

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

Essex Zoning Commission

Address:

29 WEST AVENUE

Application #

20-8

Date of Receipt

JULY 9, 2020

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- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.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.

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	_____
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: A PROPOSAL TO ADD LANGUAGE THAT
MAKES IT A REQUIREMENT TO SEND A REFERRAL TO
THE IWWC WHEN THERE IS A VARIANCE REQUEST TO GATEWAY
BUFFER AREA.

PROJECT NAME: TEXT Amendment.

STREET ADDRESS OF PROPERTY n/a

ASSESSOR'S MAP _____ LOT _____ LOT SIZE _____ DISTRICT _____

APPLICANT _____ PHONE _____

APPLICANT'S AGENT (if any) _____ PHONE _____

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.

SECTION 140

ZONING BOARD OF APPEALS

140A. COMPOSITION. In accordance with the provisions of the Zoning Enabling Act, the Zoning Board of Appeals shall consist of five regular members and three alternate members.

140B. CHAIRMAN. The Board shall, by vote of its regular members only, elect a Chairman from among its regular members. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

140C. MEETINGS. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine and, except when lawfully in executive session, shall be open to the public.

140D. MINUTES, VOTING. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if any are absent or fail to vote, shall indicate such fact and shall keep records of its examinations and other official actions.

140E. RULES. The Board shall adopt rules, not inconsistent with the Zoning Enabling Act or these Regulations, governing the procedure for its meetings, hearings and other official actions as it shall deem necessary or appropriate.

140F. RECORDS. Each rule and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.

140G. POWERS AND DUTIES. The Zoning Board of Appeals shall have the following powers and duties:

140G.1. APPEALS. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Agent; and

140G.2. APPLICATION FOR VARIANCE. To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the District in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual

hardship so that substantial justice will be done and the public safety and welfare secured.

140H. CERTAIN PROCEDURAL PROVISIONS. Whenever an application for the grant of a variance is joined with an appeal from any order, requirement or decision of the Zoning Enforcement Agent, the Board shall first decide the issues presented by such appeal. Whenever the Board decides to grant a variance it shall, in stating upon its records the reason for such decision.

140H.1. SPECIAL CIRCUMSTANCES. Describe specifically in detail the conditions especially affecting the premises to which the variance relates but which do not affect generally the District in which such premises are situated and which are the result of the application of these Regulations to circumstances beyond the control of the applicant; and

140H.2. PARTICULAR VARIATIONS. State the particular respect or respects in which the premises contravene the provisions of these Regulations which are varied in their application.

Written notice of each hearing and a complete copy of each application, upon any appeal from any order, requirement or decision of the Zoning enforcement Agent and upon any application for a variance shall be mailed or delivered, at least 10 days before such hearing, to the Zoning Enforcement Agent who shall be entitled to appear and be represented by Counsel. Written notice of each decision of the Board shall be mailed or delivered, not later than the date such notice is published in a newspaper pursuant to the Zoning Enabling Act, to the Zoning Enforcement Agent. No variance shall be effective until a copy thereof, certified by the Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of such variance, including the regulation which is varied in its application, and stating the name of the owner of record, is recorded in the Essex Land Records.

140I. CONDITIONS, SAFEGUARDS AND STIPULATIONS. Whenever the Board decides to grant a variance it shall be authorized to attach to the grant of such variance such conditions, safeguards and stipulations as it may deem necessary or appropriate to prevent or diminish any adverse effect of the use or characteristic of land or improvement authorized thereby upon the health, safety and welfare of the community, any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such use or characteristic and any impairment

of the suitability, usefulness or value of premises in the general neighborhood of such use or characteristic for the uses permitted in the District thereof under these Regulations and predominantly existing therein.

140J. TERMINATION OF VARIANCE. Except as provided in 140K., the authorization of a variance shall terminate:

140J.1. CESSATION. If the use or improvement so authorized shall not have actually existed for a period of one (1) year from the date of cessation or from the effective date of the grant of such variance, whichever is later;

140J.2. ABANDONMENT. If the use or improvement so authorized is abandoned or is intentionally changed to conformity with these Regulations (without regard to such variance); or

140J.3. TERMS OF GRANT. Upon the happening of any event or the expiration of any period of time prescribed by the terms of grant of such variance.

140K. CASUALTY. The authorization of a variance shall not terminate pursuant to 140J.1. if the pertinent use or characteristic ceases by reason of fire or other casualty, provided that:

140K.1. NOTICE. Notice of intention to resume or restore such use or characteristic is filed with the Zoning Enforcement Agent within six months after such cessation; and

140K.2. COMPLETION. Such resumption or restoration is made and completed within two years after cessation.

140J. VARIANCES WITHIN GATEWAY BUFFER AREA. When there is a request for Variances to Section 101E, a referral shall be sent to the Essex Inland Wetlands and Watercourses Commission for a comment.