



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187  
[www.ellington-ct.gov](http://www.ellington-ct.gov)

TEL. (860) 870-3120 TOWN PLANNER'S OFFICE FAX (860) 870-3122

**ZONING BOARD OF APPEALS  
REGULAR MEETING AGENDA  
MONDAY, AUGUST 3, 2020, 7:00 PM  
ZOOM MEETING**

**PUBLIC IN-PERSON ATTENDANCE NOT PERMITTED DUE TO COVID19, INSTRUCTIONS  
TO JOIN VIRTUAL MEETING PROVIDED BELOW**

**I. CALL TO ORDER:**

**II. PUBLIC COMMENTS (ON NON-AGENDA ITEMS):**

**III. PUBLIC HEARINGS:**

1. V202003 – Michael Charettes Auto Authority LLC, owner, John Kloter, applicant, request for a variance of the Ellington Zoning Regulations Section 3.1-Permitted Uses: to permit a construction/landscaping business as well as an automobile repair or storage business (automobile body shop previously allowed by variance for the Niemann family) at 121 Jobs Hill Road, APN 090-007-0000 in a Rural Agricultural Residential (RAR) zone.

**IV. ADMINISTRATIVE BUSINESS:**

1. Approval of the July 6, 2020 Regular Meeting Minutes.
2. Correspondence/Discussion:

**V. ADJOURNMENT:**

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**Join Meeting via ZOOM Video Communications:**

In order to comply with COVID-19 limited in-person meetings and social distancing requirements, this meeting will be conducted using the online video conferencing service provider Zoom. Meeting details will be provided on the Agenda and posted on the Ellington webpage ([www.ellington-ct.gov](http://www.ellington-ct.gov)), Agenda & Minutes, Zoning Board of Appeals.

Join Zoom Meeting via link:  
<https://zoom.us/j/94617780747>  
Meeting ID: 946 1778 0747  
Password: 659994

Join Zoom Meeting by phone:  
1-646-558-8656 US (New York)  
Meeting ID: 946 1778 0747  
Password: 659994

Note: Next regular meeting is scheduled for 9/14/2020

# Town of Ellington Planning Department



DATE: July 28, 2020  
TO: Zoning Board of Appeals  
FROM: John Colonese, Assistant Town Planner / ZEO *JOC*  
SUBJECT: V202003 – Michael Charettes Auto Authority LLC, owner, John Kloter, applicant, request for a variance of the Ellington Zoning Regulations Section 3.1-Permitted Uses: to permit a construction/landscaping business as well as an automobile repair or storage business (automobile body shop previously allowed by variance for the Niemann family) at 121 Jobs Hill Road, APN 090-007-0000 in a Rural Agricultural Residential (RAR) zone.

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I have reviewed the application materials, Building and Planning Department files, visited the subject site and have the following to report:

On September 30, 1974, the Zoning Board of Appeals approved a use variance for a body shop with the stipulation, “valid for the duration of its use by members of the Niemann family” and approved the location for a motor vehicle repairer’s license for Milford Charette, a member of the Niemann family.

On April 27, 1981, the Zoning Board of Appeals approved a use variance for a garage addition with the same 1974 stipulation, “variance is valid for the duration of its use by members of the Niemann family.”

On April 1, 2002, the Zoning Board of Appeals approved the location for a motor vehicle repairer’s license for Michael Charette, a member of the Niemann family.

The existing auto body shop with abutting paved and gravel parking areas currently sits within the Rural Agricultural Residential (RAR) zone. Please see the attached photos of the existing building and parking area closest to the street. The subject property is bounded to the north by a single family home and a farm field, to the south by a farm field, to the east by a two-family home, and to the west by a farm field and farm operation. Please see the attached aerial view from 2016 showing how the property was used at the time. The Ellington Zoning Regulations *Section 3.1-Permitted Uses* do not permit a construction and/or landscape business use in the RAR zone, therefore in order to change the use and remove the “Niemann family” stipulation approval from the ZBA is required. Notably, the application is proposing two separate uses, one for the construction/landscape business and one for automobile repair/storage business. The site plan is proposing storage bins for the construction/landscape business that are facing Jobs Hill Road and, if the ZBA is inclined to approve the variance request, should be properly screened.

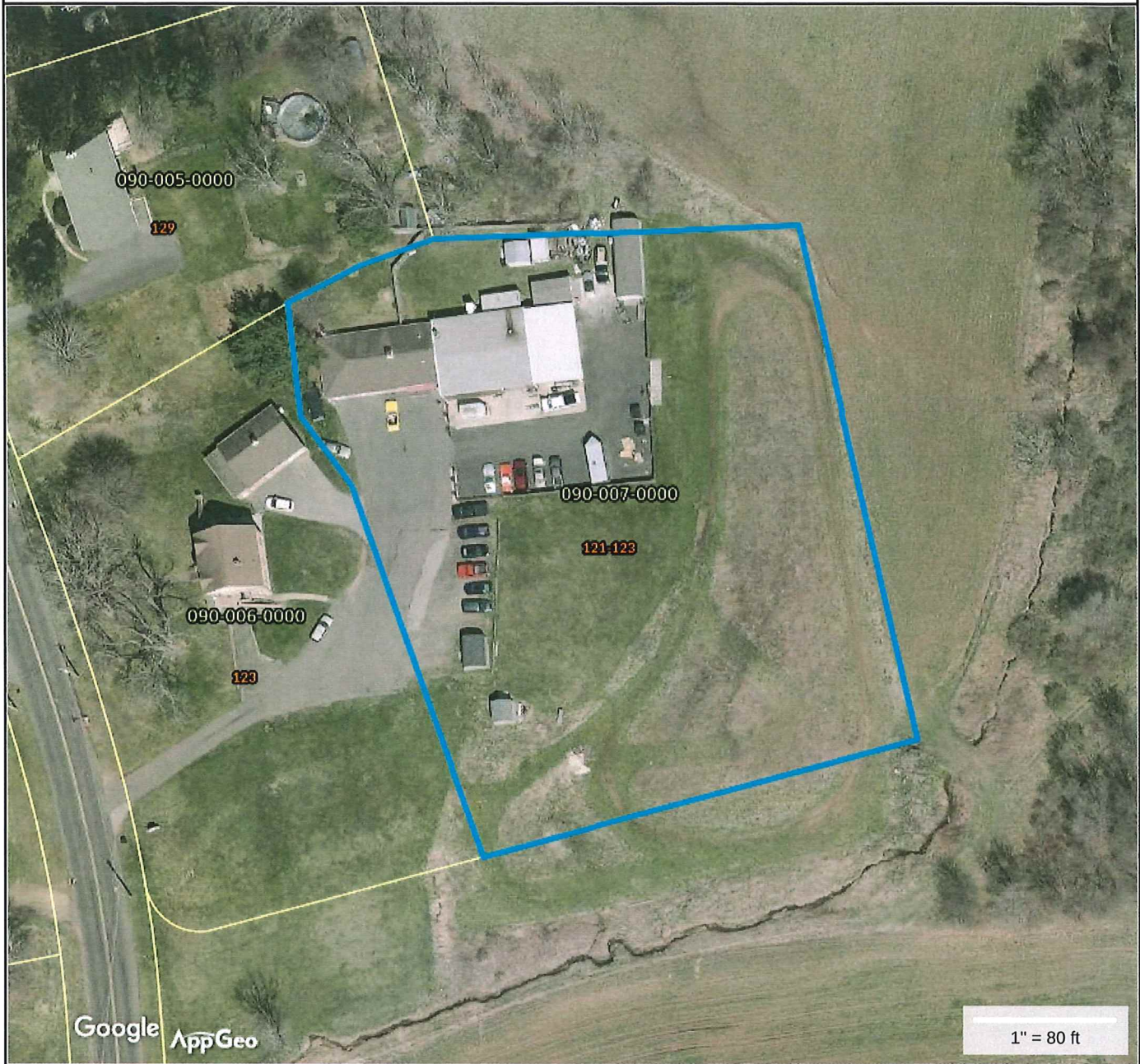
Conn. Gen. Stat. 8-6 allows the Zoning Board of Appeals to vary the zoning regulations where a “literal enforcement” of such regulations would result in “unusual hardship” therefore the finding of a hardship is a necessity to granting a variance. To constitute “unusual hardship” the hardship must be unique “to conditions especially affecting such parcel but not affecting generally the district in which it is situated”. Economic hardship, such as financial loss, is not a proper basis for granting a variance unless it arises to the level of confiscation.



pg 1082



Pg 2062



**Property Information**

**Property ID** 090-007-0000  
**Location** 121 JOBS HILL RD  
**Owner** MICHAEL CHARETTES AUTO AUTHORITY LLC



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Town of Ellington, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 7/23/2020  
Data updated 7/23/2020

# Town of Ellington Zoning Board of Appeals Application

Application #

V 202003

Date Received

7/13/2020

Type of Application:  Variance  Appeal of Decision  Auto Dealer / Repairer License

Notices associated with this application will be sent to the applicant unless otherwise requested.

### Owner's Information

Name: Michael A Charette

Mailing Address: 2 Edgewood Rd.

Ellington Ct. 06029

Email: Mcharettes@comcast.net

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?  Yes  No

Primary Contact Phone #: 860-882-9735

Secondary Contact Phone #: 860-860-882-9735

Owner's Signature: Michael A Charette Date: 6/14/20

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted. Moreover, by signing above I/we expressly provide written consent to the filing of the application and access to the site by the Board or its staff.

Notices associated with this application will be sent to the applicant unless otherwise requested.

### Applicant's Information (if different than owner)

Name: John Kloter

Mailing Address: 249 Crystal Lake Rd

Ellington, CT 06029

Email: john.kloter@yahoo.com

WHEN NOT REQUIRED BY LAW TO MAIL NOTICE BY USPS, MAY NOTICES BE EMAILED TO YOU?  Yes  No

Primary Contact Phone #: 860-578-3288

Secondary Contact Phone #: \_\_\_\_\_

Applicant's Signature: John Kloter Date: 6-16-20

By signing below I certify that all information submitted with this application is true and accurate to the best of my knowledge, that I am aware of and understand the application requirements and regulations, and acknowledge that the application is to be considered complete only when all information and documents required by the Board have been submitted.

Street Address: 121 Jobs Hill Road Ellington

Assessor's Parcel Number (APN): 090-007-0000 Zone: RAR

Public Water:  Yes  No Public Sewer:  Yes  No

*If not served by public water and sewer, applicant/owner shall make application to North Central District Health Department (Enfield Office).*

Is parcel within 500' to any municipal boundary?  Yes  No

Are there any wetlands/watercourses within 100' of construction activity or within 250' of wetlands/watercourses when located in the Shenipsit Lake Drainage Basin?  Yes  No

Is the project in a public water supply watershed area?  Yes  No

*If YES, applicant shall notify Connecticut Water Company and Commissioner of Public Health about the proposed project by certified mail, return receipt within 7 days of application Conn. Gen. Stat. §8-3i(b). Copy of application, plans, and supporting documents must accompany notice. Proof of notice and copies of return receipts must be provided to the Planning Department.*

Previous Variances related to this property?  Yes  No If yes, specify date 4-27-1981 + 11-25-1979

Requesting a Variance to Zoning Regulations Section: (For Variance Application only) Section 3.1

Describe Variance Request, Appeal of Decision, or Auto Dealer/Repairer License: (Attach additional sheets if needed)  
Looking to operate a small construction/landscape business out of the rear of the main shop, and vent out the remaining portion. Would store material in rear fenced yard.

Hardship: Describe hardship and indicate why other options are unacceptable. (For Variance Application only)  
The buildings are already existing and would have no purpose or value if they couldn't be used. Please see attached description and drawings.

**RECEIVED**  
**JUL 13 2020**  
**TOWN OF ELLINGTON**  
**PLANNING DEPARTMENT**

John Kloter  
121 Jobs Hill Rd. Ellington, CT

Main Shop - The main shop will be used as a storage facility for the tools and equipment of my sitework and landscape business. The shop will also be used to conduct minimal day to day maintenance of equipment, cleaning and power washing. It will also be used as parking for my dump truck, trailer and skid steer during the winter months.

Equipment Storage & Parking - This will be used for day to day parking and nightly parking of my dump truck, trailer and skid steer.

Material Bins - These will be used to store stone, mulch, topsoil, etc., which will be used for jobs and customers.

Existing Fence - This will be altered or replaced to accommodate a new fence.

Proposed Fence - This would be used for security and to keep a pleasant visual appearance from the road. Plants, shrubs and landscaping will also be used to create a more pleasing appearance.

Rental - This part of the shop will be rented out to help offset the costs of improving the property. I have had inquiries expressing interest in renting the bays for car storage and motorcycle storage. One individual has expressed interest in running their tire and wheel shop out of the space. Without a rental income, I would not be able to afford all of the upgrades that the property requires from sitting vacant.

Past Use - In the past, the shop was used to run a local, family owned auto body shop.

Future Use - The property, and a part of the shop, will be used to run my personal small business. My business specializes in small site work for sheds, gazebos and playscapes as well as landscaping, gravel driveways, topsoil and lawns. I have a ten wheeler dump truck, a six wheeler dump truck, a trailer and a skid steer that will be stored at the property. As I will not require the whole shop, renting the rest will provide me with the income needed to improve the visual of the property.



Auto  
Repair  
Rental

Main  
Shop  
121 Jobs Hill Rd

equipment  
storage/parking

parking

Garage

walkway

Material  
bins

top soil

stone

Garage





NOTICE OF VARIANCE

Notice is hereby given that the Zoning Board of Appeals of the Town of Ellington at its meeting on April 27, 1981 granted a variance to Milford Charette, 123 Jobs Hill Road, Ellington, Connecticut, the particulars of which are:

DESCRIPTION OF PREMISES

123 Jobs Hill Road is located in an Rural Agricultural Zone on the East side of Jobs Hill Road approximately 2,500' distant from the intersection of Muddybrook and Meadowbrook Roads.

NATURE OF VARIANCE

The Zoning Board of Appeals granted a variance for the construction of a garage addition. This variance is valid for the duration of its use by members of the Niemann family.

ZONING REGULATION VARIED

Ellington Zoning Regulation Section 4.4 - Rural Agricultural Zone.

NAME OF OWNER OF PROPERTY

Milford and Nancy Charette, 96 Abbott Road, Ellington, Connecticut

Dated at Ellington, Connecticut, this 9th day of June, 1981.

I hereby certify that the above is a true and attested copy of the aforesaid variance from the records of the Zoning Board of Appeals.

Signed Richard K. Babcock, Chairman

Signed Journ Plickys, Clerk

Received July 8, 1981 at 10:20 A.M.

Attest: Wendy B. MacArthur Town Clerk

The location of the addition was the most feasible spot on which to situate a new building. The entrance will remain the same. The new building will be similar in design to the existing structure. All State building requirements will be met.

No one appeared in opposition to the request.

#331  
MILFORD CHARETTE - DBA MEL'S AUTO TECHNIQUE - 123 JOBS HILL ROAD  
USE VARIANCE

M. Charette requested a variance in order to build a 70' x 36' addition to his shop. Because of a space shortage, he must store and work on cars outside his building. The Charettes have tried unsuccessfully to relocate in Town.

It was noted that the garage is in a RA Zone surrounded by the Niemann family. William Niemann recently conveyed the garage property to his daughter and son-in-law, the Charettes. A variance granted in 1974 restricted the use of the garage to members of the Niemann family.

The new addition will be of block construction - used strictly as work area. The Building Official/Zoning Officer will approve the building design.

B. Fries, Muddybrook Road, questioned the hardship. She was informed by M. Charette that he could not continue in business without the variance.

No one appeared in opposition to the request.

#332  
ROY SPIELAMN - MAIN STREET - USE VARIANCE

R. Spielman stated that he is having problems getting his wood milled. He presently takes wood to Brooklyn & Pomfret but because of demand - he is unable to get enough work done. R. Spielman requested a variance to place a portable gas sawmill at the wood yard to do his own milling. It was noted that the wood yard is in a PC Zone.

D. Cohen questioned the decibel level and the distance from Snipsic Village. He voiced concern over the whinning noise and asked if the Spielmans had considered another site. R. Spielman stated that he had not looked into another location.

The mill would be placed to the rear of the fuel yard and could possibly be contained in a building on the property. The sawmill would be operated 5 days a week during the daylight hours (8:00 a.m. to 5:00 p.m.). R. Spielman would like to include milling at his yard as the softwoods cannot be used as firewood and must be destroyed if unused. The Spielmans have found it extremely difficult to have wood milled by others.

CHIDESTER- MOTION

J. Gage moved to grant a variance to the Chidesters for the placement of a travel trailer on the Braunstein property for a period of 60 days. This variance expires 6-27-81. E. Finance seconded. Motion carried.

Ayes Moser, Finance, Gage, Cohen

Nays None

The variance was granted as the Chidester family is temporarily displaced by a fire in their home.

HOFFMAN- MOTION

E. Finance moved to grant a variance to E. Hoffman for the construction of an addition to the existing garage at 450 Somers Road. D. Cohen seconded. Motion carried.

Ayes Moser, Finance, Gage, Cohen

Nays None

The variance was granted since M. Hoffman needs to expand in order to stay in business; the business is in the proper Zone and is surrounded by Hoffman property.

CHARETTE - MOTION

E. Finance moved to grant a variance to Milford Charette for the construction of an addition to the existing garage at 123 Jobs Hill Road with the stipulation that the variance is valid for the duration of its use by members of the Niemann family. B. Moser seconded. Motion carried.

Ayes Moser, Finance, Gage, Cohen

Nays None

The variance was granted as the Charettes need the additional area to continue in business. It would be difficult to re-establish their business in another area.

100

MINUTES OF PUBLIC HEARING

ZONING BOARD OF APPEALS

DATE: Monday, September 30, 1974

TIME: 8:00 PM

PRESENT: Chairman, Richard Babcock, Secretary, Edward G. Finance, William Osgood, Ben Moser, David Cohen and James Gage.

1124  
1. GERALD P. SAS: USED CAR DEALERS LICENSE

The first appeal of the evening was the application of Gerald P. Sas, 21 West Road, Ellington, seeking a Certificate of Approval of the location of premises on the Easterly side of West Road, 475 feet from the intersection of West Road with Charter Road, for a Used Car Dealers License, under Section 14-55 of the Connecticut General Statutes. Mr. Sas appeared before the Board and explained his proposed business. There was no one in opposition. Mr. Sas was informed by the Board that he would need the approval of the Planning and Zoning Commission and the Economic Commission also.

11243  
2. MILFORD CHARETTE: VARIANCE FOR BODY SHOP

The second application was that of Milford Charette of Crystal Lake Road, Tolland, seeking a variance to operate a commercial body shop on the property of William Niemann located on the East side of Jobs Hill Road, 2,500 feet distant from its intersection with Meadowbrook and Muddybrook Roads, and also seeking a Certificate of Approval of the location of said premises for a Repairer's License, under Section 14-55 of the Connecticut General Statutes. Attorney Solomon Kerensky presented Mr. Charette's appeal. He stated that the property had been in the Neimann family since 1892 and the garage has been in use for repairing farm equipment and cars since it was built in 1945. Attorney Kerensky submitted a petition showing that the surrounding neighbors had no objection to the body shop. Mr. Kenneth Wandzy, Jobs Hill Road, Mr. Kenneth Neimann, Jobs Hill Road, Mrs. Eleanor Neimann, and Mr. Edward Bolles spoke in favor of the body shop. No one voiced opposition.

11243  
3. JOHN C. PEELE: EAST SHORE ROAD NORTH, SIDE LINE VARIANCE

The third appeal was that of John C. Peele, Jr. East Shore Road North, Ellington, seeking a sideline variance to construct a screened patio with a roof on top of an existing boat house on premises located on the West side of East Shore Road North, .2 miles distant from the intersection of Minor Road in a Residence A Zone. Mr. Peele appeared before the Board and showed a picture of the intended patio. He then submitted a letter from Mr. John

# Zoning Board of Appeals Nov. 25, 1974 Minutes

Sporck, neighbor, who had no objection to the variance.

## 4. HARRY LIEBMAN: REMODEL GARAGE INTO THREE APARTMENTS

Mr. Daniel Wright, architect, and Mr. Liebman appeared before the Board seeking a use-variance to remodel the second floor of a garage into three apartments on property located in a Residence A Zone on the west side of Pinney Street, Ellington. Mr. Wright described how the garage would be remodeled and brought drawings showing the proposed apartments. He told The Board one garage door would be removed and closed off for a small office. The Board member questioned possible use of the first floor garage and Mr. Liebman said it might be used for storage or garages for the tenants. Mr. Adzima of the Economic Development Commission stated that the E.D.C. would not feel the apartments were in the best interests of the Town and felt this would be spot zoning which the E.D.C. is opposed to.

## 5. CEDRIC L. AND MARJORIE OTT: VARIANCE ON SUBDIVIDING TWO PROPERTIES

Mr. Alfred E. Schindler spoke in behalf of Mr. and Mrs. Ott who are seeking a variance on the resubdividing of two properties, one with insufficient area, the other with insufficient frontage, located in a Lake Residence Zone on the Easterly side of West Shore Road, 350 feet distance from the intersection of West Shore Road with Skinner Road. He explained and pointed out on a map the appeal was to give the rear lot frontage and establish clear title to both lots in the event they were sold. There was no opposition to the appeal.

## EXECUTIVE SESSION

Following the fifth appeal the Board voted to go into executive session. Mr. Ben Moser made the motion and Mr. David Cohen seconded and the motion carried unanimously. Executive session commenced at 9:27 PM.

### 1. GERALD P. SAS: USED CAR DEALERS LICENSE

After a short discussion Mr. Ben Moser made a motion to approve the appeal of Mr. Sas with the stipulation the Planning and Zoning Commission will give final approval of the building, parking facilities, etc. Mr. Edward Finance seconded the motion and it was unanimously passed.

### 2. MILFORD CHARETTE: VARIANCE FOR BODY SHOP

Mr. David Cohen made the motion to grant the variance with the stipulation that the grant is valid for duration of its use by members of the Neimann family. Mr Ben Moser seconded the motion and it passed unanimously.

### 3. JOHN C. PEELE: EAST SHORE ROAD NORTH, SIDE LINE VARIANCE

Mr. Ben Moser made a motion to grant the appeal of John Peele Jr. Motion

## Barbra Galovich

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**From:** Barbra Galovich  
**Sent:** Monday, July 27, 2020 3:40 PM  
**To:** 'johnkloter@yahoo.com'  
**Cc:** John Colonese  
**Subject:** FW: Staff Review - V202003 121 Jobs Hill Road

John,

Hope you are well. Please see the below comments from the Building Official.

Thank you,  
Barbra

Barbra Galovich, CZET  
Land Use Assistant  
Town of Ellington  
55 Main Street  
Ellington, CT 06029  
(860) 870-3120

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**From:** Raymond Martin  
**Sent:** Monday, July 27, 2020 3:17 PM  
**To:** Barbra Galovich <bgalovich@ELLINGTON-CT.GOV>  
**Subject:** RE: Staff Review - V202003 121 Jobs Hill Road

"A more detailed plan/description of an added tenant space would be required before any bathroom and ADA requirements could be evaluated."

Raymond Martin III  
Building Official  
Town of Ellington  
860-870-3124 office  
860-870-3122 fax

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**From:** Barbra Galovich  
**Sent:** Monday, July 20, 2020 12:32 PM  
**To:** James York <JYork@ELLINGTON-CT.GOV>; Kim Bechard <KBechard@ELLINGTON-CT.GOV>; Lori Spielman <lspielman@ELLINGTON-CT.GOV>; Mike Caronna <mcaronna@ncdhd.org>; Raymond Martin <Rmartin@ELLINGTON-CT.GOV>; Sydney Kern <skern@ELLINGTON-CT.GOV>; Timothy Webb <twebb@ELLINGTON-CT.GOV>; Westford Lirot <wlirot@ncdhd.org>  
**Cc:** John Colonese <jcolonese@ELLINGTON-CT.GOV>  
**Subject:** Staff Review - V202003 121 Jobs Hill Road

Hi,

## Barbra Galovich

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**From:** Barbra Galovich  
**Sent:** Wednesday, July 22, 2020 8:36 AM  
**To:** 'Michael Caronna'; Westford Lirot  
**Cc:** John Colonese  
**Subject:** RE: Staff Review - V202003 121 Jobs Hill Road

Mike,

Hope you are well. We do have a Zoning Board of Appeal's application that is scheduled for August 3, 2020 meeting. Appreciate you forwarding your comments to the owner and applicant.

Thank you,  
Barbra

Barbra Galovich, CZET  
Land Use Assistant  
Town of Ellington  
55 Main Street  
Ellington, CT 06029  
(860) 870-3120

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**From:** Michael Caronna [mailto:mcaronna@ncdhd.org]  
**Sent:** Tuesday, July 21, 2020 3:53 PM  
**To:** Barbra Galovich <bgalovich@ELLINGTON-CT.GOV>; James York <JYork@ELLINGTON-CT.GOV>; Kim Bechard <KBechard@ELLINGTON-CT.GOV>; Lori Spielman <lspielman@ELLINGTON-CT.GOV>; Raymond Martin <Rmartin@ELLINGTON-CT.GOV>; Sydney Kern <skern@ELLINGTON-CT.GOV>; Timothy Webb <twebb@ELLINGTON-CT.GOV>; Westford Lirot <>wlirot@ncdhd.org>  
**Cc:** John Colonese <jcolonese@ELLINGTON-CT.GOV>  
**Subject:** RE: Staff Review - V202003 121 Jobs Hill Road

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This Application needs a Change of Use review by our Dept. in accordance with Section 19-13-B100a CT Public Health Code – The Applicant needs to submit the attached Application and a \$50 review fee – An additional \$100 fee may be charge if the Dept. determines that a site soil test is necessary for the evaluation. The sketch provided does not show the septic system or water supply well.

Questions, have the applicant contact our office directly.  
I do see the owner's and applicant's emails – will forward the same –

Michael S. Caronna R.S., MPH  
Director of Environmental Services  
North Central District Health Dept.  
31 No. Main Street  
Enfield, Connecticut, 06082  
Phone 860-745-0383 x 111  
Fax – 860-745-3188  
[mcaronna@ncdhd.org](mailto:mcaronna@ncdhd.org)