

**Town of Essex**  
**Zoning Board of Appeals**

29 West Avenue, Essex, CT 06426

RECEIVED  
SEP 23 2022

Variance Application

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

Application # 22-11 BY: \_\_\_\_\_ Hearing Date \_\_\_\_\_

Premises: Street Address 13 Westwoods Road Ivoryton, CT 06442

Assessor's Map # 89 Lot # 11 Lot Area 1.66 ac

Zoning District RU Deed Reference: Book 126 Page 430

Owner of Property Kenneth and Laurie Burke

Address 13 Westwoods Road Ivoryton CT 06442  
Street Town State Zip

Telephone 860-767-3184 Email: music4all610@gmail.com  
home work kennethrburke13@gmail.com


Applicant (if not owner) <same as 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) SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE BOARD OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.
- 3) SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S AGREEMENT 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 9/21/22

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

If this application is for a variance(s) please complete the following sections:

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

*Check those that apply and write in sections that variances are requested*

Section No.	Allowed/Required per the regulations	Existing	Requested
X 40R	No driveway closer than 5' to a side property line. No driveway grade to exceed 12%.	Portions of the existing driveway are closer than 5' of the subject property line.	To reconstruct a portion of the existing driveway within 2' of the side property line to provide permanent and safe access to the residence. Driveway grades will more or less match existing grades.

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

Yes  No

**1a). Is a variance requested of Section 101E Gateway Buffer Area? If yes, 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)**

Reconstruction of a portion of existing paved driveway that frequently sinks and fails. Shifting the driveway as far east as possible (2ft. to property line) to avoid as much unsuitable fill and slope as possible. Portions of the existing driveway are presently less than 2 ft. to said property line.

*(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, etc.)**

a. The driveway would have to be built approximately in the same location. There is a steep bank on the west side of the driveway. The proposal shifts the driveway to the east away from the steep bank and farther away from unsuitable fill. There is no other possible location for the driveway.

b. \_\_\_\_\_

c. \_\_\_\_\_

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

a. The 12' wide driveway is located within a 25' wide access strip that provides the only means of access to the residence. (rear lot) Apparently, when the driveway was constructed, unsuitable materials were used for fill which are now causing recurring sinkholes in the driveway surface. There is no other possible location for the driveway.

b. \_\_\_\_\_

c. \_\_\_\_\_

**5. Described proposed reductions in legal pre-existing nonconformities, if any**

a. N/A \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

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

a. \_\_\_\_\_  
The requested variances will allow the driveway (portion) to be reconstructed as far east within the 25' wide driveway strip to avoid as much unsuitable fill and slope as possible. This will result in a permanently passable b. and safe accessway to the residence.

c. \_\_\_\_\_

Have previous applications been made for this property?  Yes  No

If yes, previous application #s <none known> Date \_\_\_\_\_  
Prior variance request: \_\_\_\_\_ Variance Board Action \_\_\_\_\_

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

- X a. Fee of \$110.00 – Town Fee \$50 plus \$60 State Fee...payable to the Town of Essex
- X b. 10 copies of the application, site plan (with setback lines) and sketch of the proposal.
- X c. Copy of property deed
- N/A d. Referral from Health Department
- N/A e. Referral from Essex IWWC (if applicable)
- N/A f. Referral from adjacent towns
- N/A g. Referral from Gateway Conservation Commission

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 <same as property owner> Date: \_\_\_\_\_

Signature of property owner Laurie M. Burke Date: 9/21/22  
Kenneth A. Burke







Joe Wren &lt;jwren@indigo-land.com&gt;

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**Letter supporting variance requested by Laurie and Ken Burke**

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KRISTEN Vollaro &lt;kcvollaro@comcast.net&gt;

Thu, Sep 22, 2022 at 8:55 PM

To: "jwren@indigo-land.com" &lt;jwren@indigo-land.com&gt;

I am writing this email in support of the variance requested by Laurie and Ken Burke, who are our neighbors on Westwoods Road in Ivoryton. They have shared the preliminary plans for their driveway reconstruction with myself and my husband, Chris Vollaro, and we are not opposed to the plan. It was explained to us that there is one tree on the property line and one on our property which will need to be removed for their plan, and this is not a concern for us. I hope that they will be able to have the plan approved so that their driveway can be repaired. Thank you and please feel free to contact me at [kcvollaro@comcast.net](mailto:kcvollaro@comcast.net) or 860-227-3263 if you have any questions. Thank you.

-Kristen and Vollaro

Kristen Vollaro, MS, PTA, CNS, CDN  
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