

Meeting Minutes
Zoning Board of Appeals
Wednesday, March 7, 2012 at 7:00 p.m.
MONTVILLE TOWN HALL
Town Council Chambers

1. Call to Order

Chairman MacNeil called the meeting to order at 7:00 p.m. after establishing a quorum.

2. Roll Call

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

Alternate Board Member Freeman was seated in place of Board Member McNally.

3. New Business

4. Public Hearings

- a. Gary Donovan 212-ZBA-2: An application requesting the granting of a 20' side yard setback variance from the requirements of Section 13.6.2 to allow a garage to be located 10' from the side lot line and to grant a 16' front yard setback variance from the requirements of Section 13.6.1 to allow the garage to be located 69' from the centerline of Connecticut Route 85 and to grant a variance from the requirements of Section 13.2.10 to allow a residential accessory structure in a light industrial zone on the property located at 1422 Route 85, Montville, CT As shown on Assessor's Map 6 Lot 3.

Mr. Sanders stated the mailings have been sent out and are on file. The review of the proposal has been completed and will meet the requirements for occupancy and he stated there may be a requirement for a well upgrade if the existing septic system fails.

He stated the property is currently a pre-existing non-conforming residential structure built in the 1940's. Due to the heavily travelled road and Zoning requirements for the property the lot is at the end of its functional life as a single family residence. The subject lot is small and is abutted on three sides by property improved with large structures used for cheerleading training. He stated approval of this request will allow for the construction of a twenty four by forty garage to house the applicants vehicles. The existing residential structure will likely remain as a dwelling and future conversion to a commercial/office use is most likely. The reduction in setbacks is less than the existing setbacks of the existing structures. He stated the hardship for the property is the

property is a pre-existing, non-conforming lot. Staff recommends the approval of the application.

Chairman MacNeil asked if the applicant would like to speak regarding the request for variances.

Attorney Harry Heller, 736 Rt. 32 representing the applicant gave a presentation relating to the zoning application. He submitted Exhibit A, the site plan for the property and stated the lot is zoned LI (light industrial) and is three tenths of an acre. He discussed the hardship of the applicant who is requesting a sixteen foot setback variance and is requesting a twenty foot side yard variance and a use variance. He stated it is a validly pre-existing lot that does not allow for a garage on the property without a variance. He submitted Exhibit B, a letter dated August 18, 2011 from the abutting property owner stating there is no objection to the construction of the proposed garage. He stated the building that is proposed on the lot will fit in with the characteristics of the neighborhood area and he requested the Board grant the variances for the applicant.

The Board members asked Attorney Heller questions regarding the zoning requirements for the area and how the light industrial zone differs from the residential zones. The Board members inquired if there are alternatives to the location of the garage on the lot that are less restrictive.

Chairman MacNeil asked three times if there was anyone present who would like to speak in favor or against the application.

Motion made by Board Member MacNeil, seconded by Board Member Adams to close the public hearing for 212-ZBA-2. Discussion, none, voice vote, 5-0, all in favor, motion carried.

5. Old Business

Gary Donovan 212-ZBA-2: An application requesting the granting of a 20' side yard setback variance from the requirements of Section 13.6.2 to allow a garage to be located 10' from the side lot line and to grant a 16' front yard setback variance from the requirements of Section 13.6.1 to allow the garage to be located 69' from the centerline of Connecticut Route 85 and to grant a variance from the requirements of Section 13.2.10 to allow a residential accessory structure in a light industrial zone on the property located at 1422 Route 85, Montville, CT As shown on Assessor's Map 6 Lot 3.

Motion made by Chairman MacNeil, seconded by Board Member Adams to approve application 212-ZBA-2, a request for variance of sections 13.2.10 (residential accessory use), 13.6.1 (front yard setback) from fifty feet to thirty five feet and 13.6.2 (side yard setback) from thirty feet to ten feet.

Reasons for granting the variance are;

The specific conditions on the site are unique to the application's land and it does not generally affect the district in which the property is located. 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.

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

6. Minutes

- a. Acceptance of the minutes from the Regular meeting of February 1, 2012.

Motion made by Chairman MacNeil, seconded by Board Member Bassetti to approve the February 1, 2012 meeting minutes as submitted and filed. Discussion, none, voice vote, 5-0, all in favor, motion carried.

7. Communications

Mr. Sanders submitted the Zoning Enforcement Officer's Report and the latest amended version of the Town of Montville Zoning Regulations for the Board to review.

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 Adams to adjourn the meeting at 7:40 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.