



## ZONING BOARD OF APPEALS (ZBA) APPEAL OF ZEO DECISION APPLICATION

Per Section 8-6 of the CT General Statute, the ZBA has the power to “hear and decide appeals where it is alleged there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter.” The ZBA is charged with finding facts and applying the zoning regulations to the facts. Per case law, the ZBA has no power to hear an appeal based on a ZEO’s failure to act or render a decision.

### INSTRUCTIONS

**SUBMISSION:** The complete ZEO appeal application, including grounds of the appeal and ALL supporting plans, photographs, and documentation, must be submitted to the Zoning Enforcement Officer and the ZBA via the Land Use Department on the third floor of Town Hall. Please provide 10 copies of the full application. A single PDF electronic file of all documents submitted is also helpful.

**TIMING:** Per CT General Statute Section 8-7, appeal of the ZEOs decision must be made within 30 days of his/her decision. The appeal period commences for an aggrieved person at the earliest of the following:

- Receipt of the order, requirement or decision the person is looking to appeal;
- Upon publication of a notice in a newspaper, typically *The Valley Courier* or *Hartford Courant*;
- Upon actual or constructive notice of such order, requirement or decision

**FEES:** An application fee via cash or check payable to the “Town of Essex” for a **\$110.00 Variance Application Fee** (\$50 Town of Essex, \$60 DEEP fee) must be paid by the applicant at the time of application.

**ZBA Meetings** (with rare exceptions) are scheduled the **THIRD Tuesday** of each month at 7:00 p.m. at Town Hall, 29 West Avenue, Essex. Complete applications submitted by **the deadline provided on the attached schedule**, are typically heard at the **subsequent** regularly scheduled meeting, unless the Board decides to schedule otherwise. The ZBA meeting schedule is also posted on the Town’s website [www.essexct.gov](http://www.essexct.gov). The Applicant or his/her Authorized Representative **must** be present at the hearing or participate virtually.

**DECISION:** A decision by the ZBA to uphold, reverse, or modify a decision of the ZEO becomes effective after publication of a **“Legal Notice” of the ZBA decision** in a newspaper, typically *The Valley Courier* or *Hartford Courant*, within fifteen (15) days of the ZBA decision (per CGS Section 8-7).

**Please note that the ZEO has the ability to enforce an order during an appeal of their decision.**



Town of Essex  
**Zoning Board of Appeals**

29 West Avenue, Essex, CT 06426

Application for the Appeal of ZEO's Decision

Date received by office \_\_\_\_\_ Application fee - \$50 = Pd. \_\_\_\_\_

Application # \_\_\_\_\_ Hearing Date \_\_\_\_\_

Premises: Street Address \_\_\_\_\_

Assessor's Map # \_\_\_\_\_ Lot # \_\_\_\_\_ Lot Area \_\_\_\_\_ ac

Zoning District \_\_\_\_\_

Owner of Property \_\_\_\_\_

Address \_\_\_\_\_  
Street Town State Zip

Telephone \_\_\_\_\_ Email: \_\_\_\_\_  
home work

Applicant (if not owner) \_\_\_\_\_

Address \_\_\_\_\_  
Street Town State Zip

Telephone \_\_\_\_\_ Email: \_\_\_\_\_  
home work

Note:

- 1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.
- 2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.
- 3) I HERBY AGREE TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

Signature (Authorized Agent) \_\_\_\_\_ Date \_\_\_\_\_

Deed Reference: Book \_\_\_\_\_ Page \_\_\_\_\_

Current use of the property:

Residential

Business

Farm

Other \_\_\_\_\_

- 1. Original request (Please describe proposed use, dimensions, height and location of any new construction PLUS any changes to use, size, shape, bulk, footprint, floor area or height of existing structure; Site plan drawn to scale shall also be provided; Please cite appropriate sections of the Essex Zoning regulations)**

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*(Please attach supplemental sheets if space provided is insufficient)*

- 2. Decision, order or requirement made by ZEO appealed from (include date and description)**

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*(Please attach supplemental sheets if space provided is insufficient)*

**3. Reason for appeal of ZEOs decision**

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*(Please attach supplemental sheets if space provided is insufficient)*

**The following items must be included as part of this application:**

- \_\_\_\_\_ **a. Fee of \$50.00 – Town Fee \$50 payable to the Town of Essex**
- \_\_\_\_\_ **b. 10 copies of the application, site plan (with setback lines) and sketch of the proposal.**
- \_\_\_\_\_ **c. Copy of property deed**
- \_\_\_\_\_ **d. Supporting documentation regarding appeal**

**Owner/Applicant Commitments**

I (we) certify that the statements hereinabove made and the documents submitted herewith are true to the best of my (our) knowledge and belief.

I (we) consent to allow Zoning Board of Appeals members access to the property for informal, independent site visits, for the purpose of evaluating this application prior to the Board rendering its decision.

**Signature of applicant** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of property owner** \_\_\_\_\_ **Date:** \_\_\_\_\_

