

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

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MAR 17 2023

BY: _____

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March 17, 2023

Town of Montville Zoning Board of Appeals
Attention: Mr. John MacNeil, Chairman
310 Norwich-New London Turnpike
Uncasville, Connecticut 06382

Dear Mr. MacNeil:

Please be advised that this office represents shot into the dark llc, a Connecticut limited liability company, which has acquired two (2) adjacent parcels of undeveloped land situated on the easterly side of Lake Drive in the Oxoboxo Lake section of the Town of Montville. While the lots have no street numbers, they are depicted as Lots 65 and 66 on Montville Assessor's Map 108. The combined lots contain 12,521 square feet of lot area and are located in the R-80 Zoning District. Both lots are legally non-conforming to the zoning requirements of the Montville Zoning Ordinance.

Our client is proposing to combine both lots and develop the same for a single family dwelling house with an on-site septic system and potable water supply well. The size and configuration of the lot does not allow our client to meet the bulk requirements of the Montville Zoning Regulations in the development of these combined parcels for single family residential purposes.

While the lot itself and lot frontage are legally protected as non-conforming by both statute and regulation, the lot cannot be developed in compliance with the setback requirements of the Montville Zoning Ordinance for the R-80 Zoning District. Our client, together with its design professionals, has formulated a development plan for the project which will minimize the relief requested from the Montville Zoning Board of Appeals. The enclosed site improvement survey evidences the fact that the only relief required to develop this parcel will be relief from the requirements of the rear yard setback as contained in Section 7.6.3 of the Montville Zoning Ordinance.

We therefore submit herewith, on behalf of shot into the dark llc, an application to the Town of Montville Zoning Board of Appeals for a 26.8 foot rear yard setback variance.

Z:\shot into the dark llc\Montville Variance\ltr.Town re submission.docx

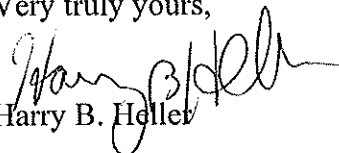
Submitted herewith and constituting the application to the Town of Montville Zoning Board of Appeals are the following:

1. Original and two (2) copies of the Variance Application.
2. Two (2) copies of the List of Abutting Property Owners.
3. An Authorization signed by the applicant authorizing the law firm of Heller, Heller & McCoy to represent its interests in all proceedings before the Town of Montville Zoning Board of Appeals with respect to the variance application.
4. Ten (10) prints of the proposed site development plan for the development of the single family residential building lot entitled "Site Improvement Survey Property Belonging To: Michael Desautels Shot Into The Dark LLC Lake Drive Montville, Connecticut Scale: 1" = 10' December 26, 2022 Sheets 1 of 2 and 2 of 2" prepared by Brian D. Florek, Land Surveyor.
5. Ten (10) prints of the architectural elevations and floor plans for the proposed single family dwelling house prepared by Ash Grove Architects.
6. Our check in the amount of \$510.00 representing payment of the filing fee for this variance application.

Request is hereby made that you place this matter on the Agenda of the Town of Montville Zoning Board of Appeals for public hearing at its regularly scheduled meeting of Wednesday, April 5, 2023. Please inform this office, at your earliest convenience, as to the scheduling of the public hearing, in order to allow us adequate time to provide notice to abutting property owners in accordance with the requirements of the Montville Zoning Board of Appeals Bylaws.

Should you have any questions concerning the application, or need any additional information, please feel free to contact the undersigned.

Very truly yours,


Harry B. Heller

HBH/rmb
Enclosures

\$510
✓3319

APPLICATION FOR APPEAL OR VARIANCE MONTVILLE ZONING BOARD OF APPEALS

Name of Owner(s) shot into the dark llc Application # _____
Name of Applicant(s) shot into the dark llc Date Submitted _____
Mailing Address 44 North Plains Industrial Road, Wallingford, Connecticut 06492/ 63 Lake Drive, Oakdale, Connecticut 06370
Tel # (413) 530-2317 Cell # (860) 912-8303 Business # (860) 912-8303 Zone R-80
Street Address of Property 0 Lake Drive, Montville, Connecticut
Assessor's Map # 108 Lot # 065 and 066 Email Address mgreen@abapc.com

Is Property in question within **500 feet** of the Town Line? Yes ☐ No ☒

Please List The **Names And Addresses** of the Adjacent, Abutting, etc. Property Owners below (attach an additional sheet if needed):
See attached list.

The Applicant's **Reason** for Submitting This Application (Check One):

- ☒ (1) There is an Error in an Order, Requirement, or Decision made by the Zoning Enforcement Officer.
☐ (2) The Applicant seeks a Variance in the Application of the Zoning Regulations.
☐ (3) Other, Describe _____

The **Decision** which is being Appealed, or the Section(s) of the **Zoning Regulations** from which a Variance is Requested:
ZR 7.6.3 seeking a reduction of the rear yard setback requirement from 50 feet required to 23.2 feet proposed.

The Applicant **Requests** the Board to take the following action:
Grant a 26.8 foot rear yard setback variance.

The Nature of the Unusual Hardship or Exceptional Difficulty existing with regard to the property is _____
See attached continuation sheet.

Has any previous Appeal been filed in connection with these premises? No If so, when? N/A

If the Applicant has Designated an Agent:

Name of Agent: Harry B. Heller Relationship: Attorney

Address: 736 Norwich-New London Turnpike, Uncasville, CT 06382 Phone No.: (860) 848-1248

I Certify that the information contained in this Application is true and correct and hereby authorize the Montville Zoning Board of Appeals and/or Zoning Enforcement Officer to enter upon the property in question for the purpose of inspecting the conditions described in this Application.
shot into the dark llc by GRAMUFUS HOLDING INC., its Member

Date March 17, 2023 Applicant(s) Michael Desautels
By: Michael Desautels, its President

This Space Reserved For the Board

Date Officially Received _____ Date of Public Hearing _____

Action by Board _____ Date _____

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APPLICATION OF SHOT IN THE DARK LLC CONTINUATION SHEET

The Nature of the Unusual Hardship or Exceptional Difficulty existing with regard to the property is:

The Applicant has acquired two (2) adjacent legally non-conforming parcels of land (Assessor's lots 65 and 66) and combined the same to constitute the same a singular building lot which can satisfy the requirements of the Connecticut Public Health Code. It is not possible to meet the requirements of the setback regulations of the Town of Montville Zoning Ordinance in order to develop the lot for a permitted use; i.e. a single family residence with an on-site septic system and well, without relief from the bulk requirements of the Montville Zoning Regulations due to the legally non-conforming status of the lot. The site development plan for the development of the combined lots, submitted herewith, has been formulated in order to minimize the relief from the Zoning Regulations required.

LIST OF ABUTTING PROPERTY OWNERS

APPLICATION OF SHOT INTO THE DARK LLC

Parcel Number	Address of Property	Name and Mailing Address of Owner
050-044-000	143 Oxoboxo Cross Road	Mr. Daniel W. Kobyluck Mrs. Maureen A. Kobyluck P.O. Box 118 Oakdale, CT 06370
108-062-000	123 Lake Drive	Mr. Scott Glover 123 Lake Drive Oakdale, CT 06370
108-065-000	Lake Drive	shot into the dark llc 63 Lake Drive Oakdale, CT 06370
108-066-000	Lake Drive	shot into the dark llc 63 Lake Drive Oakdale, CT 06370
108-068-000	111 Lake Drive	Mr. Nikkolas C. Liggett 111 Lake Drive Oakdale, CT 06370
108-204-000	Cedar Road	Town of Montville 310 Norwich-New London Turnpike Uncasville, CT 06382

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108-204-000	Cedar Road	Town of Montville 310 Norwich-New London Turnpike Uncasville, CT 06382


AUTHORIZATION

shot into the dark llc hereby authorizes the law firm of Heller, Heller & McCoy to represent its interests in all proceedings before the Town of Montville Zoning Board of Appeals with respect to a variance application for a rear yard setback variance with respect to property located on the easterly side of Lake Drive in the Town of Montville, Connecticut as depicted on a site development plan entitled "Site Improvement Survey Property Belonging To: Michael Desautels Shot Into The Dark LLC Lake Drive Montville, Connecticut Scale: 1" = 10' December 26, 2022 Sheets 1 of 2 and 2 of 2" prepared by Brian D. Florek, Land Surveyor.

Dated at Montville, Connecticut this 17th day of March, 2023.

shot into the dark llc

**By: GRAMUFUS HOLDING INC., its
Member**

By: 
Michael Desautels, its President