



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

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

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES MONDAY, JULY 11, 2022, 7:00 PM

IN PERSON ATTENDANCE: TOWN HALL ANNEX, 57 MAIN STREET, ELLINGTON, CT
REMOTE ATTENDANCE: ZOOM MEETING
(ATTENDEES BELOW WERE IN PERSON UNLESS OTHERWISE NOTED)

PRESENT: Chairman Art Aube, Regular members Ken Braga, Katherine Heminway and Subhra Roy

ABSENT: Vice Chairman Sulakshana Thanvanthri, Alternates Ron Stomberg, Ron Brown and Rodger Hosig

STAFF

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

I. CALL TO ORDER: Chairman Aube called the Zoning Board of Appeals (ZBA) meeting to order at 7:08 pm.

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

III. PUBLIC HEARINGS:

1. V202210 – Schneider Brothers, LLC, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 6.3.7(A.2) – Detached Signs Permitted in C, PC, I and IP Zones: to reduce the setback to the front property line from 15ft to 12.5ft for a detached sign at 128 West Road, APN 037-003-0002 in a PC (Planned Commercial) zone.

Time: 7:09 pm

Seated: Aube, Braga, Heminway and Roy

Sam Schneider, 128 West Road was present to represent the application.

Chairman Aube stated only four Board members are present. He noted in order for the application to pass, all four members would need to be in favor of the variance request or the applicant could choose to continue the hearing to the next meeting with additional members seated on the application. Chairman Aube asked Mr. Schneider if he would like to open the public hearing and discuss the variance request, Mr. Schneider agreed.

Chairman Aube noted the public notice requirements have been met. Mr. Aube read Mr. Colonese's comments stating, prior to this variance application a site plan was submitted and received zoning approval that showed the proposed detached sign location 16 feet from the front property line and 20 feet from the edge of the road. At some point after approval the sign

was installed. Upon inspection, the sign did not appear to meet the 15 foot setback requirement and the owner was instructed to provide proof of compliance. The owner has provided a drawing showing the sign 12.5 feet from the front property line and has chosen to request a variance.

Mr. Schneider thanked the Board for coming out since he was the only applicant and stated Earthlight has moved into their new building at 128 West Road. He explained the detached sign was located at 92 West Road in a conforming location after obtaining a variance. Before moving the sign, Mr. Schneider hired a landscaper to design the landscaping plan with the new location showing 15 feet off the property line. He showed Mr. Colonese the plan before proceeding with the project. Mr. Schneider and his brothers moved the sign from 92 West Road to the new location. He stated they measured the holes for the posts of the sign from the edge of road, rather than the property line, hence that is how the sign ended up being erected 12.5 feet, and not 15 feet, from the front property line. He also reviewed the development of the parcel that has taken place over the past few years since receiving all their approvals.

Mr. Schneider explained it would be a lot of work to move the split rail fencing, the row of landscape trees, and the landscaping for the detached sign back the 2.5 feet. They would also have to ask the Barnyard to move their side of the landscape trees and split rail fencing back 2.5 feet in order to keep the unified look for both parcels. He noted Scott Hesketh emailed him stating based on the as-built plan, the sign is located in excess of 15 feet from the edge of the roadway, and the sign does not interfere with the required Department of Transportation (DOT) sight distance. Mr. Schneider is asking to leave the sign in its current location.

Chairman Aube asked who dug the holes for the sign posts. Mr. Schneider said he and a landscaping company dug the holes according to the plan. He said he was measuring from the edge of the roadway. Commissioner Braga said he understands that mistakes happen but should the state DOT decide to widen the road, he believes the sign should then be moved and installed in compliance with state and local regulations. Mr. Colonese said the Board could make Commissioner Braga's statement a condition of approval.

Commissioner Heminway asked if the posts were set in concrete. Mr. Schneider noted they added gravel to stabilize the posts. She asked how many feet is between the split rail fence and the post on the west side of the sign. Mr. Schneider said he does not know the distance, but should they rebrand and the sign needs to be replaced then they would install the detached sign according to the regulations. Commissioner Heminway noted as long as the sight line is ok, then she is ok with the proposal.

Michael Swanson, 27 Standish Road, noted he is on the Planning & Zoning Commission and stated Earthlight and Barnyard are models for the town as they do phenomenal work. He feels that Earthlight did not intentionally install the detached sign incorrectly.

MOVE (HEMINWAY), SECONDED (ROY) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR V202210.

MOVED (BRAGA), SECONDED (ROY) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION(S) V202210 – Schneider Brothers, LLC, owner/applicant, request for a variance of the Ellington Zoning Regulations Section 6.3.7(A.2) – Detached Signs Permitted in C, PC, I and IP Zones: to reduce the setback to the front property line from 15ft to 12.5ft for a detached sign at 128 West Road, APN 037-003-0002 in a PC (Planned Commercial) zone.

Condition(s): If the West Road (Route 83) roadway is widened at this location, the sign shall be moved to comply with the Ellington Zoning Regulations and State of Connecticut Department of Transportation required sight distance.

Hardship: Topography of land.

IV. ADMINISTRATIVE BUSINESS:

1. Approval of the June 6, 2022 Regular Meeting Minutes.

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO APPROVE THE JUNE 6, 2022 MEETING AS WRITTEN.

2. Correspondence/Discussion:

- a. Changing a hip roof to a gable roof on nonconforming portion of house.

Mr. Colonese explained that 20 Lake Street is proposing to change the roof of the house from a hip roof to a gable roof for safety reasons where a portion of the house is within the front and side yard setback area. The pitch of the roof will change slightly raising the peak approximately a foot and the roof overhangs will not change. The board did not find a variance necessary for the roof change as described.

V. ADJOURNMENT:

MOVED (BRAGA), SECONDED (HEMINWAY) AND PASSED UNANIMOUSLY TO ADJOURN THE ZBA MEETING AT 7:29 PM.

Respectfully submitted,

Barbra Galovich, Recording Clerk