

**CITY OF TORRINGTON  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
February 12, 2024**

Present: Marc Trivella, Chair  
Carrie Vibert, Vice Chair  
Ken Edwards, Member  
James Steck, Member  
Randall Stelma, Alternate  
Steve Thompson, Alternate

Also Present: Nate Nardi-Cyrus, Assistant City Planner

Not Present: Christopher Smyth, Member  
Frank Baba, Alternate

**1. Call to Order:**

Mr. Trivella called the meeting to order at 7:05 p.m. in-person at City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT, and via Microsoft Teams on-line.

**2. Roll Call and Announcements:**

Mr. Trivella announced present and serving in person on the Board this evening are members James Steck, Ken Edwards, Randall Stelma, and Marc Trivella. Present and serving via Microsoft teams are Board members Carrie Vibert and Steve Thompson. Also present is Nate Nardi-Cyrus, Assistant City Planner and Zoning Enforcement Official.

**3. Minutes for Approval:**

a. January 8, 2024

MOTION by Mr. Edwards to approve the January 8, 2024 minutes, seconded by Mr. Stelma, motion carried.

**4. Old Business:**

a. Variance  
Applicant: Luis Loja  
Location: 104 Washington Avenue  
Proposal: Front yard setback variance on Central Avenue from 25' to 12.9' (variance of 12.1') and front yard setback variance on Washington Avenue from 25' to 17.6' (variance of 7.4') to convert single family house into two family house (hearing continued from the January 8, 2024 meeting)

Mr. Trivella stated seated for this hearing tonight are Board members James Steck, Carrie Vibert, Ken Edwards, Randall Stelma and Steve Thompson.

Mr. Steck noted the public hearing was left open, waiting to confirm that notice was sent to the two abutting parcel owners, Mr. Nardi-Cyrus confirm this was properly done.

There were no further comments or discussion regarding the application.

MOTION by Mr. Steck to close the public hearing, seconded by Ms. Vibert, motion carried.

MOTION by Mr. Steck to APPROVE Variance

Applicant: Luis Loja  
Location: 104 Washington Avenue  
Proposal: Front yard setback variance on Central Avenue from 25' to 12.9' (variance of 12.1') and front yard setback variance on Washington Avenue from 25' to 17.6' (variance of 7.4') to convert single family house into two family house

Motion seconded by Mr. Stelma, as noted by Jeremy Leifert, City Planner, in his memo that the property is in line with other properties in the area. All Board Members voted in favor of the motion, motion carried.

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James Steck stepped in as Chair for the next agenda item, as Marc Trivella was not present at the January 8, 2024 Board meeting.

b. Zoning Enforcement Official Decision Appeal  
Applicant: Gary Hatstat  
Location: 441 Oak Avenue  
Action Being Appealed: Abandonment of pre-existing non-conforming use (hearing closed at the January 8, 2024 meeting)

The public hearing was closed at the January 8, 2024 meeting.

Mr. Steck noted present at the last public hearing were Board Members Carrie Vibert, James Steck, Randall Stelma, Steve Thompson and Ken Edwards, who will all be seated tonight for this application.

MOTION by Mr. Steck to AFFIRM notice of violation:

Zoning Enforcement Official Decision Appeal

Applicant: Gary Hatstat  
Location: 441 Oak Avenue  
Action Being Appealed: Abandonment of pre-existing non-conforming use

Motion seconded by Mr. Thompson.

Ms. Vibert stated the Zoning Enforcement Official had no right to force the discontinuance of this non-conforming use. She is not in favor of this motion. The owner has not voluntarily given up the non-conforming use.

Mr. Steck related his past findings in law practice on abandoned uses.

Mr. Edwards stated this is a difficult case, a he said, she said type of situation. He is not sure this property is being used as a residence.

Mr. Thompson noted the applicant stated this is not being used as a commercial use, and that he was living there at one time, and the property does not have proper cooking facilities etc. This was a self-defeating argument by the applicant, stating he did live there at one time, and then stating it is not livable and he was using a neighbor's property for bath facilities, etc.

Mr. Stelma stated the applicant had said he was homeless in Woodbury, saying that he would work at this garage until two or three o'clock in the morning, and then drive to Woodbury to be homeless. Evidence noted by police, there is a pattern here, and he agrees with Mr. Edwards, what determines he is living there? He is likely living there, but what is the cut off point?

Mr. Steck stated there is much varied evidence. A neighbor testified he sometimes stays at her house.

Mr. Stelma noted the complexity of the issues, stating it is not always the case that an actual home address is listed on a CT driver's license.

Mr. Thompson reviewed his previous ten years of intelligence training in life analysis, and it is his professional opinion Mr. Hatstat was at one time living at this residence, and realized he couldn't be there any longer and his neighbor took him in, and now he is bouncing around from place to place, and he has been living there. It does not make sense why he has not moved forward with a commercial application at this location. If the place with filled with motorcycle equipment and he is allegedly staying up all night every night working on his business but he can't point to any actual business being done does not make sense. It is clear to Mr. Thompson based on all the evidence, the police reporting, etc. that he is living there. It is unfortunate.

Mr. Thompson does a lot of work in this City to fight homelessness and food insecurity and unfortunately Mr. Hatstat does not have a traditional house to live in, and he certainly does not want him thrown onto the street, but the application is whether or not he has abandoned the commercial use of the property, and he has used the place as his residence in the past. There have been many changes, and Mr. Hatstat stores food and uses the bath at a neighbor's house, but that does not mean he is not living at 441 Oak Avenue. The woodstove is going all night, it is possible to live with very little and no amenities.

Mr. Thompson said his decision will remove his ability to conduct a commercial business at the site. Mr. Hatstat's statement was he hasn't started yet, and he was afraid to start because of these on-going allegations, and that doesn't make sense. Mr. Thompson noted the comment that he works all day and all night, and yet just got a job elsewhere the week prior does not make sense.

Mr. Thompson noted driving distances/times and the police had noted times of the vehicle at this subject location, and this pattern of life analysis is that unfortunately, he is living there. Sadly, the City of Torrington has a completely broken system of caring for the homeless. The City does not have a solution, there is a shelter in place at a downtown church now. Living in a commercial space is not a workable solution.

Mr. Thompson agrees this has been used as a residence. The question is, is this a true abandonment of a previous use? Mr. Thompson doesn't think he has demonstrated a commercial use in the first place, and he has not when he had the opportunity to do so. There are multiple issues here. Mr. Hatstat has abandoned the use in Mr. Thompson's opinion.

Mr. Stelma noted Mr. Hatstat stated he was not in business yet, but wanted to be. The change of use by the pattern displayed demonstrates the abandonment. Mr. Stelma agreed, there has been a manifestation of the residential use.

Mr. Edwards states this is not so much of if he is making a go of the commercial use, but is he or is he not using it as a residential use at some point, and there will be a dual use.

Mr. Stelma said he agrees with almost everything Mr. Thompson stated.

Mr. Thompson noted the applicant has admitted to living there in the past, and there is no evidence of amenities being removed or added from there and now, so the argument that it is unlivable doesn't really stand. He has abandoned the previous commercial use by living there.

Mr. Thompson said there is a housing crisis and homeless issue in this City, and we have a zoning issue that prevents people getting off the street. There is a lot involved.

Mr. Steck stated taking away the non-conforming use of the property basically makes this a residential use as it is located in a residential zone. Further discussion followed regarding commercial use versus residential use.

Mr. Steck stated the matter at hand is abandonment of a pre-existing commercial use.

Mr. Stelma noted evidence brought forward by the applicant's attorney, such as there is no kitchen or sanitary system, and that does not matter are there are people who live without those amenities.

Voting against the motion to affirm:  
Carrie Vibert

Voting in favor of the motion to affirm:  
Ken Edwards  
Randall Stelma  
Steve Thompson  
James Steck

Mr. Steck announced the action of the Zoning Enforcement Official is affirmed.

**5. New Business:**

None

**6. Adjournment:**

MOTION by Mr. Steck to adjourn at 7:40 p.m., seconded by Mr. Edwards, unanimously carried.

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Land Use Office  
City of Torrington