

Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

Date: August 24, 2020

To: Tom Hazel, Code Compliance Officer

From: Michael Glidden CFM CZEO
Director of Planning and Community Development

Re: **558 Hopmeadow Street; request for variance**

Tom:

The applicant is requesting to increase the maximum allowable residential space from 40% to 100%. The subject property is located within a Business Zoning District. Residential uses are intended to be subordinate to other commercial uses within the district.

The current use was approved in 2008 by the Zoning Commission. The structure was converted from a primary residential use to a small psychiatric consulting business (see attached letter dated 07/15/08 from Maryanne Strindberg). The residential use was abandoned according to our records.

The applicant discussed first with staff whether the property could be re-zoned to R-15. The issue is that the R-15 zoning district does not abut the subject property. Moving the district boundary would be considered spot zoning because it does not directly abut the property. In Connecticut, spot zoning is considered unconstitutional and therefore not permitted.

The applicant has 2 options to pursue the change of use from business to residential:

Option 1 – Apply for a variance to maximum size residential uses are permitted in the zoning district.

Option 2- Amend the zoning regulations to permit a greater amounts of residential uses within the business districts

The applicant chose to apply for a variance as it seemed to be the easier of the two options.

The Board should inquire about the hardship claimed and whether the record can justify the finding of a hardship.

The Board may want to ask whether other uses which are permitted within the business zoning district were pursued. Are there reasons which are specific and unique to the property that prevent the use of the property in manner which is consistent with the current regulations?

The issue of self-created hardship should be discussed. I ask that the Board review the 2008 letter and determine whether this is a case where the property owner knowingly purchased a property for a specific use which was consistent with the regulations and therefore could not now be considered to be used in a manner that is no longer consistent.

Valley Psychiatry

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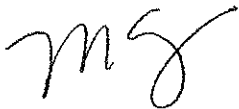
July 15, 2008

To the members of the committee:

We are requesting approval for a driveway at 558 Hopmeadow Street in Simsbury Connecticut (see attached). We recently purchased this property and plan to move a small psychiatric consulting business here. The building will be used for general business use and storage of records. We will not be seeing patients in this office. Also Included in this packet is a sign proposal for the property (see attached 2).

Thank you for your consideration.

Regards,



Maryanne Strindberg, APRN
Valley Psychiatry, LLC