

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

DATE: March 20, 2023
TO: Montville Zoning Board of Appeals
FROM: Meredith Badalucca, Zoning Officer
RE: **Application# 23 ZBA 2** – Lake Drive (108-065-000 & 108-066-000),
Oakdale, CT – Variance from the required R-80 rear yard setback

APPLICANT/OWNER: shot into the dark llc
SITE ADDRESS: Lake Drive (M/B/L 108-065-000 & 108-066-000),
Oakdale, CT
ZONING DISTRICT: R-80
PROPOSAL: Variance from the required rear yard setback to construct a
single family residence

STAFF COMMENTS:

The properties are two adjacent parcels of undeveloped land located in the R-80 zoning district. Both parcels are legal pre-existing, non-conforming undeveloped lots with regards to lot area and lot frontage. The owner is proposing to combine both lots and develop the combined lot with a single family residence.

The combination of these lots will contain 12,521 square feet of lot area and have approximately 94.72 feet of frontage on Lake Drive and will eliminate one of the two non-conforming lots. The minimum required lot size in this district is 80,000 square feet with a minimum required lot frontage of 180 feet. The required front and rear yard setbacks are 50 feet and the required side yard setback is 20 feet. The maximum building height is 35 feet.

The applicant proposes to construct a 24' x 36' single family residence with an on-site septic system and well on the property. The single family residence is proposed to be 23.2 feet from the rear property line as shown on a plan entitled "Site Improvement Survey, Property Belonging To: Michael Desautels, Shot into the Dark, LLC, Lake Drive, Montville, Connecticut, Dated December 26, 2022".

The applicant states the hardship is as follows: "The Applicant has acquired two (2) adjacent legally non-conforming parcels of land (Assessor's lot 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."

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

M O T I O N (A Motion to Approve)

I make a Motion to GRANT a variance of Zoning Regulations Section 7.6.3 (R-80 District, Minimum Setbacks, Rear Yard) as requested in Application #23ZBA2 and as shown on a plan entitled “Site Improvement Survey, Property Belonging To: Michael Desautels, Shot into the Dark, LLC, Lake Drive, Montville, Connecticut, Dated December 26, 2022” as follows: a 26.8’ variance of the required 50’ Rear Yard setback to allow for the construction of a single family residence.

The hardship being the lots have existed prior to zoning and have been legally pre-existing, non-conforming lots in terms of total lot area and lot frontage. This limits the location of a single family residence on the lot that would meet the required minimum setbacks.

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