

Town of Essex
Zoning Board of Appeals
29 West Avenue, Essex, CT 06426

RECEIVED
MAY 26 2023

BY:

#5343

Variance Application

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

Application # 23-7 Hearing Date 6-20-23

Premises: Street Address 14 Book Hill RD

Assessor's Map # 10 Lot # 026 Lot Area 0.84 ac

Zoning District RU Deed Reference: Book 0149 Page 0976

Owner of Property Thad and Cathy King

Address 14 Book Hill Rd Essex CT 06426
Street Town State Zip

Telephone 860 304 8446 860 429 3325 Email: thad.king@comcast.net
home work

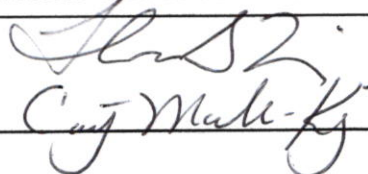
Applicant (if not owner) _____

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 5-25-23

Floor Space	Length	Width	SQ FT
Main House 1St Floor	36	24	864
Master Bedroom	27	16	432
Family Room Front Entry Bathroom	28	18	504
Laundry Room Garage	28	18	504
	12	8	96
Main House 2nd Floor			
Both Bedrooms	16	14	448
Hall and Bathroom	8	7	56
New Garage Area	22	2	44
	25	5	125
New Garage Office	32	22	704
Total			3777

TOWN OF ESSEX, CONNECTICUT

ZONING COMMISSION

ESSEX TOWN HALL
29 WEST AVENUE
P.O. BOX 98
ESSEX, CT 06426

ZONING PERMIT

Date: April 27, 2001

Map Number: 10 Lot Number: 28 Zone: RU

Applicants name: Ian and Erin Neviaser

Applicant's address: 18 Book Hill Road, Essex, CT 06426

Owners name: Ian and Erin Neviaser

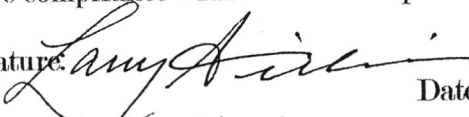
Owner's address: 18 Book Hill Road, Essex, CT 06426

Address of premises: 18 Book Hill Road, Essex, CT 06426

Description of all proposed work, improvements, changes or uses:

Residential garage, 23'x28', as per grant of variance, Case # 01-05, issued, March 20, 2001.

Note: (1) This is not a Building permit. This is not a Health Department permit. This is not a Wetlands Commission permit. (2) This zoning permit expires one year from the date of issuance if construction has not commenced. (3) A certified A-2 plot plan, prepared by a registered land surveyor, or by a professional engineer, licensed to practice in the State of Connecticut, may be required prior to the issuance of a zoning permit, at any stage of the work being performed, and at the completion of the work, to verify and insure compliance with all of the requirements of the Essex Zoning Regulations.

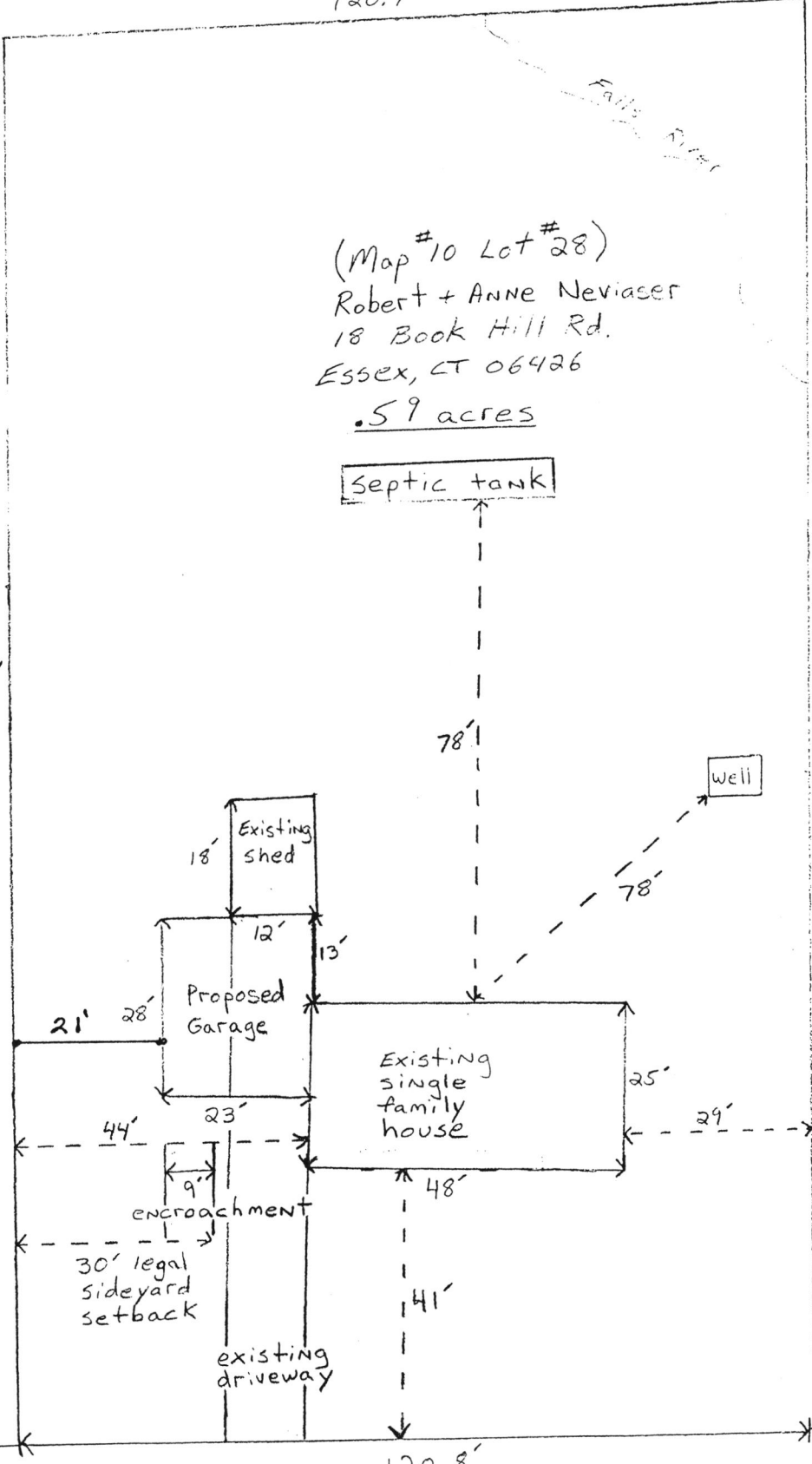
Signature: 

Date: April 27, 2001

Zoning Enforcement Agent

Scale 1 cm. = approx. 10 ft.

Henry + Savannah Towers
440 Three Mile Course Rd
Guilford, CT 06437 (map #8 Lot #2)
120.4



(Map #10 Lot #28)
Robert + Anne Neviacer
18 Book Hill Rd.
Essex, CT 06426
.59 acres

Septic tank

Anthony + Thad King
Book Hill Rd.
Essex, CT
06426
(Map #10)
(Lot #27)

Charles + Helen Fox
22 Book Hill Rd.
Essex, CT
06426
(Map #10)
(Lot #29)

Book Hill Road

TOWN OF ESSEX
ESSEX ZONING BOARD OF APPEALS
29 West Avenue, P. O. Box 98
Essex, Connecticut 06426
860-767-4340

TOWN OF ESSEX
ZONING BOARD OF APPEALS
NOTICE OF DECISION

Pursuant to Public Act 75-317 effective October 1, 1975, the undersigned hereby certifies that the Essex Zoning Board of Appeals rendered the following decisions:

Case 01-02, Tax Map 46, Lot 36 - Solomon Smith Barney/John Goetcheus, applicant/owner of property located at 64 South Main Street, Essex, VR Zone, requesting variance of Sections 60B (Side setback), 50C.2, 50D, 40C, 40D and 40E, of the Zoning Regulations, to construct proposed landing and steps. CONTINUANCE FOR EQUIPMENT PADS. GRANTED.

Case 01-05, Tax Map 10, Lot 28 - Ian and Erin Neviasser, applicant, for owner, Robert and Anne Neviasser, of property located at 18 Book Hill Road, Essex, RU Zone, requesting variance of Sections 61B (side yard setback, maximum building coverage), 40C, 40D, 40E and 40I.1, of the Zoning Regulations, to construct proposed 23' x 28' garage. GRANTED.

Case 01-06, Tax Map 31, Lot 19-1 - Michael J. Wells, Esq., Agent for owner, Gregory B. and Famah S. Hoffman, of property located at 21 North Main Street, Essex, VR Zone, requesting variance of Sections 60B (side yard setback, maximum building coverage), 40C, 40D, 40E, 40I.1, 50C.2 and 50D, of the Zoning Regulations, to construct proposed garage. DENIED.

The above decision was reached on Tuesday, March 20, 2001, at its Regular Meeting of the Essex Zoning Board of Appeals and shall be effective as of the date of recordation of certification on the Essex Land Records as provided in Public Act 75-317.

Essex Zoning Board of Appeals

Stuart Ingersoll, Chairman

Dated at Essex, Connecticut this 2nd day of April, 2001.

TOWN OF ESSEX
Zoning Board of Appeals
West Avenue, P. O. Box 98
Essex, Connecticut 06426
860-767-4340

Essex Zoning Board of Appeals
Record of the Vote
March 20, 2001

Members Present: Ingersoll, Churchill, Needleman, Foster, Daddona.

Case 01-02, Tax Map 46, Lot 36 – Solomon Smith Barney/John Goetcheus, applicant/owner of property located at 64 South Main Street, Essex, VR Zone, requesting variance of Sections 60B (Side setback), 50C.2, 50D, 40C, 40D and 40E, of the Zoning Regulations, to construct proposed landing and steps.

Motion was made by Mr. Needleman, seconded by Mr. Churchill, to grant the variance. SO VOTED.

Case 01-05, Tax Map 10, Lot 28 – Ian and Erin Neviaser, applicant, for owner, Robert and Anne Neviaser, of property located at 18 Book Hill Road, Essex, RU Zone, requesting variance of Sections 61B (side yard setback, maximum building coverage), 40C, 40D, 40E and 40I.1, of the Zoning Regulations, to construct proposed 23' x 28' garage.

Motion was made by Mr. Daddona, seconded by Mr. Foster, to grant the variance. SO VOTED.

Case 01-06, Tax Map 31, Lot 19-1 – Michael J. Wells, Esq., Agent for owner, Gregory B. and Famah S. Hoffman, of property located at 21 North Main Street, Essex, VR Zone, requesting variance of Sections 60B (side yard setback, maximum building coverage), 40C, 40D, 40E, 40I.1, 50C.2 and 50D, of the Zoning Regulations, to construct proposed garage.

Motion was made by Mr. Needleman, seconded by Mr. Foster, to grant the variance. VOTE: In Favor – Needleman, Foster, Churchill. Opposed – Daddona, Ingersoll. MOTION DID NOT CARRY AS IT DID NOT RECEIVE THE REQUIRED 4 AFFIRMATIVE VOTES NECESSARY.

Respectfully submitted,

Judith R. Brown, Clerk

Case No. _____

Date Received _____

Fee(s) \$40⁰⁰ & 10⁰⁰

THE ZONING BOARD OF APPEALS
ESSEX, CONNECTICUT
See instructions and procedures on reverse side
Fees payable at time of application

Map No. 10

Lot No. 28

Zone: RU

APPLICATION FOR VARIANCE OF THE ZONING REGULATIONS, CERTIFICATE OF APPROVAL
OF LOCATION, OR APPEAL FROM THE DECISION OF THE ZONING ENFORCEMENT AGENT.

DATE: 2/8/01

(1) Applicant: Ian and Erin Neviaser

Address: 18 Book Hill Road
Essex, CT Zip: 06426 Phone: 860-767-1874

Interest in property: Owner _____ Agent _____ Appellant Purchaser

Name of Owner: Robert and Anne Neviaser Address: 14620 Seneca Road
Germanatown, MD 20874

(2) To the Board of Appeals:

We hereby apply for Variance; Certificate of Approval of Location; an Appeal of a decision
of the Zoning Enforcement Agent.

(3) Premises located at No. 18 Book Hill Road

(4) Previous application(s) have been made for this property: N/A

Previous application(s) Nos. N/A Date: N/A

(5) Variance(s) of the Zoning Regulations requested: 30' sideyard setback
7.5% building coverage

(6) Use to be made of the property if variance is granted: 2-car garage

(7) Strict application of the Zoning Regulations would produce unusual hardship or exceptional difficulty because: This is a non-
informing lot that pre-existed the ~~same~~ zoning regulation for our area. Due to

his our lot is being held to a new unreasonable standard. If we had one acre
e zoning regulations that are currently restricting us would not be an issue.

(8) Conditions on this property are unique because: We are using the area in question to
instruct a 2-car garage in order to secure and protect our personal property,

is includes our 2 cars and many other items that must be stored. We believe
it this addition will be a reasonable use of our property since we lack an

(9) Is the property located within the Gateway Conservation District? NO attic or basement for
yes storage and security purposes.

(10) Is the property within 500 feet of any other municipality? NO

(11) Applicant must list all names and addresses of abutting property owners. (Attach separate sheet as necessary)

- Thad and Cathy King, 14 Book Hill Rd. Essex, CT 06426
- Charles and Helen Fox, 22 Book Hill Rd. Essex, CT 06426
- Henry and Savaun Towers, 440 Three Mile Course Rd. Guilford, CT
06437

TOWN OF ESSEX
Zoning Commission
Essex Town Hall
29 West Avenue · P.O. Box 98
Essex, Connecticut 06426

February 9, 2001

The Essex Zoning Board of Appeals
Essex Town Hall
29 West Avenue
P.O. Box 98
Essex, Connecticut 06426

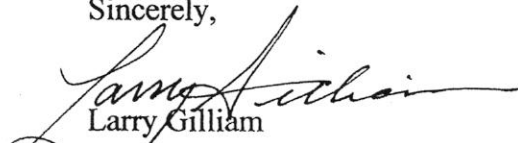
RE: Application for variances/Section 61B (setback & coverage)
Ian and Erin Neviaser
18 Book Hill Road, Essex, CT 06426
Map 10: Lot 28: Zone-RU

Dear Sirs:

The 23' x 28' (644 square feet) garage proposed by Mr. and Mrs. Neviaser fails to comply with the required 30 foot side yard setback as per Section 61B of the zoning regulations. Coverage on the lot is now at 1,416 square feet or 5.5 percent. The addition of the garage would bring coverage to 2,060 square feet or 8.0 percent. The maximum building coverage permitted on a parcel in the rural residence district under the current regulations is 7.5 percent.

Sections 40C, 40D, and 40E prohibit buildings, improvements, and changes except in conformity with the regulations. Section 40I.1 requires that setbacks be open and unobstructed....

Sincerely,


Larry Gilliam
Zoning Enforcement Agent

C: file

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	Allowed
<input checked="" type="checkbox"/> 40C	No buildings within the setbacks	14	9	
<input checked="" type="checkbox"/> 40D	No improvements except in conformity	14	9	
<input checked="" type="checkbox"/> 40I 1.	No vertical improvment -required setbacks shall be open and unobstructed to the sky	14	9	
<input checked="" type="checkbox"/> 50D	No expansion of a non-conforming structure not allowed RU Lot Coverage Side Setback			
<input checked="" type="checkbox"/> 61B	Coverage			
	Setbacks	14	9	30
	Height			

(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)

The proposed use is for a two-car garage with second floor office space. The property and its existing or proposed building are not visible to the Connecticut River or its tributaries. The proposed garage is 24 FT by 28 FT with a roof apex of 25 FT. The footprint is proposed to be enlarged by 2 FT to the south and 5 FT to the east of the existing garage footprint. The floor area will increase by 169 SQ FT on the 1st floor garage and by 704 SQ FT for a 2nd floor office.

(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 survey submitted from 1962 shows the location of the house prior to zoning adoption. The 2011 survey shows the current nonconforming location of 14.2 FT to the northern side setback and the proposed garage addition. The lot was originally 101 FT X 207 FT. The additional parcel conveyed in 1962 provides for setback compliance on the south building side. No activity affecting zoning area or use has occurred accept as through the adoption of the regulations.~~
 - b. ~~Compliance with the setback on the north side would require demolition of the existing garage for access further to the rear of the property, extending the driveway by 50% and adding 4 FT of grading to match the garage floor elevation and steepen the topography. Areas marked by an existing boulder may also indicate shallow ledge. On the south side removal of significant mature trees with shading as well as abandonment and reinstallation of the septic system is required with construction of a new driveway. In light of the scope of the project, and setback compliance alternatives, destruction or demolition of attractive features of the property presents a practical difficulty for strict compliance with the setback representing significant additional expenses.~~
 - c.
-

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

- a. ~~Strict compliance with the setback would prevent construction in a manner which is reasonable, customary and consistent with adjacent properties in the zone. For instance, abutting properties, 5, 6, 9,10, 15, 18, 19 all have two car garages. All properties are in compliance with setback requirements because all were built on lots after adoption of the Zoning regulations except 18 Book Hill for which a side set back variance was granted for the garage. Literal enforcement of the regulations would create exceptional difficulty based on the location and design of the existing house driveway and septic system.~~
 - b.
 - c.
-

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

- a.
 - b.
 - c.
-

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

- a. Consistent with the zoning regulation general purpose, the garage addition provides for the safe securing of personal property and for the general welfare of working conditions since so much is now subject to a remote status that should occur in a clearly defined and separate area within the home. The proposed addition is neither detrimental nor incompatible with existing permitted uses in the zone but simply the same. The proposal does not affect development of nearby properties or represent an unfair advantage. Literal enforcement of the regulations would create exceptional difficulty based on the location and design of the existing house driveway and septic system.
- b. _____
- c. _____

Have previous applications been made for this property? Yes No

If yes, previous application #s _____ Date _____
Prior variance request: _____ Variance Board Action _____



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

- a. Fee of \$110.00 – Town Fee \$50 plus \$60 State Fee...payable to the Town of Essex
- b. 10 copies of the application, site plan (with setback lines) and sketch of the proposal.
- c. Copy of property deed
- d. Referral from Health Department
- _____ e. Referral from Essex IWWC (if applicable)
- _____ f. Referral from adjacent towns
- _____ 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  Date: 5-22-23
Signature of property owner  Date: 5-22-23

Applicant must provide a current list of all names and addresses of abutting property owners.

NAME	ADDRESS	TOWN	ZIP CODE
<hr/>			
PIPOLI ROSANNE F	5 BOOK HILL RD	ESSEX CT	06426
<hr/>			
BOLAND WILLIAM BRET & NOEL M	6 BOOK HILL RD	ESSEX CT	06426
<hr/>			
GOULD-KELLEY CAITLIN C & CHRISTOPHER R	9 BOOK HILL RD	ESSEX CT	06426
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CHARBONNIER PETER H & ALISON O	10 BOOK HILL RD	ESSEX CT	06426
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BISH PRISCILLA S	15 BOOK HILL RD	ESSEX CT	06426
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NEVIASER IAN M & ERIN L	18 BOOK HILL RD	ESSEX CT	06426
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WILSON URSULA A	19 BOOK HILL RD	ESSEX CT	06426
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B100a – Plan Review Application

- Fees:** Building Conversion/Change in Use \$85.00 Preliminary Septic Review for New Construction \$ 110.00
 Addition/Renovation \$ 60.00 Subdivision/Preliminary Septic Review \$ 60.00 PER LOT
 Accessory Structure \$ 35.00 Sewage Disposal Preservation \$ 35.00 (describe below)
 Lot Line Change \$ 35.00 Irrigation Public Water // Well Water \$35.00

Street Location 14 Book Hill Rd **Map** 10 **Lot** 026

Property Owner Name Thad and Cathy King Phone 860 304 8446

Mailing Address 14 Book Hill Rd Essex CT 06426 Email thad.king@comcast.net

Applicant Name Same Phone _____

Mailing Address _____ Email _____

License # (if applicable) _____ License Exp. Date _____

- Building Conversion or Change the Use**
 Change Use of an Existing Building from _____ to _____
 Increase the number of employees from _____ to _____ Winterize a seasonal building _____

- Build an Addition or Renovate an existing building. This addition or renovation will:**
 proposed addition will be (describe): Increase garage footprint with 2nd floor office with full bath
 Increase heated/habitable space in the existing structure by 704 sq.ft.
 Convert Use within an Existing Building from _____ to _____
 Increase the number of bedrooms from _____ to _____ Increase lot coverage by 169 sq.ft.

- Construct or Increase the size of an accessory structure:** Per CT PHC Sec. 19-13-B100a, accessory structures are non-habitable structures which are NOT served by a water supply and the use is incidental to residential or non-residential buildings
 Garage 169 sq. ft. Open Deck/Porch _____ sq. ft. In-ground pool
 Shed/Gazebo _____ sq. ft. Three-season/Sun Room _____ sq. ft. Above-ground pool
 Barn _____ sq. ft. Other accessory building type: _____ & _____ sq. ft.

- Preliminary Review of Septic System** **Modify Lot line** (property survey must be submitted)
 Existing lot with septic system Existing Lot (Vacant Land) Create subdivision with _____ (#) of lots.

- Sewage Disposal Preservation Area:** (Irrigation lines, walls or cuts downgradient of the leaching system, or other projects which change the soil hydraulics)

Provide a brief description of the project _____

The proposed use is for a two-car garage with second floor office space. The proposed garage is 24 FT by 28 FT. The footprint is proposed to be enlarged by 2 FT to the south and 5 FT to the east of the existing garage footprint. The floor area will increase by 169 SQ FT on the 1st floor garage and by 704 SQ FT for a 2nd floor office.

Applicant Must Provide the following information with this application: (check attached documents)

- Site plan layout showing the property lines, all existing structures, proposed addition/modification, size and location of the existing septic system (tank & leach fields) and well or public water line.
 Existing septic layout (As-Built) No septic records available Soil test data (if available)
 Current septic pump-out report Date of pump-out: 5-15-19 Pumper Name: _____

Zoning Effective 1962

Site Address	Owner Name	Variance	Garage Type	Garage SQ FT	Year Built
5 BOOK HILL RD	PIPOLI ROSANNE F		2 Car	576	1964
6 BOOK HILL RD	BOLAND WILLIAM BRET & NOEL M		2 Car	825	1966
9 BOOK HILL RD	GOULD-KELLEY CAITLIN C & CHRISTOPHER R		2 Car	525	1973
10 BOOK HILL RD	CHARBONNIER PETER H & ALISON O		2 Car	968	1995
15 BOOK HILL RD	BISH PRISCILLA S		2 Car	1152	1976
18 BOOK HILL RD	NEVIASER IAN M & ERIN L	Garage - Side	2 Car	572	1936
19 BOOK HILL RD	WILSON URSULA A		1 Car	264	1977