



Office Use Only

Project# _____
 Address: 1 Colchester, Scitchester, 157 main
 MBL: 7A/56/22

ZONING BOARD OF APPEALS
 TOWN OF EAST HAMPTON

RECEIVED
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Minimum Requirements for Submission of Application to Zoning Board of Appeals for Variance

This form must be submitted with your application

Please check all that are being submitted:

- Completed Application Form
- Fee Paid
- Hardship Statement (See Handout)
- A-2 Survey of Property Including Proposed Variance -- 4 Full Size Copies
- Certificate of Mailing Receipts (Return to us 5 Days prior to Hearing) - Date Submitted: _____
- Copy of Letters Sent to Abutters (Send 10 days prior to Hearing) -- Date Submitted: _____
- Photo of 10 sq. ft. Sign Posted (Post 15 days prior to Hearing) -- Date Submitted: _____

I certify that this application is complete.

Signature of Applicant: Jack Belowich Date: 3/4/2022

JACK BELOWICH - BUSINESS DEVELOPMENT MANAGER

The Board reserves the right to add additional requirements in accordance with the State Statutes.

Only Complete Application Packages Will Be Accepted



Application for
Zoning Board of Appeals
Variance

Fee \$160 (State Fee Included)

Cash / \$160 Check#: 1173
Date Paid: 3/7/22
Received by: [Signature]

Application #
ZBA-22-002

Property Address 1 Colchester Ave / 5 Colchester / 157 main

Map 7A Block 56 Lot 22 Zone R-2S Acres .34

Applicant Atlantis Marketing Phone _____

Address 555 South Columbus Avenue, Suite 201, Mount Vernon, NY 10550

Email (required) jbelowich@atlantismgmt.com

Property Owner CH REALTY VIII/CG CT ATLANTIS LLC Phone (917) 209-5720

Address 3819 Maple Avenue, Dallas, Texas 75219

Email (required) same as above

Variance requested: Section 4.2.E / 8.2.H of the Zoning Regulations

Variance relates to: Setbacks: (Front / Rear or Side) Required: _____ Proposed: _____
 Lot Coverage: X Required: _____ Proposed: _____
 Height: SCHEDULE Required: _____ Proposed: _____
SHOWN ON PLANS

Description of the Project SEE ATTACHED STATEMENT

Strict application of the regulations would produce undue hardship because (Definition of a hardship on back):
SEE ATTACHED STATEMENT

The hardship created is unique and not shared by all properties alike in the neighborhood because:
SEE ATTACHED STATEMENT

Signature(s): Applicant Jack Belowich Date 3/4/22
 Owner Jack Belowich Date 3/4/22

TO: EAST HAMPTON ZONING BOARD OF APPEALS

Statement in Support of AMG Real Estate,
LLC's Application for Variance

Description of the Project:

The Applicant is the owner and controlling party in interest of three properties at the northeast intersection of Main Street and Colchester Avenue (Route 16). The properties are all presently zoned R-2.

The immediate corner property is improved by an existing fuel station and convenience store of record. Petroleum products have been dispensed at this site since at least the mid 1940's and well in advance of the town of East Hampton's adoption of its first zoning regulations in 1961. In 1961, this intersection was designated as a commercial district which it remained until 1990 when the zone was changed to R-2, two acre single family residential. That change coincided with the installation of the Town's public sewer system. The Applicant and its predecessors have continually used the site for commercial purposes since the 1940's and particularly for the dispensing of gasoline.

The Town's change of the zoning district rendered this property as well as numerous others at the intersection as nonconforming including the Applicant's property at 157 Main Street. That property comprises two multi-family residential dwellings including the so-called historic property, the Strong House. The Strong House is currently uninhabitable due to its condition.

5 Colchester Avenue is a vacant and modest single family home.

The Applicant's ultimate plan is to enlarge its otherwise permitted use on 1 Colchester

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JEZEK & BARBI
ATTORNEYS AT LAW

P.O. Box 376 • MOODUS, CT 06469 • (860) 873-1449 • FAX (860) 873-1113
JURIS NUMBER 105045

Avenue; raze the structure on 5 Colchester Avenue; retain the Strong House for community purposes; and merge all three parcels into a single property. The remaining structure at 157 Main is to remain for residential use.

The plan as proposed by the Applicant requires two variances, one for lot coverage and a second pursuant to Article 8.2.H of your regulation allowing enlargement of permitted uses on non-conforming lots. The Applicant's survey maps contain detailed schedules of the lot coverages.

Hardship

The hardship suffered by the Applicant is threefold:

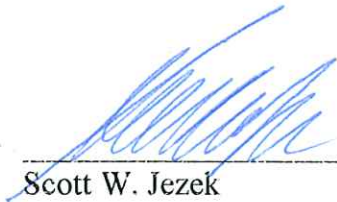
First, the use of the site has for at least the past seventy years been dedicated to its present purposes, to wit, the sale of petroleum and related products. The Town's initial zoning regulations expressly permitted the use. However, it was the adoption of public sewers and the ensuing change to the zoning regulations which rendered 1 Colchester Avenue and 157 Main Street non-conforming. In other words, the regulations caused the hardship to the Applicant and it was not self-created by its conduct.

Second, the site is burdened by the historic Strong House. Under different circumstances, that structure could be razed thereby eliminating or reducing the coverage issues. However, the State of Connecticut and town of East Hampton have collectively deemed this a structure of historic preservation which must remain in place.

Third, the three properties are improved by multiple structures and even after eliminating one residence, the merged lot is compromised in terms of design alternatives by virtue of being a corner lot and having a historic structure situated virtually in the middle of the site.

These circumstances affect no other property in the neighborhood or specifically at that intersection. It is unquestionably unique.

Strict application of the regulations would produce undue hardship by impeding the Applicant's ability to remain competitive in its market and preventing an otherwise permitted expansion.



Scott W. Jezek
Attorney for the Applicant
AMG Real Estate, LLC.

3/6/22
Date