



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, MARCH 1, 2021, 7:00 PM
TOWN HALL ANNEX MEETING ROOM, 57 MAIN ST, ELLINGTON, CT**

**IN-PERSON PUBLIC ATTENDANCE LIMITED DUE TO COVID19 RESTRICTIONS
AND ZOOM MEETING ATTENDANCE**

PRESENT: Chairman Art Aube, Regular members Ken Braga and Katherine Heminway; Present via ZOOM meeting: Vice Chairman Sulakshana Thanvanthri, Regular member Subhra Roy, Alternates Ron Brown and Rodger Hosig

ABSENT: Alternate Ron Stomberg

STAFF

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

John Colonese, Assistant Town Planner/Zoning Enforcement Officer, explained general procedures for how the meeting will be conducted.

I. CALL TO ORDER:

Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:03 pm at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

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

III. PUBLIC HEARINGS:

1. V202102 – Andrian & Cheryl Kebalo, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 24ft and the side yard setback from 10ft to 8ft for a two story addition with a one car garage; and Section 3.2.4-Lot Coverage: to increase lot coverage from 25% to 26% at 1 Crystal Street, APN 149-069-0000 in a Lake Residential (LR) zone.

TIME: 7:03 pm

SEATED: Aube, Braga, Heminway, Thanvanthri, and Roy

Andrian and Cheryl Kebalo, 1 Crystal Street, were present to represent the application. Mr. Kebalo explained they are proposing to construct a second garage and a two story addition. Mr. Kebalo said there are two existing variances on the property from the previous owner. He

explained that the non-conforming shed will be removed and items such as the lawnmower, snow blower, canoes and yard furniture would be stored in the new garage, should the variance be granted. He reviewed his reasons for proposing the addition in the location shown on the plan, first is to reduce the impervious coverage, second is to keep the activity farther from the lake, and third it to allow easier access to the existing house.

Mr. Kebalo reviewed the plot plan, floor plans, building elevations and photos that were provided with the application. He noted they are looking for a front yard setback from 35 feet to 24 feet, a side yard setback from 10 feet to 8 feet, as well as an increase in lot coverage from 25% to 26%.

Commissioner Braga asked what materials Mr. Kebalo was looking to use for the driveway. Mr. Kebalo stated they would like to use asphalt and did consider using pervious pavers, if necessary to meet the lot coverage. He noted that the North Central District Health Department raised concerns about installing an underdrain within 25 feet of the existing well. Commissioner Braga complimented Mr. Kebalo on his presentation, he is concerned with the lot coverage request and has no other issues with the application.

Vice Chairman Thanvanthri inquired about the Department of Public Works needing to sign off on the driveway. Mr. Colonese explained that department requirements will need to be met prior to the issuance of a zoning permit, such as the North Central District Health Department, Water Pollution Control Authority, and Department of Public Works.

Commissioner Hosig asked about the height of the finished addition and if it would impact the neighbor's view of the lake. Mr. Kebalo stated the proposed garage addition height would not exceed 38 feet as the proposed cupola would be 34 to 35 feet in height. He noted that he spoke with his neighbors about his proposal and they have been notified about tonight's meeting. Commissioner Hosig stated he would like to see the lot coverage remain at 25%.

Mr. Kebalo agreed to meet the zoning requirements for lot coverage but asked the board to approve his setback requests for the addition.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202102.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS V202102 – Andrian & Cheryl Kebalo, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 3.2.3-Minimum Yard Setbacks: to reduce the front yard setback from 35ft to 24ft and the side yard setback from 10ft to 8ft for a two story addition and a one car garage at 1 Crystal Street, APN 149-069-0000 in a Lake Residential (LR) zone.

Condition(s) of Approval:

- 1) Lot coverage shall not exceed zoning regulation requirement.**
- 2) Subject to compliance with Health Department, Water Pollution Control Authority, and Department of Public Works requirements.**

HARDSHIP: Lot is preexisting, nonconforming based on current regulations.

2. V202103 – 267 Jobs Hill Road, LLC, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 7.14.3(C.3)-Horse Boarding / Riding Arena: to reduce the front yard setback from 200ft to 170ft and the side yard setback from 200ft to 145ft for an indoor riding arena and storage area at 267 Jobs Hill Road, APN 159-022-0000 in a Rural Agricultural Residential (RAR) zone.

TIME: 7:36 pm

SEATED: Aube, Braga, Heminway, Thanvanthri, and Roy

Christy Morin, 267 Jobs Hill Road, was present to represent the application. Ms. Morin stated that this past October they lost the entire stall portion of the barn to a fire which included a 34'x150' building containing 22 stalls on the first floor and storage on the second floor, and a 30'x70' building containing 12 stalls and a tack storage area. The 60'x120' indoor riding arena and 36'x36' attached storage building survived the fire with minimal damage. She explained the best way to utilize the remaining buildings is to convert the existing riding arena and storage building into a 34 stall horse barn replacing what was lost in the fire and add an attached 70'x192' building to the rear of the existing building. The 70'x192' building will be attached to the existing building by a 16'x25' connector and will contain a 70'x152' indoor riding arena and 40'x70' storage area. The front 30'x30' building will be used for dry storage.

Mr. Colonese said the Planning Department received comments dated February 16, 2021 from the Building Official stating, "A CT licensed architect will be required to perform a code analysis of the project. This code analysis will determine how the new proposed structures will affect the existing use. Some things that need to be determined are use group designation for the riding arena, scope of public use, bathrooms, accessibility, height/area of buildings and how that might bring fire sprinklers as a requirement. Any of these design issues that arise may need input from the State Building Inspector and an architect is equipped to address this." He noted that these comments were forwarded to the applicant via email.

No one from the public spoke regarding the application.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202103.

MOVED (AUBE), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS V202103 – 267 Jobs Hill Road, LLC, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 7.14.3(C.3)-Horse Boarding / Riding Arena: to reduce the front yard setback from 200ft to 170ft and the side yard setback from 200ft to 145ft for an indoor riding arena and storage area at 267 Jobs Hill Road, APN 159-022-0000 in a Rural Agricultural Residential (RAR) zone.

Condition(s) of Approval:

1) Subject to compliance with Building Department requirements.

HARDSHIP: Barn destroyed by fire was preexisting, nonconforming based on current regulations; proposed riding arena and storage area are less nonconforming.

3. V202101 – Susann McCarthy, owner/applicant, to appeal a Cease & Deist Order from the Zoning Enforcement Officer at 15 Green Street, APN 129-043-0000 in a Lake Residential (LR) zone.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO TABLE THE OPENING OF THE PUBLIC HEARING FOR V202101 TO APRIL 5, 2021.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the January 4, 2021 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO APPROVE THE JANUARY 4, 2021 MEETING MINUTES AS WRITTEN.

2. Correspondence/Discussion: **None**

V. ADJOURNMENT:

MOVED (BRAGA), SECONDED (AUBE) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:44 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk