

TOWN OF ESSEX
LAND USE APPLICATION
PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	_____	VARIANCE/ APPEAL	_____
SITE PLAN REVIEW	_____	APPROVAL OF LOCATION	_____
INLAND WETLANDS PERMIT	_____	REGULATION TEXT AMENDMENT	<u> X </u>
INLAND WETLANDS PERMIT - AGENT APPROVAL	_____	ZONE CHANGE	_____
	_____	COASTAL SITE PLAN REVIEW	_____
WETLAND PERMIT TRANSFER	_____	MODIFICATION OF PRIOR APPROVAL	_____
SUBDIVISION / RESUBDIVISION	_____	SPECIAL FLOOD HAZARD AREA PERMIT	_____

PROJECT DESCRIPTION: PZC is looking to amend the Zoning Regulations Section 40I.2 Accessory Buildings to clarify the regulation stating that the side yard setback could be not less than 5 feet and 5 feet from any rear lot line, so long as the structure is not more than 15 feet in height. Full proposed language is attached.

PROJECT NAME: Proposed Text Amendment Re: Accessory Buildings

STREET ADDRESS OF PROPERTY: N/A

ASSESSOR'S MAP: N/A LOT: N/A LOT SIZE: N/A DISTRICT: NA

APPLICANT: The Essex Planning and Zoning Commission PHONE _____

APPLICANT'S AGENT (if any) Carey Duques- contact for the PZC
PHONE: (860) 767-4340 Ext 115

ENGINEER.SURVEYOR/ARCHITECT: N/A PHONE _____

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 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.

Planning and Zoning Commission
Essex Town Hall, 29 West Avenue
Essex, CT 06426

Petition for a Text Amendment of Zoning Regulations
or
Petition for a Change to the Town's Zoning Map
PART TWO

Signature of Property Owner(s):
Or Petitioner

Cary Ingers

Address:

Essex Town Hall
29 West Ave, Essex, CT 06426

Application #

PZC # 21-3

Date of Receipt

4/21/21

The undersigned request a text amendment to the Essex Zoning Regulations.

This petition **requests a change in zoning regulations** and there is attached:

- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.
- 2) A complete and comprehensive statement of the reasons for any proposed changes, including any special interest the Petitioner(s) may have in such change, is attached.

This petition **requests a change to the Town's Zoning Map** and there is attached:

- 1) A map clearly showing the area to be re-classified and specifying the present classification and proposed new classification with existing and proposed boundaries.
- 2) A list, keyed to the map, of the names and addresses of the record owners of and within the area to be affected, and within 500 feet outside the area to be affected by such reclassification, and
- 3) A complete written description, by metes and bounds or courses and distances, of the location of any new zoning district boundary or boundaries proposed.

Proposed Text Amendment to the Essex Zoning Regulations

May 4, 2021 PZC Meeting

Submitted on behalf of the Planning and Zoning Commission

Current Regulation:

Section 40 General Prohibitions

40I.2. Accessory Buildings. Except within a Gateway Buffer Area required under Section 101D.1 (Gateway Conservation District) detached accessory buildings, not more than 15 feet in height and not used for the housing of humans or animals, may be located in the required rear setback of the principal building to which they are accessory, but not less than 5 feet from any lot line, provided that such accessory buildings do not, in the aggregate, occupy more than 20 percent of the area of such rear setback.

Proposed Regulation:

Section 40 General Prohibitions

40I.2. Accessory Buildings. Except within a Gateway Buffer Area required under ~~Section 101D.1~~ **101E** (Gateway Conservation District) detached accessory buildings, not more than 15 feet in height and not used for the housing of humans or animals, may be located in the required rear **and side** setbacks of the principal building to which they are accessory, but not less than 5 feet from any lot line, provided that such accessory buildings do not, in the aggregate, occupy more than 20 percent of the **total** area of such rear **and side** setbacks. **Rear lots shall maintain a setback of 10 feet from side lot lines for accessory buildings not more than 15 feet in height and not used for the housing of humans or animals.**

Statement of the Reasons for Proposed Change

The current regulations are not clear regarding the required setback and if it applies to only the rear or if it applies to the sideline setback as well. This proposed change clarifies the language and also reduces the requests for variances relating to side setbacks.

See the attached table listing variances granted for accessory structures within the side setbacks since January 2020 to present.

Variances Granted for Detached Accessory Structures within Side Setbacks 2019-2021

Application #	Address	Proposed detached structure	Approved setbacks	Required Setback
1	19-09 11 Stonebrook Dr	shed 12' X 14'	20 ft	30 ft
2	19-20 28 River Road	shed 10' X 12'	7' 6" and 13 ft	30 ft
3	19-21 24 Walnut St	shed 8' X 12'	7 ft	25 ft
4	19-25 14 Chestnut St	shed 8' X 12'	5 ft	25 ft
5	19-30 30 Blake St	replace existing shed add platform	20 ft	25 ft
6	20-02 4 Dogwood Dr	shed 8' X 16'	16 ft	30 ft
7	20-11 41 Prospect St	shed 7' X 12.5'	5 ft	25 ft
8	20-12 7 Captain's Walk	shed 6' X 8'	12 ft	30 ft
9	20-13 57 West Ave	shed 12' X 20'	8 ft	25 ft
10	20-21 8 Sunset Terrace	detached garage 32' X 36'	15 ft	25 ft
11	20-26 51 Comstock Ave	shed addition 10' X 15'	11 ft	25 ft