



TOWN OF ELLINGTON

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**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, AUGUST 5, 2019, 7:00 PM
TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT**

PRESENT: Chairman Mark Spurling, Vice Chairman Arthur Aube, Regular Member Mike Swanson and Alternates Rodger Hosig, Ron Brown and Ron Stomberg

ABSENT: Regular members Ken Braga and Mort Heidari

STAFF

PRESENT: John Colonese, Assistant Town Planner/Zoning Enforcement Officer and Barbra Galovich, Recording Clerk

I. CALL TO ORDER:

Chairman Mark Spurling called the Zoning Board of Appeals (ZBA) meeting to order at 7:00 PM at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

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

III. PUBLIC HEARINGS:

1. V201907 – Randel & Beverly Russo, owner /CD Builders, Inc., applicant, request for variances of the Ellington Zoning Regulations Section 7.1.A (2&3) Accessory Apartments: to allow a 1500 square foot accessory apartment (1000 sq. ft. maximum allowed), and to allow a three bedroom accessory apartment (two bedroom maximum allowed) at 9 Lanz Lane, APN 180-021-0000 in a Rural Agricultural Residential (RAR) zone.

TIME: 7:01 PM

SEATED: Mark Spurling, Arthur Aube, Mike Swanson, Ron Brown and Ron Stomberg

PLAN REVIEWED: Plot Plan Prepared for 9 Lanz Lane (Lot# 148), Prepared by R. Russo; Scale: 1"=12'; Date: 4-6-86; Date Stamped June 27, 2019; Drawing number 10; Sheet 1 of 1.

Doug Flamino, CD Builders, 100 West Road, Ellington, CT, Randel Russo, Beverly Russo and Sarah Pashe, 9 Lanz Lane, Ellington, CT were present to represent the application.

Mr. Flamino explained that his clients are looking to add an accessory apartment to their existing home. He noted the reason for the request for two variances is that the Russo's have a daughter with multiple sclerosis who needs accessibility for her wheelchair within the proposed accessory apartment. She also has two children in grade school. He stated she uses a motorized wheelchair to maneuver around and briefly explained the reason for the request for the larger living areas.

Mr. Flamino stated the owners of the property have been working with North Central District Health Department to seek approval for a larger septic system on the property. The house is connected to public water. He explained they will need a system that supports a six bedroom home. The owners will be combining two bedrooms into one in the existing house, which will leave three bedrooms remaining within the existing house, for a total of six bedrooms including the proposed accessory apartment addition.

Mr. Russo stated they are longtime residents of Ellington and have lived in their current location since 1978. He mentioned that his daughter and her children already live in the existing home and it is extremely difficult for her to move within the home with the wheelchair. He reviewed a spreadsheet provided with the application, which shows the typical measurements needed for hallways, bathrooms, bedrooms, a living room and kitchen versus the measurements needed for a wheelchair to maneuver. He noted the wheelchair requires a four to five foot diameter in order to turn around.

Commissioner Brown asked for an explanation of the kitchen and living room area. Mr. Russo described the concept for an open kitchen and living room area and how the layout would have to be designed to accommodate the wheelchair.

Ms. Pashe said their current situation is difficult. She has her motorized wheelchair on the main level and an additional wheelchair on the second floor. She added that she loves to cook and it is difficult to complete this task within the existing kitchen.

Mrs. Russo said that it is hard to watch her daughter manage her way around the existing house. She went into detail about the existing kitchen and the challenges for a person with a wheelchair. She also explained why it would be difficult to widen the doors and make other modifications throughout the existing house due to the structural layout of the home.

Tom Walker, 51 Middle Road, Ellington, CT stated he performed soil testing for a septic system on the property and the North Central District Health Department said the property would be able to accommodate a six bedroom system.

Mr. Flamino stated he understands the house needs to appear as being a single family home and the addition will be off the back of the house and configured into an 'L' shape.

Dick & Kathryn Gessert, 10 Lanz Lane and Maurice and Mary Blanchette, 12 Lanz Lane all commented in favor of the application.

MOVED (SWANSON), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201907.

MOVED (SWANSON), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE V201907 – Randel & Beverly Russo, owner /CD Builders, Inc., applicant, request for variances of the Ellington Zoning Regulations Section 7.1.A (2&3) Accessory Apartments: to allow a 1500 square foot addition with three bedrooms for an accessory apartment at 9 Lanz Lane, APN 180-021-0000 in a Rural Agricultural Residential (RAR) zone.

HARDSHIP: The current house structure and configuration does not allow for accessibility for a wheelchair; mechanized wheelchair requires an approximate 4 to 5 foot diameter to turn for viable living space.

2. V201908 – Francis & Sibylle Rogalla, owner/applicant, request for variance of the Ellington Zoning Regulations Section 4.2.1 Lot Area, Width & Yard Requirements: to allow a 40,000 square foot lot area (3 acre minimum required) at 1 Crystal Lake Road, APN 128-008-0000 in a Planned Commercial (PC) zone.

TIME: 7:30 PM

SEATED: Mark Spurling, Arthur Aube, Mike Swanson, Rodger Hosig, and Ron Brown

PLAN REVIEWED: Plan of Property of Francis B. & Sibylle M. Rogalla, Ellington, Connecticut; Prepared by Alfred E. Schindler, Land Surveyor, Ellington, Connecticut; Scale: 1"=40'; Date: 8/12/88, Revise Date: 5/23/89; Received Date: July 15, 2019; Sheet 1 of 1.

Francis & Sibylle Rogalla, 83 Crystal Lake Road were present to represent the application. Mr. Rogalla explained to the board that after over forty years, he and his wife are looking to sell some of their property. He is requesting that the board grant them a variance to allow a 40,000 square foot lot within a Planned Commercial (PC) zone at 1 Crystal Lake Road. They have had businesses interested in purchasing the existing store and gas station, but these businesses are not interested in purchasing the whole 15 acre parcel.

Mrs. Rogalla said that she runs the store and reiterated that businesses are no longer interested after hearing about the amount of acres connected with the store. Mr. Rogalla stated that the parcel was originally three separate parcels and they merged them together over the years.

Mr. Colonese stated the prior properties were consolidated by two declarations filed on the land records on July 13, 1993 and September 30, 1994 to create the existing approximately 15 acre lot at 1 Crystal Lake Road and any future subdivision of the property requires approval from the Planning & Zoning Commission. The declarations appear to have consolidated four lots. He also reviewed the five previous variances granted for this parcel.

Chairman Spurling asked Mr. Rogalla to explain the layout of his property. Mr. Rogalla reviewed the map of the property that was submitted with the application.

Chairman Spurling stated he doesn't see a hardship as a zone change application can be pursued through the Planning & Zoning Commission or the existing area of the lot can be used to meet the three acre requirement for subdivision in the PC zone. After a discussion with Mr. Rogalla, the board could not find a hardship for granting this request.

MOVED (SPURLING), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201908.

MOVED (SPURLING), SECONDED (AUBE) AND MOTION FAILED TO APPROVE (NAY: SPURLING, AUBE, SWANSON, HOSIG, BROWN) V201908 – Francis & Sibylle Rogalla, owner/applicant, request for variance of the Ellington Zoning Regulations Section 4.2.1 Lot Area, Width & Yard Requirements: to allow a 40,000 square foot lot area (3 acre minimum required) at 1 Crystal Lake Road, APN 128-008-0000 in a Planned Commercial (PC) zone.

3. V201909 – KAZ Trucking, LLC, owner /White Eagle Diesel, LLC, applicant, request for location approval for repairing motor vehicles pursuant to Conn. Gen. Stat. Sec. 14-54 at 42 Village Street, APN 017-015-0000 in an Industrial Park (IP) zone.

TIME: 8:06 PM

SEATED: Mark Spurling, Arthur Aube, Mike Swanson, Rodger Hosig, Ron Brown and Ron Stomberg

PLAN REVIEWED: Record Drawing Site Plan #30 & #42 Village Street; Prepared for KAZ Trucking, LLC, Ellington, Conn.; Prepared by Aeschliman Land Surveying, PC, 1379 Main Street, East Hartford, Conn. 06108; Scale: 1"=40'; Date: 5-5-17; Revised Date: 1-15-19; Date Stamped July 16, 2019.

Arthur Podbielski, KAZ Trucking, LLC, 42 Village Street, Ellington, CT was present to represent the application.

Mr. Podbielski explained to the board he currently has a trucking business at 42 Village Street and is looking to apply to the Department of Motor Vehicles for a repairer license to conduct repairs on trucks from the public and he feels it is appropriate to do so at this property. He currently repairs his own trucks as needed. He stated he has requested a Special Permit for repairing motor vehicles from the Planning & Zoning Commission which is scheduled for the August 26, 2109 meeting. He said having the ability to conduct the repairs on site will help his business.

MOVED (SPURLING), SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V201909.

MOVED (SWANSON), SECONDED (SWANSON) AND PASSED UNANIMOUSLY TO APPROVE V201909 – KAZ Trucking, LLC, owner /White Eagle Diesel, LLC, applicant, request for location approval for repairing motor vehicles pursuant to Conn. Gen. Stat. Sec. 14-54 at 42 Village Street, APN 017-015-0000 in an Industrial Park (IP) zone.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the May 6, 2019 Regular Meeting Minutes.

MOVED (SWANSON) SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE MAY 6, 2019 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion:

V. ADJOURNMENT

MOVED (SPURLING), SECONDED (SWANSON) TO ADJOURN THE MEETING AT 8:11 PM.

Respectfully submitted,

Barbra Galovich, CZET
Recording Secretary