

TOWN OF MONTVILLE
ZONING BOARD OF APPEALS
310 NORWICH NEW LONDON TURNPIKE
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Meeting Minutes
Wednesday, February 1, 2012 at 7:00 P.M.
Town Council Chambers – Town Hall

1. Call to Order

Chairman MacNeil called the regular meeting of the Zoning Board of Appeals to order at 7:00 p.m. after establishing a quorum.

2. Roll Call

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

Board Member Freeman was seated in place of Board Member Lakowski as a full voting member.

3. New Business

4. Public Hearings

a.) Michael Preble and Stephanie Preble 212-ZBA-1: An application for a side yard variance of Section 6.6.2 from 25' to 5' to allow for the construction of a garage on the property located at 46 Spruce Lane, Montville, CT. As shown on Assessor's Map 39 Lot 8-3.

Motion made by Board Member MacNeil, seconded by Board Member McNally. Discussion, Chairman MacNeil asked if the proper mailings were sent out and Mr. Sanders stated that they were and are on file. He stated the applicants are the original owners of the property and purchased the land in 1994. The house was built between 1999 and 2000 with a shed and a deck added at the same time the house was built. There was a home occupation business granted in 2007 for a home office. The site plan presented with the application is for a proposal but does not include actual site conditions. The Health Department has given a preliminary review and there has been no field inspection. The site will require relocation of the septic tank. The proposed garage is a large structure for a residential garage and the location needs to be verified before the permits can be issued. Mr. Sanders stated he cannot make a positive recommendation regarding allowing the construction of the building without an "as built" plan.

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

Mr. Michael Preble, 46 Spruce Lane, the applicant for the variance, discussed the proposal, stating he is asking for a variance to build a 40 x 44 foot garage five feet off of the property line. He stated he does not intend to build an overhang on the garage and would utilize the building for storage of personal equipment and a boat. He indicated he has contacted his neighbors and they did not express concern regarding the construction of the garage. He stated he will be respectful to his neighbors during the construction if the variance is granted.

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

Mr. John Banta, 47 Spruce Lane, stated he is in opposition of the proposal because the building is too large and will not fit into the neighborhood. He is concerned regarding the homeowner potentially storing large equipment on his property and the impact the equipment would have on the neighborhood.

Ms. Kristen Lieman, 43 Spruce Lane stated the Preble's have been excellent neighbors but she is worried if the garage variance is granted there could be potential of large equipment stored on the property and the garage itself is too large for the property and the neighborhood. She is worried that it will bring down her property value if the variance is granted.

Chairman MacNeil asked three times if there was anyone present who would like to speak regarding the application.

Mr. Michael Preble, 46 Spruce Lane stated he does not own large equipment and will not be storing large equipment or a tri-axle on the property. He stated he has no intention of storing heavy equipment in the garage or on the property as discussed by the neighbors.

There being no additional comments, Chairman MacNeil made a motion, seconded by Board Member McNally to close the public hearing at 7:17 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

5. Old Business

Michael Preble and Stephanie Preble 212-ZBA-1: An application for a side yard variance of Section 6.6.2 from 25' to 5' to allow for the construction of a garage on the property located at 46 Spruce Lane, Montville, CT. As shown on Assessor's Map 39 Lot 8-3.

Motion made by Chairman MacNeil, seconded by Board Member Adams to deny application #2012-ZBA-01 due to a lack of demonstrated hardship by the applicant. Discussion, the Board Members discussed the application and suggested the applicant move the building to an alternative location to better accommodate the building. Roll call vote, 5-0, all in favor, motion carried and application #2012-ZBA-01 denied.

6. Acceptance of the minutes from the regular meeting of January 11, 2012.

Motion made by Chairman MacNeil, seconded by Board Member Adams to approve the meeting minutes of January 11, 2012 as submitted, discussion, none, voice vote, 5-0, all in favor, motion carried.

7. Communications – none.

8. Other Business and Applications to come before the Zoning Board of Appeals – none.

9. Adjournment

Motion made by Chairman MacNeil, seconded by Board Member Bassetti to adjourn the meeting at 7:30 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.