



CASE NO. 1308
DATE OF HEARING 10/15/20

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 James Biddle, Jr. & Rebecca J Doll
Address 542 Quaker Road
City East Aurora State NY ZIP 14052
Phone 716 Email jbid
Interest in Owners

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

Property Owner(s) Name(s) Rebecca Doll & Jim Biddle Jr
Address _____
City SAME State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 542 Quaker Road
SBL# part of lot 39 T.9 r.6
Property size in acres 10.2 acres Property Frontage in feet 262
Zoning District R-2 Surrounding Zoning Residential
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-B, 2 B(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]
Signature of Applicant/Petitioner

JAMES BIDDLE SR. Rebecca Doll
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 13 day of Sept. in the year 2020 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.

Elizabeth Maeder
Notary Public

(Notary stamp)

ELIZABETH MAEDER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MA6373675
Qualified in Erie County
My Commission Expires 04-10-2022

Office Use Only: Date received: _____ Receipt #: _____

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)

542 QUAKER IS BEING CONVERTED TO A RESIDENCE, BUT BECAUSE IT WAS PREVIOUSLY A MIXED USE STRUCTURE, IT DOES NOT HAVE A GARAGE ON SITE. THE BUILDING WILL BE A SINGLE FAMILY HOME AND THE OWNERS WOULD LIKE TO BUILD A GARAGE AS CLOSE TO THE HOUSE AS POSSIBLE TO ACCOMMODATE AGING FAMILY MEMBERS.
THE PROPOSED GARAGE IS LOCATED 39.5 FEET FROM THE STREET RIGHT OF WAY WHERE A 50 FOOT SETBACK IS REQUIRED. THERE ARE LIMITED POTENTIAL LOCATIONS FOR THE GARAGE BECAUSE OF THE STEEP GRADING AND CREEK TO THE NORTH OF THE HOUSE, AND A COUNTY RIGHT OF WAY TO THE EAST. THERE IS VERY LIMITED VISIBILITY OF THE HOUSE AND FUTURE GARAGE FROM THE STREET BECAUSE OF A 15 FOOT ELEVATION DROP FROM THE ROAD TO THE STRUCTURE.

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

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)

Martha Librock

From: Travis Hart
Sent: Thursday, September 24, 2020 9:59 AM
To: Martha Librock
Subject: 542 Quaker Rd

Good Morning-

I, Travis Hart, am writing on behalf as the owner of 542 Quaker East LLC and the property at 542 Quaker Road In East Aurora. I am giving my permission for Jim Biddle and Becky Doll to represent us for any zoning matters when it comes to the property listed above.

If there is anything else I can provide please feel free to contact me.

Thank you,

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



TOWN CLERK
Martha L. Librock
(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

Susan A. Friess
sfriess@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

SUPT. OF HIGHWAYS
David M. Gunner
(716) 652-4050
highway@townofaurora.com

CODE ENFORCEMENT
OFFICER
William Kramer
(716) 652-7591
building@townofaurora.com

ASSESSOR
Roger P. Pigeon
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Ronald P. Bennett

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

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

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an equal opportunity
provider and
employer.*

September 14, 2020

James Biddle & Rebecca J Doll
542 Quaker Rd.
East Aurora NY 14052

James & Rebecca,

The Building Department has reviewed your application for an addition to the front of your residence at 542 Quaker Rd. We have denied your application because you fail to meet the zoning requirements for the front yard setback in an R2 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.

116-8.2 E(1)

Required: A minimum of 50 feet setback from the street right of way.

Requested: A 39'5" setback.

Variance: 10'7" 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

**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.: ZR-20-415

Received: 9/24/20

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 10/15/2020 Time 7:30 Location 300 Glead Ave., E. Aurora, NY

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 542 Quaker Road

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) Proposed garage closer to ROW than allowed by Town Code

8. Other remarks: (ID#, SBL#, etc.) SBL#188.00-3-9

9. Submitted by: Martha L. Librock, Town Clerk 9/23/2020

575 Oakwood Avenue, East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 9/24/20. 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:

Sarah E. Gatti

Date: 9/28/20

Short Environmental Assessment Form

Part 1 - Project Information

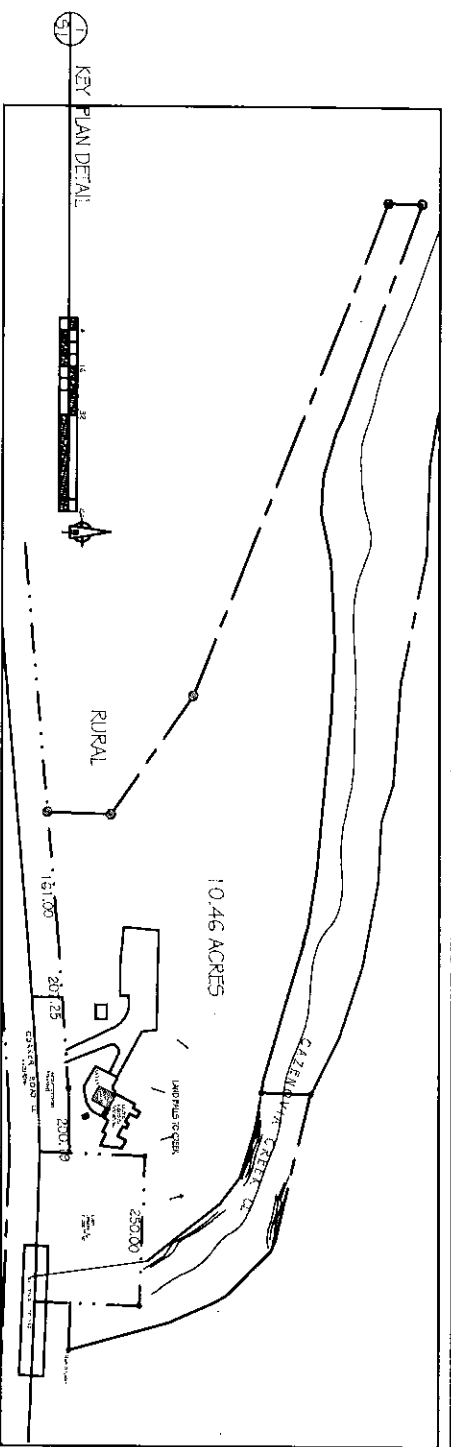
Instructions for Completing

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: Becky Doll and Jim Biddle Garage			
Project Location (describe, and attach a location map): 542 Quaker Road, East Aurora, NY 14052			
Brief Description of Proposed Action: The owners of the residence at 542 Quaker Road are planning to build a detached garage to the south of the home which would be 39.5 feet from the street right of way while the required residential zoning setback is 50 feet.			
Name of Applicant or Sponsor: Becky Doll and Jim Biddle/Patricia Bailey	Telephone: _____	E-Mail: _____	
Address: 542 Quaker Road			
City/PO: East Aurora	State: NY	Zip Code: 14052	
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 government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 10.46 acres			
b. Total acreage to be physically disturbed? _____ 0.013 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 10.46 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? 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: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



INFORMATION PROVIDED FROM
 SURVEY BY NUSSBAUMER & CLARK
 PART OF LOT 32, IN S RANGE 6
 JOB # 1435-140A

B&H
BAILEY & HARRIS
ARCHITECTS

1380 MAIN STREET
 EAST AURORA, NY 14052
 PHONE/FAX: 716-652-6055

PROPOSED SITE PLAN
 REBECCA DOOL & JIM BIDDLE
 WILLOW CREEK
 QUAKER RD EAST AURORA NY
 9/14/2020

SCALE NTS.

