

Town of Essex
Zoning Board of Appeals

29 West Avenue, Essex, CT 06426



Variance Application

Date received by office _____ Application fee - \$50 + State fee - \$60 = \$110 Pd.

Application # 22-04 BY: _____ Hearing Date _____

Premises: Street Address 22 Main Street Essex

Assessor's Map # 27 Lot # 67 Lot Area 0.2 ac

Zoning District Essex Village

Owner of Property David Dick & MaryAlice Godfrey

Address 22 Main Street Essex CT 06426
Street Town State Zip

Telephone 619.997.0286 Email: daviddick@cox.net
home work

Applicant (if not owner) Hope Proctor

Address 28 Main Street Suite 4 Essex CT 06426
Street Town State Zip

Telephone _____ 860.767.0767 Email: hope@proctorarchitects.com
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 _____

Is any portion of property within 500' of another Town? Yes No

Is the property within the Gateway Conservation District? Yes No

1. Variance(s) requested of the Essex Zoning Regulations

Section No.	Allowed/Required per the regulations	Existing	Requested
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- Check if this applies- 40C- No buildings allowed within the setbacks
- Check if this applies- 40D- No improvements except in conformity with the zoning regulations.
- Check if this applies- 40E- No change in the use of any land or improvement, in the location of any improvement, or in the size of shape of any lot or improvement except in conformity with the zoning regs.

We are requesting a variance for a side yard set back for a chimney that is 3'-6" off the property line where 5'-0" is required. We are also proposing to add an addition to the existing house which will be located 4'-0" off the property line. The addition will align with the existing house which is existing non-conforming. See Supplemental sheet for additional information.

(Please attach supplemental sheets if space provided is insufficient)

- 1a). If variance is requested of Section 101E Gateway Buffer Area, the application shall be reviewed by the Essex Inland Wetlands and Watercourses Commission (per Section 140L) and a letter of referral shall be provided by the EIWWC prior to attending the ZBA meeting.**

2. Variance is requested to allow (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)

See Supplemental documents for dimensional plans and elevations illustrating setback and coverage information.

(Please attach supplemental sheets if space provided is insufficient)

3. Strict application of Essex Zoning Regulations would result in an unusual hardship because of the following characteristics of the property (Support topological hardship claims with photographs, survey)

a.

Please see attached.

b.

c.

4. The above hardship is unique to this parcel and not shared by other in the area because:

a.

Please see attached.

b.

c.

5. Described proposed reductions in legal pre-existing nonconformities, if any, if none state N/A

a.

N/A

b.

c.



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ZBA Application Supplemental Documentation

3. Strict application of Essex Zoning Regulations would result in an unusual hardship because of the following characteristics of the property (Support topological hardship claims with photographs, survey)

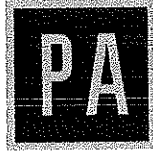
The Applicants are proposing modifications to the existing residence which require variances due to the existing non-conforming location and coverage of the house on the non-conforming 8,348 square foot lot. The primary purpose of the Application is to allow creation of an interior connection and passageway from the existing house to the existing wood frame garage. The proposed addition associated with the proposed connection and related work is 449 square feet, which, together with the addition of a small entry portico and kitchen addition, will bring the coverage to 36.5%. A small side yard setback variance is needed for the connection of the house to the garage and a portion of a chimney.

Prior Variance Approved. The previous owner received a variance in February 2014 to construct an addition to the portion of the house facing Main Street. That variance permitted coverage of 3,050 square feet, expressed in the Variance as of 33.4%. See attached sketch and variance from ZBA Application 13-30. As illustrated in the Supplemental Information Sheet, however, had the improvements permitted by the 2014 variance been constructed as approved, the actual surveyed coverage of the improvements on the property would have actually been 36.0%.

Hardship. The primary hardship supporting the Application is the Applicants' desire to retain the existing mature 70+ foot tall Wild Spring Cherry tree that is located between the house and the garage.

The tree is the "State Champion" of trees of its variety (*Prunus pendula* f. *ascendens*) and something of a town landmark (see attached information). In lieu of creating the proposed passage between the house and the garage, the Applicants' option would be to demolish the existing garage and rebuild closer or adjacent to the existing house. This would result in a lower coverage consistent with the existing variance. Relocating the garage closer to the house within the permitted coverage, however, would result in the need to remove the 70+ foot cherry tree which the Applicants would prefer not to do. The proposed design will protect the tree and avoid the need to remove it.

An additional hardship is the location where improvements could be made to the property pursuant to the 2014 variance. Constructing improvements in the allowed location would alter the appearance of the house away from its historic colonial architecture and construction. The Applicants would rather preserve the appearance of the property from Main



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Street by locating the proposed additions behind the house toward the rear of the property not easily seen from adjacent public view.

4. The above hardship is unique to this parcel and not shared by other in the area because:

The hardships unique to this parcel are (i) the Applicant's desire to protect and preserve the existing "State Champion" Wild Spring Cherry tree on the property, and (ii) the fact that the existing previously approved variance would result in an addition to the existing house that would alter the appearance of the house from the adjacent public streets in a way the Applicant wishes to avoid. These are unique attributes that do not generally apply to other properties.

5. Described proposed reductions in legal pre-existing nonconformities, if any, if none state N/A

N/A

6. The requested variance(s) are in harmony with the purpose and intent of Essex Zoning Regulations because:

The proposed variances are consistent with the comprehensive zoning plan for the Town of Essex because the addition is primarily located in a conforming location and is generally consistent with the previously approved variance. The modifications to the house are limited to the rear of the property and not easily visible from a public street. As a result, the property will retain the historic colonial façade along Main Street. Further, the non-conforming addition is located on the same building line as the existing house - approximately 4.0 feet from the side yard.

NAWINWORD\Land Use\Exhibits\Dick, David & MaryAlice Godfrey - 22 Main Street Essex.doc



Proctor Architects, LLC

Dick-Godfrey Residence
22 Main Street

LIST OF ABUTTING NEIGHBORS

**KREISLER PETER S & ASHLEY S
TRUSTEES**
25 MAIN ST
ESSEX, CT 06426

GOLDING NATALIE B
6 MEIGS LA
ESSEX, CT 06426

ESSEX TOWN OF
29 WEST AVE
ESSEX, CT 06426

JOHNS PAUL J
29 MAIN ST
ESSEX, CT 06426

ROLLINS MARKHAM III & JODY E
10 MEIGS LA
ESSEX, CT 06426

EVANS THOMAS R TRUSTEE
271 WEST POND MEADOW ROAD
WESTBROOK, CT 06498

ST JOHN'S EPISCOPAL CHURCH
PO BOX 422
ESSEX, CT 06426

SANTORO ANNELISA
48 MAIN ST
ESSEX, CT 06426

**PAULIN RUTHANN M & GLYMAN
PETER J**
20 MAIN ST
ESSEX, CT 06426

HARRIS ROGER D & JAN A
821 HILLS CREEK DR
MCKINNEY, TX 75072



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ZBA Application Supplemental Information Sheet

1. Variances requested:

Section 40C Side yard setback

Side yard setback is requested along the North edge of the property line. The existing house has an existing non-conforming setback of 4'-0" off the property line where 5'-0" is required. The proposed addition aligns with the existing house and will therefore require a side yard setback variance. We are also proposing to add a new chimney within the side yard setback putting it within 3'-6" off the property line.

Section 40D Improvements:

The existing lot is in the Essex Village (EV) Zone which has a maximum coverage of 25%.

There are some discrepancies between existing town records regarding lot coverage and what has been determined by the A-2 Survey submitted with this application. The following is a breakdown comparing (i) the coverage variance as approved in 2014 (ZBA Application 13-30), (ii) the actual existing coverage (per the A-2 survey), and (iii) the coverage proposed by this application.

SQUARE FOOTAGE CALCULATIONS PER THE VARIANCE GRANTED IN 2014

Existing House Total: 2,172sf

Including Covered Porches, Portico, & Breezeway

Existing House:	1,581sf
Existing Covered Porch (side):	143sf
Existing Covered Porch (back):	288sf
Existing Breezeway:	160sf

Existing Garage: 625sf

Total Existing Coverage 2,797sf

EXISTING COVERAGE: 2797/8348 = 33.5%

Previously Approved Variance for Coverage

Addition 208sf

Total Coverage with Addition 3,005sf

EXISTING COVERAGE WITH PREVIOUSLY APPROVED ADDITION: 3005/8348 = 36%



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ACTUAL EXISTING COVERAGE

Square footage calculations per A-2 Survey dated 2/15/22 – CALCULATED TO ROOFLINE

Existing House Total: **1,951sf**

Including Covered Porches, Portico, & Breezeway

Existing House: 1,641sf

Existing Covered Porch (side): 150sf

Existing Covered Porch (back): 0sf
(Removed after previous approvals)

Existing Breezeway: 160sf

Existing Garage: **645sf**

Total Existing Coverage **2,596sf**

EXISTING COVERAGE: 2797/8348 = 31.1%

PROPOSED COVERAGE FOR THIS ZBA APPLICATION

Proposed House: **2,400sf**

Including Covered Porches, Portico, & Breezeway

Garage: **645sf**

Total Proposed Coverage **3,045sf**

Difference of 40sf from coverage approved in 2014

PROPOSED COVERAGE: 3045/8348 = 36.5%

Town of Essex - Zoning Board of Appeals

29 West Avenue, Essex, CT 06426 Phone: 860-767-4340 x 119 Fax: 860-767-8509

Notice of Variance Granted

To

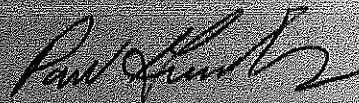
John A. Cacase

With regard to **Application No. 13-30** the Essex Zoning Board of Appeals granted a variance on behalf of John Cacase, for the property located at 22 Main Street, Essex, CT, Assessor's Map 47 Lot 67, EV District. The variances are to sections 40D, 40E, and 70B of the Essex zoning regulations to allow a 208 square foot addition to a house that would increase building coverage from 31% to 33.4% where 25% is the maximum coverage allowed..

The hardship associated with this proposal is a minimal increase and a small addition. The house predates zoning regulations and any work on the property will be in violation of the zoning ordinances.

This application is approved in accordance with the plans as submitted.

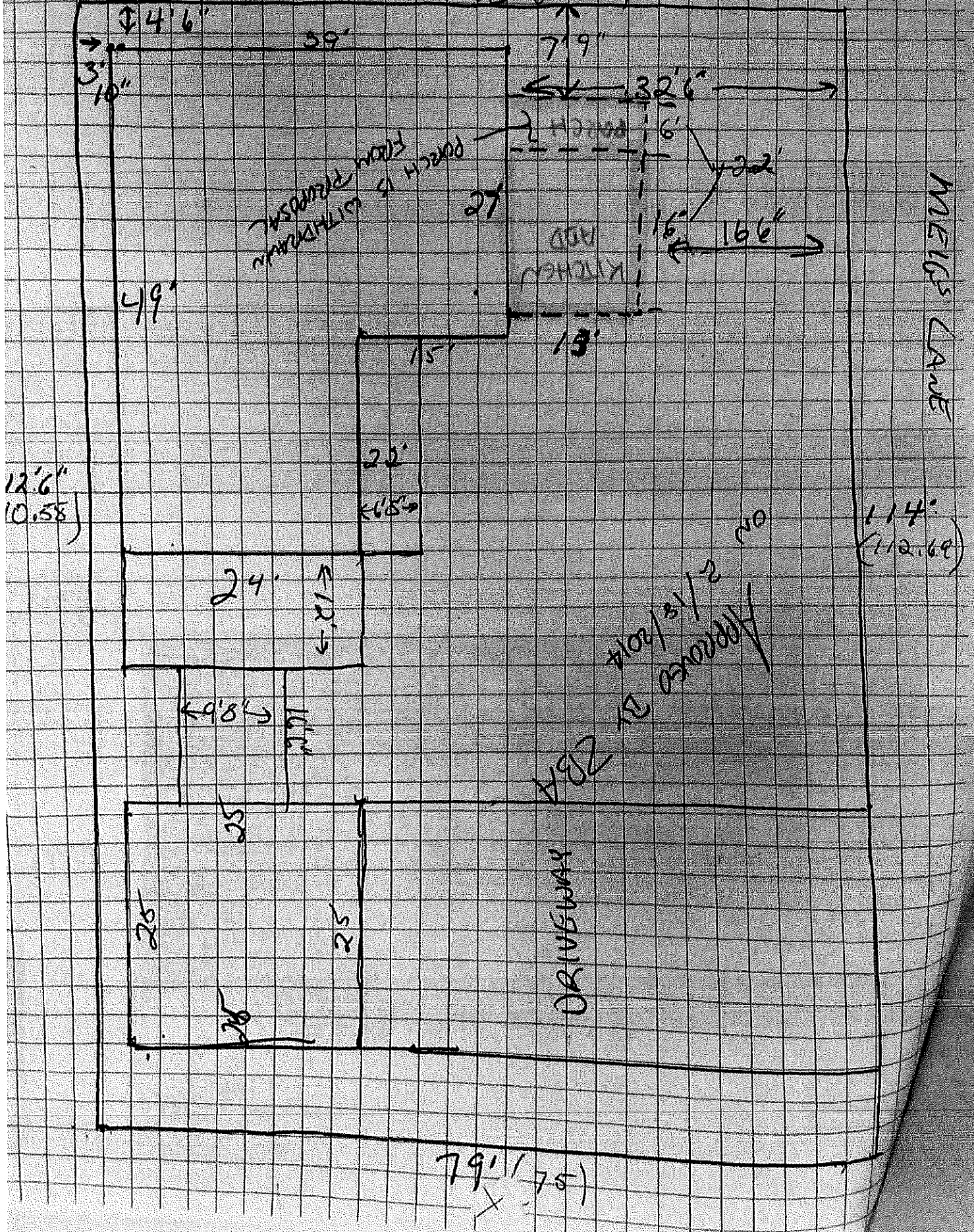
Essex Zoning Board of Appeals



Paul Greenberg, Chairman

John Casade 22 Main St.

Main St 75' (74.01)





Home

CHAMPION TREES

- by Scientific Name
- by Common Name
- Our National Champions
- Without Champions

HISTORIC TREES

- 1902 Pin Oaks
- Charter Oak Descendants
- Matthies's Book

TREE LISTS

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- for a Town
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- Full List by Species
- Biggest Trees
- Tallest Trees
- Largest-Trunked Trees

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ID: 225306

Scientific Name: *Prunus pendula* f. *ascendens*

Common Name: Wild Spring Cherry

Town: Essex

Points: 290

Circumference: 200 in

Height: 70 ft

Average Spread: 81 ft

Nominated by: Marty Aligata (Jan 8, 2012)

Measured by: Ed Richardson (Feb 27, 2012)

Notes: ■ This tree is a Connecticut champion.

< 1 of 5 >

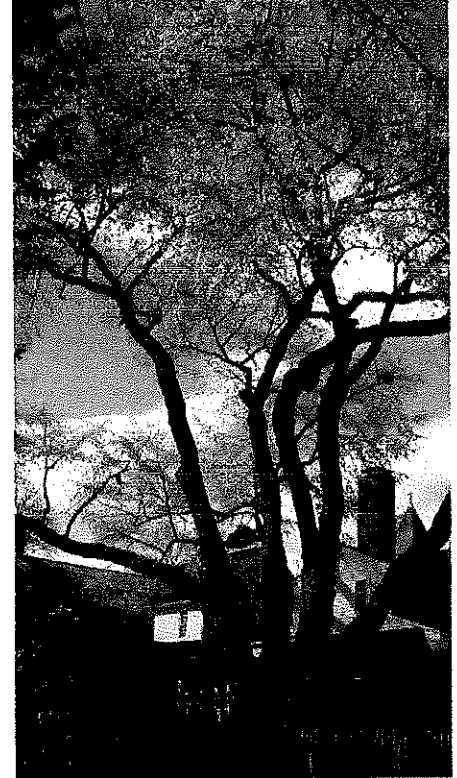
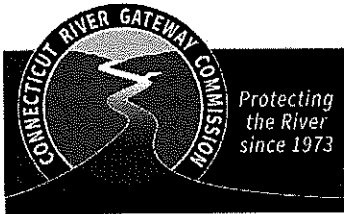


Photo by Marty Aligata (Apr 7, 2012)



145 Dennison Road
Essex, CT 06475
Phone: 860-581-8554
FAX: 860-581-8543
www.ctrivergateway.org

Chester
Deep River
East Haddam
Essex
Haddam
Lyme
Old Lyme
Old Saybrook

April 22, 2022

Mr. William T. Furgueson, Chairman
Essex Zoning Board of Appeals
29 West Avenue
Essex, CT 06426

**SUBJECT: Additions to Residential Structure, 22 Main Street, Essex Village (M6 L017)
David Dick and Mary Alice Godfrey**

Dear Mr. Furgueson:

The Essex Zoning Board of Appeals has submitted the referenced variance application to the Connecticut River Gateway Commission for review and comment pursuant to Section 25-102h of the Connecticut General Statutes. The application proposes the construction of an interior connection and exterior passageway from the existing house to the existing wood framed garage. The main structure will be expanded on both the first and second levels and a second story will be added on top of the one-story garage. These comments are provided for the consideration of the Zoning Board of Appeals at a public hearing which will commence on Tuesday, May 17, 2022.

Findings

Staff and the Gateway representatives for the Town of Essex have discussed the application and have viewed the property, including from a vantage point in Middle Cove using a kayak. Although the proposed additions are substantial in size, the location of the property on Main Street and the fact that there are several lots between the subject property and the cove that are developed with residential structures, very little of the proposed construction will be visible from the cove in any significant way. Much of the proposed addition is either (1) within the visible envelope of the existing structure as seen from the cove (e.g. doesn't expand the visible envelope of the existing structure), (2) located primarily on the northwestern, less visible side of the property, and (3) blocked from view by the garage structure to the immediate rear of the 22 Main Street property. For these reasons, it is found that the Gateway Commission would not object to the granting of the required variances as the construction will have little impact on the "natural and traditional riverway scene" in this densely developed area of Essex Village.

Thank you for the Zoning Board of Appeal's continued assistance and partnership in the protection and preservation of the "natural and traditional riverway scene" within the lower Connecticut River Valley. If the Board or the applicant have any questions about these findings and the requested conditions, please don't hesitate to contact staff of the Gateway Commission by email at tdownes@rivercog.org.

For the Commission,

J. H. Torrance Downes
Deputy Director, RiverCOG

Copies to:

Claire Matthews, Essex Representative to the Gateway Commission
Misha Semenov, Essex Alternate to the Gateway Commission

Protecting the River Since 1973