

Town of Essex
Zoning Board of Appeals

29 West Avenue, Essex, CT 06426

RECEIVED
APR 26 2024

Variance Application

#196

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

Application # 24-10 Hearing Date 5/21/24

Premises: Street Address 5 SCHOLLES LANE, ESSEX, CT

Assessor's Map # 47 Lot # 031 Lot Area 0.15 ac

Zoning District VR Deed Reference: Book 354 Page 378

Owner of Property RACHEL K NUNN AND JOHN EVALD ANDERSON III

Address 2713 LITTLE ROAD, VALRICO, FL, 33596
Street Town State Zip

Telephone 813-629-3592 Email: WRNUNN@VERIZON.NET
home work

Applicant (if not owner) JENNIFER TATE - TATE+BURNS ARCHITECTS LLC

Address 15 BOKUM ROAD, ESSEX CT 06426
Street Town State Zip

Telephone 860-767-2378 Email: tate@tateburnsarch.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) [Signature] Date 4/24/24

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	buildings in setback	relocate 1-car garage enlarge by 2' in width
<input checked="" type="checkbox"/> 40D	No improvements except in conformity		add shed dormer between existing gable dormers at house
<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.		
60B	Coverage	14.8%	add 45 s.f. for 15.4%
60B	Setbacks	side yard at garage 9"	increase to 1'-9"
	Height		
40I.1	Improvements within setback		
50C.2	50D		

(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)

House built in 1929 is a pre-existing non-conforming lot and buildings. About 90% of the existing house is located within the front and sideyard setbacks. Proposed shed dormer between existing gable dormers, at existing half-story second bedroom to improve ceiling height and increase useable floor area. Current 7'-0" ceiling width is only 4'-7 1/2" wide. See drawings 3,4 and 8.

Propose to re-build garage, currently in disrepair and sinking into ground (no proper foundation). Propose to re-build in new location, add foundation and floor slab, increase width from 10'-4" to 12'-4" so that mid-sized sedan can fit and driver can open door to exit vehicle. Also propose to move the structure to the north, current side yard setback is 9.5" move to north (away from south property line) 1'-0" to make 1'-9 1/2" side yard setback. We are limited by the position of the southeast corner of the house and location of existing driveway, and the location of the proposed new septic tank and leaching field.

(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 lot size is small, the majority of the existing 2 bedroom house is within the setbacks, and the entire garage is located in the sideyard setback, 9.5" from the property line.

The existing septic system must be replaced, it is not code compliant, it is on the north side of the property.
b. The proposed septic system must go towards the south side of the yard, therefore the garage can't easily move further north away from the south property line.

c.

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

a. It is so small that there is very little buildable area (250 s.f.). The lot size is 6636 s.f. where 60,000 s.f. is required.

The current coverage already exceeds that allowed. The existing garage cannot be used to store a vehicle easily, it is too narrow to fit a modern-day mid-sized sedan. See drawing 9.
b.

c.

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

a. reducing side yard setback non-conformity by 1'-0"

b.

c.

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

a. The use is not changing, the quantity of bedrooms is not changing, the style and character is not changing.

b. We are working w/in the limitations of the site to provide a code compliant septic system. The current system is not code compliant.

c.

Have previous applications been made for this property? Yes No

If yes, previous application #s 82-11 Date 12/15/81
Prior variance request: enclosed porch addition Variance Board Action approved

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
- 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 [Signature] Date: 4/22/24
Signature of property owner [Signature] Date: 4/22/24

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

NAME

ADDRESS

TOWN

ZIP CODE

Brenda Huffman Floyd Trustee, 3 Scholes Lane, Essex, CT 06426

Peggy and Edward Kobelski, 40 Main Street, Essex, CT 06426

Richard Weiner and Rhode P. Van Gessel, 42 Main Street, Essex, CT 06426

Roderic M. Hartung, 8 Novelty Lane, Essex, CT 06426

Eric W. Hager and Michelle R. Hubbard Trustee, c/o Ackerly & Dorrance LLC
25 South Avenue
New Canaan, CT 06804

George R. Tenney and Carol Lippia-Tenney Trustee, 8 Scholes Lane, Essex, CT 06426

John Vackiner Scholes, 6 Scholes Lane, Essex, CT 06426

12 Scholes LLC, 1288 River Road, Mystic, CT 06355

Griswold Inn LLC, 36 Main Street, Essex, CT 06426



5 Scholes Lane garage showing settling.