

Town of Essex  
Zoning Board of Appeals

29 West Avenue, Essex, CT 06426

RECEIVED  
MAR 22 2024

Variance Application

#1646

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

Application # 24-7 BY: \_\_\_\_\_

Hearing Date 4/16/2024

Premises: Street Address 10 Collins Lane

Assessor's Map # 46 Lot # 14 Lot Area 0.76 +/- ac

Zoning District VR Deed Reference: Book 0351 Page 0085

Owner of Property Andrew Guziewicz

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


Telephone 860-581-3421 Email: awguziewicz@gmail.com  
home work

Applicant (if not owner) <same as owner>

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 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 3-21-24

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 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 of shape of any lot or improvement except in conformity with the zoning regs.		
	Setbacks		
	Height		
101E	100' Gateway Buffer Area	50.6 ft.	50.0 ft.

(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)

The variances are requested to allow the construction of a dry-laid raised stone patio with in-ground pool & spa and a reconstructed open deck as shown in detail on the proposed project plans. The existing home will be renovated but no house additions are proposed. All dimensions are included in the project plans.

(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 land is waterfront on the Connecticut River and within Gateway and FEMA flood zones which add multiple land use restrictions. With all yard and Gateway setbacks, more than 77% of the lot area is restricted from building.

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b. The topography of the land descends front to back (west to east) toward the river. With descending topography, a raised patio is necessary to minimize steps into and out of the home. One of the homeowners has declining medical mobility concerns and the depth and quantity of steps must be minimized.

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c. The property is an existing non-conforming lot of record. The lot area is 33,079 s.f. which is nearly 1/2 of the minimum lot area required in the VR zone.

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

a. The house on the subject property was originally constructed in its current position in 1837, well before zoning and Gateway regulations were adopted. Essentially, the entire main house lies within the 100' Gateway buffer area so any changes to the exterior of the main house would require a variance of Section 101E - Gateway Buffer Area.

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b. More than 77% of the lot area is restricted by regulatory setbacks.

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c. Existing lot is non-conforming (nearly 1/2 of the min. required lot area and is an interior lot with no road frontage).

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d. Descending topography from house toward river of approximately 5 to 8 feet.

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

a. The existing building/structure coverage non-conformity (10.8%) will be eliminated and is proposed to be conforming at 10% .

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b. With a robust landscaping plan, the Gateway Buffer area and view from the CT River will be substantially enhanced.

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c.

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

- a. The proposed improvements will significantly enhance the value of the subject property and surrounding properties.
- b. The proposed improvements will substantially enhance the aesthetics of the subject property and will integrate a thoughtful landscape plan, which will be substantially enhance the Gateway Buffer Area and and the view from the CT River.
- c. The proposed patio will be dry-laid to promote infiltration to underlying soils and reduce surface runoff. The added landscaping will also promote infiltration and enhance stormwater quality by reducing lawn area. Impervious area will be reduced by 1,678 s.f.

**Have previous applications been made for this property?**  Yes  No

**If yes, previous application #s** 24-2 **Date** 3-19-24 (meeting date)  
**Prior variance request:** 40D, 40E, 60B, 101E **Variance Board Action** Denied 3-2


**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
- TBD  e. Referral from Essex IWWC (if applicable)
- N/A  f. Referral from adjacent towns
- TBD  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:** 3-21-24

**Signature of property owner** <same as applicant> **Date:** \_\_\_\_\_



Property Abutters to 10 Collins Lane Essex Guzewicz Residence						
D	Site Address	Owner Name	Owner Address	Owner City	Owner State	Zip
50-001	7 MACK LA	FIERRO DANIEL A & HENN JAMES F	880 FIFTH AVE APT 18G	NEW YORK	NY	10021
46-013	14 COLLINS LA	HOLMES CANDACE E	14 COLLINS LA	ESSEX	CT	06426
50-014-04	11 MACK LA	PAWLICKI RAYMOND & MARIANNE	11 MACK LA	ESSEX	CT	06426
47-085	9 SOUTH MAIN ST	PLATT DAVID B & ELLEN	9 SOUTH MAIN ST	ESSEX	CT	06426
46-015	8 COLLINS LA	BUCKRIDGE BETTE J	8 COLLINS LA	ESSEX	CT	06426

### Property Abutters to 10 Collins Lane Essex, CT



**Property Information**

**Property ID** 46 14  
**Location** 10 COLLINS LA  
**Owner** GUZIEWICZ ANDREW W & ROCK KELLY A (JT)



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.

### 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

<b>Street Location</b> 10 Collins Lane	<b>Map</b> 46	<b>Lot</b> 14
<b>Property Owner Name</b> Andrew Guziewicz	<b>Phone</b> 860-581-3421	
<b>Mailing Address</b> 10 Collins Lane	<b>Email</b> awguziewicz@gmail.com	
<b>Applicant Name</b> Joe Wren, PE	<b>Phone</b> 860-388-9343	
<b>Mailing Address</b> 40 Elm St., 2nd Fl. Old Saybrook, CT 06475	<b>Email</b> jwren@indigo-land.com	
<b>License # (if applicable)</b> 21090	<b>License Exp. Date</b> 1/31/25	

- 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): Ex. dwelling & garage, install a new pool, patio & shed
  - Increase heated/habitable space in the existing structure by \_\_\_\_\_ sq.ft.
  - Convert Use within an Existing Building from \_\_\_\_\_ to \_\_\_\_\_
  - Increase the number of bedrooms from \_\_\_\_\_ to \_\_\_\_\_  Increase lot coverage by \_\_\_\_\_ 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: Patio \_\_\_\_\_ & \_\_\_\_\_ 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** Proposed renovation of the ex. 4-bedroom year-round dwelling & garage, install a new pool, patio & shed as well as other associated improvements. No changes to the existing septic system are proposed.

**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: 6/3/2020 **Pumper Name:** Starkworks



**Health Dept Review of the B100a Application**  
**FOR OFFICE USE ONLY**

Street Location 10 Collins Lane Map 46 Lot 14

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 .75 Acres  
Septic Design Size SBR. Installation Date 8/14/2007 Installer Craig Stevens License # 5828  
Tank Size 1,500 Pump Chamber \_\_\_\_\_ SF Prov'd 770 SF Req'd 742.5  
Leaching System (describe) 70 c.f. of Mumps 12"

NOTES \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B100a Septic System Requirements**

Soil Test Date 5/25/2007

Does the septic system meet B100a requirements?  Yes  No  
Has a Code Complying Area been determined?  Yes  No  
If NO, has a repair area been determined?  Yes  No  
Is a repair/modification required?  Yes  No

Is additional Soil Test Needed?  Yes  No  
Testing used from another property located at: \_\_\_\_\_  
Percolation Rate 1-10 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: [Signature] Date: 1/16/2023  
Director of Health, Registered Sanitarian or Authorized Agent

Application # 24-304A Date 12/22/2023 Fee Paid (check #) \$95.00