

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS
STAFF REPORT**

DATE: September 27, 2022
TO: Montville Zoning Board of Appeals
FROM: Meredith Badalucca, Zoning Officer
RE: **Application# 22 ZBA 3 – 19 Moxley Road (M/B/L 069-032-001)**
Variance from the required R20 Rear Yard Setback

APPLICANT/OWNER: Integrity Properties Group, LLC
ENGINEER: CLA Engineers, Inc
SITE ADDRESS: 19 Moxley Road (M/B/L 069-032-001), Uncasville, CT
ZONING DISTRICT: R20
PROPOSAL: Variance from the required R20 rear yard setback for the location of a single-family dwelling with landing & stairs

STAFF COMMENTS:

The property is located in the R20 zoning district on about 1.09 acres (47,480 square feet) and has approximately 170 feet of frontage on Moxley Road. The property is currently being developed with a single-family residence with a 10' x 10' deck and stairs. The lot development was approved on April 29, 2021 (#221ZP60). The site plan entitled "Callinan Construction, LLC, 19 Moxley Road, Montville, CT, Site Plan, Dated 4/22/2021, Revised 4/28/2021" provided at the time of approval showed the proposed single-family residence 18 feet from the rear yard setback line, a distance of 58 feet from the rear property line. The deck was not included on said plan.

The setback requirements for the R20 zoning district are 40 feet front yard, 10 feet side yard and 40 feet rear yard.

Pursuant to an As-Built/Existing Conditions plan submitted to this office on September 12, 2022, the single-family residence including a deck was actually constructed a distance of 30 feet to the rear boundary line.

In order to correct the non-conformity, the applicant proposes to relocate the encroaching deck to a distance of 39.2 feet to the rear property line with the corner of the dwelling located 39.3 feet to the rear property line. There is no violation of the side and front yard setbacks.

The Applicant states the hardship is "that during construction an extensive amount of ledge, several large boulders and the steep grade of the lot lead to an over correction on the placement of the building on the lot – 8 inches over rear setback"

If the Commission is inclined to grant the variance requested in this application, the following language for a motion of approval is suggested:

MOTION (A Motion to Approve)

I make a Motion to GRANT a variance of Zoning Regulations Section 9.6.3 (R20 Rear Yard Setback) for the location of a single-family dwelling with landing & stairs a distance of .80 feet from the rear property line as requested in Application #22ZBA3 and as shown on a plan entitled “Deck Modification Plan, 19 Moxley Road, Uncasville, Connecticut, Prepared for Callinan Construction, LLC, Dated 9/14/22”.

The hardship is the amount of ledge and large boulders limits the location of the dwelling on the lot that meet R20 required setbacks.

The findings for the granting of the variances are the variance would be in harmony with the general intent & purpose of the Montville Zoning Regulations & would conserve the public health, safety, convenience, welfare.