

**CITY OF TORRINGTON  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
OCTOBER 11, 2022**

Present: David Moraghan, Chair  
Marc Trivella, Member  
James Steck, Member  
Ken Edwards, Member  
Christopher Smyth, Member  
Carrie Vibert, Alternate

Also Present: Nate Nardi-Cyrus, Assistant City Planner

**1. Call to Order:**

Chair David Moraghan called the meeting to order at 7:00 p.m. The meeting was held in-person at City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT, and by Zoom on-line.

**2. Roll Call and Announcements:**

Chair Moraghan announced present and serving in person this evening are Marc Trivella, and James Steck. Serving via Zoom are Board Members David Moraghan, Ken Edwards, Christopher Smyth and Carrie Vibert. Also present in person is Nate Nardi-Cyrus, Assistant City Planner.

**3. Minutes for Approval:**

a. 12/13/21

Motion by Mr. Trivella to accept the 12/13/21 minutes, seconded by Mr. Smyth, motion unanimously carried.

**4. New Business:**

Mr. Moraghan explained the procedure for tonight's public hearings.

MOTION by Mr. Moraghan to open the first public hearing for 421 Litchfield Street, seconded by Mr. Steck, unanimously carried.

a. Variance  
Applicant: Debra A. Stewart  
Location: 421 Litchfield Street

Proposal: Section 4.0  
Section 4.10.2 for an 18.5' front yard setback to allow a 6.5' front yard setback variance for a two family dwelling; and Section 4.10.2 or a 15' lot width variance to allow 60' lot width for a two family dwelling.

Debra Stewart, applicant, appeared in person and submitted the green card neighbor notification receipts. Ms. Stewart gave a presentation of Variance application. She has been using the first floor as her real estate office for several years. With covid, all work is now taking place at home, and there is no longer a need for this real estate office location. She gave details of other residential uses in the neighborhood.

Board members briefly discussed the application.

Ms. Stewart verified there is ample parking on site, with space for four to five cars in back of the property. Mr. Nardi-Cyrus noted that the City Planner commented that the parking is sufficient, and both Jeremy Leifert and Nate Nardi-Cyrus are in support of this Variance application. Two family houses are allowed by right in this zone, which will make the residential use of this property more conforming.

Mr. Moraghan opened the hearing for public comment.

Donna DuCotey of 463 Litchfield Street appeared as she saw the public hearing sign on the property. She is in favor of the proposal going back to a residential use.

Mr. Moraghan inquired if there were any further comments, there were none.

MOTION by Mr. Trivella to APPROVE:

Variance

Applicant: Debra A. Stewart

Location: 421 Litchfield Street

Proposal: Section 4.0

Section 4.10.2 for an 18.5' front yard setback to allow a 6.5' front yard setback variance for a two family dwelling; and Section 4.10.2 or a 15' lot width variance to allow 60' lot width for a two family dwelling.

Motion seconded by Mr. Smyth, unanimously carried.

MOTION by Mr. Moraghan to open the second public hearing for 3828 Tarringford Street, seconded by Mr. Trivella, unanimously carried.

b. Variance

Applicant: Jose Borja

Location: 3828 Tarringford Street

Proposal: Vary Zoning Regulations as follows:

Section 3.1 Subsection 1.27 to allow a three family dwelling in R40 zone and; Section 4.2 to for an 8.6' front yard setback variance to allow a 41.4" front yard setback for a three family dwelling and; Section 4.2 to allow a 6.3' side yard setback variance to allow an 18.7' side yard setback for a three family dwelling.

Erica Borja appeared representing her father, who was also present this evening. Ms. Borja turned in her green card neighborhood notification receipts.

Ms. Borja gave a presentation of their request for a Variance. This property was a three family house when they originally bought it. She spoke of the costs today of renting an apartment and inflation.

Mr. Steck inquired if the applicant had any permits or paperwork demonstrating how the property is used and has been designated. She did not.

Mr. Moraghan inquired of Mr. Nardi-Cyrus whether this was a three family house, or a two family house, and asked for clarification. Mr. Nardi-Cyrus explained the assessor card for this property states it is a two family house, which is pre-existing and non-conforming. There had been an illegal conversion to a three family house prior to Mr. Borja's purchase. Jeremy Leifert, City Planner, has had an on-going enforcement matter with this three family conversion and use.

Discussion ensued, with Ms. Borja answering various questions from Board members. This house was listed for sale as a two family house, but there were three apartments, and three electric meters on the house. Ms. Borja noted there is parking on site for 7 – 8 cars.

Ms. Vibert inquired of the applicant what is the hardship related to this application. Ms. Borja responded her father will have to expend additional money to convert the property.

Mr. Steck inquired if there is any application available in the R40 zone that would allow a three family. Mr. Nardi-Cyrus stated per the Zoning Regulations, three family houses are not allowed in the R40 zone.

Ms. Borja stated the third meter was already on the house when they purchased it.

Ms. Vibert inquired about the last inspection date notes on the assessor cards, which should reflect how many units were in the house. Mr. Steck read notes on the current assessor card.

Mr. Moraghan asked for this hearing to be continued to the next Board meeting, so that research can be done about the assessor records, Eversource records, etc. Mr. Moraghan wanted to know if all three meters were installed at the same time. Mr. Nardi-Cyrus will follow up on these requests.

MOTION by Mr. Trivella to continue this hearing until the next Zoning Board of Appeals Meeting (December 12, 2022), seconded by Mr. Steck, unanimously carried.

5. **Adjournment:**

MOTION by Mr. Trivella to adjourn (7:38 p.m.), seconded by Mr. Moraghan, unanimously carried.

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Land Use Office  
City of Torrington