

## STAFF REPORT ADDENDUM

**To:** Zoning Board of Appeals (“the Board”)

**From:** Lynda Laureano, Assistant Director of Building and Land Use and Zoning Enforcement Officer

**Date:** April 4, 2025

**Re:** 69 Brown Street, Appeal

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### **Additional Evidence Submitted**

Staff submits the following evidence:

1. Email Exchange between Staff and Anthony Maulucci dated June 29, 2022, and between Staff and Carol Gaudio dated June 29, 2022 related to a Zoning Certificate Request.
2. A Certificate of Substantial Compliance issued June 29, 2022 (Permit #Z-22-14)
3. Zoning Compliance Review Comments
4. Current List of Secretary of the State of Connecticut, Certificate of Organization for 6 new business filings
5. Town of Bloomfield Assessor’s Property Card Information
6. Email from Assistant Town Assessor regarding established business records at 69 Brown Street
7. Town of Bloomfield Tax Bill List for 69 Brown Street

### **Conclusion**

It is the recommendation of Staff that the Zoning Board of Appeals (ZBA) uphold the Cease-and-Desist Order issued to Maulucci Properties LLC. The additional evidence supports the findings of zoning violations, and the claims of grandfathered use rights are unsubstantiated based on town records and lack of submitted evidence by the appellant Anthony Maulucci.

### **Recommendations for ZBA Action**

The Zoning Board of Appeals is requested to:

1. Review the appeal submitted by Maulucci Properties LLC.
2. Consider all evidence presented by both the appellant and the Zoning Enforcement Officer.
3. Determine whether to uphold, modify, or overturn the Cease-and-Desist Order.

### **ZBA Action**

The ZBA is advised to carefully consider testimonies, facts, evidence, all applicable zoning regulations, the rights of the property owner. The Zoning Board of Appeals has the authority to **uphold, modify, or overturn** a cease-and-desist order for zoning violations. The following are actions that may be taken by the ZBA:

**Reasons to Uphold a Cease-and-Desist Order may include:**

1. Clear Violation: Evidence shows a clear violation of the Bloomfield Zoning Regulations, demonstrating non-compliance with permitted uses.
2. Lack of Justification: The property owner failed to provide sufficient evidence or rationale for why the order should be overturned.

**Reasons to Modify a Cease-and-Desist Order may include:**

1. Compliance Timeline: The ZBA may allow for a specific period for the property owner to achieve compliance before the order is enforced.
2. Partial Violations: The board may determine that only certain aspects of the order are valid and modify the order accordingly.

**Reasons to Overturn a Cease-and-Desist Order may include:**

1. Insufficient Evidence by Staff: The evidence presented does not clearly support the claim of a zoning violation, leading to the overturning of the order.
2. Non-Applicability of Zoning Laws: The specific use or activity may not be adequately covered by current zoning regulations, making the cease-and-desist order inappropriate.
4. Pre-existing Use: The property may have a pre-existing non-conforming use that is legally protected and cannot be disrupted.
5. Equitable Considerations: Considerations of fairness and equity may lead the board to believe that enforcing the order is unjust in the specific situation.

Enclosure