

File Copy

RECEIVED
FEB 24 2023

Town of Essex
Zoning Board of Appeals

29 West Avenue, Essex, CT 06426

BY:

Variance Application

#10042

Date received by office 2/24/23 Application fee - \$50 + State fee - \$60 = \$110 Pd.

Application # 23-1 Hearing Date 3/21/23

Premises: Street Address 63 South Main Street

Assessor's Map # 46 Lot # 33 Lot Area 2.8 ac

Zoning District RU Deed Reference: Book 343 Page 1032

Owner of Property Essex House LLC

Address P.O. Box 606, Essex, CT 06426
Street Town State Zip


Telephone home work Email:

Applicant (if not owner) 63 South Main Realty

Address c/o 6 Main Street, Suite 129, Centerbrook, CT 06409
Street Town State Zip

Telephone home work 860-767-1991 Email: keith@crehangroup.com

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 2/23/23

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 type="checkbox"/> 40C	No buildings within the setbacks		
<input type="checkbox"/> 40D	No improvements except in conformity		
<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.	121,612 sq. ft.	Lot 1: 40,537 Lot 2: 40,537 Lot 3: 40,537
<input checked="" type="checkbox"/> 61B	Lot Area (80,000) Coverage Setbacks Height	121,612 sq. ft.	Lot 1: 40,537 Lot 2: 40,537 Lot 3: 40,537
<input checked="" type="checkbox"/> 61B	Lot width (150 feet)	276 feet	Lot 1: 144.5 feet Lot 2: 144.5 feet Lot 3: 124.5 feet

40E lot width + area

(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)

Variance requested to allow division of existing commercial / mixed use property into three single-family

building lots. Lot 1 will have 40,537 square feet. Lot 2 will have 40,537 square feet. Lot 3 will have 40,537 square feet.

(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 21-46 Date 11/30/2021 - Application withdrawn 2/7/2022

Prior variance request: _____ Variance Board Action _____

Previous applications were also made 12/4/2001, 2/4/2005, and 11/1/2005.

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: 2/23/23

Signature of property owner see consent Date: _____

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

NAME

ADDRESS

TOWN

ZIP CODE

See attached.

Property Owners Abutting & Directly Across Street from 63 South Main Street

Powers Dennis W. & Verity A.
67 South Main St.
Essex, CT 06426
Map 51, Lot 004-01

Tagatac Michael H. & Douglas Theresa
Anne
P.O. Box 474
Essex, CT 06426
Map 51, Lot 003

Greenberg Phyllis S. & Paul B.,
Trustees
26 Mack Lane
Essex, CT 06426
Map 50, Lot 009

Schoonmaker Judith D. & Raymond B.
24 Mack Lane
Essex, CT 06426
Map 50, Lot 10

Krall, Phillip
28 Mack Lane
Essex, CT 06426
Map 20, Lot 11

McFadden Dana Davison Tr
22 Mack Lane
Essex, CT 06426
Map 46, Lot 31

Essex Village Real Estate LLC
59 South Main Street
Essex, CT 06426
Map 46, Lot 32

Tanner Barbara
62 South Main St.
Essex, CT 06426
Map 46, Lot 35

Loeffler James Joseph & Cynthia Lee
as Trustees
60 South Main Street
Essex, CT 06426
Map 46, Lot 34

Hudson Nancy S Trustee
56 South Main Street
Essex, CT 06426
Map 46, Lot 40

Attachment to Zoning Board of Appeals Application
63 South Main Street, Essex, CT

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 Applicant is proposing to convert the existing commercial / mixed use property. The property is non-conforming in several respects. There are three separate uses. There is the commercial group home use, a three-family house, and a single-family house. In seeking to develop three lots, the Applicant will eliminate the commercial use of the property and will eliminate all of the uses and in their place, three single-family homes on 40,000 square-foot lots are proposed.

Additionally, the buildings are non-conforming as to the setbacks. The existing house in the northeast corner is non-conforming with respect to both the rear yard setback (5 feet where 30 feet is required) and side yard setback (9.8 feet where 30 feet is required). The three-family house is non-conforming with respect to the side yard setback (6 feet where 30 feet is required) and the garage is non-conforming with respect to the side yard setback (15 feet where 30 feet is required) and rear yard setback (17.25 feet where 30 feet is required). The setback non-conformities will be eliminated.

Applicant will also need to obtain approval for the subdivision from the Essex Planning and Zoning Commission.

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

As demonstrated below, this parcel, which is 2.8 acres, is unique in that it is a large parcel that is located in the RU zone in the village area of Essex. See list of properties referenced below.

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

As stated above, there are several reductions in non-conformity related to non-conforming setbacks. The existing multi-family use (four units) is non-conforming and not allowed in the RU zone. All use non-conformities will be eliminated and be more consistent with three single-family uses. The buildings are non-conforming as to the setbacks. The existing house in the northeast corner is non-conforming with respect to both the rear yard setback (5 feet where 30 feet is required) and side yard

setback (9.8 feet where 30 feet is required). The three-family house is non-conforming with respect to the side yard setback (6 feet where 30 feet is required) and the garage is non-conforming with respect to the side yard setback (15 feet where 30 feet is required) and rear yard setback (17.25 feet where 30 feet is required). The setback non-conformities will be eliminated.

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

The requested variances are in harmony with the purpose and intent of the Essex Zoning Regulations, due to the fact that the proposed single-family lots will be in line and consistent with the size many other single-family residential lots on South Main Street and Mack Lane, which are in close proximity to the property. A chart with the lot sizes of properties on South Main Street and Mack Lane is attached hereto.

63 South Main Street, Essex
Zoning Board of Appeals

<u>Address</u>	<u>Owner</u>	<u>Lot Size (Acres)</u>
63 South Main Street	Subject Parcel	0.93
46 South Main Street	Marshall Robbie A. & Tyler Robert M.	0.28
48 South Main Street	Sears, Cushman A. & Kathleen A.	0.24
50 South Main Street	RQBNN LLC	0.25
52 South Main Street	Waldman David A. & Stacy Waldman Bass	0.25
56 South Main Street	Hudson Nancy S. Trustee	0.35
60 South Main Street	Loeffler James Joseph & Cynthia Lee as	0.42
62 South Main Street	Tanner Barbara	0.69
59 Saybrook Road	Annie Neville LLC	0.85
64 South Main Street	Rowman & Littlefield Publishing Group Inc. The	1.13
1 Mack Lane	Carlucci Michael V. & Susan M.	0.51
55 South Main Street	Mountzores Peter L.	0.37
59 South Main Street	Essex Village Real Estate LLC	1.00
63 South Main Street	Essex House LLC	2.79
69 South Main Street	Tagatac Michael H. & Douglas Theresa Anne	0.87
71 South Main Street	Perl Susan A.	2.69
7 Mack Lane	Fierro Daniel A. & Henn James F.	0.73
6 Mack Lane	Ford Christopher M. & Royce Sandra Eve	0.34
8 Mack Lane	Lazare Marilyn S.	0.34
10 Mack Lane	Elmgren Todd J. & Brooke Stroh Co-Trustee	0.21
12 Mack Lane	Casey Thomas E.	0.2
18 Mack Lane	Krall Phillip	0.15
22 Mack Lane	Dana Davison McFadden TR	0.27
67 South Main Street	Powers Dennis W. & Verity A.	1.54
11 Mack Lane	Pawlicki Raymond & Marianne	0.91
13 Mack Lane	Flores Frank J. & Marianne	0.69
15 Mack Lane	Carlson Richard E. Trustee	0.71
17 Mack Lane	Heiner Bertie Deming	0.73
Mack Lane (M50/L014-1A)	Town of Essex	0.02
28 Mack Lane	Krall Phillip	0.21
30 Mack Lane	Furgueson Michael G.	0.28
36 Mack Lane	Pickett Robert Douglas Jr. & Weeks Whitney Emelie	0.58
24 Mack Lane	Schoonmaker Judith D. & Raymond B.	0.28
26 Mack Lane	Greenberg Phyllis S. & Paul B. Trustees	0.99



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.

February 23, 2023

Ms. Carey Duques
Land Use Official
Town of Essex
29 West Avenue
Essex, CT 06426

**Re: Application of Keith Crehan and/or 63 South Main Realty
63 South Main Street, Essex, CT**

Dear Ms. Duques:

Essex House, LLC hereby consents to Keith Crehan and/or 63 South Main Realty making applications to Essex Zoning Board of Appeals, Essex Planning and Zoning Commission, Essex Health Department, and other municipal entities for development of the 63 South Main Street property.

Sincerely,

Essex House, LLC

By: _____

Aleida King
Manager