City Council Member Michelle Lyons, regarding the above mentioned matter, and your email to Council Member Lyons, of March 22, 2022.

As you know, Council Member Lyons, on behalf of an area in which she resides and which she represents on the City Council, has been vocal in her opposition to plans aimed at locating a proposed college on Jewett Avenue property owned by the Roman Catholic Diocesan Corporation.

According to the Special Permit application, dated December 29, 2021, the applicant seeks to establish Bellarmine College on the property. The proposed college would offer an Associate's Degree and would be associated with Fairfield University, a Jesuit institution. However, the College would have its own faculty and its own Dean. All admitted students would be Pell Grant eligible.

You have informed Council Member Lyons, based on a brief email opinion authored by Attorney Russell Liskov that the Special Permit application scheduled for public hearing on April 11, 2022, has been withdrawn. You have further informed her, in light of Attorney Liskov's email that the contemplated Bellarmine College can be located at 238 Jewett Avenue, without the necessity of a public hearing and the transparency that the hearing will provide.

You based this conclusion on the fact that the Jewett Avenue property was utilized by Notre Dame High School, beginning in the 1960's and ending in 1973. Attorney Liskov apparently believes that if the Diocese obtained a Special Permit in the 1960's enabling the High School to operate, no further approvals are required.

This analysis is flawed for several reasons.

A Special Permit, as I am sure that you are aware, allows a property owner to use his/her property in a manner which is expressly permitted by the applicable zoning regulations. A.P. &W. Holding Corporation v Planning and Zoning Commission, 167 Conn. 82, 85 (1984); Kobyluck v Planning and Zoning Commission 84 Conn. App. 160, 169-170 (2004).

A Special Permit must be obtained, because the nature of the use is such that the exact location and operation must be regulated, due to unique site specific conditions, including traffic problems, property values, and neighborhood uses. Barbarino Realty and Development Corp. v Planning and Zoning Commission 222 Conn. 607, 612 (1992). A special permit may be denied based on enumerated general conditions, such as public health, safety and welfare. McLoughlan v Planning and Zoning Commission, (SC 20541, 2022), Whisper Wind Development Corp. v Planning and Zoning Commission, 229 Conn. 176, 177 (1994); St. Joseph's High School v Planning and Zoning Commission 176 Conn. App. 570, 594 (2017).

Although a Special Permit, pursuant to Section 8-3d of the General Statutes must be recorded on the land records, and runs with the land, it cannot be utilized as a vehicle to allow a property owner to shoehorn into an R-A zone, a use which is not permitted in that zone.

It is significant, that Attorney Liskov, in his email, makes no reference to the Bridgeport Zoning Regulations applicable on December 29, 2021, the date on which the application was filed. Pursuant to those regulations, a "school" is a permitted use in an R-A zone, subject to the Special Permit process. Those regulations in Section 6.4.6, define "school" to mean:

"Facilities which provide a curriculum of elementary and secondary instruction, including public and private kindergartens, elementary schools, junior high schools, and high schools, including magnet schools. . ."

This definition would unambiguously apply to the former Notre Dame High School. Therefore, if a school use was proposed for the property and a valid Special Permit was issued, it could be argued that a Special Permit for Notre Dame High School, would allow for a similar institution to operate at 238 Jewett Avenue.

That case could be made, for example, if Fairfield University was inclined to transfer its Fairfield Preparatory School from its North Benson Road Campus, to Bridgeport. However, what the Diocese proposes for 238 Jewett Avenue is not a permitted use under the applicable zoning regulations.

The regulations in effect prior to January 1, 2022, Section 6.4.1, define colleges and universities as: "Colleges and other institutions of higher learning, which offer courses of general or specialized study leading to a degree. They are certified by an accreditation agency.

Uses

Community Colleges

Liberal Arts Colleges

Nursing and Medical Schools not accessory to a Hospital

Seminaries

Universities

Colleges are permitted in some zones under those regulations, but are neither permitted nor allowed by a Special Permit in an R-A zone.

Therefore, the Special Permit allegedly issued to enable Notre Dame High School to operate and exist on the property does not provide authority for the proposed Bellarmine College. Furthermore, the Planning and Zoning Commission has no jurisdiction under those regulations to issue a Special Permit on behalf of a college or university seeking to operate in an R-A zone.

The distinction between "schools" and "colleges and universities," has been carried forward into the new Bridgeport Regulations, Section 4.60.2A and 4.60.3B.

Both regulations make a common sense distinction between a high school and an institution of higher learning. This common sense distinction seems to have been ignored by the Diocese in its application to site Bellarmine College on Jewett Avenue.

Attorney Liskov seems to equate a Special Permit and a Variance in his terse opinion. Although both approvals may run with the land, they are otherwise unrelated.

A variance issued by a supermajority of a municipal zoning board of appeals, allows a property owner to use his property in a manner which is not allowed by the zoning regulations. Bloom v Zoning Board of Appeals, 233 Conn. 198, 206-07 (1995).

A Special Permit, on the other hand, concerns a use of land permitted by the Zoning Regulations, but subject to site specific conditions. Municipal Funding LLC v Zoning Board of Appeals 270 Conn. 447, 457 (2004).

This attempt by the Roman Catholic Diocese, Fairfield University, (a Jesuit institution), Attorney Rizio, Mayor Ganim and his City Attorney, to accomplish through over the counter approvals, that which cannot be accomplished through the Special Permit process, must not be allowed to succeed.

This appalling abuse of power by agents of the Church and the Secular Government is particularly insulting during this Holy Season. Apparently it is acceptable to 'virtue signal' by 'practicing piety before men,' while engaging in back room machinations.

Thank you for your attention; a prompt reply is urged and expected.

Very truly yours,

  
Carmen L. Lopez  
175 Balmforth Street  
Bridgeport, CT 06605  
[Carmenlopez21@optonline.net](mailto:Carmenlopez21@optonline.net)  
203-384-0321

CC: Council Member Michelle Lyons (via email)  
Attorney Russell Liskov (via email)

**EXHIBIT: 5**



**Buckley, Dennis**

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**From:** Buckley, Dennis  
**Sent:** Wednesday, April 6, 2022 9:29 AM  
**To:** Carmen L. Lopez (carmenlopez21@aol.com)  
**Cc:** thomas.gill@bridgeportct.gov; Liskov, Russell; Lyons, Michelle  
**Subject:** 238 Jewett Avenue

Dear Ms. Lopez,

I am in receipt of your April 4, 2022 letter regarding the above referenced address.

I have referred this matter to the City Attorney's Office to consider your concerns.

Thank you for your continued interest in the City of Bridgeport.

Cordially,

Dennis Buckley  
Zoning Administrator  
City of Bridgeport, Ct

**EXHIBIT: 6**

April 11, 2022

Russell Liskov, Esquire  
Office of the City Attorney  
999 Broad Street  
Bridgeport, CT 06604  
Hand-Delivered

Re: Special Permit Application-File Number 22-05  
238 Jewett Avenue  
Applicant: RC Diocese

Dear Attorney Liskov:

On March 30, 2022, Zoning Administrator Dennis Buckley sent an email to Council Member Michelle Lyons.

Included in that email was a two paragraph opinion which you authored, concerning the proposed use of 238 Jewett Avenue as the site of Bellarmine College.

In your email, you state that the Bridgeport P & Z Commission has issued Special Exceptions (Special Permits) permitting the site to be used for "educational purposes." Presumably, you are referring to the use of the parcel as Notre Dame Girls High School, a use which began in the 1960's and which ended in 1973.

On April 4, 2022, a letter was served on Mr. Buckley, setting forth our position concerning the proposed use of the property as a college or university. Mr. Buckley, in an email of April 6, 2022, which was sent to me via regular mail, informed me that my letter had been referred to your office. In addition, I emailed a copy of the letter to you.

A review of the file in the Zoning Office concerning the Roman Catholic Diocesan Corporation's Special Permit application (22-05), reveals a memo from Design Review Coordinator, Jackson Strong, addressed to the attorneys for the applicant. The memo makes reference to a January 19, 2022 meeting.

The memo references discussions at the meeting concerning prior use of the property, and states:

*"3. We discussed whether there is a pre-existing approval for a school use. Upon review, it does not appear that any pre-existing approvals relating specifically to a school use exists."*

As you know, it is our position, consistent with the letter of December 29, 2021, from the applicant's attorney, that *"the petitioner, in conjunction with Fairfield University, proposes the establishment of a new Bellarmine College to offer an Associate's Degree."*

Under both the Regulations in effect on December 29, 2021, and the current Bridgeport Zoning Regulations, a distinction is made between a 'school,' and a 'college and university.' Colleges are not permitted in an R-A Zone.

Your claim concerning a special permit, seems inconsistent with Mr. Strong's observation in the January 19, 2022 memo and my review of the file materials. Furthermore, the applicant is represented by experienced and knowledgeable land use attorneys who did not rely on any pre-existing approval. Any such reliance would be inconsistent with the filing of a Special Permit Application by the applicant's attorney.

As you know, a valid special permit must be recorded on the land records.

I would ask that you provide me with a copy of the Special Permit, or Special Permits upon which you rely, as well as the Volume and Page where any Special Permit is recorded on the Bridgeport Land Records.

Your considerate and prompt attention to this matter would be most appreciated. Thank-you.

Very truly yours,

A handwritten signature in blue ink that reads "Carmen L. Lopez". The signature is fluid and cursive, with the first name "Carmen" and last name "Lopez" clearly distinguishable.

Carmen L. Lopez

175 Balmforth Street

Bridgeport, CT 06605

[Carmenlopez21@optonline.net](mailto:Carmenlopez21@optonline.net)

CC: Council Member Michelle Lyons  
Zoning Administrator Dennis Buckley  
OPED Director Tomas Gill