

original



CASE NO. 1362

DATE OF HEARING 7.16.20

Town of Aurora Zoning Board of Appeals
300 Gleed Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Andrew Gordon
Address 1285 Underhill Rd
City East Aurora State NY ZIP 14052
Phone 716 Email pe @mail.com
Interest in tr (purchaser/developer) C

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1285 Underhill Rd, East Aurora, NY 14052
SBL# 201.01-1-38
Property size in acres 1.3213 Property Frontage in feet 81.27
Zoning District Aurora R1 Surrounding Zoning R1
Current Use of Property Residence

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.1 F 1
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)



Signature of Applicant/Petitioner

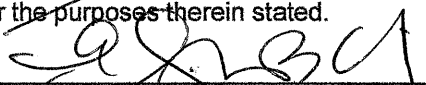
Andrew Gordon

Print name of Applicant/Petitioner

State of New York; County of Erie

On the _____ day of _____ in the year _____ before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.


Witnessed by:



~~Notary Public~~ witness

(Notary stamp) Elizabeth B. Cassidy
Asst. Code Enforcement Officer
Town of Aurora

Office Use Only: Date received: 6/11/2020 Receipt #: 122079

Application reviewed by: 

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals () has () has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

I am looking to add a garage addition to my existing structure. The addition will be wood construction with a concrete floor. The addition will be constructed on the north wall of my residence. Dimensions 14' wide, 38' long. ~~_____~~ Height will not exceed existing structure but match it. Exterior will match existing structure, Siding, gutters, roof, garage doors. The addition will be set back 3' from face of house to accommodate existing gas meter. 8' garage doors on either side of garage. Windows on north facing wall. Entrance will be external only - no access from within existing structure. No ~~_____~~, gas, water or wastewater hook ups in addition.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes ___ No ___ (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

PETITIONERS LETTER OF INTENT, additional page

The variance is being requested because the addition will encroach on the 20' minimum side yard Ordinance § 116-8.1 F. (1). Currently the existing structure is from 25.39' to 27.42' from property line. At 14' the addition will be 11.39' (front) to 13.42' (rear) from property line. The nearest structure (1275 Underhill Rd) will be 35.39' at its closest to the addition.

The purpose of this addition is to house 2 show cars, lawn equipment and general storage of various items and fire wood.

The addition will not negatively affect the current aesthetic of the street. It will blend in with the house and is set back in the lot far enough and with large pine trees partially obscuring it making it difficult to immediately see from the street. Set back will be 97' from street.

This addition will allow us to enclose our other cars and fire wood, improving the look of our lot and therefore the entire street.

Town of Aurora
 300 Gleed Avenue
 East Aurora, NY 14052
 www.townofaurora.com

**Zoning Board of Appeals
 Application
 Owner Authorization**

The undersigned, who is the owner of the premises know as:

1285 Underhill Rd, East Aurora, NY, identified as Tax Map (SBL)# 201.01-1-38
 (address)

hereby authorizes to bring an application for area variance
 special use permit use variance interpretation before the Town of Aurora Zoning Board of
 Appeals for review and potential approval. The undersigned further permits the Town or its authorized
 representative(s) access to the property to review existing site conditions during the review process.

Andrew Gordon
 Owner (print)

6/3/20
 Date

[Signature]
 Owner (signature)

STATE OF NEW YORK)
) SS
 COUNTY OF ERIE)

On this 8th day of June, 2020, before me, the undersigned, a notary public in and for said state,
 personally appeared Andrew Gordon, personally known to me on the basis of
 satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and
 acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
 signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
 executed the instrument.

[Signature]
 Notary Public
SHERYL A. MILLER
 Reg. #01MI6128663
 Notary Public, State of New York
 Qualified In Erie County
 Commission Expires June 13, 2021

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: _____

Received: _____

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

2. Hearing Schedule: **Date** 7/16/2020 **Time** 7pm **Location** 300 Glead Ave., E. Aurora

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment

Site Plan Variance Special Use Permit Other

5. Location of Property: Entire Municipality Specific as follows 1285 Underhill Road, E. Aurora

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District

Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific) Garage addition closer to lot line than allowed by Town code

8. Other remarks: (ID#, SBL#, etc.) SBL#201.01-1-38

9. Submitted by: Martha L. Librock June 12, 2020

300 Glead Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: _____ Date: _____

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Libroek
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

TOWN COUNCIL MEMBERS

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Anthony DiFilippo IV

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historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

*This institution is
an equal opportunity
provider and
employer*

June, 09 2020


Andrew Gordon
1285 Underhill Rd.
East Aurora NY 14052

Andrew,

The Building Department has reviewed your application for an addition to the north side of your attached garage at 1285 Underhill Rd. We have denied your application because you fail to meet the zoning requirements for the side yard setback in an R zoning district. We therefore request that you apply to the town Zoning Board of Appeals for an area variance if you wish to continue with this project.

116-8.1F(1)
Required: Principal building: each side yard a minimum of 20 feet
Requested: A 12.39 side yard setback.
Variance: 7.61 feet.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information needed to support your request for a variance from the Town Code. If you have any questions contact the Building Department at 652-7591.

William R Kramer

Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

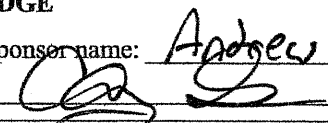
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>1285 Underhill Rd Garage Addition</i>			
Project Location (describe, and attach a location map): <i>1285 Underhill Rd, East Aurora, NY</i>			
Brief Description of Proposed Action: <i>A 14' x 38" garage addition on North side of existing structure. Concrete floor, wood construction. Exterior will match existing structure, roof, gutters, siding, doors</i>			
Name of Applicant or Sponsor: <i>Andrew Gordon</i>		Telephone: <i>716 665 1122</i>	
Address: <i>1285 Underhill Rd</i>		E-Mail: <i>pe...@...mail.com</i>	
City/PO: <i>East Aurora</i>		State: <i>NY</i>	Zip Code: <i>14052</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>1.3213</i> acres	
b. Total acreage to be physically disturbed?		<i>0.0122</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.3213</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Garage addition</u> <u>No potable water required</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Garage addition</u> <u>No waste water required</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Andrew Gordon</u> Date: <u>6/3/20</u></p> <p>Signature: <u></u></p>		

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FROM
GROVER S. ELLWOOD and
MARLA D. ELLWOOD, His Wife
TO
ANDREW GORDON and
ANDREA GORDON, Husband and Wife

This Indenture, made the 20th day of June, 2006

Witnesseth, that **GROVER S. ELLWOOD and MARLA D. ELLWOOD**, Husband and Wife, residing at 11785 County Road 251, Salida, Colorado 81201,

GRANTORS,

in consideration of One and More Dollars (\$1.00 & More) received by GRANTORS, hereby grant and release unto

ANDREW GORDON and ANDREA GORDON, Husband and Wife, residing at 1275 Penora Street, Depew, New York 14043,

GRANTEES,

All that Tract or Parcel of Land, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot Number 19, Township 9, Range 6 of the Holland Land Company's Survey and according to a map filed in Erie County Clerk's Office under Cover No. 2058, as amended by an affidavit recorded in the Erie County Clerk's office in Liber 6431 of Deeds at page 155, is known as Subdivision Lot No. 4, situate on the west side of Underhill Road.

TOGETHER with the appurtenances to and all the estate and rights of GRANTORS in and to said premises. **To have and to hold** unto the GRANTEES, their distributees and assigns forever.

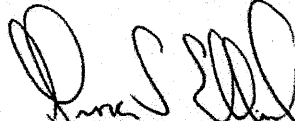
And GRANTORS covenant as follows: **First**, that GRANTEES shall quietly enjoy the said premises. **Second**, that GRANTORS will forever warrant the title to the said premises; and **Third**, that this conveyance is subject to the trust fund provisions of section thirteen of the Lien Law.

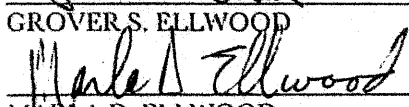
In Witness Whereof, GRANTORS have hereunto set their hands and seals the day and year first above written.

In presence of
FILED

AUG 7 2006

ERIE COUNTY
CLERK'S OFFICE
STATE OF COLORADO)
COUNTY OF CHAFFEE) ss.:

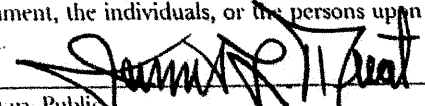


GROVER S. ELLWOOD


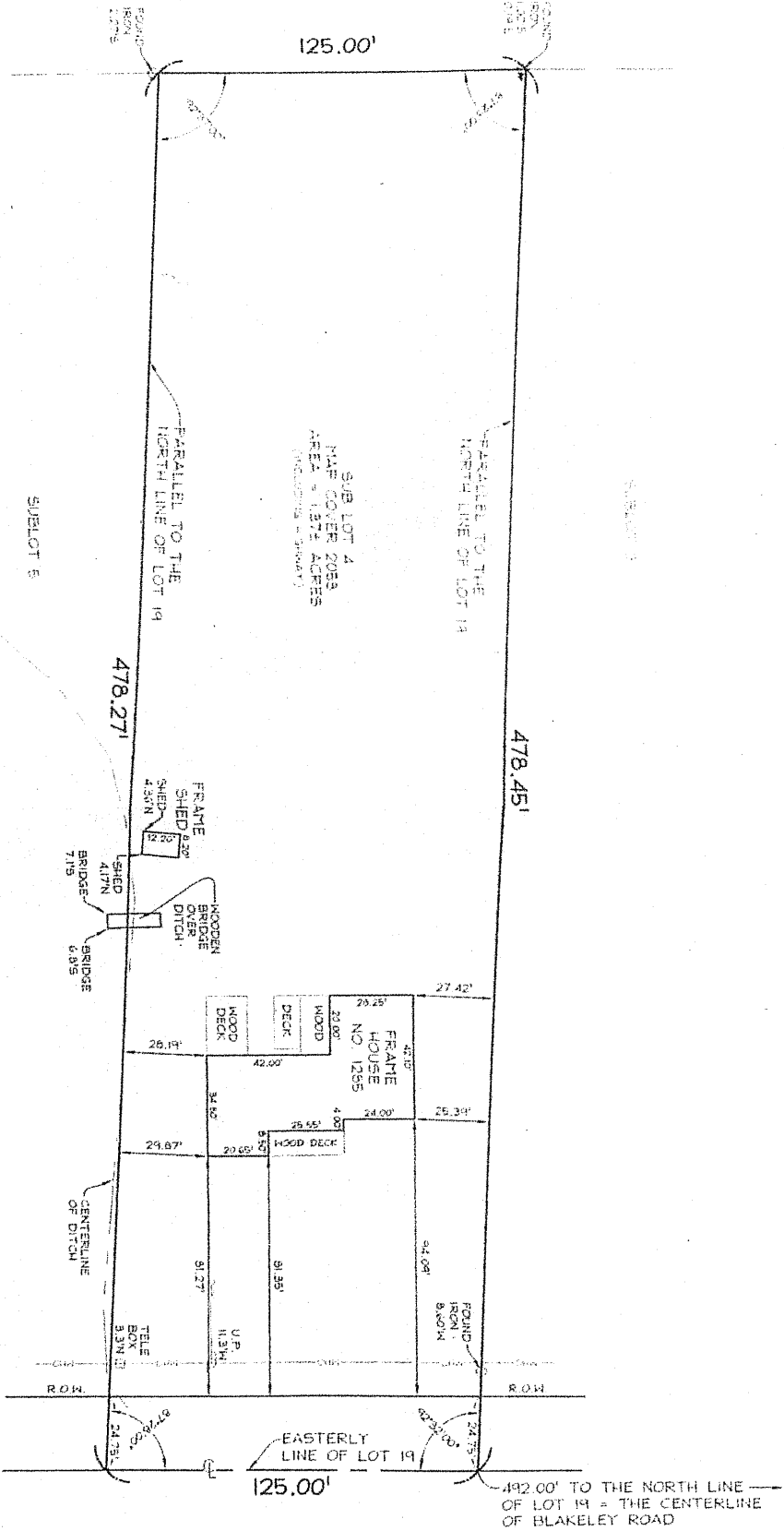
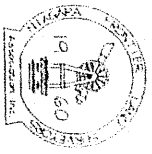
MARLA D. ELLWOOD

On the 20th day of June, 2006 before me the undersigned, a notary public in and for said state, personally appeared GROVER S. ELLWOOD and MARLA D. ELLWOOD, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.





Notary Public
My Commission Expires August 24, 2006



NO RECORD SET OR FOUND AT PROPERTY
 COMPLETE DETAILS NOTED HEREIN
 This survey was prepared without the benefit of an
 abstract of title and is subject to any such abstract
 that may be revealed by an examination of same.

Unauthorized dimensions or additions to any survey,
 drawing, design, specification, plan or report in a
 violation of section 7201, provision 2 of title 9
 New York State Education Department.

PART OF LOT(S) 19 SECTION 9		TOWNSHIP 9		RANGE 5	
LOCATION: TOWN OF AURORA		COUNTY OF ERIE		STATE OF NEW YORK	
KIND: SURVEY		DATE: 07/75		FOR: SAVANNAH CON. G.P. ATTORNEYS	
DESIGNED BY: Mussburger & Carls, Inc.		DATE: 06/27/02		JOB NO.	
3556 Lake Shore Road					
Buffalo, New York 14204-1484					
(716) 837-8000					
SCALE: 1"=40'					

Richard J. Mussburger

UNDERHILL (49.5' WIDE) ROAD

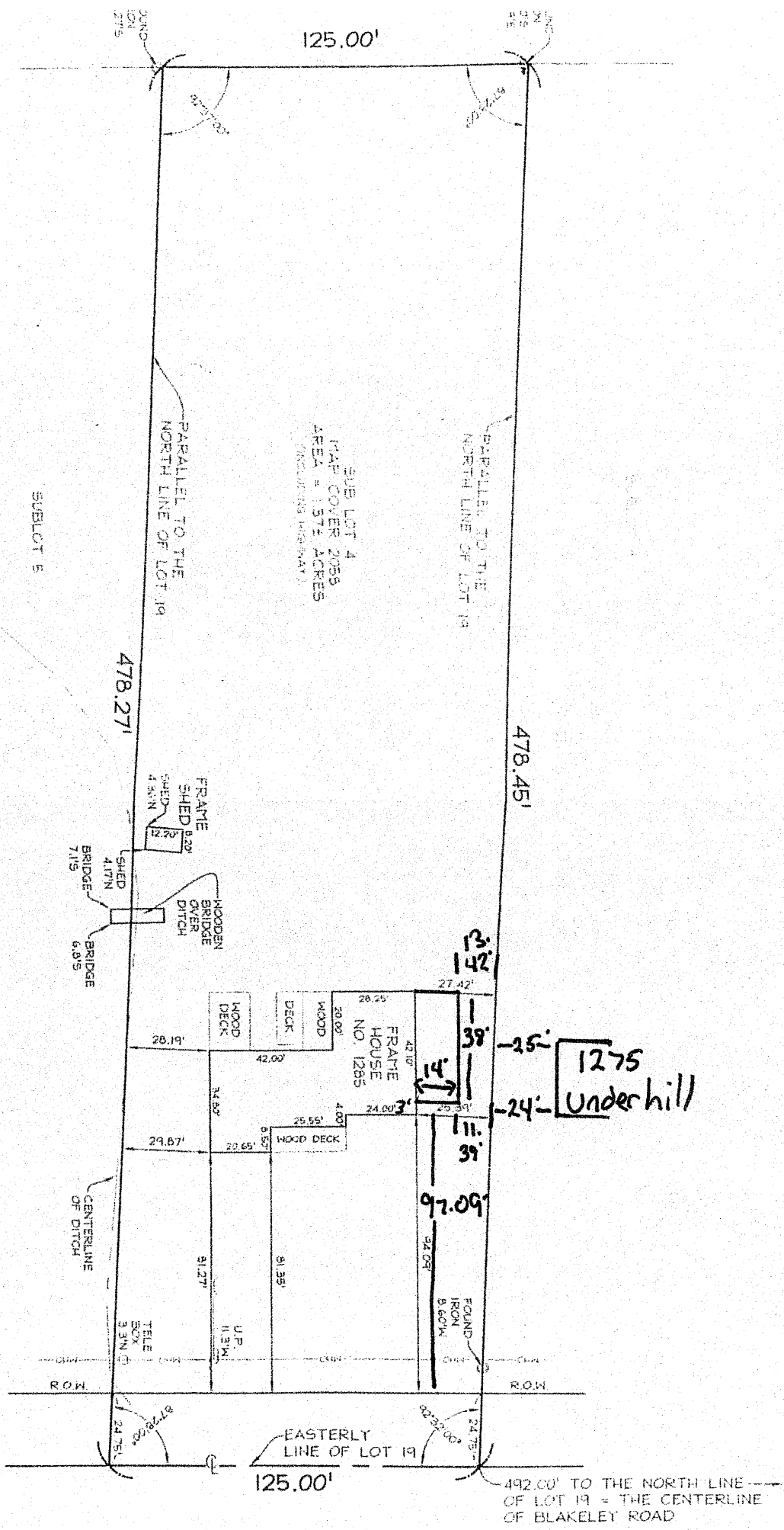
NO IRONS SET OR FOUND AT PROPERTY OWNERS UNLESS NOTED HEREON

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to drawing, design, specifications, plan or report is a felony under the provisions of the New York State Education Department.

PART OF LOT(S) 14		SECTION 9	TOWNSHIP 9	RANGE 6	STATE OF NEW YORK
LOCATION: TOWN OF ALBANY					
KIND	COUNTY OF ERIE	DATE	FOR		
SURVEY		01/1/00	KAYINNY	COOK LLP, A	

Kayinny & Clark, Inc.
 Surveyors and Engineers
 3556 Lake Shore Road
 Buffalo, New York 14224-1494
 (716) 837-6000



Handwritten signature

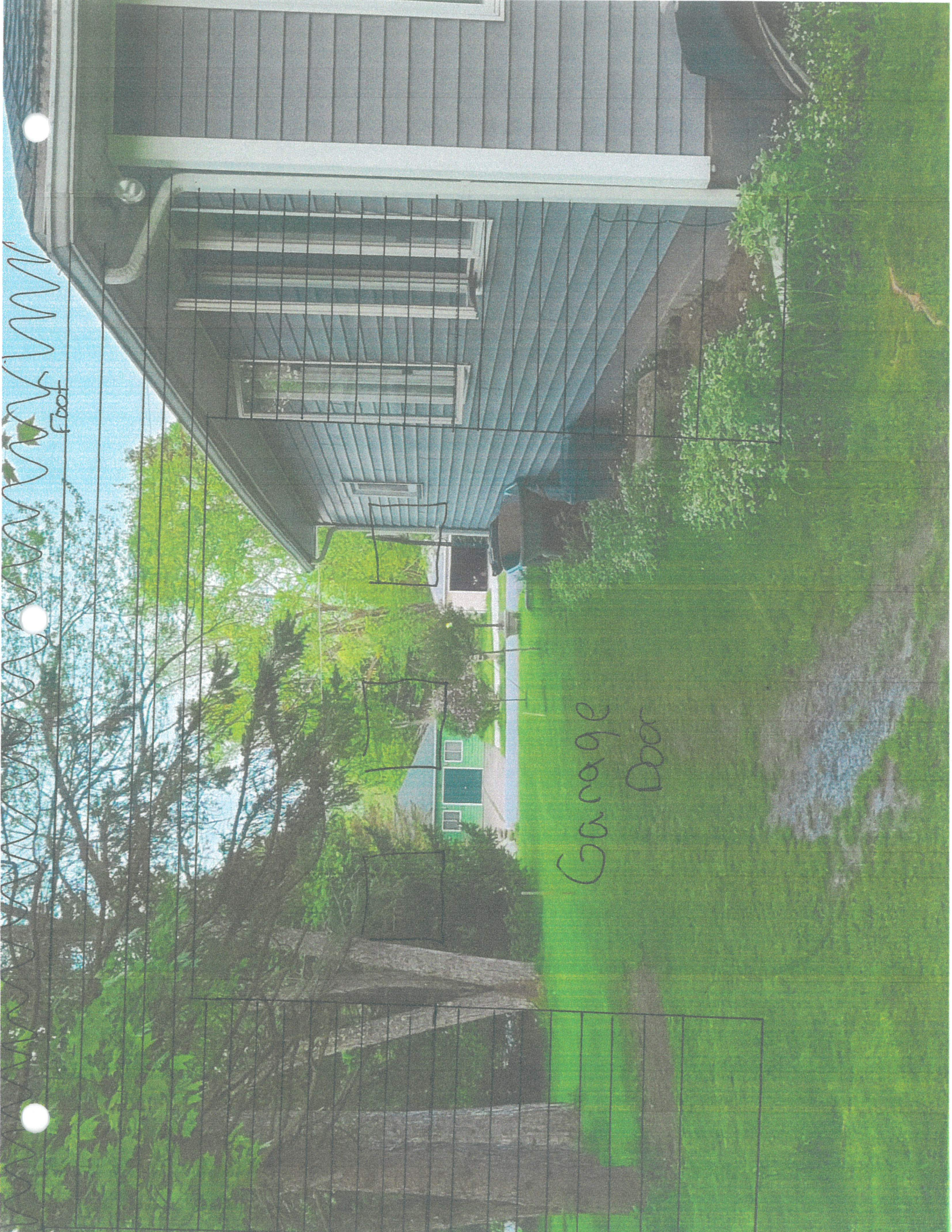
UNDERHILL ROAD (49.5' WIDE)



Cable roof shown
Hip roof under consideration



Garage Door



Foot

Garage Door

ZBA Member - ALBERT SALTER

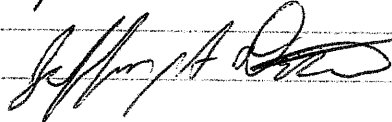
Re: Application of Mr A. Gordon
1285 Underhill Rd
EAST - AURORA

Note: I have viewed from across
the street (Underhill Rd) to
where Mr. Gordon's plan to add to
his present Garage. Yes - it will be
closer to his property line (not the 20'
requirement - but - it will be
behind 2 very large pine trees
and will not be visible from
my house (windows - porch - or
front yard) and will not
change the aspect of my property,
or the present area at all.

Albert P. Salter
6/3/20

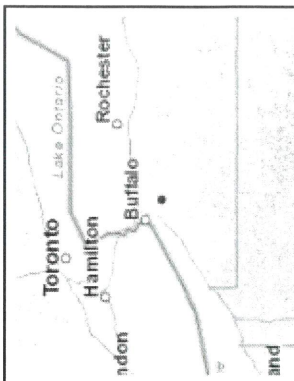
To: East Aurora Building Board

I Jeffrey Durett reside at
1275 Underhill RD next to
Andrew Gordon at 1285 Underhill
RD. I do not have any issue
with Andrew Gordon building up
to my property line.





Erie County On-Line Mapping Application



Legend

- Parcels
- Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road

0 0.07 0.1 Miles

WGS 1984 Web Mercator Auxiliary Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514

