

Town of Essex  
Zoning Board of Appeals

29 West Avenue, Essex, CT 06426

RECEIVED  
NOV 21 2023

Variance Application

#10524

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

Application # 23-19 BY KFB Hearing Date \_\_\_\_\_

Premises: Street Address 10 Benson Lane

Assessor's Map # 70 Lot # 006 Lot Area 90,208 s.f. ac

Zoning District RU Deed Reference: Book 339 Page 602

Owner of Property Marc D. and Elizabeth B. Schnitzer

Address 10 Benson Lane, Essex, CT 06426  
Street Town State Zip

Telephone 917-699-5800 Email: mschnitzer@r4cap.com  
home work


Applicant (if not owner) Attorney Edward M. Cassella, Cloutier & Cassella LLC

Address 29 Elm Street, Old Saybrook, CT 06475  
Street Town State Zip

Telephone 860-388-3456 Email: ecassella@saybrooklaw.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 11/20/23

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 checked="" type="checkbox"/> 40C	No buildings within the setbacks	Patio / Pool: 39.3'	Patio/Pool 50'; Patio 74.7'
<input checked="" type="checkbox"/> 40D	No improvements except in conformity	Patio / Pool: 39.3'	Patio/Pool 50'; Patio 74.7'
<input checked="" 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.	Patio / Pool: 39.3'	Patio/Pool 50'; Patio 74.7'
	Coverage		
101E	Setbacks Gateway Buffer	Patio / Pool: 39.3'	Patio/Pool 50'; Patio 74.7'
	Height		
	50C.2 Change to non-conformity		Changes as proposed
	50D - Extension or Expansion		Changes as proposed

*(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)**

See attached

*(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. See attached.

b.

c.

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

a. See attached.

b.

c.

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

a. See attached.

b.

c.

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

- a. \_\_\_\_\_  
See attached.
- 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: \_\_\_\_\_

Signature of property owner MDAL \_\_\_\_\_ Date: 11/20/23



**Attachment to Zoning Board of Appeals Application**  
**10 Benson Lane, Essex, CT**

- 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 or existing structure)**

Applicants are seeking to remove the existing the nonconforming pool / patio and the nonconforming impervious patio adjacent to the house to construct a new 960 s.f. pool with pervious patio surround and a new pervious patio next to the house with steps and walkway connections. The impervious area is being reduced from 1,723 s.f. to 1323 s.f. The proposal also involves eliminating elevated structures that are visible from the river. The pergola and black pool fence have been removed. The wooden fence as well as the patio wall and fireplace will be removed as part of this application.

- 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.)**

The hardship is the implementation of the Gateway Buffer Regulations on this parcel which has been developed and is now nonconforming to both the 50-foot Gateway Vegetative setback and the 100-foot Gateway Buffer setback. The Applicants are seeking to utilize the east side of their home in a manner that is consistent with the pattern of development for this property and adjacent properties, but any structures or improvements on the east side of the house are prohibited by the 50-foot and 100-foot setbacks.

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

Under General Statutes s. 8-6, in order for condition to be unique, the condition must not generally affect properties in the zoning district in which it is located. Although the Gateway setbacks apply to other properties along the river and coves, those setbacks do not generally apply to other properties in the RU District. Similarly, although the house conforms with the 100-foot setback, the use of the property, location of the pool, patios and other improvements are nonconforming.

- 5. Described proposed reductions in legal pre-existing nonconformities, if any, if none state N/A.**

The existing patio / pool is 39.3 feet from the coastal jurisdiction line. The pool / patio encroachment into the 50-foot Gateway Vegetative buffer will be eliminated as all activity proposed is 50 feet from the CJL. Additionally, currently on the property, there is 1,723 square feet of impervious area within the 100-foot buffer. The Applicants are proposing to reduce the impervious area to 1,319.5 square feet. As set forth above, the Applicants are also removing the fencing, wall and fireplace.

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

The proposal involves reduction in nonconformity and moving the pool and patio outside the 50-foot Gateway Buffer setback. Additionally, the Applicants are proposing to plant 6,714 square feet of native vegetation surrounding the pool and adding native vegetation to the area right along the coastal jurisdiction line.

N:\WINWORD\Land Use\Exhibits\Schnitzer, Marc and Elizabeth - 10 Benson Lane, Essex - Attachment to ZBA application.doc

Abutters 100 feet from 10 Benson Lane, Essex, CT

REESER-WINSTEAD LLC  
PO BOX 361  
CENTERBROOK, CT 06409

SCHELLENS EUGENE CHRITOPHER TTEE &  
SCHELLENS KATHLEEN W TTEE  
95 SAYBROOK RD  
ESSEX, CT 06426

COMSTOCK HARWOOD B  
101 SAYBROOK RD  
ESSEX, CT 06426

SCHNITZER MARC D & ELIZABETH B  
8 BENSON LA  
ESSEX, CT 06426

HEHER MAUREEN D ET AL CO-TR  
C/O FRANK HALL  
ESSEX, CT 06426



# 10 BENSON LA

**Location** 10 BENSON LA

**Mblu** 70/ 006/ 11

**Acct#** 00065600

**Owner** SCHNITZER MARC D &  
ELIZABETH B

**Assessment** \$1,643,300

**Appraisal** \$2,347,600

**PID** 611

**Building Count** 1

## Current Value

### Appraisal

Valuation Year	Total
2018	\$2,347,600

### Assessment

Valuation Year	Total
2018	\$1,643,300

## Owner of Record

**Owner** SCHNITZER MARC D & ELIZABETH B  
**Co-Owner**  
**Address** 10 BENSON LA  
 ESSEX, CT 06426

**Sale Price** \$3,750,000  
**Certificate**  
**Book & Page** 339/0602  
**Sale Date** 01/15/2021  
**Instrument** 00

## Ownership History

### Ownership History

Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SCHNITZER MARC D & ELIZABETH B	\$3,750,000		339/0602	00	01/15/2021
DELSAN RESOURCES LLC	\$1,800,000		0248/0943	07	11/22/2005
COOK NANCY A & GREGORY M	\$0		0162/1117		10/21/1996

## Building Information

### Building 1 : Section 1

**Year Built:** 2007  
**Living Area:** 5,780

**Building Attributes**

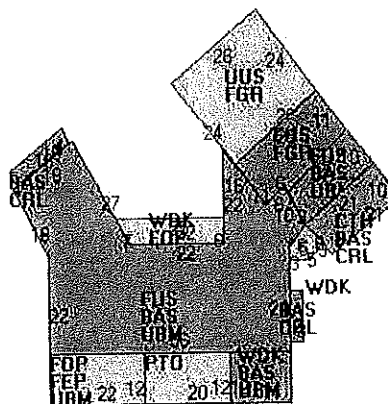
Field	Description
Style:	Colonial
Model	Residential
Grade:	AA-
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Clapboards
Exterior Wall 2	Wood Shingles
Roof Structure:	Gable
Roof Cover	Asphalt Shingl
Interior Wall 1	Drywall
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Geother/Hydro
AC Type:	Central
Total Bedrooms:	4 Bedrooms
Total Bthrms:	5
Total Half Baths:	1
Extra Fixtures	3
Total Rooms:	10 Rooms
Bath Style:	Modern
Kitchen Style:	Modern
Kitchens	1
Cndtn	
Num Park	
Fireplaces	
Fndtn Cndtn	
Basement	

**Building Photo**



(<https://images.vgsi.com/photos/EssexCTPhotos/A01\00126\36.jpg>)

**Building Layout**



([https://images.vgsi.com/photos/EssexCTPhotos/Sketches/611\\_611.jpg](https://images.vgsi.com/photos/EssexCTPhotos/Sketches/611_611.jpg))

**Building Sub-Areas (sq ft)**

**Legend**

Code	Description	Gross Area	Living Area
FUS	Full Upper Story	3,118	3,118
BAS	First Floor	2,662	2,662
CRL	Crawl	293	0
CTH	Cathedral Ceiling	201	0
FEP	Enclosed Porch	264	0
FGR	Garage	917	0
FOP	Open Porch	405	0
PTO	Patio	240	0
UBM	Basement	2,633	0
WDK	Wood Deck	349	0
		11,082	5,780

**Extra Features**

Code	Description	Sub Code	Sub Description	Size
FPL	Fireplace			1.00 UNITS
FPO	Fireplace Open			3.00 UNITS
ELV3	Res elevator			1.00 UNITS
GEN	Generator			1.00 UNITS

Land

Land Use

Use Code 100  
 Description Residentl MDL-01  
 Zone RU  
 Neighborhood SX19

Land Line Valuation

Size (Acres) 2.05  
 Depth  
 Assessed Value \$1,001,900  
 Appraised Value \$1,431,300

Outbuildings

Outbuildings

Legend

Code	Description	Sub Code	Sub Description	Size
SPL5	Pool IG Vinyl			672.00 S.F.
SHD1	Shed-utility			154.00 S.F.
GRN1	Grnhouse-Resd			112.00 S.F.
PAT1	Patio			416.00 S.F.
SHD1	Shed-utility			192.00 S.F.

Valuation History

Appraisal

Valuation Year	Total
2022	\$2,347,600

Assessment

Valuation Year	Total
2022	\$1,643,300



# Benson Lane

NOVEMBER 2023

REED-HILDERBRAND

TABLE OF CONTENTS

EXISTING CONDITIONS

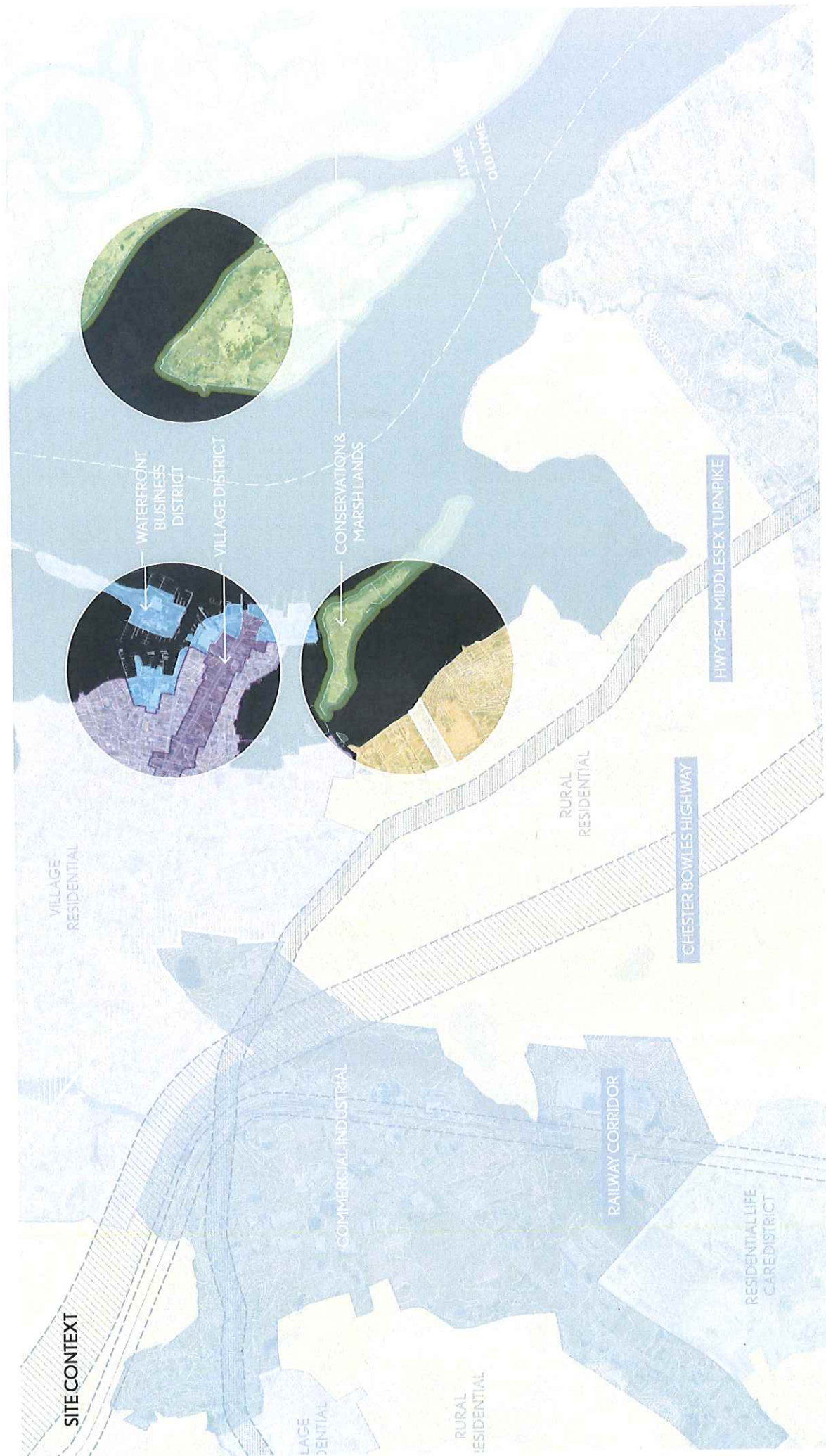
ANALYSIS OF EXISTING CONDITIONS DEMO AND REMOVALS  
OF STRUCTURE IN 50' AND 100' GATEWAY BUFFER

PROPOSED PLAN

ANALYSIS OF EXISTING CONDITIONS AND PROPOSED PLAN COMPS



# EXISTING CONDITIONS



VILLAGE RESIDENTIAL

WATERFRONT BUSINESS DISTRICT

VILLAGE DISTRICT

CONSERVATION & MARSHLANDS

RURAL RESIDENTIAL

COMMERCIAL INDUSTRIAL

RAILWAY CORRIDOR

RESIDENTIAL LIFE CARE DISTRICT

CHESTER BOWLES HIGHWAY

HWY 154 - MIDDLESEX TURNPIKE

LYNNE  
OLD LYNNE

SITE CONTEXT

LAGE RESIDENTIAL

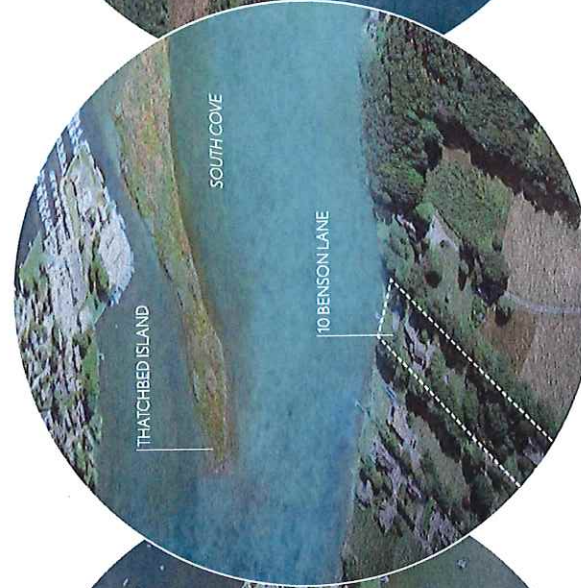
RURAL RESIDENTIAL



SITE CHARACTERISTICS AND ADJACENCIES



MARSH

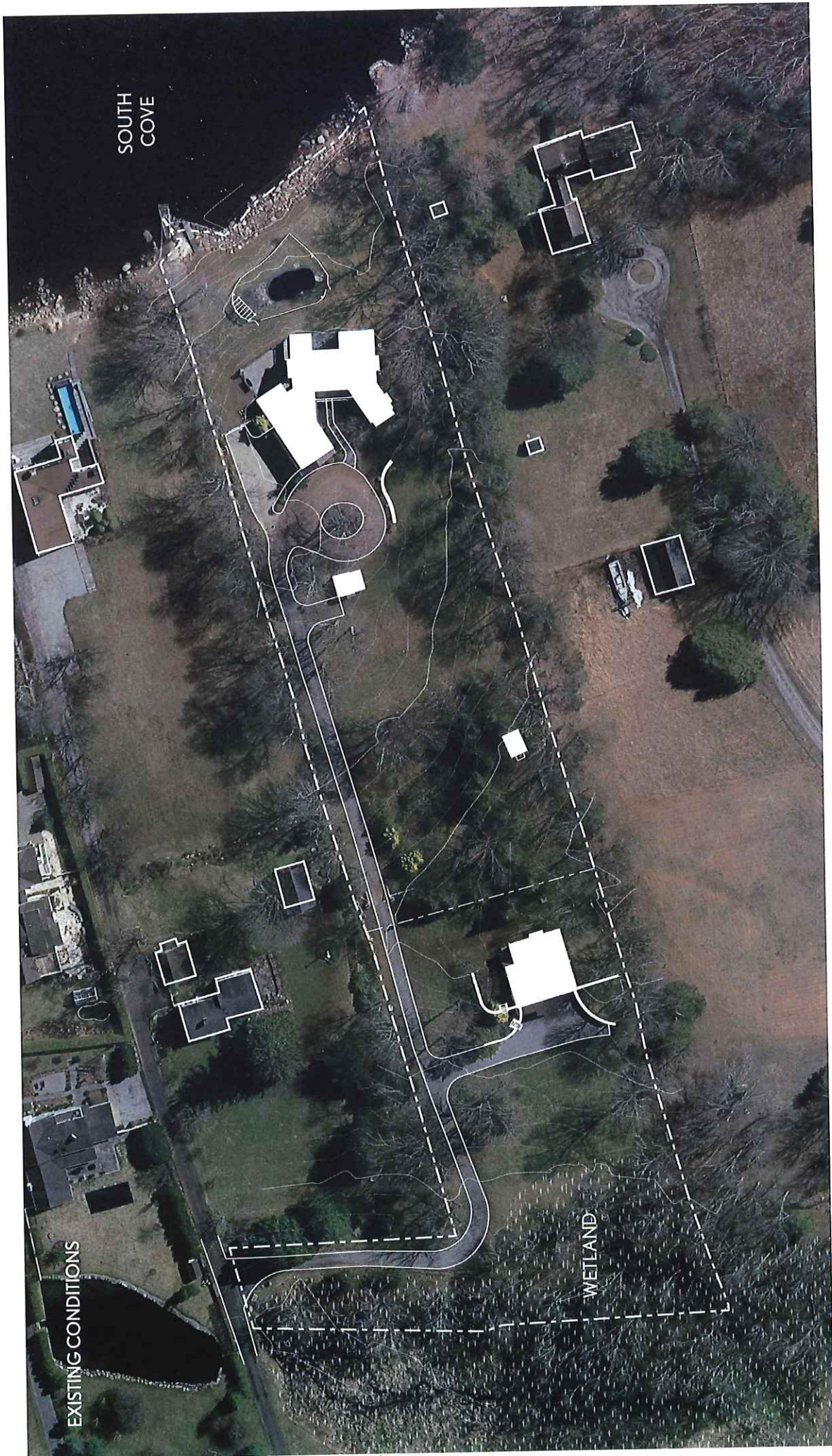


TOWN / MARSH



TOWN





SOUTH  
COVE

EXISTING  
CONDITIONS

WETLAND





ANALYSIS OF DEMO AND REMOVALS  
OF STRUCTURE IN  
50' AND 100' GATEWAY BUFFER

	50' Buffer Zone	50-100' Buffer Zone	Total	Beyond
Pergola (125 sf) N/A	1A 41 sf	1B 82 sf	123 sf	
Impervious Stone Patio (465.5 sf)	2A 249 sf	2B 216.5 sf	465.5 sf	
Pool and Coping (532 sf)	3A 151 sf	3B 381 sf	532 sf	
Metal / Wood Fence (1198 lf) N/A	4A 102 lf	4B 96 lf	198 lf	
10" w Brick Walls w/ Blue Stone Top (41 sf)		5 38.5 sf	38.5 sf	2.5 sf
Fireplace (8 sf)		6 8 sf	8 sf	
Impervious Brick Patio (758 sf)		7 493.5 sf	493.5 sf	264.5 sf
Impervious Stone Patio (254 sf)		8 118.5 sf	118.5 sf	135.5 sf
Impervious Steps and Landing (67 sf)		9 67 sf	67 sf	
Wood Fence w/ Gate (34 lf)				10 34 lf
Total Impervious	400 sf	1323 sf	1723 sf	

**SUMMARY**

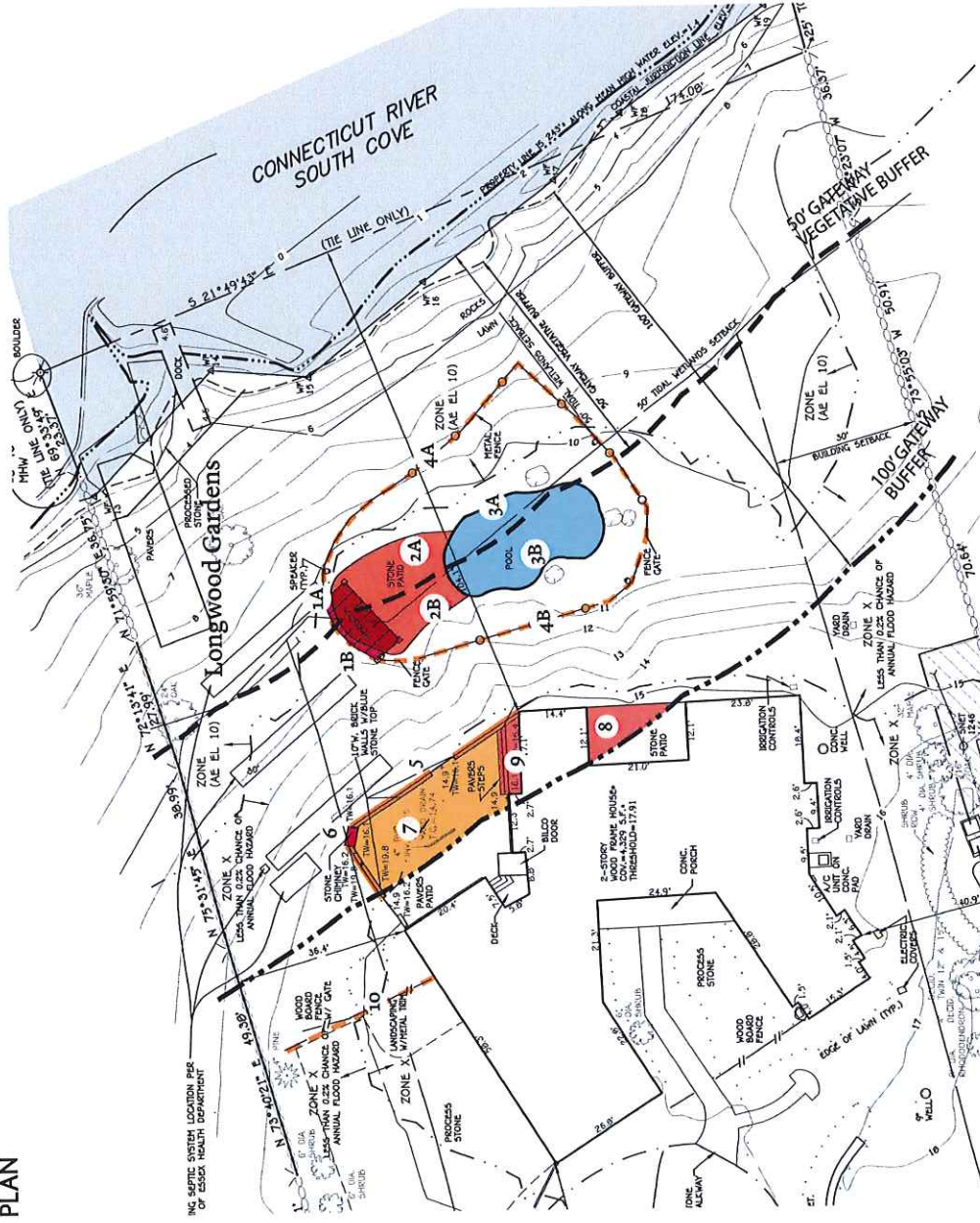
**1,723 SF OF STRUCTURE AND IMPERVIOUS SURFACE REMOVED IN 0-100' GATEWAY BUFFER. BREAKDOWN:**

**-400 SF OF STRUCTURE AND IMPERVIOUS SURFACE REMOVED IN 0-50' GATEWAY BUFFER**

**-1,323 SF OF STRUCTURE AND IMPERVIOUS SURFACE REMOVED IN 50'-100' GATEWAY BUFFER**

BENSON LANE

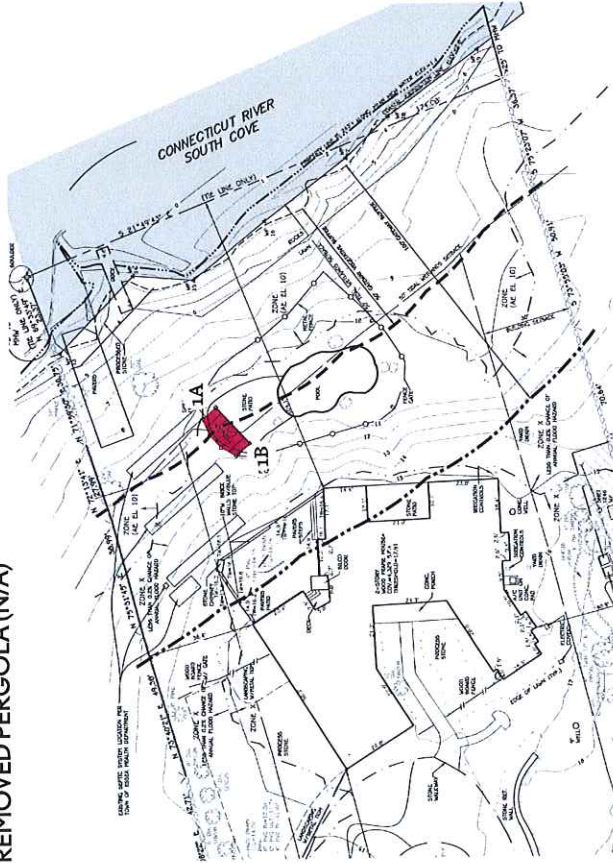
**SITE DEMOLISH PLAN**



REED HILDBRAND



SITE DEMOLISH  
REMOVED PERGOLA (N/A)



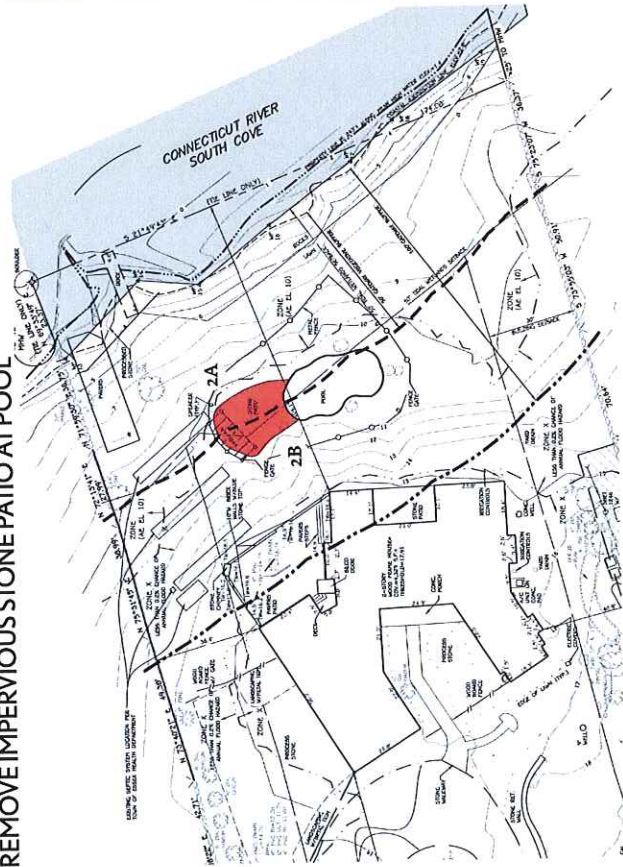
50' Buffer Zone	50-100' Buffer Zone	Total
1A 41 sf	1B 82 sf	123 sf

BENSON LANE

REED HILDBRAND



**SITE DEMOLISH  
REMOVE IMPERVIOUS STONE PATIO AT POOL**

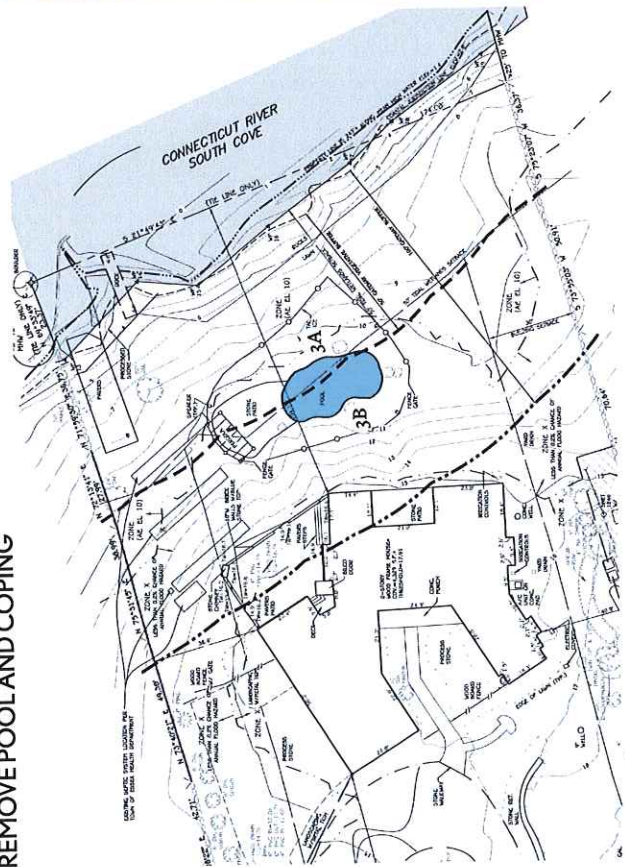


50' Buffer Zone		50-100' Buffer Zone		Total
2A	249 sf	2B	216.5 sf	465.5 sf

BENSON LANE

REED HILDBRAND

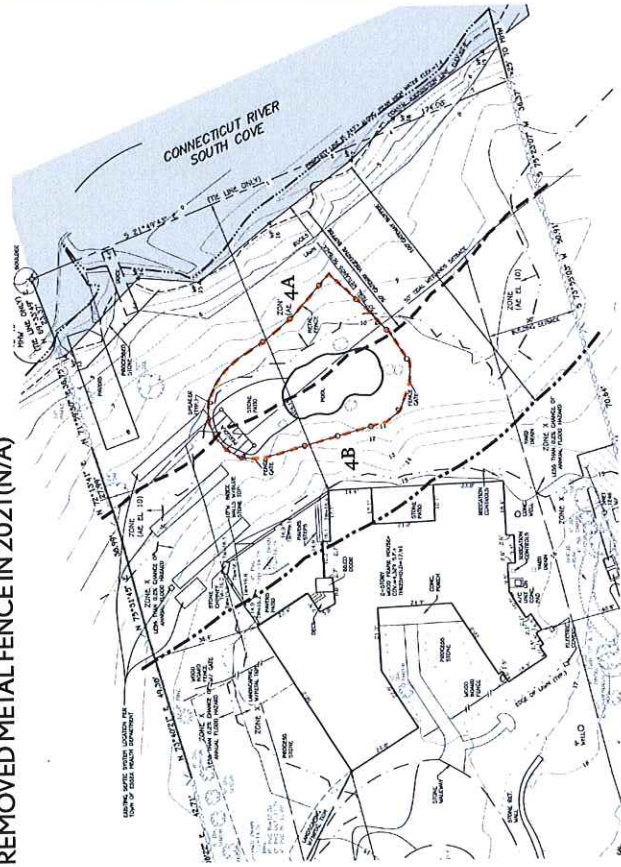
**SITE DEMOLISH  
REMOVE POOL AND COPING**



50' Buffer Zone	50-100' Buffer Zone	Total
3A 151 sf	3B 381 sf	532 sf



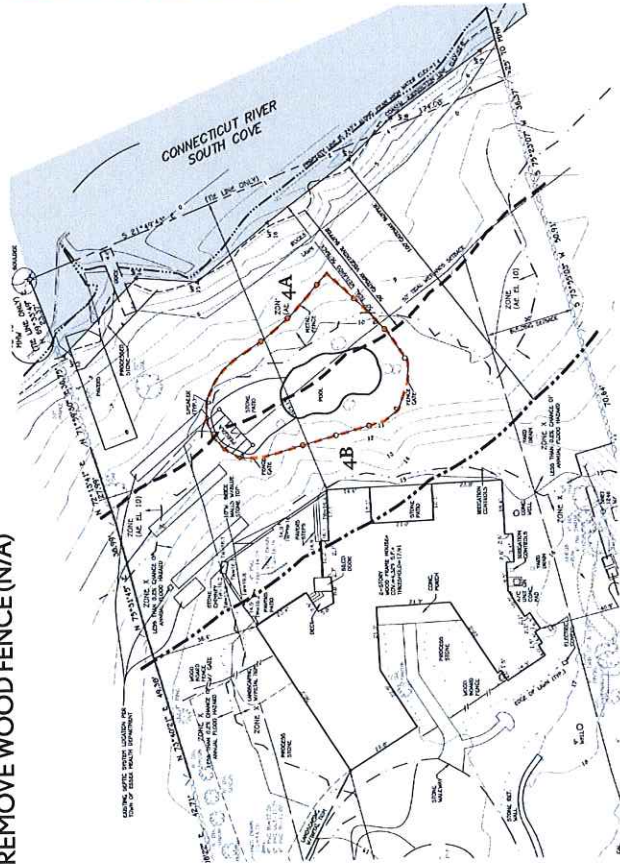
**SITE DEMOLISH  
REMOVED METAL FENCE IN 2021 (N/A)**



50' Buffer Zone		50-100' Buffer Zone		Total	
4A	102 lf	4B	96 lf	198 lf	
	13 sf		13 sf	26 sf	



SITE DEMOLISH  
REMOVE WOOD FENCE (N/A)

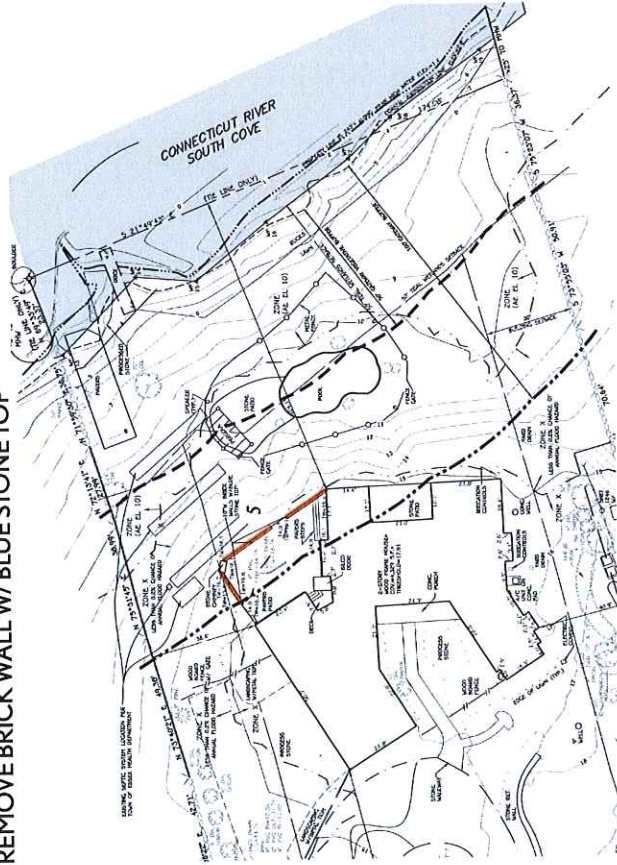


50' Buffer Zone		50-100' Buffer Zone		Total
4A	102 lf	4B	96 lf	198 lf
	13 sf		13 sf	26 sf

BENSON LANE

REED HILDBRAND

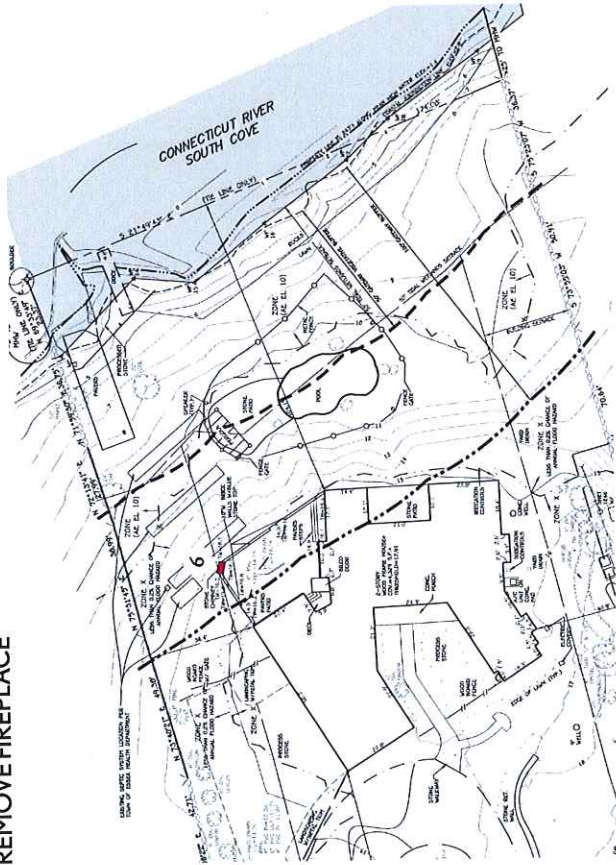
**SITE DEMOLISH  
REMOVE BRICK WALL W/ BLUE STONE TOP**



	50-100' Buffer Zone	Beyond	Total
	5	2.5 sf	41 sf



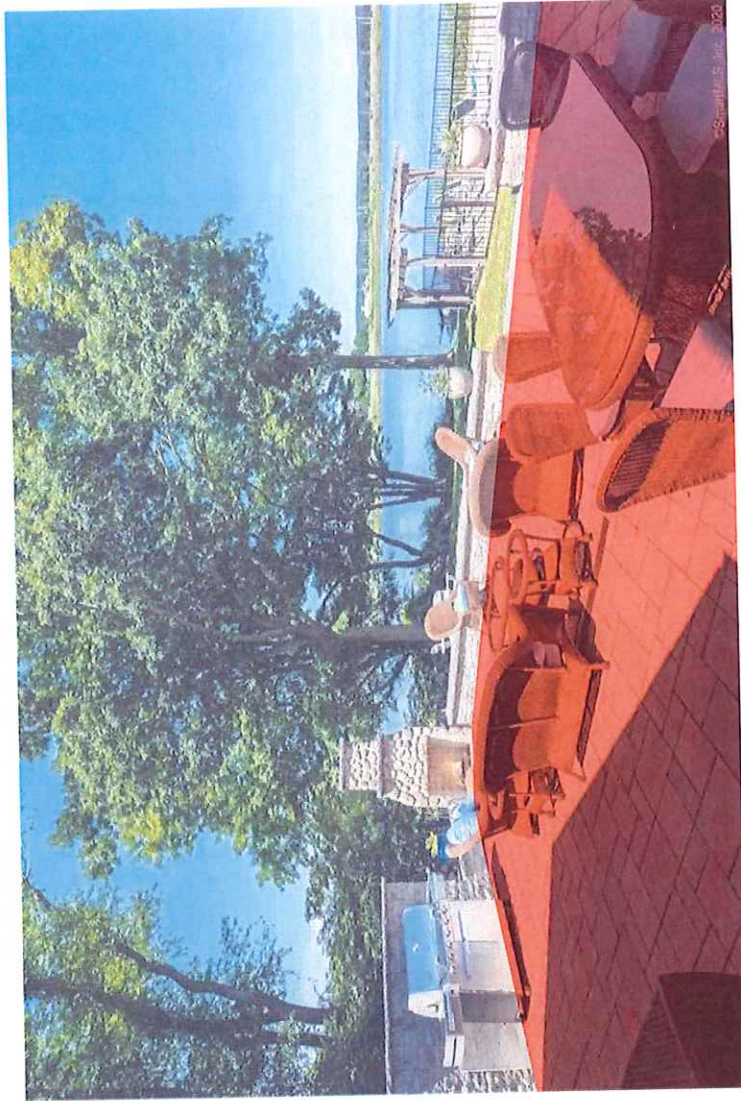
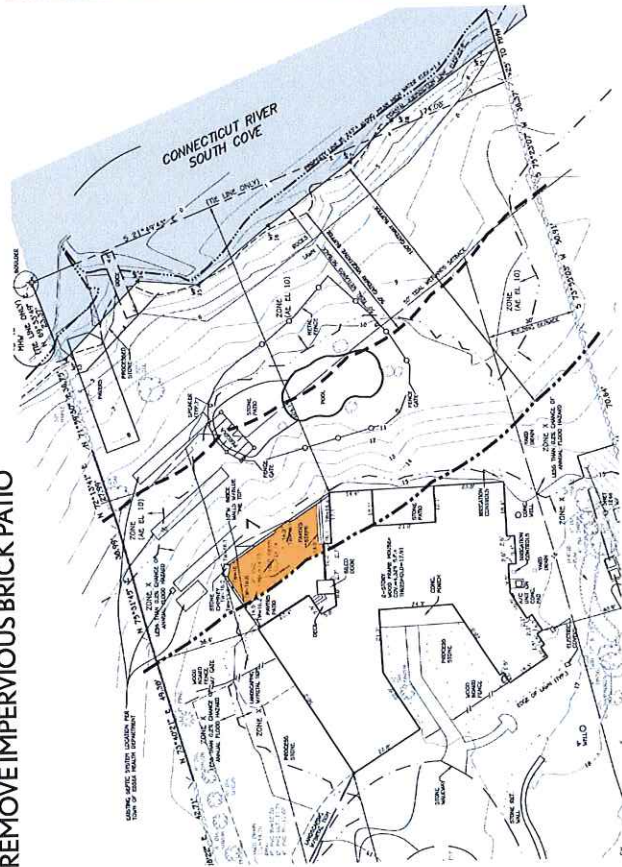
**SITE DEMOLISH  
REMOVE FIREPLACE**



50-100' Buffer Zone	6	8 sf
Total		8 sf



**SITE DEMOLISH  
REMOVE IMPERVIOUS BRICK PATIO**

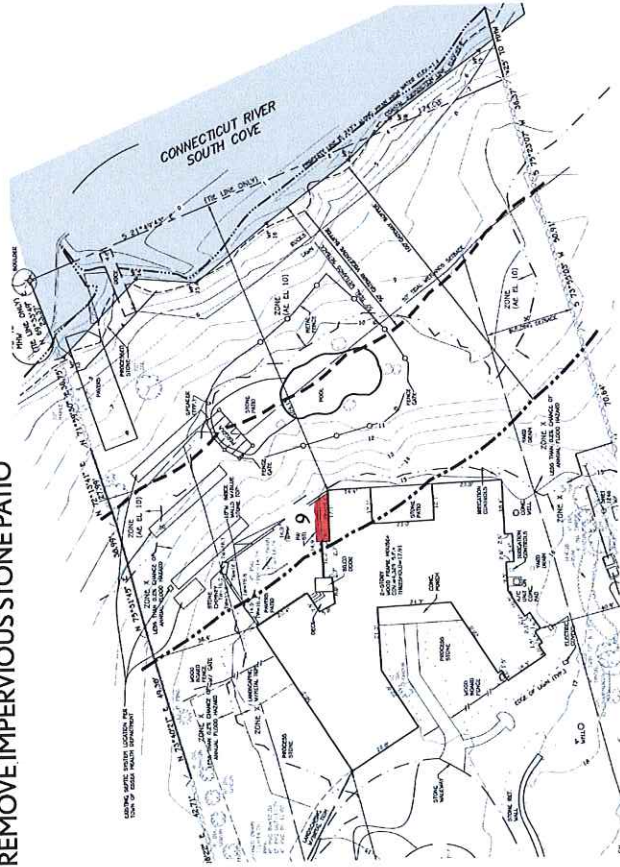


50-100' Buffer Zone	Beyond	Total
7	264.5 sf	758 sf

BENSON LANE

REED HILDBRAND

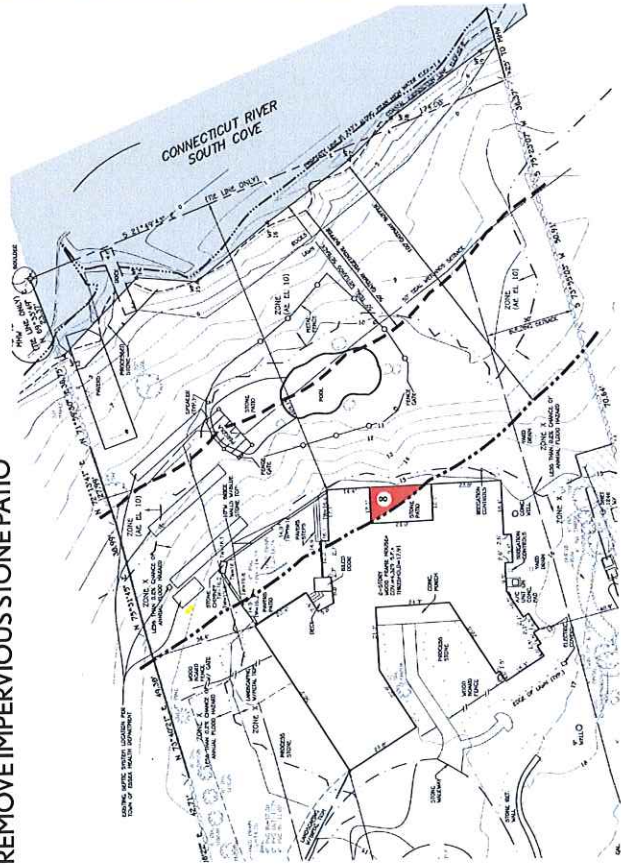
**SITE DEMOLISH  
REMOVE IMPERVIOUS STONE PATIO**



50-100' Buffer Zone	9	67 sf	Total	67 sf
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**SITE DEMOLISH  
REMOVE IMPERVIOUS STONE PATIO**

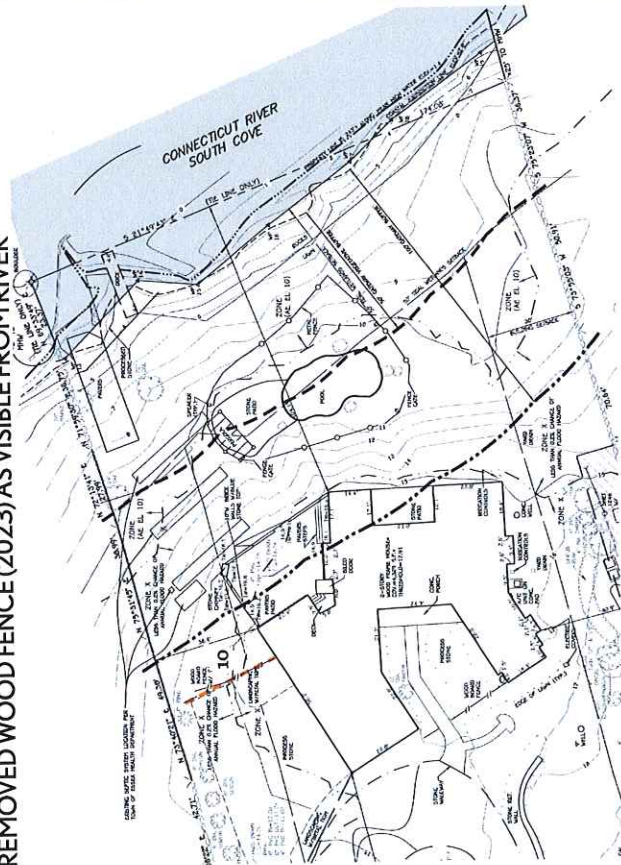


50-100' Buffer Zone	Beyond	Total
8	118.5 sf	254 sf

BENSON LANE

REED HILDBRAND

**SITE DEMOLISH  
REMOVED WOOD FENCE (2023) AS VISIBLE FROM RIVER**



Beyond  
10 34 lf

Total  
34 lf

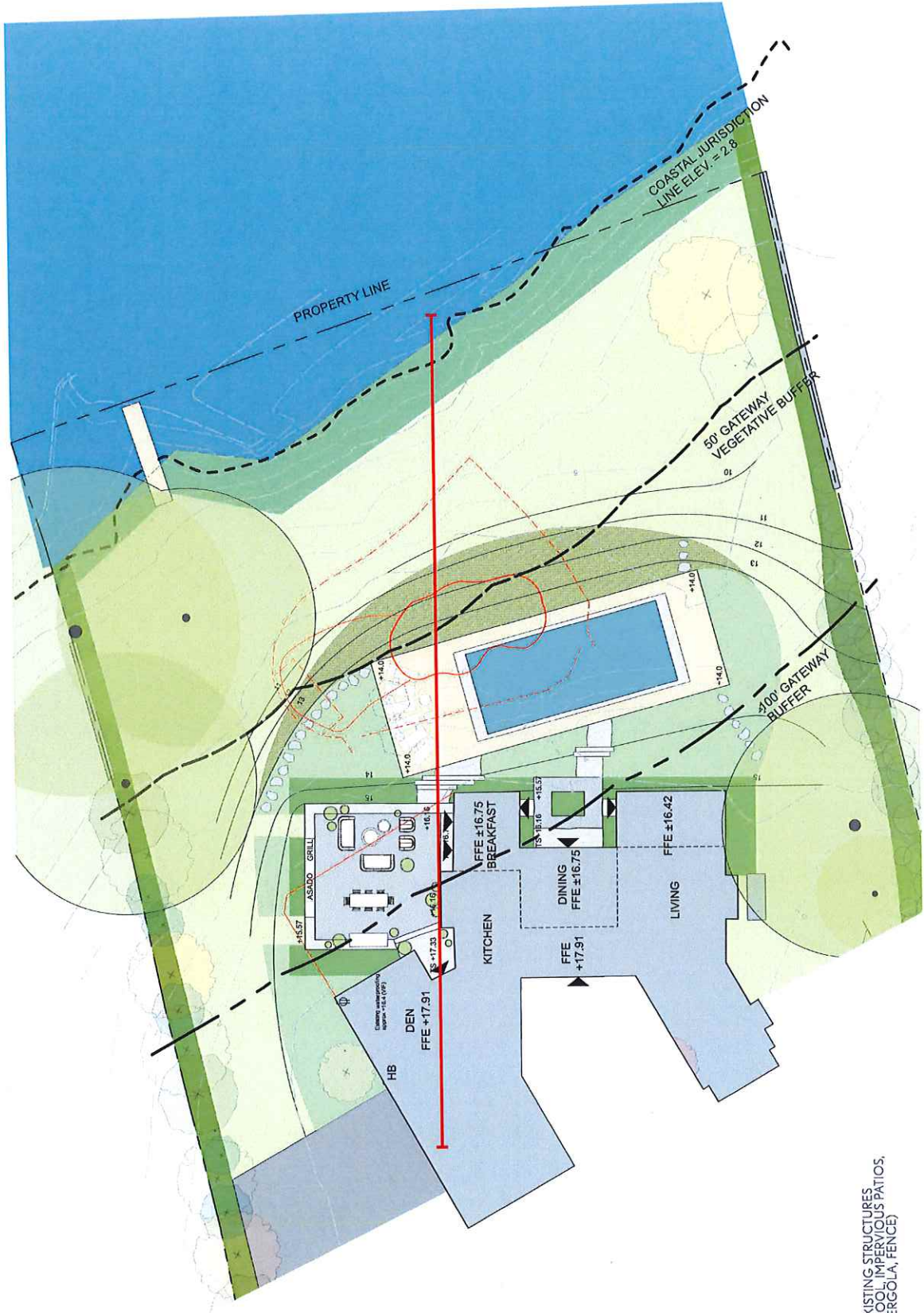
BENSON LANE

REED HILDBRAND



# PROPOSED PLAN





SITE DESIGN  
PLAN

- LEGEND
- EXISTING STRUCTURES (POOL, IMPERVIOUS PATIOS, PERGOLA, FENCE)

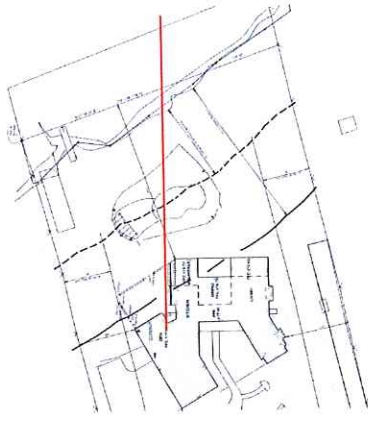


# ANALYSIS OF EXISTING CONDITIONS AND PROPOSED PLAN COMPS

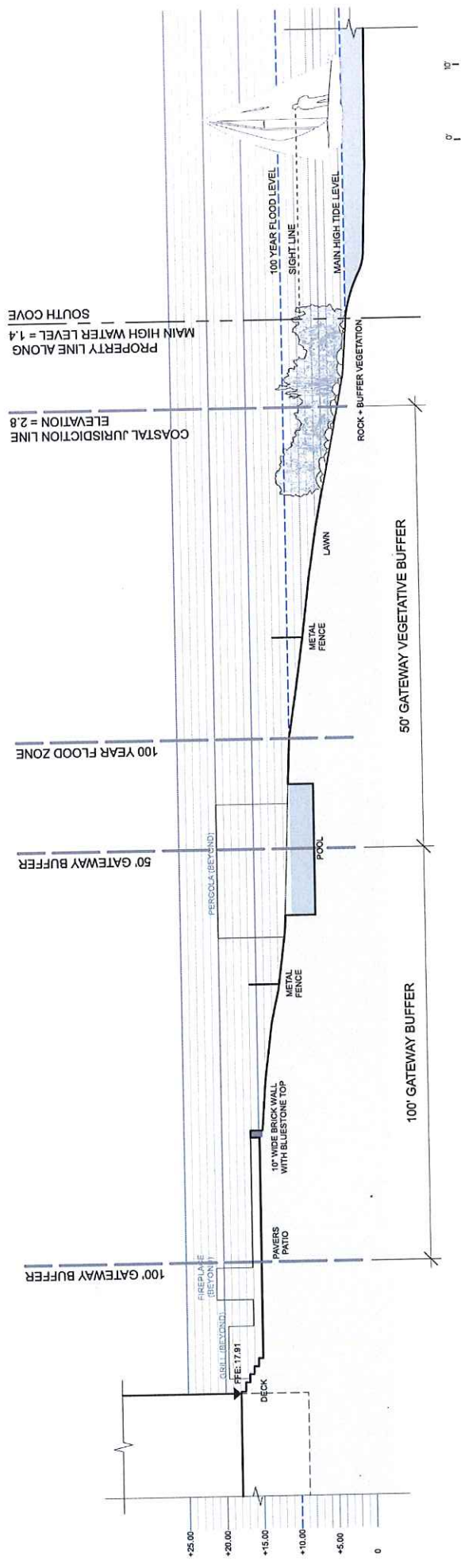
PROFILE /SECTION

IMPERVIOUS SURFACE

EXISTING CONDITION  
**PROFILE / SECTION**



KEY MAP  
 SITE SURVEY



BENSON LANE

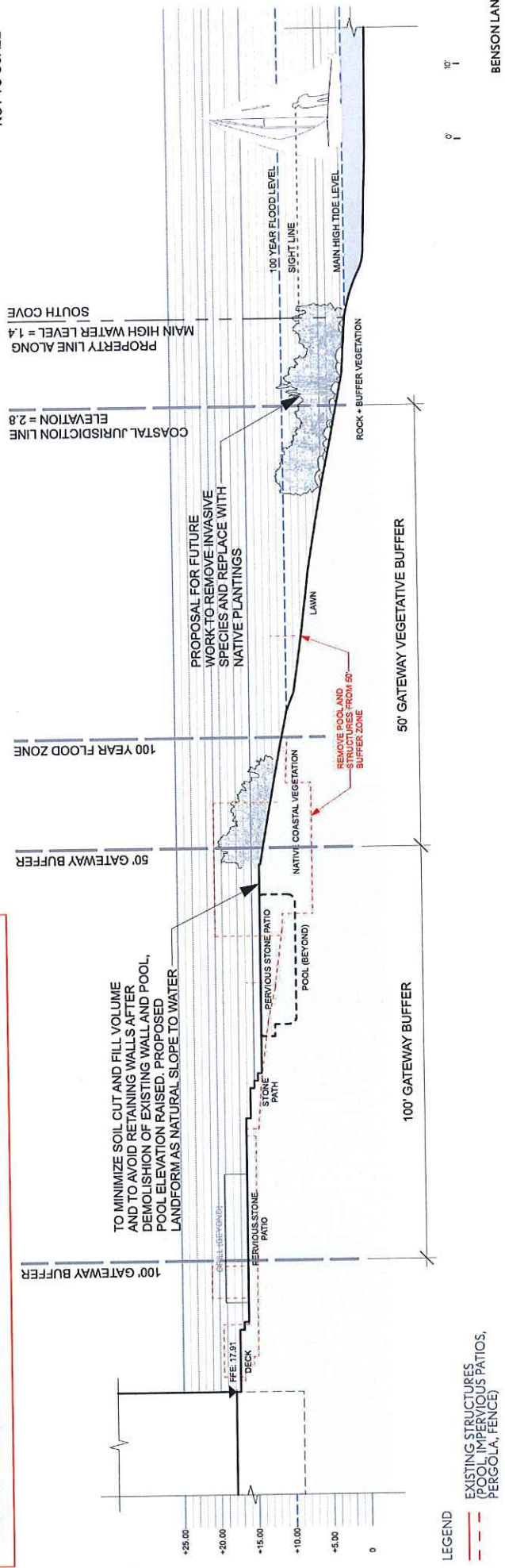
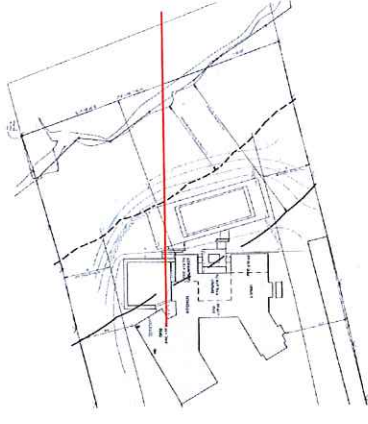
REED HILDBRAND



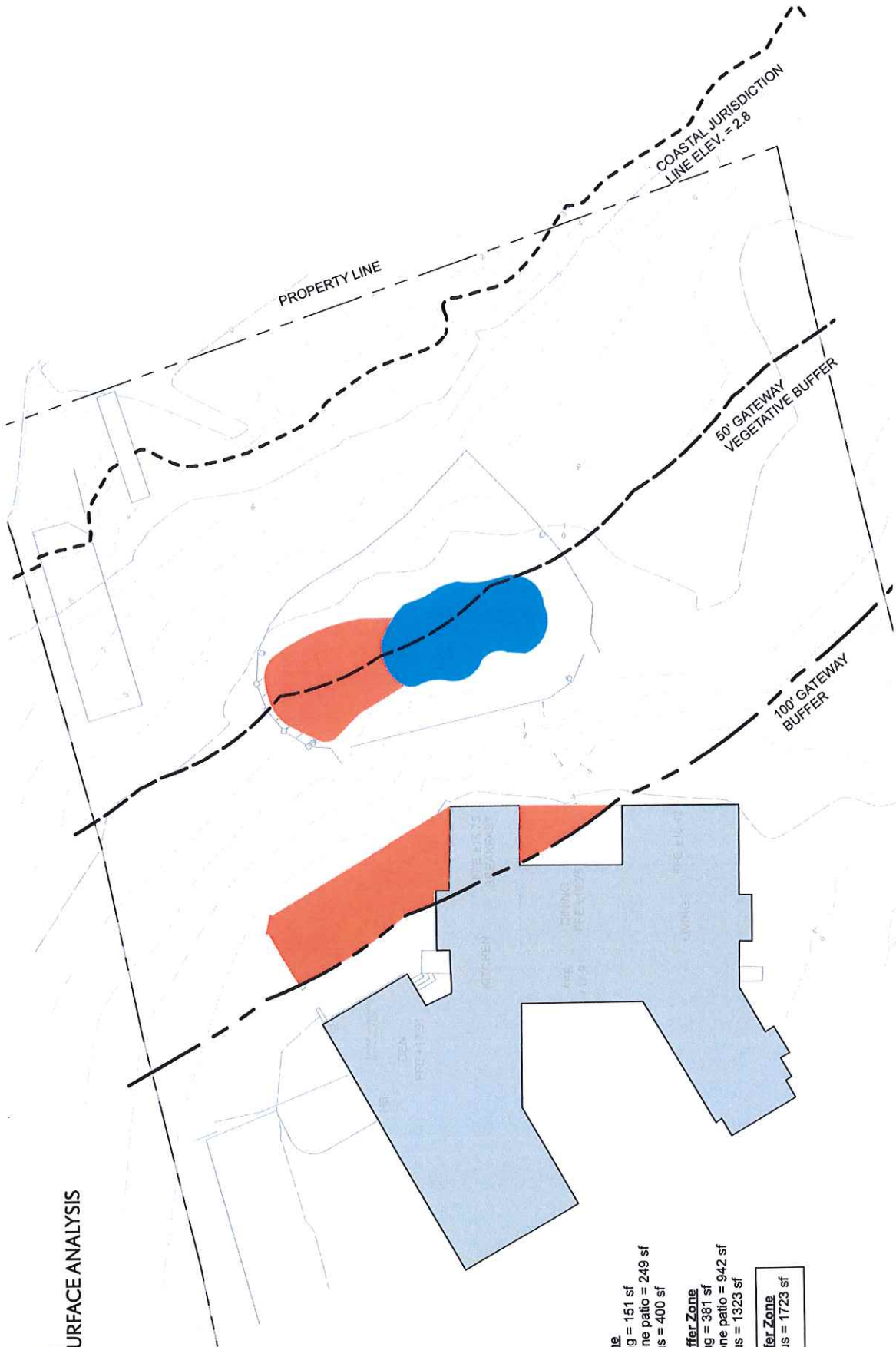
SITE DESIGN  
**PROFILE / SECTION**

**SUMMARY**

- **100% REMOVAL OF STRUCTURE IN 50' GATEWAY BUFFER**
- **100% REMOVAL OF STRUCTURE IN 100 YR FLOOD ZONE**
- **POOL RAISED TO MINIMIZE SOIL CUT/FILL**
- **100% REMOVAL OF SITE WALLS AND PROPOSES NATURAL SLOPE TO RIVER**
- **ENHANCES HABITAT WITH NATIVE PLANTING**



EXISTING CONDITION  
**IMPERVIOUS SURFACE ANALYSIS**



<b>50' Buffer Zone</b>	pool and coping = 151 sf
	impervious stone patio = 249 sf
	total impervious = 400 sf
<b>50' to 100' Buffer Zone</b>	pool and coping = 381 sf
	impervious stone patio = 942 sf
	total impervious = 1323 sf
<b>0' to 100' Buffer Zone</b>	total impervious = 1723 sf

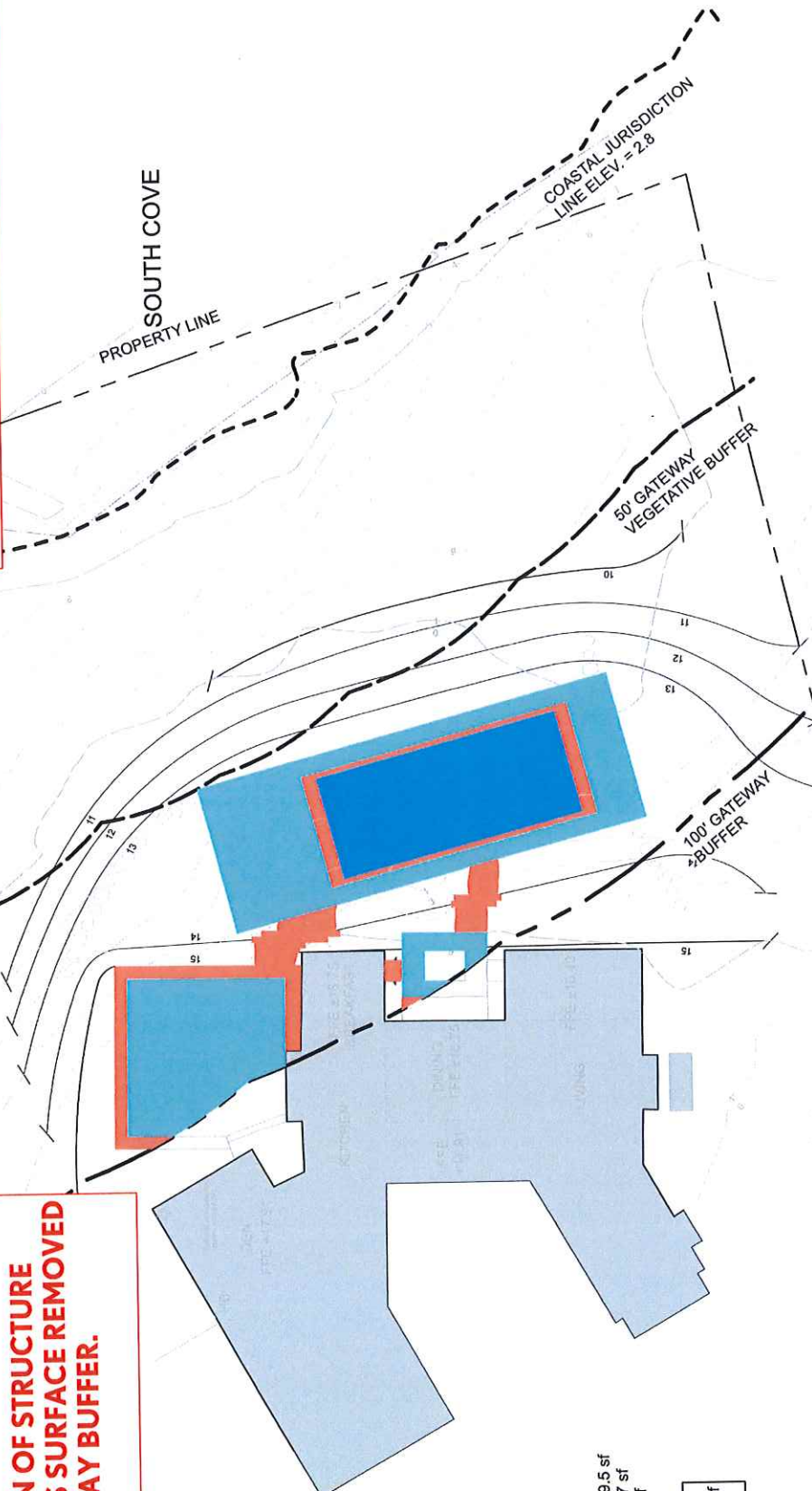
PROPOSED  
IMPERVIOUS SURFACE ANALYSIS

SUMMARY

**100% REMOVAL OF STRUCTURE AND IMPERVIOUS SURFACE IN 50' BUFFER**

**23.4% REDUCTION OF STRUCTURE AND IMPERVIOUS SURFACE REMOVED IN 0'-100' GATEWAY BUFFER.**

IMPERVIOUS AREA	50' Buffer Zone	50-100' Buffer Zone	Total
EXISTING	400 sf	1,323 sf	1,723sf
PROPOSED	0 sf	1,319.5 sf	1,319.5 sf



**50' Buffer Zone**  
total impervious = 0 sf  
(existing = 400 sf)

**50' to 100' Buffer Zone**  
pool = 960 sf  
imperVIOUS stone patio = 359.5 sf  
permeable stone patio = 787 sf  
total impervious = 1,319.5 sf  
(existing = 1,323 sf)

**0' to 100' Buffer Zone**  
total impervious = 1,319.5 sf  
(existing = 1,723 sf)



EXISTING CONDITION  
LAWN ANALYSIS

SUMMARY

- 14,021 SF OF LAWN
- 1,850 SF OF COASTAL INVASIVE WETLAND PLANTINGS
- 246 SF OF NATIVE / ADAPTIVE PLANT SPECIES



0' to 100' Buffer Zone  
total lawn = 14,021 sf  
coastal invasive wetland plantings = 1,850 sf  
native / adaptive plantings = 246 sf



PROPOSED  
LAWN

SUMMARY

- 38.7% REDUCTION OF LAWN AND REPLACEMENT WITH NATIVE / ADAPTIVE PLANT SPECIES
- 8,583 SF OF LAWN
- 6,714 SF OF NATIVE

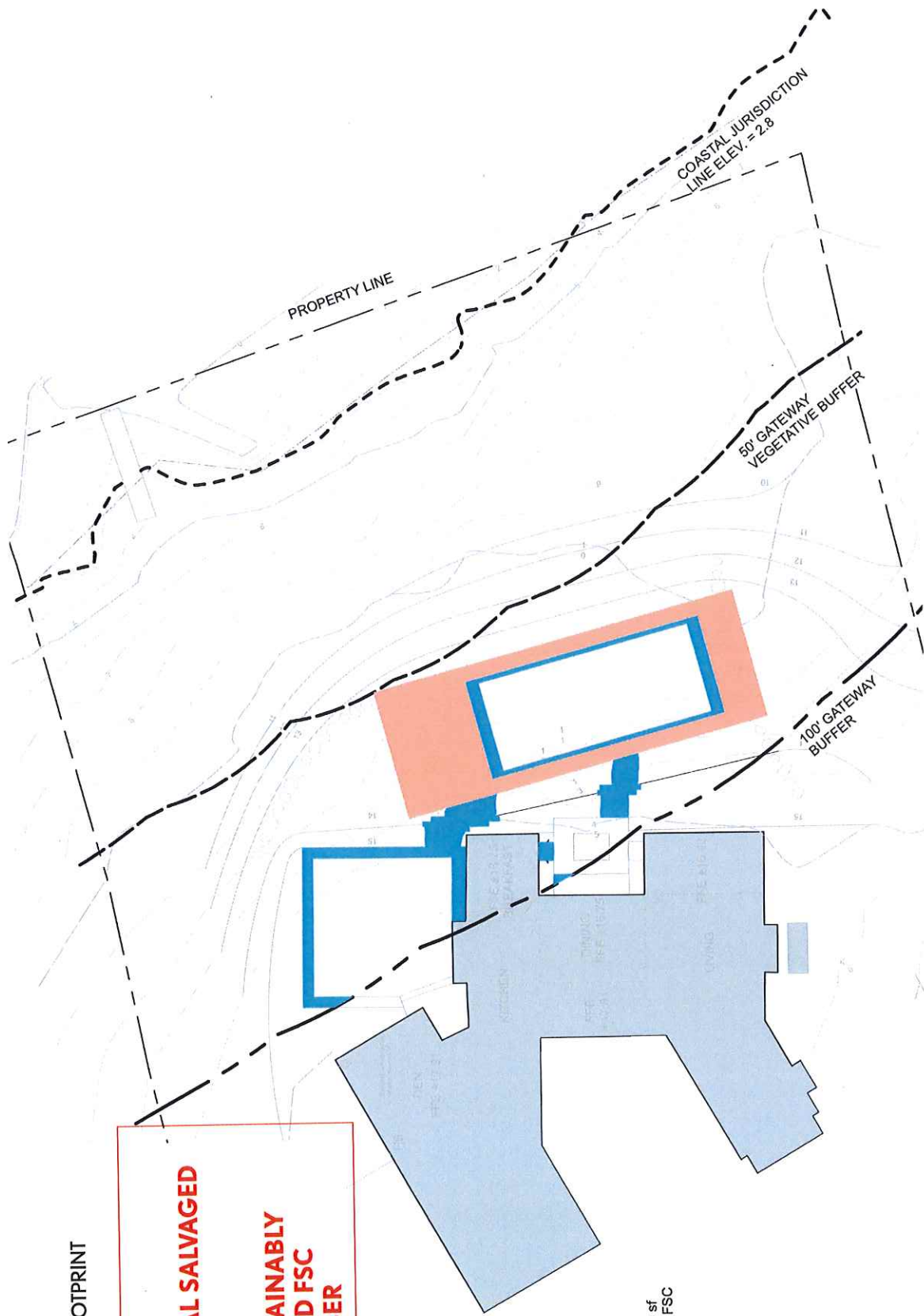
0' to 100' Buffer Zone  
 total lawn = 8,583 sf  
 (existing = 14,021 sf)  
 native / adaptive plantings = 6,714 sf  
 (existing = 246 sf)



PROPOSED  
MATERIAL CARBON FOOTPRINT

SUMMARY

- 543 SF OF LOCAL SALVAGED STONE
- 964 SF OF SUSTAINABLY HARVESTED AND FSC CERTIFIED TIMBER



**50' to 100' Buffer Zone**  
local salvaged stone = 543 sf  
sustainably harvested and FSC  
certified timber = 964 sf