

TOWN OF AURORA  
Zoning Board of Appeals Request



Building Application \_\_\_\_\_  
Building Permit \_\_\_\_\_

Zoning Appeal Case No. 1166  
Date 4-19-12

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) Clinton Jr + Barbara Class of 301 Mill Rd  
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE  
BUILDING INSPECTOR on APPLICATION NO. \_\_\_\_\_ WHEREBY THE BUILDING INSPECTOR  
DID DENY

TO: John Hughes  
Name of Applicant

OF: 1204 Blakeley Rd, East Aurora, NY  
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY 301 Mill Rd  
SBL # 187.00-1-13.1 ZONE DISTRICT R-1
2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED: (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)  
sect 116-34 A(3)
3. TYPE OF APPEAL. Appeal is made herewith for:  
 An interpretation  A variance - to the Zoning Ordinance  
 An exception  A temporary permit
4. A PREVIOUS APPEAL  has  has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:  
See attached list marked as an exhibit.

STATE OF NEW YORK  
COUNTY OF ERIE

Town of Aurora

John S. Hughes  
signature of petitioner

1204 BLAKELEY RD  
mailing address

John Hughes, being duly sworn, deposed and says  
that he is the petitioner in this action; that he has read the foregoing request and knows the contents  
thereof; that the same is true to the knowledge of deponent.

Sworn to before me this B  
day of March, 2012

Wendy K. Potter-Behling  
NOTARY PUBLIC

WENDY K. POTTER-BEHLING  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Jan. 3, 2013

John S. Hughes  
signature of petitioner

receipt # 96213



Town of Aurora  
 5 South Grove St  
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name JOHN HUGHES  
 Address 1204 BLAKELEY RD. E. AURORA  
 Telephone 652-1305

Address of appeal 1301 MILL RD. E. AURORA  
 Zoning District R-1  
 Zoning Code Section SECT 116-34A(3)

Type of Appeal:

- A PERMIT FOR USE  A CERTIFICATE OF EXISTING USE  
 A VARIANCE FROM ZONING ORDINANCE  A PERMIT FOR OCCUPANCY  
 A TEMPORARY PERMIT OR EXTENSION THEREOF

GROUND FOR VARIANCE: (may continue on separate sheet)

Granting a variance to place the requested sign thru 2063 will not alter the essential character of the neighborhood.

The purpose of the sign is to display information that will promote community awareness and participation in a fundraising effort to purchase the surrounding 60 acres. If successful, the land will be purchased from the current owners, protected from development thru a conservation easement, and given to the Town of Aurora to remain in public ownership for public use.

ACKNOWLEDGMENT:

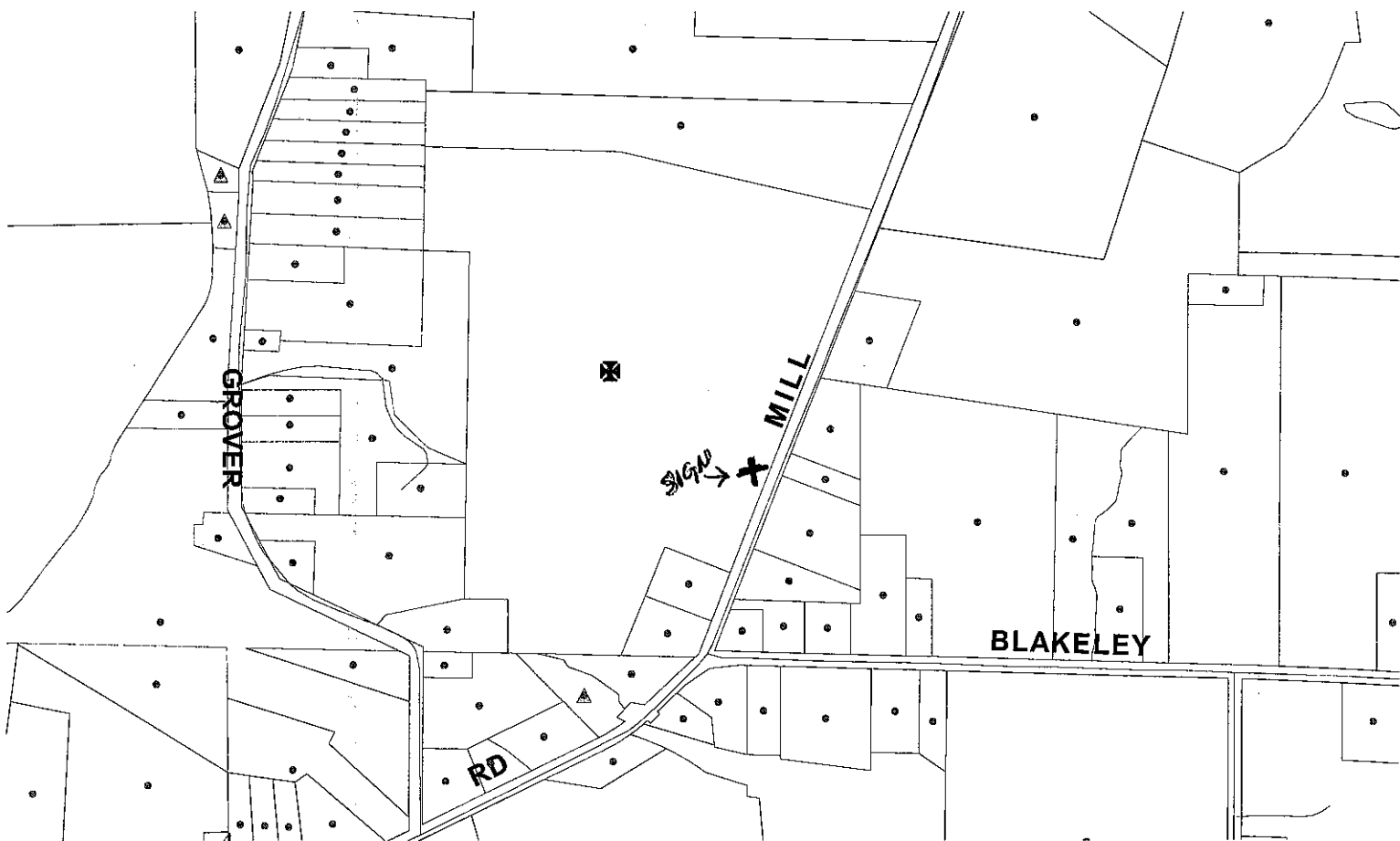
Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature John S. Hughes Date 3/28/2012  
 Owners Signature John S. Hughes Date 3/28/2012

**36x36" FREESTANDING SIGN  
FLAT LETTERED DiBOND ALUM.  
1-SIDED, ON MATCHING 4X4" POST  
6FT. HIGH. INSTALLED \$232.**

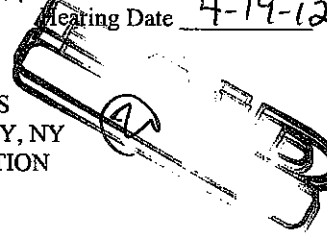


**friendsofmillroad.org**



Site location  
@ top of hill

Zoning Appeal Case # 1142-Review  
Approved/Denied Date \_\_\_\_\_

REVIEW  
Hearing Date 4-19-12  


ZONING BOARD OF APPEALS  
TOWN OF AURORA, ERIE COUNTY, NY  
SPECIAL USE PERMIT APPLICATION

TO THE ZONING BOARD OF APPEALS:

The undersigned hereby applies to the Zoning Board of Appeals for a special use permit pursuant to Article VI, Section 116-61C, of the Zoning Ordinance of the Town of Aurora affecting the following described premises in manner and on grounds here-in-after set forth:

Owner: David & Kellie Grabenbatter  
Address: 95 Cook Rd E. Aurora NY 14052  
Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contractor: \_\_\_\_\_

GENERAL INFORMATION

1. Location of property: 95 Cook Rd SBL# 176.00-1-6.11 Zone A
2. State present use: None
3. State the nature of the permission requested: Continuation of kennel permit review of existing permit
4. ATTACH recent copy of SURVEY of property.
5. ATTACH DETAILED PLANS showing site, elevations and plans of structures and accessory use areas and landscaped development of the entire parcel devoted to the Special Permit use.

APPLICANT'S ALLEGATIONS


The applicant alleges that the proposed Special Permit use:

1. would be in harmony with the orderly development of the district in which it is located because: \_\_\_\_\_
2. and that it would not be detrimental to the property or persons in the neighborhood because: Dogs are kept fenced in rear unless supervised in front
3. and that it would not increase the traffic flow in the area to the extent that traffic safety would be endangered because; N/A not a business
4. and furthermore that it would conform to the standards as prescribed by the Town Board so as to promote the general health and welfare of the community and preserve the property values thereof.

OTHER INFORMATION REQUIRED

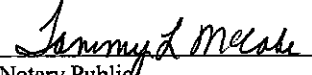
1. The undersigned further states that no rezoning or other matter relating to said property or the proposed use has been recently or is now the subject of proceedings before the Zoning Board of Appeals, Town Board or Planning Board of the Town of Aurora, except as follows: \_\_\_\_\_
2. If application signed by agent a statement by the owner of the site stating that he approves of and is a party to the proposed special use application must be provided.

The undersigned solemnly swears that all statements made herein are true and that all drawings submitted correctly show the situation involved in this appeal. Herewith, the sum of \$75.00, which incorporates the cost of Zoning Board Fee. Further, it is understood that additional information may be required by the Zoning Board of Appeals of the Town of Aurora, NY.

Signature:  Address: 95 Cook Rd

State of New York            SS.:  
County of Erie  
Town of Aurora

Subscribed and sworn to before me  
this 29 day of March, 2012

  
Notary Public

TAMMY L. MCCABE  
NOTARY PUBLIC, STATE OF NEW YORK  
01MC6178286  
QUALIFIED IN ERIE COUNTY  
COMMISSION EXPIRES NOV 26 2015

**TOWN OF AURORA**  
5 SOUTH GROVE STREET, EAST AURORA, NY 14052  
DOG CONTROL DEPARTMENT  
(716) 652-7944

MEMO

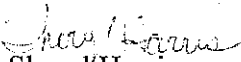
TO: Zoning Board of Appeals  
FROM: Sheryl Harris, Dog Control Officer  
DATE: February 3, 2012  
RE: **Zoning Case #1142**

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One year has pasted since David & Kellie Grabenstatter's kennel permit was approved, and my office did not receive any complaints regarding their dogs during this time. The applicant's original 4 dogs still reside at their residence.

If you have any questions or concerns please contact me @ 713-9618.

Respectfully,

  
Sheryl Harris  
Dog Control Officer

MINUTES OF A MEETING AS HELD BY THE  
ZONING BOARD OF APPEALS OF THE  
TOWN OF AURORA

January 20, 2011

The meeting was called to order by the Chairman, Donald Aubrecht, with the following Board members present:

Donald Aubrecht  
Albert Salter  
Wayne Nowocin  
Jay Marshall  
James Whitcomb

Others Present: William Kramer, Code Enforcement Officer

**CASE #1142-Grabenstatter, David & Kellie**  
**95 Cook Road, East Aurora, New York**

Salter As a Board we need to remove the emotions from this case and look at the testimony and concerns, the facts. It's not a business. The dogs are all obedience trained. The Grabenstatters' are trying to be nice to two sick dogs.

Whitcomb I wouldn't have a problem if all the dogs were kept in the back yard, not in the front yard. If one of these dogs passes, if granted, the permit would cease.

Marshall I find it disturbing that the dogs are being criticized for their breed which is Rottweiler. They have been trained. Mr. Grabenstatter provided proof of this. There is a letter from their veterinarian that states these dogs are not vicious. Also, their house is quite a distance from the road.

After due deliberation and review of the short SEQRA form by the members of the Zoning Board of Appeals the following motion was made by James Whitcomb and seconded by Wayne Nowocin: The Zoning Board of Appeals issues a negative declaration with regard to the application from David Grabenstatter to house more than three dogs at 95 Cook Road, East Aurora, NY.

Aubrecht – aye

Marshall – aye

Whitcomb – aye

Salter – aye

Nowocin – aye

ayes – five

noes – none

Carried.

ZBA Case No. 1142 (meeting) – Grabenstatter, 95 Cook Road

1/20/11

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After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, County of Erie and State of New York, the following motion was made by James Whitcomb and seconded by Al Salter to grant the petitioner a special use permit (kennel permit) to keep the four (4) existing dogs at 95 Cook Road. If any of the existing dogs die, this permit will cease. The dogs must be kept in the rear yard fenced area. This permit will be reviewed after one (1) year.

Marshall – aye

Salter – aye

Whitcomb – aye

Aubrecht – aye

Nowocin – aye

ayes – five

noes – none

Carried.