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.**

**VARIANCE EXPIRATION:** Except as provided in 140K, where a use or characteristic ceases by reason of fire or other casualty, the authorization of a variance shall terminate if the use or improvement so authorized shall not have actually existed for a period of one (1) year from the date of cessation or from the effective date of such variance, whichever is later.
Town of Essex
Zoning Board of Appeals
29 West Avenue, Essex, CT  06426

Variance Application

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

Application # _______________________ Hearing Date________________________

Premises: Street Address _________________________________________________________

Assessor’s Map # ____________________ Lot #___________________ Lot Area ___________ac

Zoning District_________________________ Deed Reference: Book ___________ Page ________

Owner of Property _________________________________________________________________

Address ________________________________________________________________
Street Town State Zip

Telephone____________________ Email: ____________________________
home work

 Applicant (if not 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_________________________
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

<table>
<thead>
<tr>
<th>Section No.</th>
<th>Allowed/Required per the regulations</th>
<th>Existing</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ 40C</td>
<td>No buildings within the setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ 40D</td>
<td>No improvements except in conformity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ 40E</td>
<td>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.______</td>
<td></td>
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</tbody>
</table>

(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)

(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. 

b. 

c. 

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

a. 

b. 

c. 

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

a. 

b. 

c. 

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

a.__________________________________________________________________________________________

b.__________________________________________________________________________________________

c.__________________________________________________________________________________________

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: _____________
Signature of property owner ______________________________ Date: ____________
Applicant must provide a current list of all names and addresses of abutting property owners.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>TOWN</th>
<th>ZIP CODE</th>
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ESSEX ZONING BOARD OF APPEALS

CALENDAR OF MEETINGS
January 2022 - January 2023

The regularly scheduled meeting of the Essex Zoning Board of Appeals is conducted on the third Tuesday of each month at 7:00 PM in the Essex Town Hall, 29 West Avenue, Essex, Connecticut unless otherwise noted.

<table>
<thead>
<tr>
<th>Application Due Date</th>
<th>Meeting Date</th>
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</thead>
<tbody>
<tr>
<td>December 22, 2021</td>
<td>January 18, 2022</td>
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<tr>
<td>January 21, 2022</td>
<td>February 15, 2022</td>
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<tr>
<td>February 18, 2022</td>
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<td>March 25, 2022</td>
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<td>April 22, 2022</td>
<td>May 17, 2022</td>
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<td>May 27, 2022</td>
<td>June 21, 2022</td>
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<td>June 24, 2022</td>
<td>July 19, 2022</td>
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<td>July 22, 2022</td>
<td>August 16, 2022</td>
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<td>August 26, 2022</td>
<td>September 20, 2022</td>
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<td>September 23, 2022</td>
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<td>October 28, 2022</td>
<td>November 22, 2022*</td>
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<td>November 23, 2022</td>
<td>December 20, 2022</td>
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<tr>
<td>December 22, 2022</td>
<td>January 17, 2023</td>
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</tbody>
</table>

For questions about these meetings, please contact Carey Duques, Land Use Official at eduques@essexct.gov

APPROVED BY ESSEX ZONING BOARD OF APPEALS
12/21/2021

*Fourth Tuesday of November due to scheduling conflict