

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
PHONE (860) 848-8549 - FAX (860) 848-2354**

Meeting Minutes

Wednesday, June 9, 2010 at 7:00 P.M.

LOCATION: MONTVILLE TOWN HALL – *Council Chambers*

1. Call to Order:

Chairman MacNeil called the meeting to order at 7:02 p.m.

2. Roll Call:

Present were Commissioners Adams, Longton, MacNeil, Freeman, Lakowski and Bassetti. Also present was Thomas Sanders, Zoning Enforcement Officer.

Chairman MacNeil made a motion to sit Commissioner Freeman as a voting member and explained he will alternate appointment between the two alternates each month. Motion seconded by Commissioner Bassetti. Discussion: none. Voice vote: 5-0, all in favor. Motion carried.

3. New Business:

4. Public Hearings:

Chairman MacNeil opened the following public hearing:

- a.) **210-ZBA-5: John and Lisa Carlson:** An application for a variance of Section 6.6.3 (rear yard setback) from 60 ft. to 37.3 ft. on the property located at 115 Doyle Road, Oakdale, CT as shown on Assessor's Map 57 Lot 12.

Zoning Enforcement Officer Sanders distributed copies of the staff report, application for appeal or variance from the Montville Zoning Board of Appeals, a site plan of the property and the Assessor's card for the Commission to review. He indicated all of the mailings have been sent to the adjacent homeowners. He explained the homeowner is requesting a variance to the rear yard setback with a reduction of 60 feet to 39.1 feet to expand his home to accommodate his growing family. The proposed addition is 12 x 22 with a deck. The property is pre-existing, non-conforming due to size and existing setbacks and was developed in the 1930's prior to zoning regulations. Due to the shape of the lot, the existing structures are not within the setback requirements. The proposed addition will provide for a more

functional dwelling and will not adversely affect the other dwellings in the area. He recommends the Commission approve this request.

Chairman MacNeil asked three times if anyone would like to speak in favor of this application and no one came forward to do so.

Chairman MacNeil asked three times if anyone would like to speak in opposition of this application and no one came forward to do so.

Motion made by Chairman MacNeil, seconded by Commissioner Freeman to close the Public Hearing for 210-ZBA-5. Discussion: none. Voice vote: 5-0, all in favor, motion carried.

Chairman MacNeil opened Public Hearing 210-ZBA-3.

- b.) 210-ZBA-3: Karl and Danielle Butzgy:** An application for a variance of section 8.6.3 (rear yard setback) from 37.5 ft. to 15 ft. and a side setback from 13 feet to 11 feet on the property located at 19 John Luty Drive, Oakdale, CT As shown on Assessor's Map 131 Lot 6.

Zoning Enforcement Officer Sanders distributed copies of the staff report, the application for appeal or variance to the Montville Zoning Board of Appeals, a letter from the homeowners dated May 18, 2010, copies of the setback lines depicted on a map and the Assessor's card for the Commissioners to review. He indicated all of the mailings went out to the adjacent homeowners and he has not heard any opposition to the proposal. He stated this is a new cluster subdivision lot that includes reduced setback requirements. The lot is on a cul-de-sac which has created an irregular shape to the lot. The original site plan has provisions for a pool or shed but this lot was created with a smaller pool than the proposed pool and patio. The homeowners are requesting a rear reduction setback from 37.5 feet to 15 feet and a side setback from 13 feet to 11 feet in order to accommodate a 16 x 36' in ground swimming pool. He explained this particular home abuts the open space area and this proposal does not appear to have an adverse affect on the other dwellings in the area.

Chairman MacNeil discussed existing setbacks set by Planning & Zoning and does not feel the Zoning Board of Appeals should be put in a position to set a precedence that would require them to rewrite the regulations for cluster subdivisions.

Karl & Danielle Butzgy spoke with the Commission regarding their request for a variance. Mrs. Butzgy stated they have looked at alternative pool sizes and shapes to accommodate the odd shaped rear yard and could not come up with a location for the pool without a variance.

Chairman MacNeil inquired three times if anyone would like to speak in opposition to this variance, and there were none.

Chairman MacNeil inquired three times if anyone would like to speak in favor of this variance and there were none.

Motion made by Chairman MacNeil, seconded by Commissioner Freeman to close Public Hearing 210-ZBA-3. Discussion: none. Voice vote: 5-0, all in favor, motion carried. Public Hearing closed.

5. Old Business:

a. Motion made by Chairman MacNeil, seconded by Commissioner Adams to approve application #**210-ZBA-5: John and Lisa Carlson**: An application for a variance of Section 6.6.3 (rear yard setback) from 60 ft. to 37.3 ft. on the property located at 115 Doyle Road, Oakdale, CT as shown on Assessor's Map 57 Lot 12 with the condition the plan is to be filed along with the notice of decision. **Discussion:** Commissioner Adams stated there is no option for an addition to the house that would not require a variance to do so. Commissioner Longton inquired regarding the septic system and Zoning Enforcement Officer Sanders stated the health district will be involved with the permitting process and if modifications are required the homeowner will work that out with the Health District, it is not under the jurisdiction of the Zoning Board of Appeals. He indicated this is a unique parcel of land that pre-dates zoning. Roll call vote: 5-0, voting in favor were Commissioners Adams, Bassetti, Freeman, Lakowski, and MacNeil. Voting in opposition, none. **Variance granted.**

b. Motion made by Chairman MacNeil, seconded by Commissioner Bassetti to approve **210-ZBA-3: Karl and Danielle Butzgy**, an application for a variance of section 8.6.3 (rear yard setback) from 37.5 ft. to 15 ft. and a side setback from 13 feet to 11 feet on the property located at 19 John Luty Drive, Oakdale, CT As shown on Assessor's Map 131 Lot 6 with the condition the location of the pool is to be certified by a land surveyor. **Discussion:** Chairman MacNeil stated it is not up to the ZBA to re-write the regulations and set a precedent for everyone who has a smaller lot due to cluster subdivision regulation to come before the ZBA to accommodate a larger pool or shed. Zoning Enforcement Officer Sanders stated the ZBA has the authority to overturn a regulation if the situation is unique and a hardship exists or the regulations are not being applied correctly. He stated this situation is unique because of the odd shape of the lot. He indicated there is no opposition to the proposal and the neighbors have been notified to attend the meeting if they are opposed to the proposal. Commissioner Longton inquired if there would be any adverse affect to surrounding homes. Zoning Enforcement Officer Sanders indicated the rear yard of this home faces the open space area and would not impose on any other dwellings. Commissioner Adams stated the homeowners could reconfigure the pool to fit the lot.

Motion made by Commissioner Adams, seconded by Commissioner Bassetti to amend the original motion as follows to eliminate the variance request to the side setback:

210-ZBA-3: Karl and Danielle Butzgy: An application for a variance of section 8.6.3 (rear yard setback) from 37.5 ft. to 15 ft. on the property located at 19 John Luty Drive, Oakdale, CT As shown on Assessor's Map 131 Lot 6 with the condition the location of the pool is to be certified by a land surveyor.

Roll call vote: 4-1, voting in favor were Commissioners Adams, Bassetti, Freeman, and Lakowski,. Voting in opposition was Chairman MacNeil. **Variance granted as amended.**

6. Minutes:

a.) Acceptance of the minutes from the Regular meeting of May 5, 2010.

Motion made by Commissioner MacNeil, seconded by Commissioner Bassetti to approve the meeting minutes of the May 5, 2010 meeting with the following corrections:

1. Commissioner Lakowsky's name is corrected to reflect the correct spelling;
2. Page 3, last paragraph, second to last sentence should read "non-conforming lot".

Voice vote: 5-0, all in favor, motion carried.

7. Communications

Zoning Enforcement Officer Sanders indicated he did not have any correspondence to discuss with the Commission.

8. Other Business and Applications to come before the Zoning Board of Appeals

Zoning Enforcement Officer Sanders stated there has been an appeal filed regarding the Cockerham decision.

9. Adjournment

Motion made by Chairman MacNeil, seconded by Commissioner Adams to adjourn the meeting at 7:50 p.m. Discussion: none. Voice vote: 5-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville

NOTE: NO NEW BUSINESS WILL BE DISCUSSED AFTER 11:00 P.M. AND ALL BOARD BUSINESS WILL CEASE AT 11:30 P.M. ANY UNFINISHED BUSINESS WILL BE CONTINUED TO THE NEXT MEETING.