

TOWN OF ESSEX
LAND USE APPLICATION
PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	<input type="checkbox"/> VARIANCE/ APPEAL	<input checked="" type="checkbox"/> X
SITE PLAN REVIEW	<input type="checkbox"/> APPROVAL OF LOCATION	<input type="checkbox"/>
INLAND WETLANDS PERMIT	<input type="checkbox"/> REGULATION TEXT AMENDMENT	<input type="checkbox"/>
INLAND WETLANDS PERMIT	<input type="checkbox"/> ZONE CHANGE	<input type="checkbox"/>
- AGENT APPROVAL	<input type="checkbox"/> COASTAL SITE PLAN REVIEW	<input type="checkbox"/>
WETLAND PERMIT TRANSFER	<input type="checkbox"/> MODIFICATION OF PRIOR APPROVAL	<input type="checkbox"/>
SUBDIVISION / RESUBDIVISION	<input type="checkbox"/> SPECIAL FLOOD HAZARD AREA PERMIT	<input type="checkbox"/>

PROJECT DESCRIPTION:

At 26 S. Main Street, the construction of a wood pergola with approximate dimensions of 10'-6" width by 42' length by 8' 11 1/2" in height located within 5ft of the abutting property line between 26 S. Main Street and 9 Evans Lane.

The pergola's height is approximately 8' 11 1/2 ", which is approximately 12 inches above the 8' threshold that would have allowed the pergola to be built within 5ft of the abutting property of 9 Evans Lane.

The abutting property closest to the pergola is 9 Evan Lane which is owned by 9 Evans Lane LLC. 9 Evans Lane LLC is owned by Brad Tully, owner of 26 S. Main St.

Variance/appeal requested for zoning sections 40C, 40D, 40I.1 and 60B of the Essex Zoning Regulations.

STREET ADDRESS OF PROPERTY 26 S. Main Street, Essex, CT 06426

ASSESSOR'S MAP 46 LOT 004 LOT SIZE 2.3 Acres DISTRICT VR

APPLICANT Brad Tully PHONE (917) 363-5846

APPLICANT'S AGENT (if any) N/A

ENGINEER.SURVEYOR/ARCHITECT Jack Franzen / Franzen Associates PHONE (203) 259-0529

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) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION

Town of Essex
Zoning Board of Appeals
29 West Avenue, Essex, CT 06426

RECEIVED
AUG 27 2021
Application
Part Two

✓ cash

Date received by office _____ Application fee - \$40 + State fee - \$60 = \$100

Variance X
Appeal of a Decision by ZEO X
Certificate of Location _____

Application # 21-42

APPLICANT (please print) BRAD TULLY
ADDRESS 26 S. Main St. Essex, CT 06426

Telephone (917) 363-58466

OWNER OF PROPERTY Brad and Lindsey Tully
ADDRESS 26 S. Main St. Essex, CT 06426

Telephone (917) 363-5846

Deed Reference: Book _____ Page _____

Current use of the property RESIDENTIAL

Is any portion of property within 500' of another Town? NO

Is the property within the Gateway Conservation District? YES

If this application is for a variance(s) please complete the following section:

Variance(s) requested of the zoning regulations

Variance requested for zoning sections 40C, 40D, 40I.1 and 60B of the Essex Zoning Regulations.

The pergola is within a side yard setback, to a point 5 feet from the property line (9 Evans Lane) where 25 feet is required

To the extent the pergola was 12 inches shorter in height than built, there would be not violation and no variance required.

State the hardship on which the variance(s) are based. The hardship MUST be based on *physical constraints* of the land only.

Topography of 26 S. Main Street creates a hardship in the sloping conditions of the property severely limiting appropriate site locations for the pergola.

Have previous applications been made for this property? **Yes**

Previous application #s and dates **Around February 2020**

If this application is to APPEAL an order of the Zoning Enforcement Official, please describe the nature of the order and basis for the appeal. Attach a copy of the ZEO's order.

Attached notice of the ZEO

Pergola, as built, is within a side yard setback, to a point 5 feet from the property line (9 Evans Lane) where 25 feet is required.

Variance requested for zoning sections 40C, 40D, 40I.1 and 60B of the Essex Zoning Regulations on the basis of a topography hardship.

To the extent the pergola was 12 inches shorter in height than built, there would be no violation and no variance required.

The abutting property closest to the pergola is 9 Evans Lane which is owned by 9 Evans Lane LLC. 9 Evans Lane LLC is owned by Brad Tully, owner of 26 S. Main St.

Attached letters of support from several nearby or abutting property owners.

If this application is for a Certificate of Location for Motor Vehicles Sales or Repair, please describe proposed business.


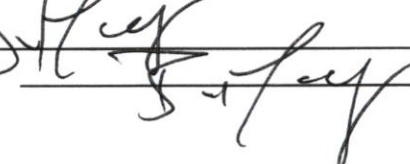
N/A

The following items must be included as part of this application:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | a. Fee of \$40, plus \$60 State Fee...payable to the Town of Essex |
| <input checked="" type="checkbox"/> | b. 15 copies of the application, site plan (with setback lines) and sketch of the proposal. |
| <input type="checkbox"/> | c. Copy of property deed |
| <input checked="" type="checkbox"/> | d. Copy of ZEO's order (if applicable) |
| <input checked="" type="checkbox"/> | e. K-7 Certificate (if applicable) No public hearing required. |

Signature of applicant

Signature of property owner

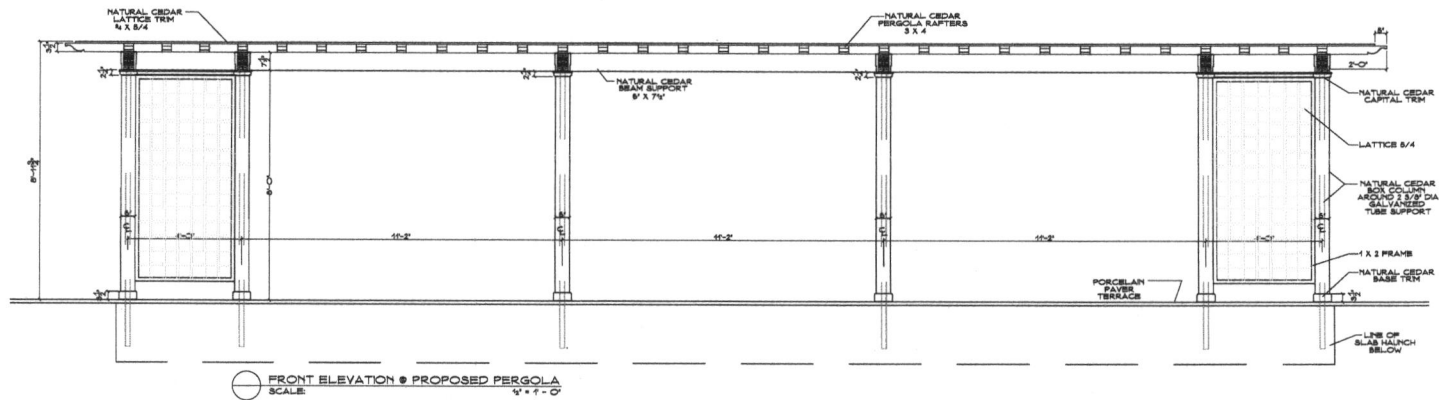
Date: **8/27/2021**

Date: **8/27/2021**

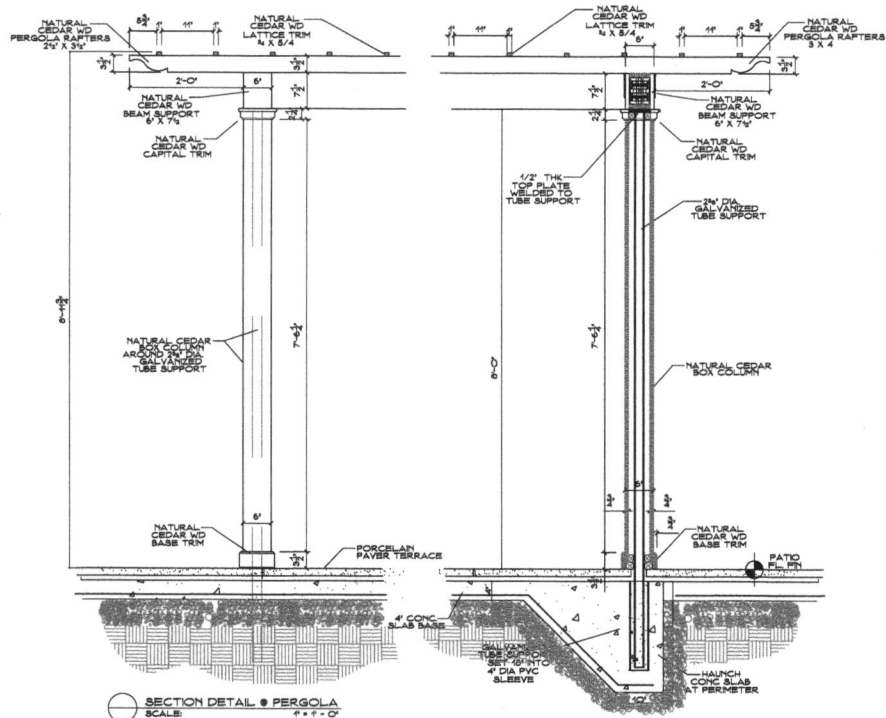
Applicant must provide a current list of all names and addresses of abutting property owners.

NAME	ADDRESS	TOWN	ZIP CODE
1. 9 Evans Lane LLC	9 Evans Lane	Essex	06426
2. Mary K Miller	9 Champlin Square	Essex	06426
3. Essex Land Trust Inc	Cross Lots / West Avenue	Essex	06426

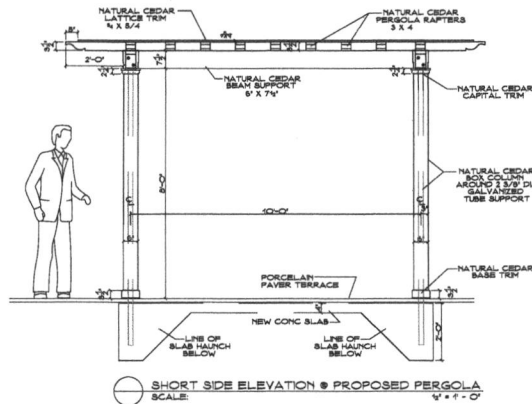
A



FRONT ELEVATION • PROPOSED PERGOLA
SCALE: 1/4" = 1'-0"



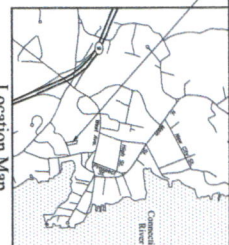
SECTION DETAIL • PERGOLA
SCALE: 1/4" = 1'-0"



SHORT SIDE ELEVATION • PROPOSED PERGOLA
SCALE: 1/4" = 1'-0"

PROGRESS PRINT
NOT FOR CONSTRUCTION 05.05.20

TULLY - CASE RESIDENCE 26 SOUTH MAIN STREET ESSEX, CONN.		DATE
PERGOLA ELEVATIONS/DETAILS		SCALE AS NOTED
FRANZEN ASSOCIATES 1341 POST ROAD SECOND FLOOR FAIRFIELD, CT 06434 TEL: (203) 259-0859 FAX: (203) 259-0859		DRAWN BY RPA
		JOB NO 10019
		DRAWING NO L-5



GESICK & ASSOCIATES, P.C.
SURVEYORS † MAPPERS † PLANNERS
19 CEDAR ISLAND AVE.
CLINTON, CONNECTICUT 06413
OFFICE: 860-669-7799 FAX: 860-669-5833
www.gesicksurveyors.com

1 OF 1



TOWN OF ESSEX
ZONING ENFORCEMENT OFFICIAL
29 West Avenue, Essex, CT 06426

NOTICE OF VIOLATION
CERTIFIED and REGULAR MAIL

November 9, 2020

Bradford R. and Lindsay A. Tully
28 Laight Street, Apartment 5C
New York, NY 10013

Re: Pergola at 26 Main Street, SX

Dear Mr. and Mrs. Tully,

Upon a site visit to inspect a newly installed pergola it was determined that the pergola appears to be a zoning violation to Sections 40C, 40D, 40I.1 and 60B of the Essex Zoning Regulations. The pergola is within a side yard setback, to a point 5 feet from a property line where 25 feet is required.

Prior to the submission of a zoning permit application, I met John Franzen on January 22, 2020, to discuss the permitting for a pergola at the location it is now located. The key for the pergola to be allowed 5 feet from that side property line was that the structure could not be over 8 feet in height. Being over eight feet would define the pergola as a building and thus the setback area would have to be avoided. The submitted zoning permit showed a pergola at 7 feet, 11.75". The zoning permit was approved.

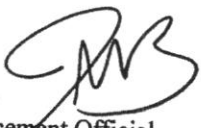
During my site visit to see the pergola it measured approximately 9.5 feet in height. Such a structure is not allowed within the side yard setback.

At this time there are some options:

- Relocate the pergola to a location that conforms to the zoning regulations.
- Shorten the height to be 8 feet or less.
- Request a Variance for the setback encroachment. This is not an assumed approval.

Please call me **within ten (10) days** of receiving this letter at 860-767-4340, extension 115 with any comments or questions.

Respectfully,


Joseph Budrow, CZEO
Certified Zoning Enforcement Official
Town of Essex

CC: Lisa Fasulo, Director of Health
David Deleeuw
File