

# LAW OFFICE OF JEREMY TAYLOR, LLC

## ATTORNEY AND COUNSELOR AT LAW

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September 14, 2020

Mr. Robert Phillips  
Director of Planning  
196 North Main St.  
Southington, CT 06489

Mr. Robert Hammersley  
Chairman of Planning and Zoning Commission  
196 North Main St.  
Southington, CT 06489

Re: Legal Opinion Letter  
Special Permit Application of Eleni Real Estate, LLC

Dear Mr. Hammersley and Mr. Phillips:

Please let this letter serve as my official opinion letter in my capacity as the Town Attorney of Southington in response to your request for the same. You had asked for my legal opinion on the current Special Permit Application of Eleni Real Estate, LLC as it concerns their application to construct a two story medical office building on a lot with a total acreage of approximately 2.13 acres where an existing commercial business currently occupies and operates. The existing property prior to the acquisition and merging of the newly purchased property was an existing non-conforming parcel with approximately .65 acres. (Cava Restaurant).

The current West Street Business Zone regulations 4-05.5 (WSB) requires a lot size of 2.5 acres for Commercial/mixed use projects. "Pre-existing lots that do not meet the minimum acreage under this regulation shall become legal non-conforming upon the enactment of this regulation." In this case the applicant had a legal non-conforming lot prior to the recent merge of the additional 1.5 acres. Their claim is that under the "spirit" of the stated purpose of the WSB regulations, they acquired more acreage and merged the two lots to make their new lot more non-confirming but they still fell short of the 2.5 acres required under the regulations.

It is clearly in the Commission's discretion to deny the SPU application if they feel that the application does not meet the regulations and would not be an acceptable fit in the WSB.

**JEREMY TAYLOR, ESQ. LICENSED TO PRACTICE IN CT AND U.S. DISTRICT COURT OF CT**

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In saying that, it does seem that the applicant has an argument that they have attempted to take a much smaller lot that is grandfathered in and make the lot more conforming that it previously was and making the argument that this larger lot would be more in concert with the goal of increasing lot sizes by consolidation under the WSB. If you were to approve this application, I would suggest that you have stipulations added to address the curb cuts and access to the property to make for a safe entry and exit from this new lot.

As I am sure you are aware, if you approve this application, with stipulations, you may be setting a precedent that you will be flexible on the acreage requirements going forward.

Please don't hesitate to contact my office if you have any other current or future questions or concerns.

Very truly yours,



Jeremy Taylor, Esq.  
Town Attorney, Town of Southington

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