

Town of Montville Zoning Board of Appeals
Regular Meeting Minutes – July 6, 2016
Town Hall – Town Council Chambers

1. Call to Order.

Chairman MacNeil opened the regular meeting of the Zoning Board of Appeals at 7:04 p.m.

2. Roll Call.

Present were Board members Joseph Berardy, Richard Gladue, alternate Carl Freeman, and Chairman John MacNeil. Board members Joseph Aquitante III and Denise Gladue were absent. Also present was Zoning and Wetlands Enforcement Officer (“ZWO”) Elizabeth “Liz” Burdick and applicant Roseanne Marks.

Chairman MacNeil assigned Board alternate Freeman with full voting rights in place of Board member Joe Aquitante III.

3. Minutes: Approve the Minutes of the May 4, 2016 Meeting.

Motion by Chairman MacNeil; seconded by Board alternate Freeman, to approve the minutes of May 4, 2016, as written. Discussion, none. Voice vote, 4-0, all in favor. Motion carried.

4. New Business:

- A. #216ZBA02 – 189 Connecticut Boulevard (Map 92 Lot 186), Oakdale, CT – Application of Roseann C. Marks for a 9.74’ variance of Zoning Regulations Sections 9.6 (R-20 Min. Side Yard Setback) to construct a detached garage a distance of 5.26’ from the north side boundary line. (TABLE CONSIDERATION TO AFTER CLOSE OF PUBLIC HEARING).**

Motion by Chairman MacNeil; seconded by Board member R. Gladue, to deny Application #216ZBA02 for the following reason: The Board finds there is no significant hardship made for the application given there are opportunities for other options that will negate the need for a variance. Discussion: Chairman MacNeil stated the denial was based upon discussion with the Applicant to relocate the garage, attached or not, given there is available space between the structure and side yard setback line. Board alternate Freeman stated that there was not a hardship that could not be resolved in the setback. Board member R. Gladue stated that there was a once existing garage that converted into another living space. Voice vote, 4-0, all in favor to deny the application. Motion carried.

5. Public Hearing:

- A. #216ZBA02 – 189 Connecticut Boulevard (Map 92 Lot 186), Oakdale, CT Application of Roseann C. Marks for a 9.74’ variance of Zoning Regulations**

Sections 9.6 (R-20 Min. Side Yard Setback) to construct a detached garage a distance of 5.26' from the north side boundary line.

Chairman MacNeil asked ZWO Burdick whether all notifications were in order pertaining to application #216ZBA02. ZWO Burdick confirmed the dates for the same and acknowledged the certified mail receipts stating all legal requirements for the application were met. She then read her staff report concerning the application into the record as follows:

The hearing recessed briefly at 7:13 p.m. for photographs of the site taken by ZWO Burdick requested by Chairman MacNeil. The meeting resumed at 7:17 p.m.

Application #216ZBA02 is for a 9.74' variance of the required 15' R-20 Side Yard setback to allow the construction of a 24' x 24' one-story, detached garage.

189 Connecticut Boulevard (M92 L186) is an existing, non-conforming lot with regard to lot area (15,750SF/.36 acres) and contains an existing single-family residence with rear deck that is non-conforming with regard to its south side yard setback (14'+/-) with an existing metal shed.

The Applicant states the existing 10' x 14' wood shed, which is located about 3' from the north property line, is heavily damaged and will be replaced with the proposed 24' x 24' 1-story garage; the existing house has no bulkhead access to the basement and therefore there is no proper place to store items like a lawn mower, snow blower or garden tools; and with the existing placement of the house and the size of the lot, there is no reasonable alternative location for the proposed garage.

Please be advised of the following with regard to my review of the plan entitled "Improvement Location Survey, 189 Connecticut Boulevard, Montville, CT, Prepared for Roseanne C. Marks, Prepared by Mattern & Stefon Dated May 2015":

1. Revise final plan to add note identifying R-20 zoning district and/or add zoning compliance table.
2. Revise final plan to add Assessor Map 92, Lot 86 to Title Block.
3. Revise final plan to add note of granting of any variance for proposed garage.

The Board reviewed the photographs for the application. The Applicant then addressed the Board stating her reasons for requesting the application that included the condition of the home at the time she purchased it one year ago and her intent to structure a two-bay garage. *(For the record, ZWO Burdick noted that the south side extends into the setback.)*

Per discussion, the Board asked questions of the Applicant concerning the fireplace chimney, photographs that show the existence of a previous garage, and the Applicant's

purpose for the proposed garage. The Board proposed that the Applicant relocate, widen the proposed garage and/or attach the garage for a 3-wall addition; proposals that would not require a variance. Per these options, the Applicant was referred to the Town Building Department for answers regarding their code regulations. The ZWO discussed an additional option, constructing a one-car garage within the setbacks with a bump out addition in the footwork of the existing shed. Per conclusion of the discussion, Chairman MacNeil asked the Applicant if she would like the Board to table her application to review the options proposed by the Board stating that the Board tries to point out options so that a variance is not needed. The Applicant declined.

Motion by Chairman MacNeil; seconded by Board alternate Freeman, to close the Public Hearing. Discussion, none. Voice vote, 4-0, all in favor. Motion carried.

6. **Old Business.** -- None

7. **Communications.** -- None

8 **Other Business.** -- None

9. **Adjournment**

Motion made by Chairman MacNeil; seconded by Board member Berardy, to adjourn the meeting at 7:52 p.m. Discussion, none. Voice vote, 4-0, all in favor. Motion carried.

Respectfully Submitted by:

Gloria J. Gathers

Recording Secretary, Town of Montville

**AN AUDIO RECORDING OF THE MEETING IS ON FILE IN THE
TOWN CLERK'S OFFICE.**