

Town of Essex
Zoning Board of Appeals

RECEIVED
JAN 26 2024

19 West Avenue, Essex, CT 06426

Variance Application

#8215

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

Application # 24-4 Hearing Date _____

Premises: Street Address 20 North Main Street, Essex

Assessor's Map # 31 Lot # 039 Lot Area .22 ac

Zoning District VR Deed Reference: Book 323 Page 998

Owner of Property Marc J + Laura L. Loew

Address 20 North Main Street, Essex, CT 06426
Street Town State Zip Cl Terrence D. Lomme, Esq

Telephone 201-264-3517 Email: Terry@TerryLaw.com
home work 860-767-2300

Applicant (if not owner) same

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 BOARDOR 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) Laura L. Loew Date 1/26/2024

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 checked="" 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 or shape of any lot or improvement except in conformity with the zoning regs.		
<input checked="" type="checkbox"/>	Coverage		
	Setbacks		
	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)

This application is to allow a pergola constructed over an existing deck. This pergola complies with the requirements of an accessory structure, regarding height and setback and will not increase the coverage on the lot.

(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.)**

The subject property consists of .22 acres and slopes dramatically from the back to the front of same. The front of the property is substantially higher than North Main Street and there is a very narrow passageway on the north side of the house to get from the back yard to the front yard. There is an existing 11'10" x 16' on the back of the house which you have to cross to get to the front of the property. The property has only 74.42 feet of frontage, as a result the house is located 3 feet from the South sideline and the deck is approximately 3 feet from the North sideline.

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

No other lot in this area has the same physical characteristics of the lot and the house. Further, no other property has an existing deck located in the proximity of the sideline.

The proposed pergola is in essence four posts and a slotted open top. It will not increase the lot coverage. The regulations allow for accessory structures that are less than fifteen feet tall to be located five feet from a sideline. This pergola complies with both of those regulations. The granting of this variance will not have any adverse effect on the neighboring properties or on the Essex Zoning plan.

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

In addition to the above hardship, the Lowes are reducing their pre-existing non-conforming deck located to the rear of the house. The deck which was constructed in 2015, by a prior owner, is currently located in the northerly setback area. It is within 2 feet 8 inches of the sideline on the eastern end and 3.6 feet of the sideline on the western end. The Loews propose to reduce the deck by 18 % removing 37.76 square feet of the deck from the setback area. This reduction will be consistent with the pergola and will comply with the accessory building regulation.

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

The granting the requested variances will be in harmony with the Zoning Regulations in that it will allow the pergola to be located in an area consistent with the regulation and will be of an allowed size and height and thus it will comply with the regulations. Further, it will significantly reduce an existing nonconformity.

Have previous applications been made for this property? Yes No

If yes, previous application #s 23-08, 23-21 Date 6-13-23, 12-21-23
Prior variance request: Coverage Variance Board Action Denied

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.

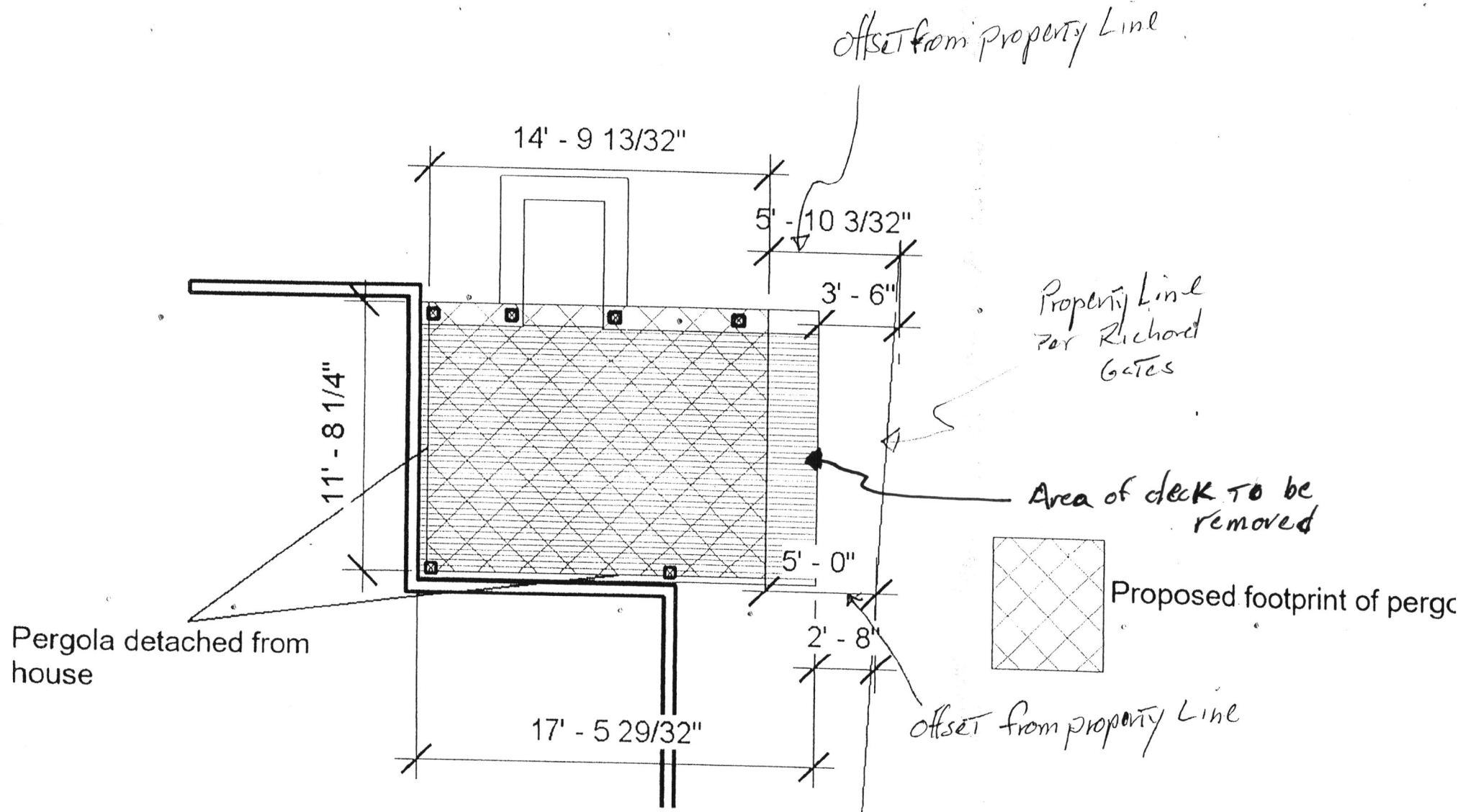
Signature of applicant *Laura L. Law* Date: 1/24/2024

Signature of property owner _____ Date: _____

KIERNAN, JEANNE 11 PROSPECT ST ESSEX, CT 06426

CORNELL, ROBERT & SUSAN 22 NORTH MAIN ST ESSEX, CT 06426

SALVO, ENRIQUE J 685 TINTON AVE BRONX, NY 10455



Pergola 11'8" x 14'9" = 160 sq ft

Deck 11'10" x 16'4"