

Town of Montville Zoning Board of Appeals  
Meeting Minutes of Wednesday, June 8, 2011  
7:00 p.m. – Montville Town Hall – Council Chambers

1. Call to Order

Chairman MacNeil called the meeting to order at 7:01 p.m.

2. Roll Call

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

Chairman MacNeil seated Alternate member Longton in the absence of Board Member Jurczyk.

3. New Business – none.

4. Public Hearings:

- a. 211-ZBA-002. Robert & Sandra Chalifoux: an application for a variance of Section 7.6.1 front yard setbacks and Section 7.6.2 side yard setbacks on the property located at 89 Lake Drive, Oakdale, CT as shown on Assessor's Map 108, Lot 81.

Mr. Sanders explained the application is for a 14' x 26' addition to the existing residence on a small lot on Oxoboxo Lake. All of the proper mailings have been sent out and were returned to the Zoning Office. There are two setback variances requested, a side setback for three feet and a front/rear setback for forty seven feet. He explained this is not uncommon for this area and the Board has granted similar requests providing the structure does not encroach on abutting properties. The owner of the lake has come into the Zoning Office and reviewed the plans for the addition and he did not voice opposition to the proposal. The Wetlands Commission has granted permission for the work in a regulated area for the septic system and retaining wall. The Health Department has approved the proposed septic system for the addition and it will be installed as soon as possible and all the proper deeds have been filed with the Town. The Board Members reviewed the site plan for the property and inquired if the homeowners require a variance for the side yard and Mr. Sanders explained they could do so but by granting the side yard variance it would bring the lot back in conformance and he would recommend granting the variance to clean up the legal description and give the homeowners a clean title. Mr. Sanders explained this is not an unreasonable or uncommon request and would allow the homeowners reasonable use of the land. A discussion was held regarding the front yard setback request and the Board Members discussed the hardship of the request. This is a small cottage that the homeowners want to expand for additional living space. The lot pre-exists zoning regulations.

Chairman MacNeil asked if there was anyone who would like to speak in favor of the application.

Sandra Chalifoux, owner of 89 Lake Drive, stated she currently lives in Lebanon and has a plan to move to 89 Lake Drive full time. The property has been a year round home for as long as she can remember. She discussed her hardship, stating the bathroom currently in the home is in the basement and the existing bedroom on ground level will become the bathroom and the addition will be a kitchen and a bedroom. She stated the home will remain a two bedroom house and the purpose of the addition is to keep the main living space on the same level. She explained she and her husband are getting older and it is difficult to get up and down stairs to use the bathroom.

Chairman MacNeil asked if anyone would like to speak in opposition of the application.

Motion made by Chairman MacNeil, seconded by Board Member Bassetti to close application #2011-ZBA-002. Discussion, none, voice vote, 5-0, all in favor, public hearing closed at 7:25 p.m.

5. Old Business

Motion made by Board Member MacNeil, seconded by Board Member Bassetti to approve application #211-ZBA-002. The following are the reasons given by the Board for granting the variance;

The literal enforcement of the provisions of the regulations would result in an unusual hardship or exceptional difficulty and would deprive the applicant of the reasonable use of the land. The unique conditions and circumstances associated with the request are not the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulations. The variance would be in harmony with the general intent and purpose of the Zoning Regulations and would conserve the public health, safety, convenience, welfare and property values and the bathroom location is a hardship in its operation to people that would want to have reasonable use of their home so they don't have to go up and down stairs as they get older.

Roll call vote, 5-0, voting in favor were Board Members Adams, Bassetti, Lakowski, Longton, and MacNeil, voting in opposition, none, all in favor, motion carried.

6. To consider and act on a motion to approve the regular meeting minutes of April 6, 2011.

Motion made by Board Member MacNeil, seconded by Board Member Adams, to approve the April 6, 2011 meeting minutes with the following correction;

Page 7, third line from the top should read "if the property".

Discussion, none, voice vote, 5-0, all in favor, motion carried.

7. Communications

Mr. Sanders distributed a copy of the new Zoning Regulations to the Board members to review. The regulations have been updated with the new FEMA regulations and the maps go into effect August 15, 2011 and are available online or for review in the Town Clerk's office. He stated definitions were updated and terminology was added. There were four minor changes over the last fifteen years in the Town of Montville and the affect of these changes were not measurable on the new maps and they are depicted as notations on the maps. There were major elevation changes in Stonington, Groton, Old Lyme and Old Saybrook. There were definitions that required updating and terminology that the Federal Government.

8. Other business and applications to come before the Zoning Board of Appeals – none.

9. Adjournment

Motion made by Board Member MacNeil, seconded by Board Member Longton to adjourn the meeting at 7:45 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