

TOWN OF MONTVILLE  
**ZONING BOARD OF APPEALS**  
310 Norwich-New London Turnpike, Uncasville, CT 06382  
Telephone: (860) 848-6779 – Fax: (860) 848-2354

**SPECIAL MEETING**  
**Wednesday, May 4, 2016 at 7:00 P.M.**  
**Council Chambers – Montville Town Hall**

**MEETING MINUTES**

1. **Call to Order.** Chairman John MacNeil called the meeting to order at 7:00 p.m.
2. **Roll Call.** In attendance: Chairman John MacNeil, Joseph Berardy, Carl Freeman, Alternate, Denise Gladue, and Richard Gladue. Absent: Joseph Aquitante. Also Present: Liz Burdick, Zoning Officer and Gloria Gathers, Recording Secretary.
3. **New Business:**
  - A. **Election of Officers.**

*Upon MOTION by Richard Gladue, Seconded by Joseph Berardy, it was voted unanimously to ELECT the following slate of officers: John MacNeil for Chairman and Carl Freeman for Secretary.*
  - B. **Approve 2016 Meeting Dates.**

*Upon MOTION by John MacNeil, Seconded by Carl Freeman, it was voted unanimously to APPROVE the following meeting dates for the remainder of 2016: June 1, July 6, August 3, September 7, October 5, November 2 and December 7.*
  - C. **#216ZBA01 – 16 Dock Road (Map70 Lot 68), Uncasville, CT – Application of Thomas & Lynne Felciano for variances of Zoning Regulations Sections 9.4 (R-20 Min. Lot Size) and 9.6.1 (R-20 Min. Front Yard Setback) to reduce the size of the lot to 14,395SF and reduce the front yard setback to 20.6’ to allow a proposed adjustment of the front lot line to eliminate an existing encroachment from adjacent property.**
4. **Public Hearing:**
  - A. **#216ZBA01 – 16 Dock Road (Map70 Lot 68), Uncasville, CT – Application of Thomas & Lynne Felciano for variances of Zoning Regulations Sections 9.4 (R-20 Min. Lot Size) and 9.6.1 (R-20 Min. Front Yard Setback) to reduce the size of the lot to 14,395SF and reduce the front yard setback to 20.6’ to allow a proposed adjustment of the front lot line to eliminate an existing encroachment from adjacent property.**

Chairman MacNeil opened the public hearing and reviewed the procedures for the hearing.

Zoning Officer (ZO) Liz Burdick addressed the Board. She stated the legal notice of the hearing was published in The Day on April 22 and April 29, 2016 and that she received evidence of notice of the hearing to the abutters in the form of certified mail receipts.

Additionally, Burdick reviewed the application as outlined in her Memorandum to the Board dated April 11, 2016. She stated the application is for a 19.4' variance of the required 40' R-20 Front Yard setback to allow the existing single-family residence to be located a distance of 20.6' to the south front boundary line and a 5,605SF variance of the required 20,000SF R-20 minimum lot area to allow a pre-existing, non-conforming lot to be reduced to 14,385SF to allow a proposed adjustment of the front lot line to eliminate an existing encroachment from adjacent property. 16 Dock Road is an existing, non-conforming lot with regard to lot area (14,862SF) and frontage (0') and contains an existing single-family residence that is non-conforming with regard to front yard setback (23'+/-). Additionally, there is a front yard encroachment of a Garage/Shed structure from adjacent lot #12 Dock Road. The purpose of the variances is to adjust the front property line to remove the building encroachment. No additional changes are proposed as part of this application. The Applicant states "The nature of the hardship is that the back lot has existed in its present form since prior to zoning and has been a pre-existing, non-conforming use [lot] in terms of its front yard setback, and total lot area."

Attorney Andrew McCoy of Heller, Heller & McCoy addressed the Board and stated that the property at 16 Dock Road was historically owned and used by family with adjacent 12 Dock Road, so the garage encroachment was not a problem in the past, but that there is a possibility it will now be sold, so the encroachment had to be addressed by either by obtaining a variance and adjusting the front lot line or, in the alternative, either demolishing the building or by some other legal remedy. Additionally, McCoyb stated for the record the existing access easement shown on the plan over 12 Dock Road would remain.

***Upon MOTION by John MacNeil, Seconded by Carl Freeman, it was voted unanimously to CLOSE the Public Hearing.***

***Upon MOTION by John MacNeil, Seconded by Denise Gladue, it was voted unanimously to AMEND the Agenda to add #216ZBA01 as Item 3C under New Business to act on the application.***

***MOTION made by John MacNeil, Seconded by Carl Freeman as follows:***

***After giving due consideration to all relevant factors, including those in Section 22.2 of the Montville Zoning Regulations ("Regulations") and Sections 8-6 & 8-7 of the Connecticut General Statutes, I make a motion to GRANT variances as requested in Application #216ZBA01 as follows: a 19.4' variance of the required 40' R-20 Front Yard setback to allow the existing single-family residence to be located a distance of 20.6' to the south front boundary line and a 5,605SF variance of the required 20,000SF R-20 minimum lot area to allow a pre-existing, non-conforming lot to be reduced to 14,385SF to allow a proposed adjustment of the front lot line to eliminate***

*an existing encroachment from adjacent property, the hardship being the back lot has existed in its present form since prior to zoning and has been a pre-existing, non-conforming lot in terms of its front yard setback, and total lot area.”*

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

*With the following conditions: Prior to the filing of the final proposed Lot Line Adjustment plan, it shall be revised as follows: 1. Revise to show the correct spelling of owners' last name; 2. Revise to show the correct lot area of 20,000SF in the Zoning Table; 3. Revise to delete Note 5 due to no proposed change to existing access easement; 4. Revise to add date any variances are granted by the Montville Zoning Board of Appeals; and 5. Revise plan to add approval block for the Zoning Enforcement Officer.*

**IN FAVOR: MacNeil, Berardy, Freeman, Gladue, and Gladue. OPPOSED: None. ABSTAINED: None.**

**5. Old Business.** None.

**6. Minutes: Approve the Minutes of the October 7, 2015 Meeting.** There are only two Members that were on the Board at the time, MacNeil and Freeman, therefore it is not possible to vote and the minutes may have to remain filed as unapproved minutes. The Board requested the ZO research the matter.

*Upon MOTION by John MacNeil, Seconded by Carl Freeman, it was voted unanimously to TABLE the Approval of the Minutes of the October 7, 2015 Meeting to the next meeting.*

**7. Communications.** ZO Burdick distributed a flyer for Land Use Academy Basic Training Workshop given by CLEAR at SECCOG on May 16 & 23, 2016 and advised the Board to contact the Planning Dept. if any Members wanted to attend.

**8. Other Business.** None.

**9. Adjournment.**

*Upon MOTION by John MacNeil, Seconded by Denise Gladue, it was voted unanimously to ADJOURN the meeting at 7:32 p.m.*

Respectfully submitted,

Liz Burdick  
Zoning Officer