

Town of Essex
Zoning Board of Appeals

29 West Avenue, Essex, CT 06426

RECEIVED
FEB 23 2024

Variance Application

Date received by office _____ Application fee - \$50 + State fee - \$60 = \$110 Pd. #131

Application # 24-5 BT: _____ Hearing Date _____

Premises: Street Address 22 West Ave

Assessor's Map # 32 Lot # 65 Lot Area 0.65 ac

Zoning District VR Deed Reference: Book _____ Page _____

Owner of Property Richard and Eleanor Bravman

Address 129 Sunrise Hill Circle, Orange CT 06477
Street Town State Zip

Telephone 831-917-7395 Email: rbravman@mac.com
home work

Applicant (if not owner) DSK | Dewing Schmid Kearns, Architects + Planners

Address 30 Monument Square, Suite 200B, Concord, MA 01742
Street Town State Zip

Telephone _____ Email: _____
home work 978-776-6661

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) [Signature] Date 23 FEB 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 checked="" type="checkbox"/> 40C	No buildings within the setbacks	yes	yes
<input checked="" type="checkbox"/> 40D	No improvements except in conformity	yes	yes
<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.		
	Coverage	2,803 sf	no change
40I.1, 60B	Setbacks	yes	yes
	Height	yes	yes
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)

Variance is requested to allow the addition of a main bedroom above the existing kitchen. This would increase the height at the rear of the building, to match the height of the existing 1 1/2 story ridge line.

Please see attached drawings for dimensions, height, and location of the existing and proposed new construction.

No change of use is requested.

(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 existing house is a 1 1/2 story structure, with skylights at the 2nd floor, and no upstairs bedroom. In order to provide a usable, second floor bedroom without changing the building footprint, and without increasing the lot coverage, the proposed solution is to build the bedroom above the existing kitchen.
- b. The existing second floor space does not allow for proper second means of egress through a window for use as a bedroom, as there are only skylights. The proposed addition of a main bedroom above the existing kitchen will allow a second floor bedroom, with windows as an emergency escape and rescue opening.
- c. The proposed renovation does not expand the existing footprint, using the roof of the existing kitchen, which is located in the side yard setback, permitting the renovation to not expand the existing footprint.

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

- a. It is unique to this property because the existing house is already partially located within the sideyard setback.
- b. On this property, the existing second floor is not usable as a bedroom due to the steep roof slope.
In order to not expand the building footprint, the area above the existing kitchen will be used for a main bedroom.
- c. The existing rear facing roof eave of the 1 1/2 story structure is proposed to be raised / lifted, to make the second floor space usable as a main bedroom and bathroom space.

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

- a. The existing garden shed, located within the setback at the southeast corner of the property, is proposed to be removed.
- b. _____
- c. _____

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

a. The proposed work, as illustrated, will be mostly hidden from West Avenue.

b. The proposed work will not increase the building footprint area.

c. The proposed work will be no higher than the ridge of the existing house.

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.

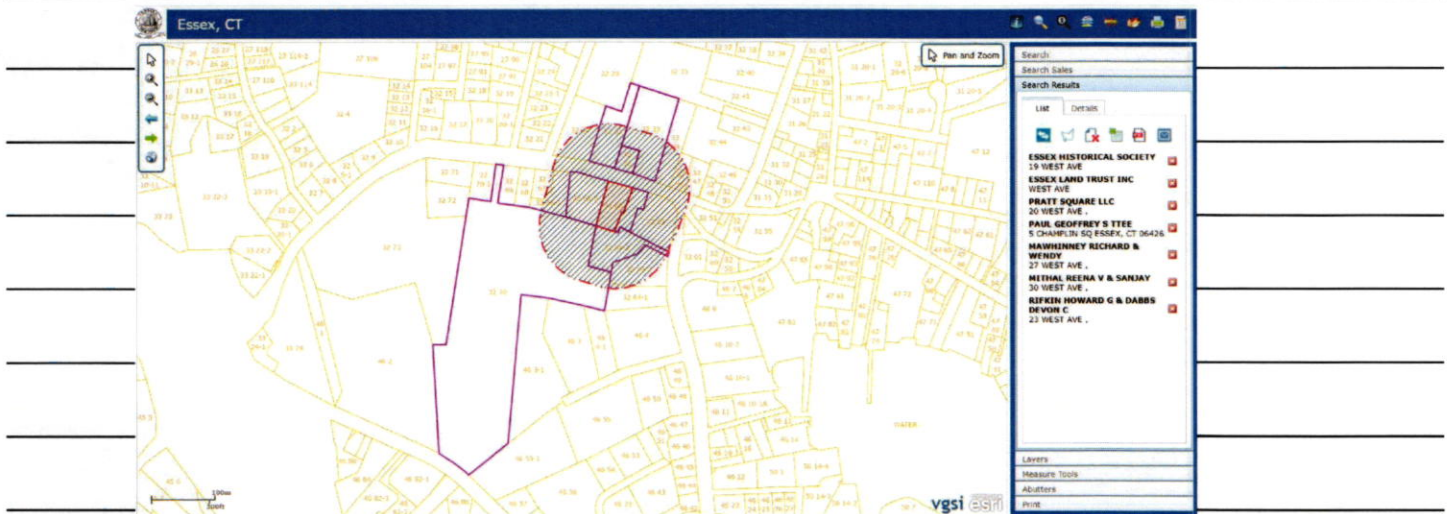
Signature of applicant  Date: 23 FEB 2024

Signature of property owner  Date: 2/23/24

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

NAME ADDRESS TOWN ZIP CODE

MBLU	Location	Owner Name	Address 1	City, State, Zip
32/ 033/ / /	19 WEST AVE	ESSEX HISTORICAL SOCIETY	PO BOX 123	ESSEX, CT 06426
32/ 070/ / /	WEST AVE	ESSEX LAND TRUST INC	PO BOX 373	ESSEX, CT 06426
32/ 063/ 01/ /	20 WEST AVE	PRATT SQUARE LLC	1 CHAMPLIN SQUARE	ESSEX, CT 06426
32/ 064/ 03/ /	5 CHAMPLIN SQ	PAUL GEOFFREY S TTEE	1 CHAMPLIN SQUARE	ESSEX, CT 06426
32/ 031/ / /	27 WEST AVE	MAWHINNEY RICHARD & WENDY	27 WEST AVE	ESSEX, CT 06426
32/ 066/ 02/ /	30 WEST AVE	MITHAL REENA V & SANJAY	30 WEST AVE	ESSEX, CT 06426
32/ 032/ / /	23 WEST AVE	RIFKIN HOWARD G & DABBS DEVON C	23 WEST AVE	ESSEX, CT 06426



Allowable Lot Coverage

Based on the Towns GIS website, the property (22 West Avenue, Essex, CT) is identified as .65 acres.

43, 560 sf (area of 1 acre) x .65 = 28,314 square feet

The lot is located within the VR-60 Village Residential Zoning District.

The zoning in this district allows 10% lot coverage.

28,314 square feet x 10% = 2,831.4 sf

10% allowable lot coverage = 2,831.4 sf

The Town of Essex GIS website notes that the buildings on the property have the following area:

(The allowable lot coverage is calculated based on a "bird's eye view", ie., building footprint only) using the Living Areas listed below:

Main House (Building 1):

Living Area: 2,067 sf (includes First Floor living spaces only)

Gross Area: 3,304 sf (includes First Floor, Garage, Open Porch, Patio, and Basement)

Guest House (Building 2):

Living Area: 736 sf (includes First Floor, and Half Story spaces only)

Gross Area: 2,024 sf (includes First Floor, Half Story, Garage, Open Porch, Patio, and Basement)

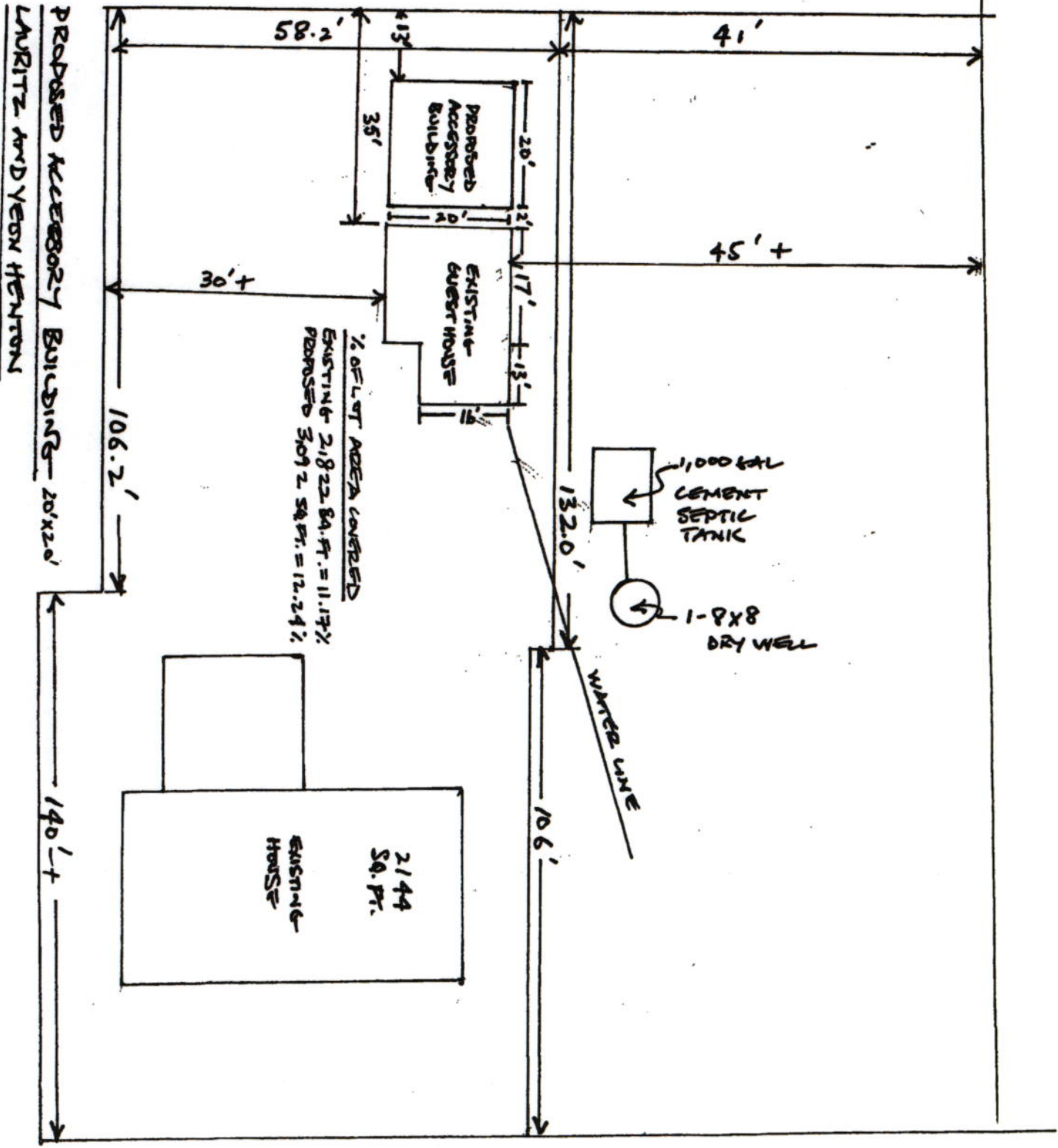
The total Living Area is calculated:

Main House Living Area: 2,067 sf + Guest House Living Area: 736 sf = 2,831.4 sf

[2,067 + 736 = 2,803]

The allowable Lot Coverage increase:

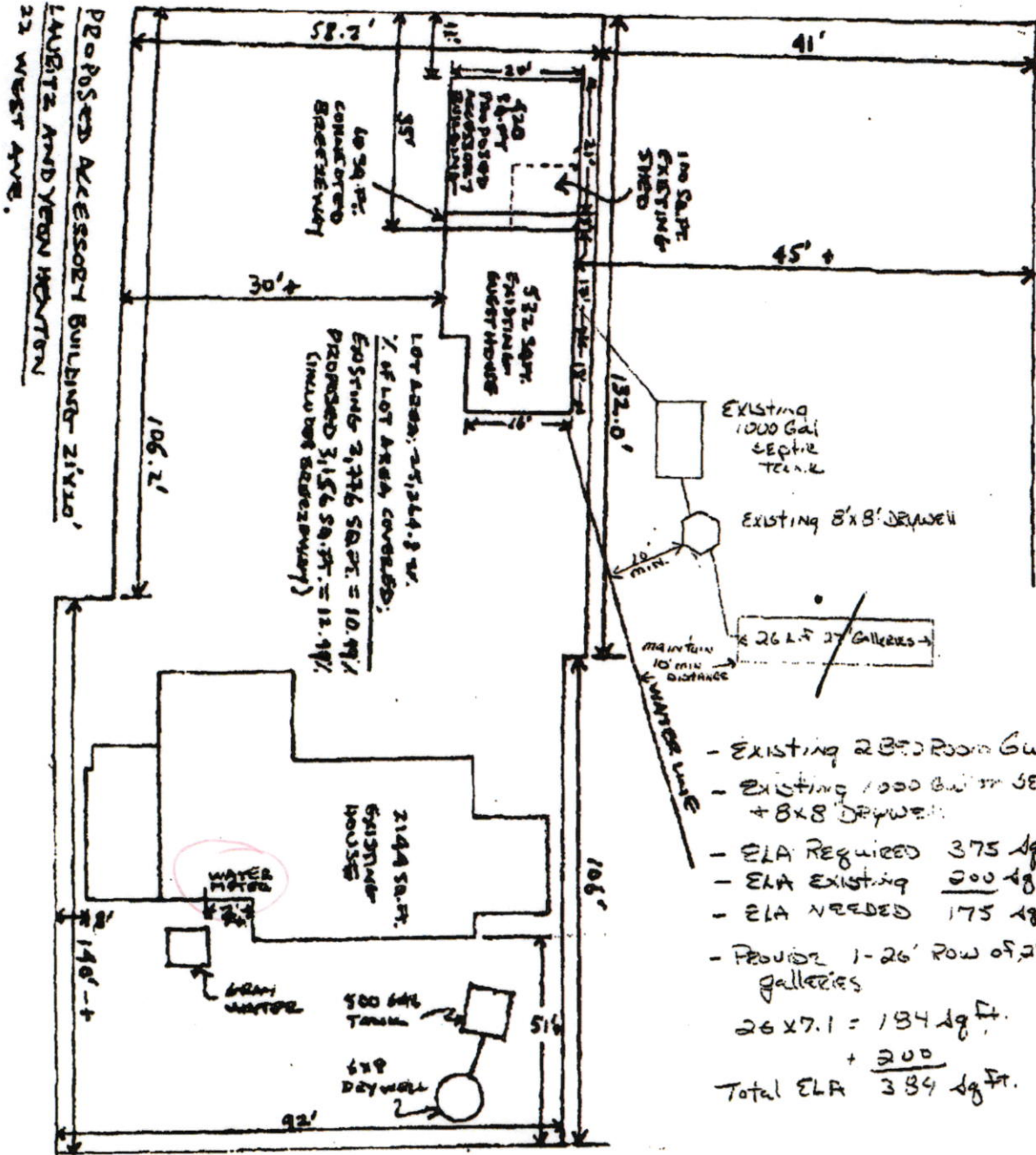
2,831.4 sf - 2,803.0 sf = 28.4 sf



WEST AVE.

RITZ HENTON 22 WEST AVE ESSEX

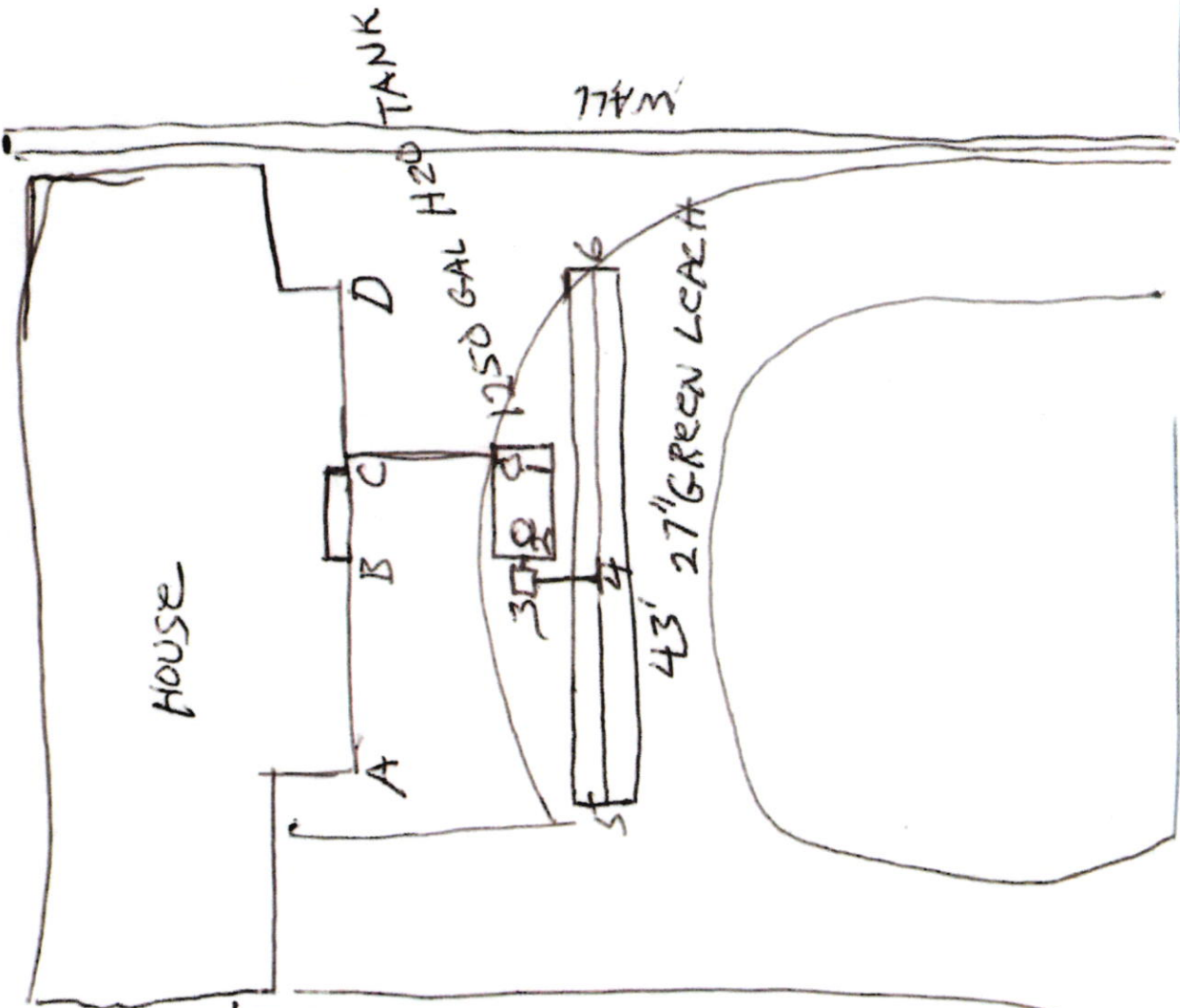
GUEST HOUSE



- Existing 2 Bedroom Guest House
- Existing 1000 Gal. septic tank + 8'x8' Drywell
- EIA Required 375 sq. ft.
- EIA Existing 200 sq. ft.
- EIA Needed 175 sq. ft.
- Provide 1-26' Row of 27" high galleries
- 26 x 7.1 = 184 sq. ft.
- + 200
- Total EIA 384 sq. ft.

WEST AVE. / MAP 32 LOT 66

BRAVMAN
WEST AVE



WEST AVE

	1	2	3	4	5	6
A					23'	
B	18'	16'	16'	23'	31'	32'
C						
D	19'6"		27'			23'

22 West Ave
AS BUILT RECEIVED
 APR 08 2008

BY: *Ph.dl*

GARY SWAIN
 #3408
 3996749
 4-7-08

204

B100a – Plan Review Application

- Fees:**
- Building Conversion/Change in Use \$85.00
 - Addition/Renovation \$ 60.00
 - Accessory Structure \$ 35.00
 - Lot Line Change \$ 35.00
 - Preliminary Septic Review for New Construction \$ 110.00
 - Subdivision/Preliminary Septic Review \$ 60.00 PER LOT
 - Sewage Disposal Preservation \$ 35.00 (describe below)
Irrigation Public Water // Well Water \$35.00

Street Location 22 West Avenue, Essex, CT **Map** 32 **Lot** 65

Property Owner Name Richard and Eleanor Bravman Phone 831.917.7395

Mailing Address 129 Sunrise Hill Circle, Orange CT 06477 Email rbravman@mac.com

Applicant Name DSK | Dewing Schmid Kearns, Architects + Planners Phone 978-776-6661

Mailing Address 30 Monument Square, Suite 200B, Concord, MA 01742 Email tkearns@dkap.com

License # (if applicable) ARI. 0010202 License Exp. Date 7/31/2024

- Building Conversion or Change the Use**
- Change Use of an Existing Building from _____ to _____
 - Increase the number of employees from _____ to _____ Winterize a seasonal building _____

- Build an Addition or Renovate an existing building. This addition or renovation will:**
- proposed addition will be (describe): A main bedroom and bathroom on the second floor toward the rear of the main house and rebuild of the interior stair.
 - Increase heated/habitable space in the existing structure by 863 sq.ft.
 - Convert Use within an Existing Building from _____ to _____
 - Increase the number of bedrooms from 2 to 3 Increase lot coverage by 0 sq.ft.

- Construct or Increase the size of an accessory structure:** Per CT PHC Sec. 19-13-B100a, accessory structures are non-habitable structures which are NOT served by a water supply and the use is incidental to residential or non-residential buildings
- Garage _____ sq. ft. Open Deck/Porch _____ sq. ft. In-ground pool
 - Shed/Gazebo _____ sq. ft. Three-season/Sun Room _____ sq. ft. Above-ground pool
 - Barn _____ sq. ft. Other accessory building type: _____ & _____ sq. ft.

- Preliminary Review of Septic System** **Modify Lot line** (property survey must be submitted)
- Existing lot with septic system Existing Lot (Vacant Land) Create subdivision with _____ (#) of lots.

- Sewage Disposal Preservation Area:** (Irrigation lines, walls or cuts downgradient of the leaching system, or other projects which change the soil hydraulics)

Provide a brief description of the project _____

Applicant Must Provide the following information with this application: (check attached documents)

- Site plan layout showing the property lines, all existing structures, proposed addition/modification, size and location of the existing septic system (tank & leach fields) and well or public water line.
- Existing septic layout (As-Built) No septic records available Soil test data (if available)
- Current septic pump-out report Date of pump-out: _____ Pumper Name: _____

Health Dept Review of the B100a Application
FOR OFFICE USE ONLY

Street Location 22 West Ave **Map** 32 **Lot** 65

Is the parcel in a **Water Resource District**? Yes (refer to zoning regs Section 104E.5) No
 Is a Nitrate and Coliform Analysis Required? No

Preliminary Review of New Construction/Subdivision/Lot Line Change? Yes No **Plan Date** _____

Existing Septic System Information: AS-BUILT on file? Yes No **Lot Size** _____

Septic Design Size _____ Installation Date _____ Installer _____ License # _____

Tank Size _____ Pump Chamber _____ SF Prov'd _____ SF Req'd _____

Leaching System (describe) _____

NOTES _____

B100a Septic System Requirements

Soil Test Date

Does the septic system meet B100a requirements? Yes No
Is additional Soil Test Needed? Yes No
Has a Code Complying Area been determined? Yes No
Testing used from another property located at: _____
If NO, has a repair area been determined? Yes No
Is a repair/modification required? Yes No
Percolation Rate _____ min/inch

Not Approved: Proposal must be re-submitted with a plan showing potential area for septic system that meets all requirements of the CT PHC Section 19-13-B100a. Please contact the Health Department.

Approved with the following modifications of the existing septic system _____

Preliminary Approval for septic design _____

Approved with no modification of the existing septic system _____

Signature: _____ **Date:** _____
Director of Health, Registered Sanitarian or Authorized Agent

Application # _____ **Date** _____ **Fee Paid (check #)** 60.00
#130



ZONING BOARD OF APPEALS (ZBA) VARIANCE APPLICATION INSTRUCTIONS

When applying for a variance, the applicant is seeking approval to use the property in a manner that would not otherwise be allowed under Zoning Regulations, which are Land-Use Laws that serve to protect public health, safety, convenience, welfare and property values. The ZBA's authority to grant variances is limited by law and must comply with statutory requirements. An incomplete variance application may be grounds for denial of the application. Per Connecticut General Statutes (CGS), Section 8-6, if the ZBA denies a variance application for any reason, it is not required to hear an application for the same variance or substantially the same variance for a period of six (6) months. Thus, to avoid a denial, or unnecessary delays, it is to the benefit of the applicant to submit a **complete** variance application with all of the information required.

It is highly recommended that the applicants, or their representative(s), review the ZBA Residential Variance Guide (on ZBA Website) and discuss the completed application with the Essex Zoning Enforcement Officer prior to submission. Please call 860-767-4340, ext. 115 for an appointment.

INSTRUCTIONS

SUBMISSION: The complete variance application, including ALL supporting plans, photographs, and documentation, must be submitted to the Land Use Department on the third floor of Town Hall. Please provide 10 copies of the full application. PDF electronic versions of documents are also helpful.

FEES: The application fee via cash or check payable to the "Town of Essex" for a **\$110.00 Variance Application Fee** (\$50 Town of Essex and \$60 DEEP State fee) must be paid by the applicant at the time of application.

ZBA Meetings are scheduled the **THIRD Tuesday** of each month at 7:00 p.m. at Town Hall, 29 West Avenue, Essex. Complete variance applications submitted by **the deadline provided on the attached schedule**, are typically heard at the **subsequent** regularly scheduled meeting, unless the Board decides to schedule otherwise. The Applicant or his/her Authorized Representative **must** be present at the hearing or participate virtually.

NOTICES

VARIANCE EFFECTIVE DATE: A decision by the ZBA to grant a variance does NOT become effective until **AFTER** a ZBA-certified copy of the "**Notice of Variance Granted**" is recorded in the town's land records along with any required mylar plans; any additional recording fees required, beyond the \$60 Recording Fee of the variance application, are the applicant's responsibility (CGS Section 8-3(d)).

The applicant or property owner is responsible for recording the variance in the Clerk's Office at Town Hall. Unless there is an appeal the recording typically occurs within 30 days following the ZBA decision: (a) after publication of a "**Legal Notice**" of the ZBA decision a newspaper having general circulation (typically *The Valley Courier*, *Hartford Courant*, etc.) within fifteen (15) days of the ZBA decision (per CGS Section 8-7), and (b) following a 15-day appeal period after publication of the Legal Notice of Decision, during which time any aggrieved party may appeal the ZBA decision in court (CGS Section 8-8). **A Zoning permit and any necessary building permits are required prior to start of construction.**