

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

DATE: November 6, 2024
TO: Montville Zoning Board of Appeals
FROM: Stacy Radford, Zoning Officer
RE: **Application# 24 ZBA 1** – 12 Blais Road (047-013-000), Uncasville, CT –
Variance of section 8.4 of the Montville Zoning Regulations, pertaining to
Minimum Lot Size

APPLICANT/OWNER: Pamela J. Tracey
SITE ADDRESS: 12 Blais Road (PARCEL ID: 047-13-000), Uncasville, CT
ZONING DISTRICT: R-40
PROPOSAL: Variance of ZR Section 8.4 (Minimum Lot Size) to reduce
the lot size by 11,235 sq ft to be conveyed to 4 Blais Road

STAFF COMMENTS:

This is an Application for a variance of Montville Zoning Regulations section 8.4 (Minimum Lot Size) in order to reduce the property located at 12 Blais Road by 11,235 square feet.

The property is non-conforming, located in the R-40 zoning district and is developed with a single-family residence. Section 8.4 of the Montville Zoning Regulations requires a Minimum Lot Size of 40,000 sq ft. The Applicant is requesting a variance as to the required lot size in order to make the non-conforming parcel more non-conforming by reducing its current size by 11,235 sq ft.

The Applicant and property owner, Pamela J. Tracey, of 12 Blais Road, states that for over 40 years both she and the prior owners of 4 Blais Road had been under the assumption that the area of land directly to the rear of the single-family residence located at 4 Blais Road was part of that said property. A title search conducted in conjunction with a recent sale of the property at 4 Blais Road evidenced the fact that the sellers of the property did not own a substantial portion of the rear yard of the property which had been occupied by the owners of 4 Blais Road for many, many years.

Each of these parcels are non-conforming and any said reduction or addition of the 11,235 sq ft will not make either property conforming. In fact,

- 12 Blais Road is currently 36,015 sq ft and with the reduction of 11,235 sq ft would make a new lot size of 24,780 sq ft; hence making this lot “more” non-conforming.
- 4 Blais Road is currently 13,127 sq ft and with the addition of 11,235 sq ft would make a new lot size of 24,362 sq ft; hence making this lot “less” non-conforming.

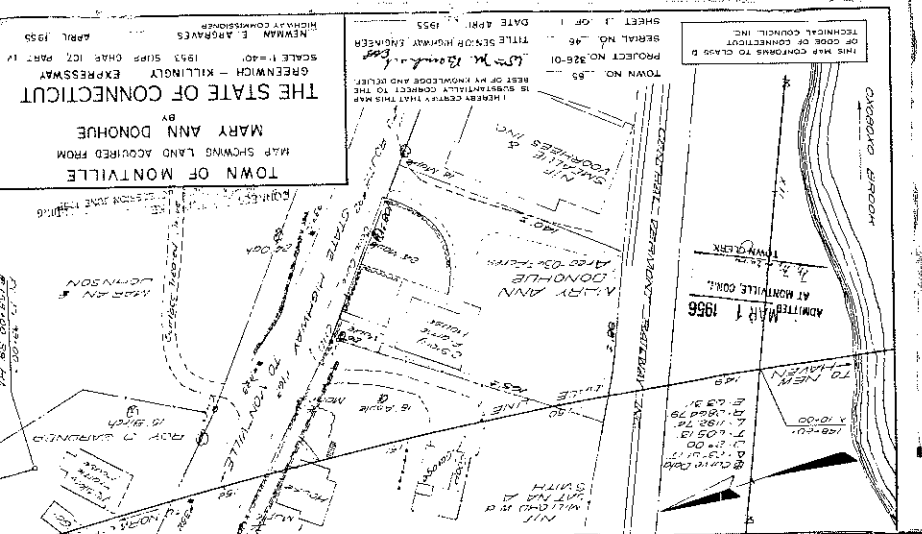
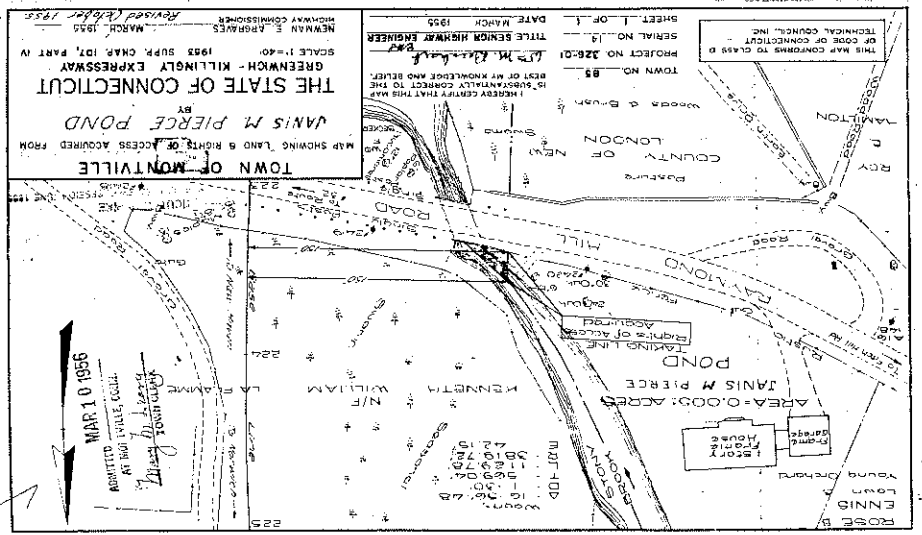
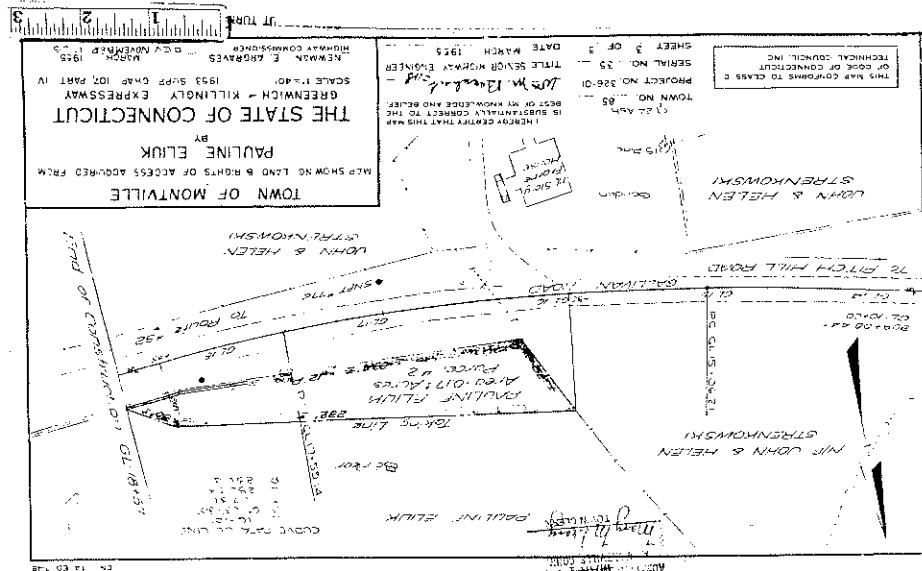
Research conducted of these lots show that the original Subdivision Map filed with the Montville Land Records in 1956 was for 25 lots (Map 137A). In 1958, the subdivision was reconfigured and a Plan of Building Lots was recorded indicating a total of 18 lots (Map 172B). On Map 172B, Lot #17 is now known as 4 Blais Road and Lots #15, 16, & 18 are now known as 12 Blais Road. Further research of the Montville Land Records show that the (3) lots are described as individual tracts on all recorded Deeds, including Warranty Deed from Aime N. Blais and Ida Blais to Constance Adams dated February 15, 1958 and recorded in Volume 64 / Page 30 to the most current Quit Claim Deed from Donald F. Fusconi to Pamela J. Tracey (f/k/a Pamela J. Fusconi) dated March 14, 2014 and recorded in Volume 593 / Page 1011-1012.

One of the Town's Land Use Attorneys suggests that the Applicant should perhaps consider whether a variance might also or instead be required of Montville Zoning Regulations section 4.9.5, or whether per section 4.9.5 the three parcels that comprise 12 Blais Road are technically separate lots and, if they are, whether any variance is needed to adjust the boundary as is proposed with this Application.

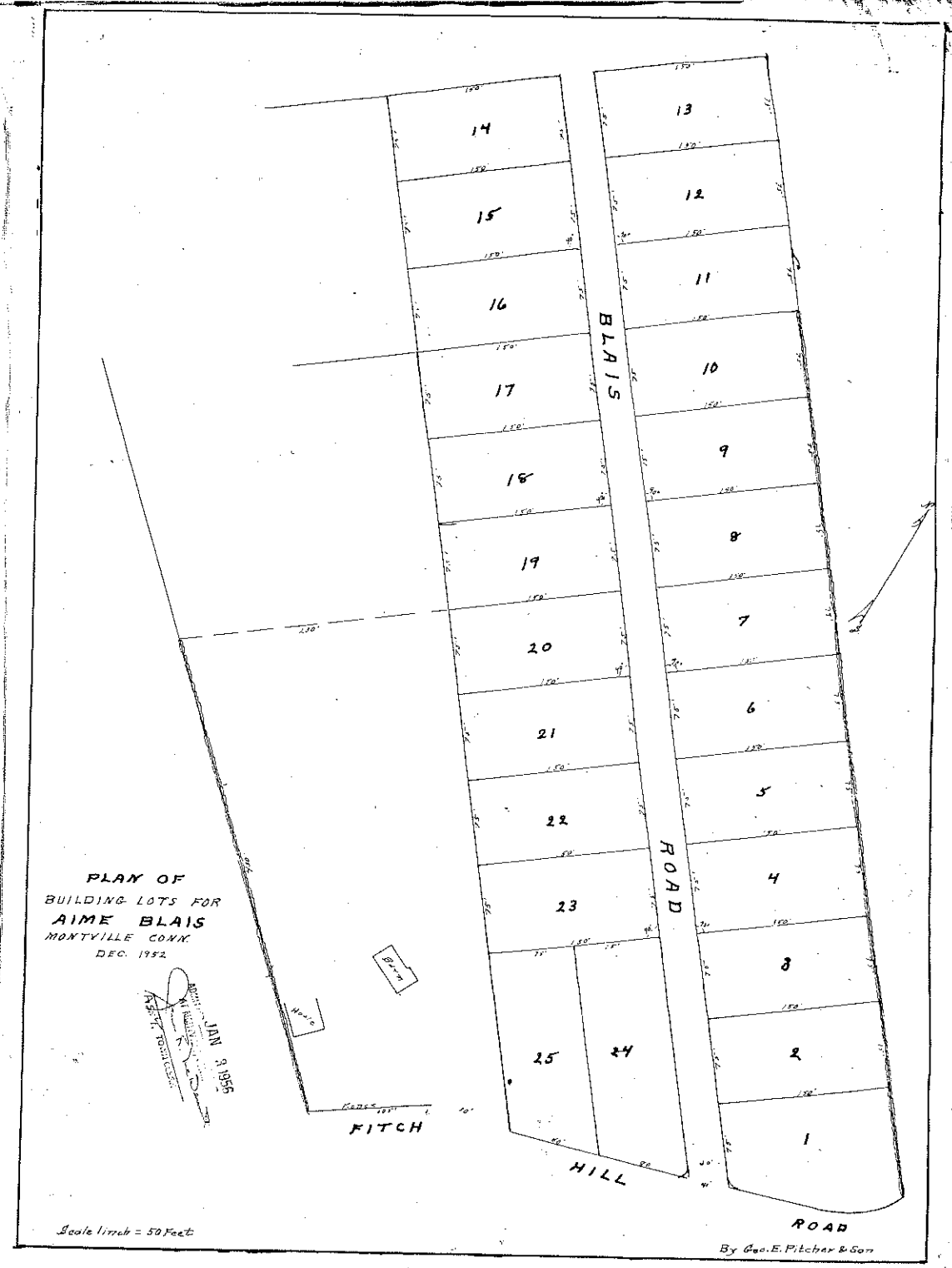
The Applicant states the unusual hardship or exceptional difficulty existing with regard to the property is as follows: "The property known as 4 Blais Road, owner of record Cindi Freeman, has occupied that parcel shown and designated as "Area to be Conveyed from Pamela J. Tracey to Cindi Freeman and become Part of #4 Blais Road (Area 11,235 sf) on the plan submitted herewith for in excess of 40 years and is geographically located in an area which would logically be assumed to be a portion of 4 Blais Road based both on occupation and the geographical context of Fitch Hill Road at its intersection with Blais Road."

If the Commission is inclined to grant the variance requested in this application, there is language for a motion of approval attached in your packet.

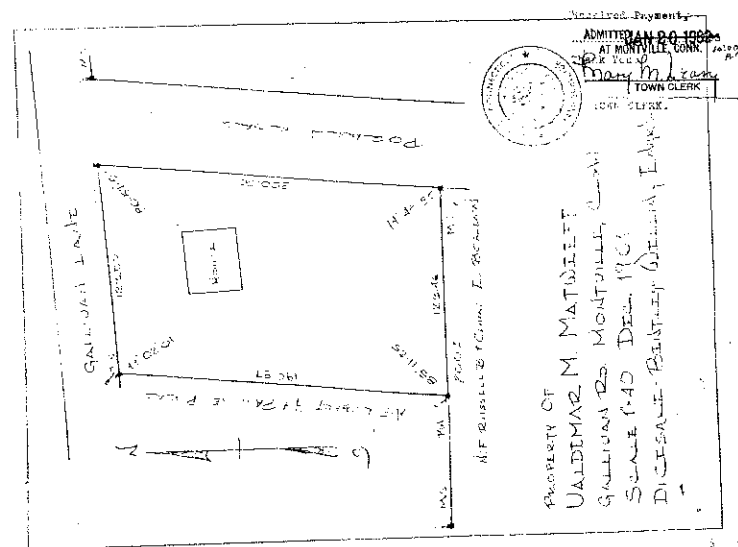
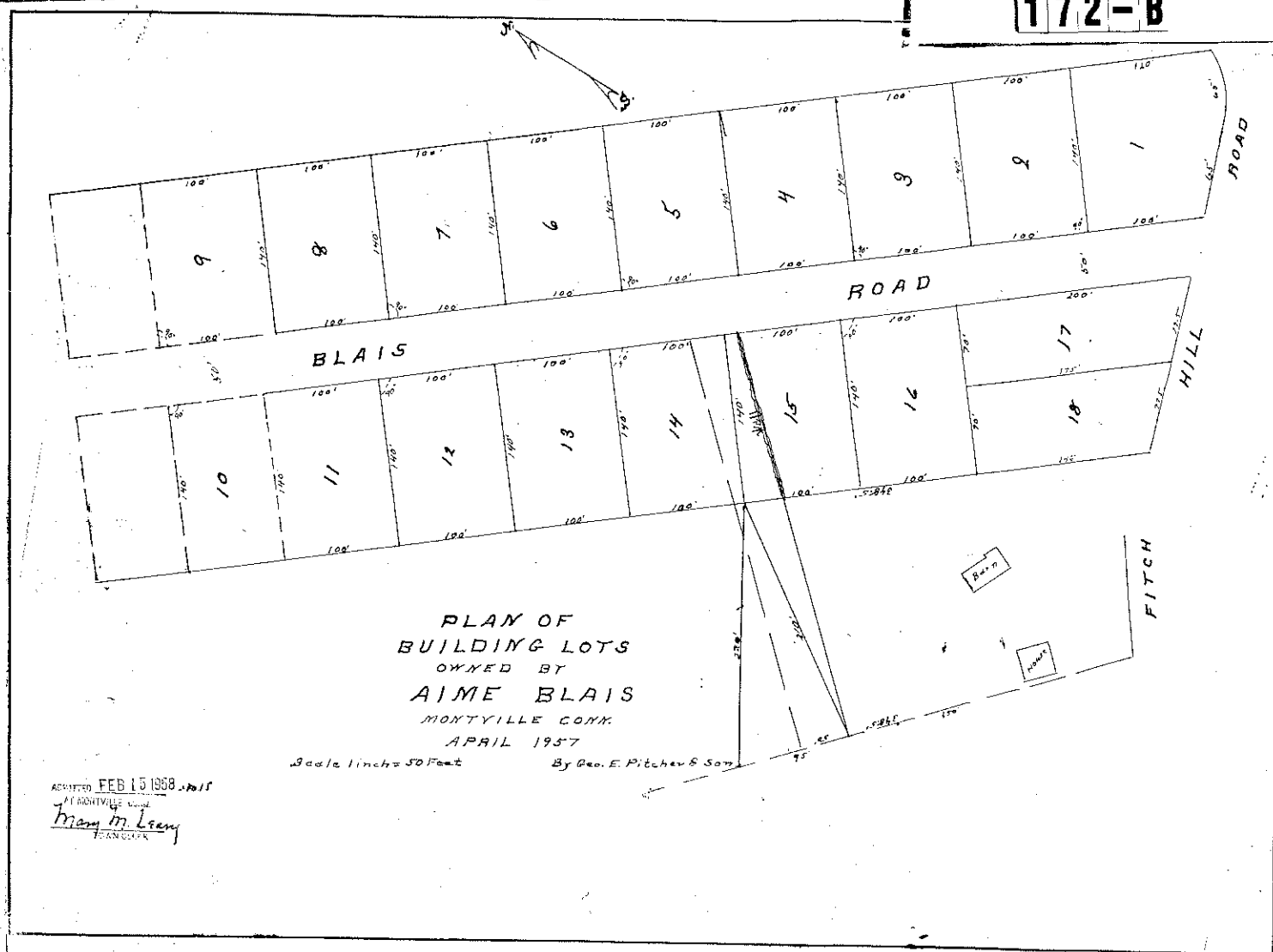
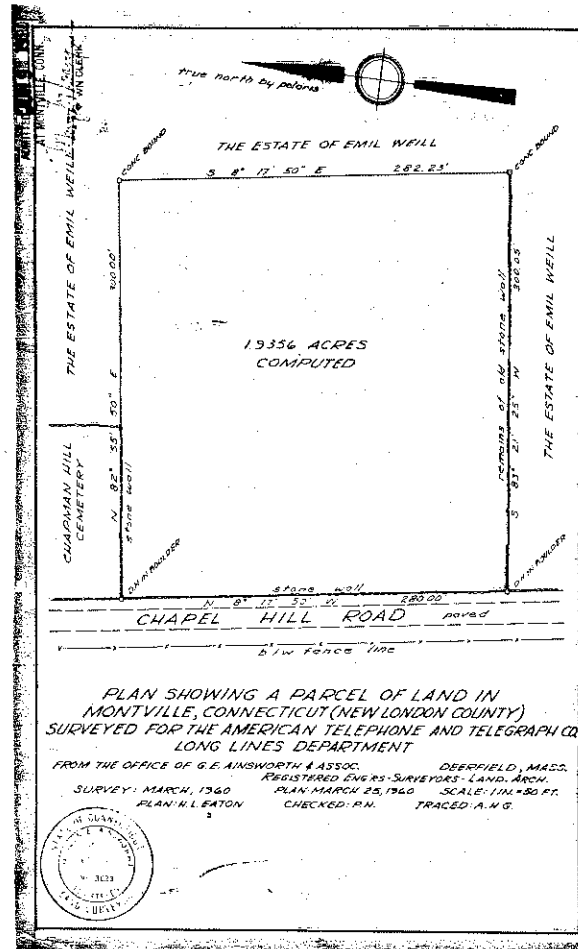
Should the Commission be inclined to deny the variance requested in this application, there is also language for a motion to deny attached in your packet. As a reminder, reasons for denial must be stated.



PLAN OF
BUILDING LOTS FOR
AIME BLAIS
MONTVILLE CONX
DEC. 1952



137-A



To all People to whom these Presents shall come.—Greeting: KNOW YE, That We,
AIME N. BLAIS and IDA BLAIS, husband and wife, both

of the Town of Montville, County of New London and State of Connecticut, for the consideration of One Dollar and other consideration ~~ONE~~ received to our full satisfaction of CONSTANCE ADAMS of the Town of Montville, County of New London and State of Connecticut,

do give, grant, bargain, sell and confirm unto the said Constance Adams a certain tract or parcel of land lying and situate on the westerly line of Fitch Hill Road, so-called, and also being on the southerly line of Blais Road, so-called, in the Town of Montville, County of New London and State of Connecticut, bounded and described as follows:—

Beginning at a point on the westerly line of Fitch Hill Road, so-called, said point also being the southerly line of Blais Road, so-called; thence running in a general westerly direction by and along the southerly line of Blais Road, so-called, a distance of three hundred ninety (390) feet to the center of a stone wall; thence running in a general southerly direction by and with the center of said stone wall and other lands of the grantors a distance of one hundred forty (140) feet to a stake; thence running in a general easterly direction by and with the northerly line of other lands of the grantee a distance of three hundred ten (310) feet to the westerly line of Fitch Hill Road, so-called; thence running in a general northeasterly direction by and along the westerly line of Fitch Hill Road, so-called, a distance of one hundred fifty-five (155) feet to the point of beginning.

Being a portion of Lot No. 15 and Lots 16, 17 and 18 on a Plan of Building Lots owned by Aime Blais, dated April 1957 and filed in the Montville Land Records, to which Plan or Map reference is hereby made.

ONE DOLLAR AND SIXTY-FIVE CENTS
IN REVENUE STAMPS CANCELLED

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto her, the said grantee, her

heirs and assigns forever, to them and their own proper use and behoof. And also, we, the said grantors, do for our selves, our heirs, executors, and administrators, covenant with the said grantee, her heirs and assigns, that at and until the ensueing of these presents, we are well seized of the premises, as a good indefeasible estate in Fee Simple; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever.

And Furthermore, we the said grantors, do by these presents bind ourselves and our heirs, forever to WARRANT AND DEFEND the above granted and bargained premises to her, the said grantee, her heirs and assigns, against all claims and demands whatsoever.

In Witness Whereof, we have hereunto set our hands and seals this 15th day of February, A.D. 1958 ~~at the town of Montville, State of Connecticut~~

Signed, sealed and delivered in the presence of

Manuel J. Pont

Mary M. Leary

Aime N. Blais (Seal.)

Ida Blais (Seal.)

STATE OF CONNECTICUT, COUNTY OF NEW LONDON,

ss. Montville, February 15, A.D. 19 58.

Personally appeared Aime N. Blais and Ida Blais

Signers and Sealers of the foregoing instrument and acknowledged the same to be their free act and deed, before me.

(NOTARIAL SEAL)

Manuel J. Pont

Notary Public

~~Notary Public~~
~~Commission Expires~~
~~for~~

Received Feb. 15, A.D. 19 58 at 10 H. 15 M. A. M. Recorded by *Mary M. Leary* Town Clerk.

Return to:
 CONWAY LONDREGAN, PC
 38 HUNTINGTON STREET
 PO BOX 1351
 NEW LONDON, CT 06320

Doc ID: 002473340002 Type: LAN
 BK 593 PG 1011-1012
Quit Claim Deed

To all people to whom these presents shall come, greeting:

Know ye, that I, Donald F. Fusconi, of the Town of Montville, County of New London and State of Connecticut (hereinafter referred to as 'Grantor'), for One (\$1.00) Dollar and other good and valuable considerations, received to my satisfaction of Pamela J. Tracey, f/k/a Pamela J. Fusconi, of the Town of Montville, County of New London and State of Connecticut (hereinafter referred to as 'Grantee'), do remise, release, and forever QUIT CLAIM unto the said Pamela J. Tracey, f/k/a Pamela J. Fusconi, as Grantee, and unto her heirs and assigns forever, all the right, title interest, claim and demand whatsoever as I, the Grantor, have or ought to have in or to:

That certain tract of land, with the buildings thereon and appurtenances thereto, situated in the Town of Montville, County of New London, State of Connecticut, known as 12 Blais Road and more particularly bounded and described as follows:

See Schedule A Description Attached Hereto and Made A Part Hereof

To have and to hold the premises, with all the appurtenances, unto the said Grantee, her heirs and assigns forever, so that neither I the Grantor nor my heirs, administrators, executors and/or assigns, nor any other person under them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but I and every of them shall by these presents be excluded and forever barred.

In witness whereof, I have hereunto set my hand and seal this 14th day of March, 2014.

Signed, sealed and delivered in
 the presence of:

Witness:

Witness:

Donald F. Fusconi
 Donald F. Fusconi

State of Connecticut }

ss.

New London

March 14, 2014

County of New London }

On this, the 14th day of March, 2014, personally appeared Donald F. Fusconi, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained as his free act and deed, before me.

No Conveyance Tax Collected

Lisa Terry

Town Clerk of Montville

Alton R. Mettler
 Commissioner of the Superior Court

Property Description

Those three certain tracts or parcels of land, with any buildings and improvements thereon, situated in the Town of Montville, New London County, State of Connecticut and shown as Lots 15, 16 and 18 on a Plan of Building Lots owned by Aime Blais, Montville, Conn., April, 1957, Scale 1 inch = 50 feet, by Geo. E. Pitcher & Son, filed in Montville Land Records, Surveys and Maps, File No. 172, and more particularly described as follows:

FIRST TRACT: Beginning at a point on the southerly line of Blais Road, said point being the northwesterly corner of Lot # 17 on a Plan hereinabove referred to and the northeasterly corner of the herein described tract; thence running in a westerly direction 100 feet along the southerly line of Blais Road to the northeasterly corner of Lot # 15 on said map; thence southerly 140 feet along the easterly line of said Lot # 15; thence easterly 100 feet to the southwesterly corner of Lot # 18 on said map; and thence northerly 140 feet along the westerly line of Lots # 18 and # 17 to the point and place of beginning. Being Lot # 16 on the Plan of Building Lots hereinabove referred to.

SECOND TRACT: Beginning at a point on the southerly line of Blais Road, said point being the northwesterly corner of Lot # 16 on the map hereinabove referred to and the northeasterly corner of the herein described tract; thence running westerly along the southerly line of Blais Road 90 feet to the northeasterly corner of a right of way; thence southerly 140 feet along the easterly line of said right of way; thence easterly 64 feet to the southwesterly corner of Lot # 16 on said Map; and thence northerly 140 feet along the westerly line of Lot # 16 to the point and place of beginning. Being Lot # 15 on the Plan of Building Lots hereinabove referred to.

THIRD TRACT: Beginning at a point on the westerly line of Pitch Hill Road, said point being the southeasterly corner of Lot No. 17 on a Map hereinabove referred to and the northeasterly corner of the herein described tract; thence running westerly along the southerly line of Lot No. 17, 175 feet to Lot No. 16 on said Map; thence southerly 70 feet along the easterly line of said Lot No. 15; thence easterly 146 feet to the westerly line of Pitch Hill Road; and thence in a generally northeasterly direction, along the westerly line of Pitch Hill Road, 77.5 feet to the point and place of beginning. Being Lot # 18 on the Plan of Building Lots hereinabove referred to.

Received for Record at Montville, CT
On 04/01/2014 At 10:15:10 am

Aime Blais