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Apartment on a Single-Family Lot Guidance

One of the most frequent inquiries received by the Land Use Office relate to the creation of a second dwelling unit on a single-family lot. In Salisbury, the term used is “Apartment on a Single-Family Lot” though these units are more commonly referred to as in-law apartments, accessory apartments, guest houses, pool houses, or carriage houses. See the definition below:

A separate living unit located on a single family, owner occupied, residential lot. The apartment includes a kitchen, sleeping, and bathroom facilities located within the single-family residence or within an accessory building on the property.

Thus, an accessory apartment on a single-family lot may be attached/within the principal dwelling or in a detached outbuilding. To qualify, it must also contain kitchen, sleeping and bathroom facilities. Note that it is the configuration of these three components that determine whether an apartment exists, not whether someone intends to rent or reside in the unit.

An apartment, accessory to the single-family residential use of a lot, is common and generally acceptable provided the requirements of section 208.1 of the Salisbury Zoning Regulations are met. Below is a summary of those requirements.

- Within or attached to a single-family dwelling: subject to Site Plan approval
- In a detached accessory structure: subject to a Special Permit approval
- The owner or a family member shall reside on the lot (in either unit)
- Apartment floor area minimum is 350 sq ft; maximum 2,000 sq ft

All proposals must also meet the setback and coverage requirements of underlying zoning found in the Table of Dimensional Requirements for Residential Zones or applicable exceptions.

Both attached and detached apartments require review by the Planning & Zoning Commission in addition to an administrative Zoning Permit for the actual construction following approval by the Commission. Typically, apartment applications must be accompanied by a plan certified by a surveying/engineering professional demonstrating existing and proposed site conditions as well as compliance with setback and coverage requirements.

Reviews/approvals are not limited to Zoning. Accessory apartments may require a sign off from the Inland Wetland/Conservation Commission, Historic District Commission, Torrington Area Health District, the Building Official, and/or Public Works.

For additional information regarding the process and permitting requirements review sections 802 through 807 in the Salisbury Zoning Regulations.

The information in this document has been compiled to provide guidance for establishing an apartment on a single-family lot. It is not to be substituted for an analysis of regulations of the Town or State or constitute a legal opinion of the Town of Salisbury.

208.1 Apartment on Single Family Residential Lot

a. Statement of Purpose. The purpose of this regulation is to broaden the options for a variety of housing types by permitting an apartment associated with a single family owner occupied residence and lot. The Commission finds that such apartments are an expeditious option for the creation of much needed, low impact, housing units which can be dispersed within the community, that such apartments often require modest construction modifications and such improvements can readily blend into existing residential neighborhoods, and that an apartment in an accessory structure, such as a garage or barn, further expands new housing opportunities while avoiding the need to alter existing homes.

b. General. An apartment may be permitted within an existing or proposed single-family dwelling subject to Site Plan approval. An apartment in an approved accessory building associated with a single family dwelling may be permitted subject to approval of a Special Permit provided only one apartment is permitted on a lot and the site plan and proposed improvements are designed to maintain residential appearance and character on the lot.

c. Owner Occupied. The applicant shall be the owner of the lot. The applicant, or their family member, shall reside in either the principal dwelling or the apartment unit.

d. Apartment Floor Area. The minimum floor area for an apartment in a principal dwelling or in an accessory building shall be 350 square feet or the minimum required by the State Building Code, whichever is less. The maximum floor area of an apartment in an accessory building shall be 2,000 square feet.

e. Location and Design. Additions to existing structures or new construction requires submission of elevations of the structure exterior for review by the Planning and Zoning Commission. If the building is located within a Historic District, in accordance with Salisbury Historic District Commission (SHDC) policies and procedures, an application shall be made to SHDC in advance of seeking planning, zoning, and building approvals. Additions to an existing dwelling shall:

- Have a scale and exterior appearance that blends with and maintains the appearance of the dwelling as a single-family residence.*

f. Apartment in an Accessory Structure. Additions or modifications to an existing accessory structure or construction of a new accessory structure for purposes of creating an apartment shall be designed in a manner consistent with the residential character of the neighborhood. An accessory building constructed after July 13, 2003 and proposed for apartment use shall meet the yard requirements for a principal dwelling. Where determined necessary to protect privacy or to shield lighting or parking, the Commission may require a landscape screen between the accessory building and neighboring property line(s).

g. Off-Street Parking. Off-street parking shall be provided in accordance with Section 703 "Parking and Loading Requirements." Wherever possible, parking for the apartment shall be located to the rear or side of the dwelling or accessory building. The Commission may require that new parking space(s) in view from a street be screened from public view.

h. Access. The apartment shall have its own outside access to the parking area and shall be equipped with its own kitchen, bath and utility services that conform to the list of minimum utility and installation requirements specified on the Zoning Application Form.

i. Sewage. For a lot with an on-site septic system the Torrington Area Health District (TAHD) shall certify that the existing system or the proposed modified or new subsurface sewage disposal system is adequate to serve the proposed additional use.