

CITY OF TORRINGTON



Land Use Office
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City of Torrington website: www.torringtonct.org

To: Torrington Zoning Board of Appeals
From: Nate Nardi-Cyrus, Assistant City Planner *NNC*
Date: September 30, 2022
RE: Proposed Variance Application, 3828 Torrington Street, Assessor's Map 253 Block 003 Lot 009. Vary front yard and side yard setback requirements and vary prohibition on three family dwellings in the R40 zone to allow a three family dwelling in an R40 zone.

In preparation for this meeting, I have reviewed the variance application and associated maps submitted by Jose Borja and memo provided by Jeremy Leifert, City Planner, AICP, dated 9/29/2022.

According to this memo, Mr. Leifert does not support any of the variances requested because:

1. The proposed use change increases the non-conformity on the property.
2. Hardship determinations must be based on the physical conditions of the land to allow for reasonable use of the property. The pre-existing two-family use gives the property owner reasonable use.
3. Financial hardship (rental income) is not a valid hardship for granting of zoning variances.
4. The request is not in harmony with similar residential uses in the immediate neighborhood

Conclusion:

Based on the above reasoning, I recommend that the request to vary front yard and side yard setback requirements and vary prohibition on three family dwellings in the R40 zone to allow a three family dwelling in an R40 zone should be denied.

Cc: Jose Borja, Property Owner
Jeremy Leifert, City Planner

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To: Torrington Zoning Board of Appeals
From: Jeremy Leifert, AICP, City Planner *JL*
Date: September 29, 2022
RE: Proposed Variance Application, 3828 Torrington Street, Assessor's Map 253 Block 003 Lot 009. Vary front yard and side yard setback requirements and vary prohibition on three family dwellings in the R40 zone to allow a three family dwelling in an R40 zone.

I have reviewed the information and plans contained in the above referenced application package, and do not support the granting of the variances as requested to allow the change of use from a two family dwelling to a three family. This variance request arises from an enforcement action on the property for the conversion to three family dwelling that has been conducted without approvals. Two family dwellings are also not allowed in the R40 zone. However, records show that this property is legal non-conforming (grandfathered) for a two-family dwelling.

The proposed use would increase the non-conformity on the property, which would require the applicant to prove a zoning hardship on the property. I do not believe there is a legitimate hardship in this case. I do not support the granting of these variances for the following reasons:

1. The proposed use change increases the non-conformity on the property.
2. Hardship determinations must be based on the physical conditions of the land to allow for reasonable use of the property. The pre-existing two-family use gives the property owner reasonable use.
3. Financial hardship (rental income) is not a valid hardship for granting of zoning variances.
4. The request is not in harmony with similar residential uses in the immediate neighborhood

Cc: Jose Borja, Property Owner
Nate Nardi-Cyrus, Assistant Planner