



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.**

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

Is the property within the jurisdiction of the Harbor Management Commission? ☐ 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 type="checkbox"/> 40D	No improvements except in conformity		
<input 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		
	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)

(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
- _____ h. Referral from Harbor Management 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:** _____

[illegible]