

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

RECEIVED
SEP 22 2023
BY:

1274

Variance Application

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

Application # 23-110 Hearing Date _____

Premises: Street Address 15 Novelty Lane, Essex

Assessor's Map # 50 Lot # 5 Lot Area .71 ac

Zoning District WF Deed Reference: Book 350 Page 0081

Owner of Property Bowers, William C. and Kennedy, Joanne

Address 15 Novelty Lane, Essex CT 06426
Street Town State Zip

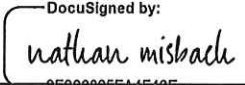
Telephone _____ (203) 644-8590 Email: billbowers37@gmail.com
home work

Applicant (if not owner) Nathan Misbach

Address 74 Washington Ave., Unit 604, No. Haven CT 06473
Street Town State Zip

Telephone _____ (203) 824-7802 Email: nate@lionscreekconstruction.com
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 9/19/2023
DocuSigned by: 9F860025FA1F40E...

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
<input type="checkbox"/> 40C	No buildings within the setbacks		
<input type="checkbox"/> 40D	No improvements except in conformity		Installation of patio and pool/sp
<input type="checkbox"/> 40E	No change in the use of any land or improvement, in the location of any improvement, or in the size of shape of any lot or improvement except in conformity with the zoning regs.		Installation of patio and pool/sp
	Coverage		
	Setbacks		
	Height		
101e	100' set back - Requesting 39' from bulkhead to pool, 21' from bulk head to patio		
50D	Expansion of a non-conforming use		

(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 construction involves the installation of a permeable bluestone patio along with the installation of a 13' x 7' pool/spa. Please reference attached drawings for more specific detailing.

All proposed construction will be flush to existing ground level.

(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 property is currently zoned as waterfront although it is residential use and has been since 1957. The above proposed work would normally not be a ZBA matter if it was residentially zoned. It is not that the pool/spa is nonconforming, but rather the use. However, even if the zone were to change, 101e would still need to be brought to the ZBA.

b. In regards to 101e, the proposed work was designed in such a way as to reduce any visual changes from the cove, minimize the disturbance of run-off water with a permeable patio and utilize a pool/spa that is very modest in size.

c.

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

a. The hardship above is unique in the fact that the property is a nonconforming property, a residential use property zoned as water front. Our proposed project itself is not nonconfirming, but rather the use is. This property has residential use in an area surrounded by waterfront/commercial properties. Finally, the request for the project would not be nonconforming for adjacent residential properties.

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. We are not proposing a nonconforming project but rather the use in this zone in nonconforming. The use in an adjacent residential property would be conforming in use. The proposed project does not encroach on setbacks or provide an unsightly or problematic addition to any surrounding properties, either.

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 (B100a Permit # 23-83BHA)
- N/A _____ e. Referral from Essex IWWC (if applicable)
- N/A _____ 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 *nathan mishack* Date: 9/19/2023
DocuSigned by: 9F980820FA4D9888

Signature of property owner William C. Bowers Date: 9/19/2023
E6F06C0800864F5...

[Signature] Date: 9/19/2023
DocuSigned by: 0CCC0350328D40C...

ABBUTTER LIST

WILLIAM C. BOWERS / JOANNE KENNEDY

(50/ 005/ 01)

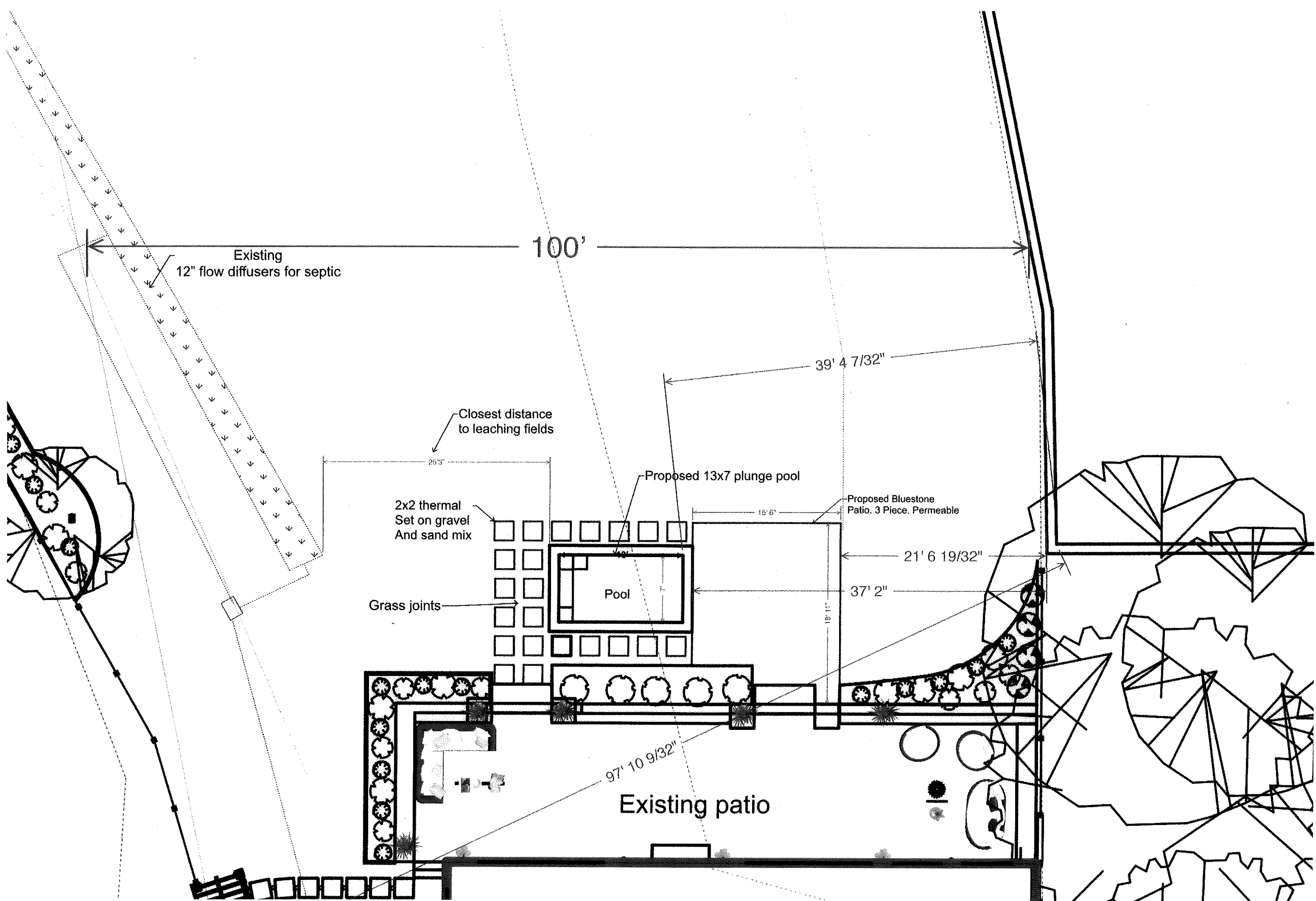
15 NOVELTY LANE

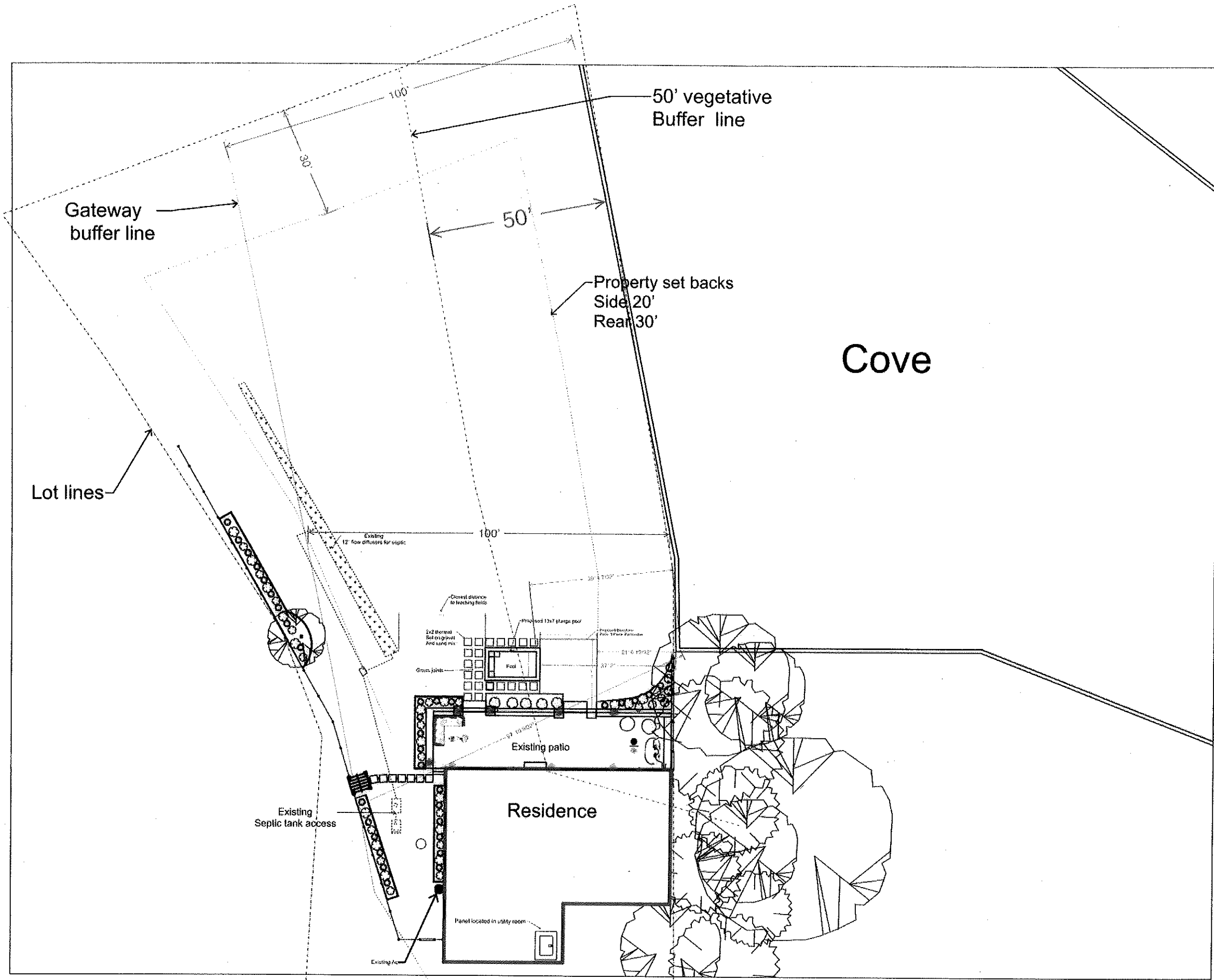
ESSEX, CT 06426

50/ 005 ESSEX YACHT CLUB, INC.
 13 NOVELTY LANE
 ESSEX, CT 06426

50/ 004 SHM DAUNTLESS, LLC
 14785 PRESTON ROAD, SUITE 975
 DALLAS, TX 75254

47/ 035 STEPHEN T. SINATRA
 12 NOVELTY LANE
 ESSEX, CT 06426













**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Essex, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/13/2021
Data updated daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.