

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>  XA  </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:

Amend Zoning Regulation 40.L

PROJECT NAME:   N/A  

STREET ADDRESS OF PROPERTY \_\_\_\_\_

ASSESSOR'S MAP \_\_\_\_\_ LOT \_\_\_\_\_ LOT SIZE \_\_\_\_\_ DISTRICT \_\_\_\_\_

APPLICANT   Piage Management Corp.  

  49 Plains Rd., Essex, CT 06426   PHONE   (203) 515-1051  

APPLICANT'S AGENT (if any)   Atty. Michael J. Sweeney - % Sweeney Law Firm  

  P. O. Box 1370, Madison, CT 06443   PHONE   (203) 244-9522  

ENGINEER.SURVEYOR/ARCHITECT \_\_\_\_\_

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.

**TOWN OF ESSEX**  
**Zoning Commission**  
Essex Town Hall, 29 West Avenue  
Essex, Ct 06426

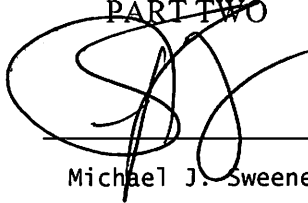
**Petition for a Text Amendment of Zoning Regulations**

or

**Petition for a Change to the Town's Zoning Map**

PART TWO

Signature of Property Owner(s):  
Or Petitioner



02/01/2022

Michael J. Sweeney, Atty. for Piage Management Corp.

Address:

% Sweeney Law Firm, P. O. Box 1370  
Madison, CT 06443

Application # \_\_\_\_\_

Date of Receipt \_\_\_\_\_

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 Zoning Regulation Change.

Petition respectfully requests that the Essex Zoning Regulation 40.L be amended as follows:

Currently:

40.L LOTS PARTIALLY IN DIFFERENT DISTRICTS. Except for maximum building coverage, where portions of any lot are in different districts, the Commission may, by the grant of a special exception, except from the requirements of all but one of such districts, a particular use or improvement upon such portion of the lot as is within 30 feet of the boundary of the district the requirements of which are to apply. Where portions of any lot are in different districts, the provision of that district which prescribe the smallest percentage for maximum building coverage shall govern the entire lot.

Be Changed to:

40.L LOTS PARTIALLY IN DIFFERENT DISTRICTS. The Commission may, by the grant of a special exception, except from the requirements of all but one of such districts, a particular use or improvement upon such portion of the lot as is within 30 feet of the boundary of the district the requirements of which are to apply. Where portions of any lot are in different districts, the provision of that district which prescribe the smallest percentage for maximum building coverage shall govern the entire lot.

The omits the carve out for maximum building coverage and still requires a special exception permit. The regulation maintains oversight from over development as a matter of right.

“Except for maximum building coverage”

The basis for the request is that the regulation, if strictly applied unduly burdens the development of a parcel of land that overlaps two zones.

Hypothetically, a property owner would be restricted in developing any portion of a parcel that had an opportunity, for a special exception even if the special exception was for good and legal cause. It is particularly draconian if the portion of the parcel where the exception was sought was in a more permissive zone and the less permissive zone is left untouched (and compliant).