

CityOfTorrington



LAND USE DEPARTMENT
(860) 489-2221

140 Main Street • City Hall
Torrington, CT 06790-5245
Fax: (860) 496-5928

MEMORANDUM

TO: Torrington Zoning Board of Appeals

CC: Jeremy Leifert – City Planner
Logan Johnson and Steven Ehrhardt III - Applicants

FROM: Nate Nardi-Cyrus – Asst. City Planner **NNC**

DATE: MARCH 13, 2023

RE: Application for Location Approval – 563 South Main Street

URGENT FOR REVIEW PLEASE COMMENT FOR YOUR USE PLEASE RECYCLE

NOTES/COMMENTS:

The latest state statute language governing location approvals in CGS 14-54, last amended under Public Act 16-55, placed the review of applications for location approval of automotive dealers and repairers with the local Zoning Board of Appeals, and removed the requirement for the Board to hold public hearings on these types of applications. See the attached Section 4 of Public Act No. 16-55 for reference.

The Zoning Board of Appeals is acting as an arm of the state and must review the location in which the motor vehicle dealer or repair's license is proposed to determine if this is a suitable location for the facility. There are no standards set forth in the statute to guide this decision, however, the historic standards read as follows:

*"No such certificate shall be issued until the application has been approved and such location has been found suitable for the business intended, with due consideration to its location in reference to **schools, churches, theaters, traffic conditions, width of highway and effect on public travel.**"*

Because the automotive use of the property will remain the same, the applicant will not be required to apply to the Planning and Zoning Commission for site plan review and approval. The last location approval for an automotive use of 563 South Main Street was granted on October 14, 1982.

A plan titled "Zoning Location Survey and Department of Motor Vehicle License Application Map Prepared for J E Service Center 563 South Main Street, Torrington, Connecticut" prepared by David Little, Professional Engineer, Torrington, CT has been submitted for your review and consideration.

The applicants, Logan Johnson and Steven Ehrhardt III, will be leasing this location from O&G for their business. The applicant proposes to occupy the entire building with an automotive repair facility and associated office space. Per the Table of Uses in Section 3.1 of the City of Torrington Zoning Regulations, this is a permitted use in this Local Business zone. This property has 109.56 linear feet of frontage on a street, which is short of the minimum 150-foot requirement in section 6.2.1 of the Regulations. In 1982, this property received a variance to allow automotive uses with the existing of frontage.

It is my recommendation that the Board find that the proposed location is suitable for the proposed use as an automotive repair facility and grant the approval of location.

END OF MESSAGE

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provision of laws pertaining to the business of a motor vehicle dealer or repairer including a motor vehicle recycler, or of any violation involving fraud, larceny or deprivation or misappropriation of property, in the courts of the United States or of any state. [At the time of application for or renewal of such a license, each applicant or] Each applicant for such a license shall submit to a state criminal history records check, conducted in accordance with section 29-17a and based on the applicant's name and date of birth, not more than thirty days before such application is made and provide the results of such records check to the Department of Motor Vehicles. Upon renewal of such license, such licensee shall make full disclosure of any such conviction [within the last five years] under penalty of false statement.

Sec. 4. Section 14-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

[(a) Any person who desires to obtain a license for dealing in or repairing motor vehicles in a municipality having a population of no less than twenty thousand shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired from the board or authority designated by local charter, regulation or ordinance of the town, city or borough wherein the business is located or is proposed to be located, except that in any town or city having a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be obtained from the zoning commission. The provisions of this section do not apply to (1) a transfer of ownership to a spouse, child, brother, sister or parent of a licensee, (2) a transfer of ownership to or from a corporation in which a spouse, child, brother, sister or parent of a licensee has a controlling interest, or (3) a change in ownership involving the withdrawal of one or more partners from a partnership.]

[(b)] Any person who desires to obtain a license for dealing in or repairing motor vehicles [in a municipality with a population of less

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than twenty thousand] shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired from the board or authority designated by local charter, regulation or ordinance of the town, city or borough wherein the business is located or is proposed to be located, except that in any town or city having a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be approved by the board of appeals. In addition thereto, such certificate shall be approved by the [chief of police where there is an organized police force or, where there is none, by the commander of the state police barracks situated nearest to such proposed location] local building official and local fire marshal. The provisions of this section shall not apply to (1) a transfer of ownership to a spouse, child, brother, sister or parent of a licensee, (2) a transfer of ownership to or from a corporation in which a spouse, child, brother, sister or parent of a licensee has a controlling interest, or (3) a change in ownership involving the withdrawal of one or more partners from a partnership.

Sec. 5. Subsection (b) of section 14-61 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) The commissioner [may] shall require any dealer who is authorized to issue a temporary transfer of registration in accordance with subsection (a) of this section or a new registration in accordance with subsection (c) of section 14-12 to file each application for a permanent registration [by electronic transmission of an electronic record] electronically if the commissioner determines that the dealer files, on average, [ten] seven or more such applications for permanent registration each month with the Department of Motor Vehicles. [The provisions of this subsection do not preclude any such dealer from filing an application for a permanent registration in person at any branch office of the department.] Any dealer may make a written