



# TOWN OF ELLINGTON

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**ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
MONDAY, MAY 2, 2016, 7:00 PM  
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

**PRESENT:** Chairman Kenneth Braga, Vice Chairman Arthur Aube, Mark Spurling, Dale Roberson (arrived at 7:41 PM), and Alternate Ron Stomberg

**ABSENT:** Mort Heidari, Alternate Ron Brown and Alternate Rodger Hosig

**STAFF**

**PRESENT:** John Colonese, Assistant Town Planner/Zoning & Wetlands Enforcement Officer and Troy M. Ciesco, Recording Clerk

**OTHERS**

**PRESENT:**

**I. CALL TO ORDER:**

Chairman Braga called the Zoning Board of Appeals (ZBA) meeting to order at 7:08 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS): NONE**

**III. PUBLIC HEARINGS:**

1. V201602 – Joshua Virkler, owner/applicant for a variance of Ellington Zoning Regulations Section 4.2.1–Lot Area, Width & Yard Requirements: to reduce the rear yard setback from 50' to 2' and to reduce the side yard setback from 50' to 10' for the reconstruction of a building with an addition for a bakery; Section 6.2.5 (B & D)–Location of Parking Facilities: to reduce parking to a side property line from 15' to 0' and to reduce parking to a residential zone boundary from 50' to 38' for parking spaces at 75 West Road, APN 019-007-0000 in Commercial (C) and Residential (R) Zones.

**TIME:** 7:09 PM

**SEATED:** Braga, Aube, Stomberg, Spurling

Rachel Dearborn of Landmark Surveys was present to represent the application, along with Josh Virkler, the owner of the property. Ms. Dearborn described the property and explained they are proposing to convert the existing garage to a bakery. She stated the Planning and Zoning Commission approved a zone change to place the entire property in the Commercial

Zone, and that they will be doing a patio addition in the front of the building, walk-in freezers in the rear of the building and a cover above the door on the side of the building.

Ms. Dearborn explained their request is to reduce the rear yard setback to 2' to account for the freezers and the side yard setback to 10' for each side since the property abuts the Residential Zone. In regards to parking, Ms. Dearborn proposed 11 spaces and requested a reduction of the setback for parking from a side property line to 0', along with a reduction of the setback for parking from a Residential Zone to 38'.

Ms. Dearborn described the area further and noted the distance to occupied residential properties is about 112'. Chairman Braga stated that he visited the site and questioned the parking setback reduction to 0'. Ms. Dearborn explained it is shown at 3' on her plan and the 0' request is to account for changes in the field. Commissioner Spurling asked if the parking could be placed farther away, and Ms. Dearborn answered in the affirmative. Commissioner Spurling also expressed concern regarding the 2' setback for the freezers.

There was a brief discussion between the applicant and the board regarding the proposed floor plan of the building and the general layout of the property and surrounding area.

John Colonese, Assistant Town Planner/Zoning and Wetlands Enforcement Officer, noted that the applicant will also need to apply to the Planning and Zoning Commission for a Special Permit and Site Plan Approval if the variance is approved.

Commissioner Spurling noted that he would be more comfortable if the parking was located 5' from the side property line. Chairman Braga pointed out that the land next to the parking was mostly empty and had no objections to the proposed location of the parking spaces.

Jack Hagopian, 14 Moser Drive, asked about screening from the proposed bakery to neighboring properties. Ms. Dearborn noted that this will be addressed during the Site Plan Approval process.

The board deliberated on the appropriate variances to grant. It was agreed to reduce the rear yard setback to 2.5' for the freezers, the side yard setback to 10' for the building itself on both sides, the setback for parking from a side property line to 4', and the setback for parking from a Residential Zone to 38'.

**MOVED (SPURLING), SECONDED (STOMBERG) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201602.**

**MOVED (SPURLING), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS V201602 – Joshua Virkler, owner/applicant for a variance of Ellington Zoning Regulations Section 4.2.1–Lot Area, Width & Yard Requirements: to reduce the rear yard setback from 50' to 2.5' and to reduce the side yard setback from 50' to 10' for the reconstruction of a building with an addition for a bakery; Section 6.2.5 (B & D)–Location of Parking Facilities: to reduce parking to a side property line from 15' to 4' and to reduce parking to a residential zone boundary from 50' to 38' for parking spaces at 75 West Road, APN 019-007-0000 in Commercial (C) and Residential (R) Zones.**

**EFFECTIVE DATE: May 15, 2016**

**HARDSHIP: The configuration of the lot and the footprint of the existing garage structure.**

**IV. NEW BUSINESS: (NONE)**

**V. ADMINISTRATIVE BUSINESS:**

**Commissioner Roberson arrived at 7:41 PM.**

- 1) Approval of the March 7, 2016 and March 14, 2016 Meeting Minutes.

**MOVED (SPURLING) SECONDED (AUBE) AND PASSED UNANIMOUSLY APPROVE the March 7, 2016 Regular Meeting Minutes and the March 14, 2016 Special Meeting Minutes as written.**

- 2) Correspondence/Discussion:

- a) Cease & Desist Order, dated March 22, 2016. (Re: Property on Sandy Beach Road, Assessor Parcel No. 152-008-0000)

**SO NOTED**

**VI. ADJOURNMENT:**

**MOVED (SPURLING), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 7:47 PM.**

Respectfully submitted,



Troy M. Ciesco – Recording Clerk