



CASE NO. 1337

DATE OF HEARING 11/19/2020

Town of Aurora Zoning Board of Appeals
300 Glead 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 William M. Shanahan + Robin Shanahan
Address 251 Greenwood Dr
City East Aurora State NY ZIP 14052
Phone _____ Fax _____ Email St@gmail.com
Interes _____ (owner/purchaser/developer) owner

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

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

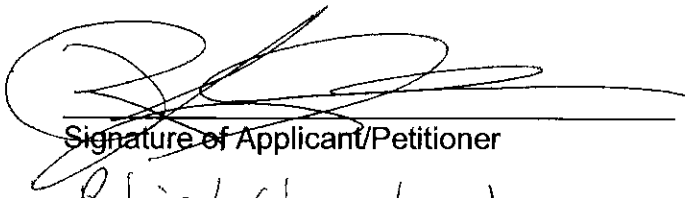
III. PROPERTY INFORMATION

Property Address 251 Greenwood Dr. East Aurora NY 14052
SBL# 164.11-1-7
Property size in acres .495 Property Frontage in feet 120.00
Zoning District R-1 Surrounding Zoning R-1
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # _____
 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


Robin L. Shanahan
Print name of Applicant/Petitioner



William H. Shueh

State of New York; County of Erie

On the 9th day of October 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.



Notary Public

(Notary stamp) **SHERYL A. MILLER**
Reg. #01MI6128663
Notary Public, State of New York
Qualified In Erie County
Commission Expires June 13, 2021

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)

A 10' X 12' foot standalone building to be used as storage and workshop. Variance needed because access to backyard is necessary to service septic system.

The structure will be located 30' ft from fence (front) and as close to property line as possible. The building will be wood, metal roof, wood siding, stone base foundation, 5 or 6 windows, and 1 or 2 doors.

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:

We need access to septic system in backyard. Therefore building needs to be situated in front yard, near side property line.

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:

There are other properties in our neighborhood with buildings not located in backyard.

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: NO

(Attach additional pages if needed)

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



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

TOWN OF AURORA

Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

Oct. 15, 2020

William Shanahan
251 Greenwood Dr.
East Aurora NY 14052

William,

The Building Department has reviewed your application for an accessory structure at your residence at 251 Greenwood Dr. We have denied your application because you fail to meet the zoning requirements accessory structures in an R-1 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.

116-8.1E(1) *FRONT YARD SETBACK*

Required: A minimum of 75 feet setback from the street right of way.

Requested: A 36 foot setback.

Variance: 39' feet.

116-8.1F(2) *SIDEYARD SETBACK*

Required: Equal to the mean hgt. but not less than ten'

Requested: 2'

Variance: 8'

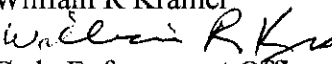
116-18A(1)

Required- No accessory building in any front yard.

Requested- An accessory building in the front yard.

Variance- An accessory building in the front yard.

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>William And Robin Shanahan - ^{DOOT} Building</i>			
Project Location (describe, and attach a location map): <i>251 Greenwood Dr. East Aurora, NY</i>			
Brief Description of Proposed Action: <i>build 10'x12' Stand Alone building for storage and workshop</i>			
Name of Applicant or Sponsor: <i>William & Robin Shanahan</i>		Tel: <i>52</i>	<i>egmail.com</i>
Address: <i>251 Greenwood Dr.</i>			
City/PO: <i>East Aurora, NY</i>		State:	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 checked="" type="checkbox"/>	YES <input 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.50</i> acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.50</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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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?	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>N/A</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>N/A</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	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

<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>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>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>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>ASCO</u> Date: <u>10/9/20</u></p> <p>Signature: <u>Robin + William Shanahan</u></p>		

BUILDING DEPARTMENT
Town of Aurora/Village of East Aurora
300 Glead Avenue, East Aurora, NY
Phone (716) 652-7591

Permit # _____
 Reissued _____
 Date _____

APPLICATION FOR BUILDING PERMIT

Please check one: New Building Addition Alteration/Renovation Fence
 Accessory Building Accessory Structure Generator Other _____

Property Owner Name William + Robin Shanahan Phone # 802-881-1952
 Property Address 251 Greenwood Dr. East Aurora NY
 SBL # 104 11.1-7 Zoning District R7
 Applicant (if not Owner) _____ Phone # _____

- Brief description of request/intention for building permit: Storage Shed/Workshop
- Use: Residential Commercial Occupancy/Occupancy Load: _____
- Construction Type: I II III IV V
- Size of completed construction 12.ft wide 16.ft long 15.ft high Total sq ft.....
- Construction Cost _____
- Name of Architect _____
 Address of Architect NY SUNR Phone # _____
- Name of Contractor _____
 Address of Contractor _____ Phone # _____
- Contractors GL/WC/Disability Insurance Certificates with Town & Village as Certificate holder **Yes/No**
- Electrical work done, to be inspected by, and a Certificate of Approval obtained from an inspection agency approved by the Town of Aurora. Yes NA
- DPW Action Required WATER TAP _____ SEWER TAP _____ BACKFLOW PREVENTER _____ GREASE TRAP _____

IMPORTANT

- The work covered by this application may not be commenced before the issuance of Building Permit.
- No building shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy shall have been granted by the Building Department.

APPLICATION IS HEREBY MADE to the Code Enforcement Officer for the issuance of a Building Permit pursuant to the NEW YORK UNIFORM FIRE PREVENTION AND BUILDING CODE for the construction of buildings, additions and alterations, as herein described. The applicant agrees to comply with all applicable codes, laws, and regulations. The undersigned hereby certifies that all of the information contained in this application is correct and true.

Owner Name William + Robin Shanahan
 (Contractor and Corp/LLC must complete affidavit on back to sign as owner's agent)

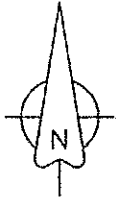
Telephone 802-881-1952 E-mail Shanahan208@gmail.com

[Signature] _____ 10/9/20
SIGNATURE OF OWNER **DATE**

Town or Village	Bldg Dept	ZBA
App Fee \$ _____	Reviewed by _____	Reason _____
Permit Fee \$ _____	Appr on _____	Approved/Denied on _____
Park/Rec Fee \$ _____		Case # _____

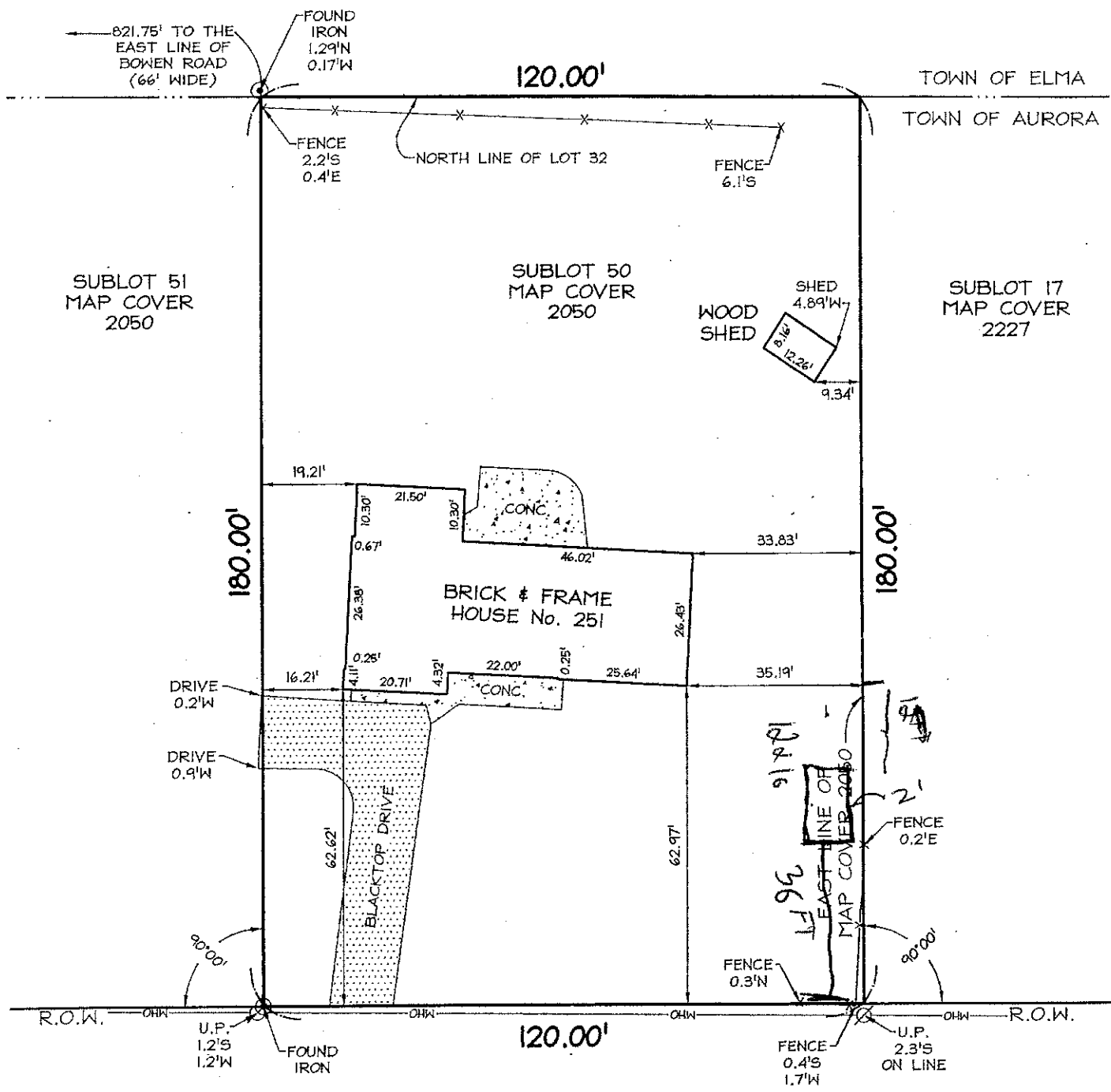
Signature of Code Enforcement Officer

Receipt is hereby acknowledged of the sum of \$..... equal to the fees schedule established by the Town Board of the Town of Aurora NY..... TC/ DTC Date: _____ Receipt _____



35
-22
T3

62
-22
40



SUBLOT 51
MAP COVER
2050

SUBLOT 50
MAP COVER
2050

SUBLOT 17
MAP COVER
2227

BRICK & FRAME
HOUSE No. 251

DRIVE
0.2'W

DRIVE
0.9'W

BLACKTOP DRIVE

121.16
91.91
36 FT

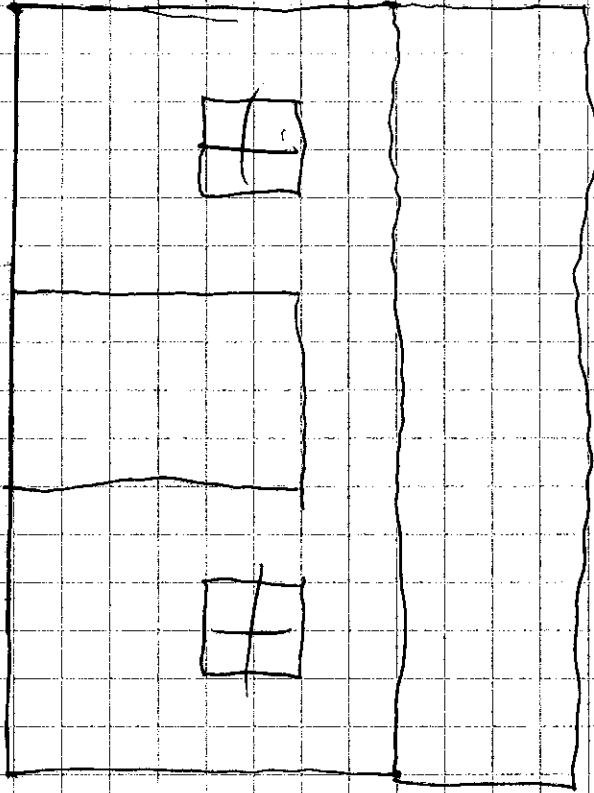
EAST LINE OF
MAP COVER 2050

GREENWOOD COURT

(60' WIDE)
(FORMERLY KNOWN AS GREENWOOD DRIVE)

V. J. [unclear]

16 FT



ZBA #1337
6/20/19

MINUTES OF AN HEARING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

June 20, 2019

CASE #1337-William & Robin Shanahan
251 Greenwood Drive, East Aurora, NY

The hearing was called to order by Chairman James Whitcomb with the following Board members present:

Albert Salter
Tony Rosati
Davis Heussler
Timothy Stroth, Alternate

Absent: Rod Simeone

Others Present: Elizabeth Cassidy, Assistant Building Inspector

The notice of public hearing was read by the Deputy Town Clerk. The notice was duly published in the East Aurora Advertiser as evidenced by the Affidavit of Publication, marked as exhibit 1. The Affidavit of Posting was marked as exhibit 2. The ZBA Application was marked as exhibit 3. The Building Department Letter of Determination was marked as exhibit 4. The ZBA Application was marked as exhibit 5. The Building Permit Application was marked as exhibit 6. The Petitioner's Letter of Intent was marked as exhibit 7. A Photograph was marked as exhibit 8. The Short Environmental Assessment Form was marked as exhibit 9. A Copy of the Survey and a reduced copy were marked as exhibits 10 & 10A. A Copy of the Deed was marked as exhibit 11. The List of Abutting Property Owners was marked as exhibit 12.

The Chairman opened the hearing with the Pledge of Allegiance to the Flag and stated the purpose and procedure of the hearing. Following the hearing a meeting would be held to render decision for a front yard variance, front yard setback variance and a side yard setback variance for an accessory building (shed) in the front yard of the residence at 251 Greenwood Drive, East Aurora, NY.

Shanahan W William & Robin Shanahan 251 Greenwood Drive. A 20 foot by 20 foot would overtake the front. It would be a woodworking shop and the garage is not big enough. There will be no basement and there is a septic in the back and further back it is wet. The shed that is in the back is rotting. The far side shed to store wood.

ZBA #1337
6/20/19

Salter Will it be used for R. V. Storage?

Shanahan R We do have a pop up camper.

Shanahan W It will store a boat. We wouldn't be able to service the septic if it were put in the back. On the other side is a privacy fence and a big tree stump.

Whitcomb Most houses on Greenwood are not to code. The shed is going to be 20 feet by 16 feet with a 50 foot front yard setback variance. Is there going to be electricity?

Shanahan W Yes.

Whitcomb Water?

Shanahan W No, the second floor is like a loft, balloon frame.

Cassidy It is a 15 foot mean height.

Stroth What are you requesting between the buildings?

Shanahan W 10 to 12 feet

Whitcomb I think you need to come back next month with an exact location, height and design before we can make any decisions.

Shanahan W I did not know where to begin and you have certainly given me an idea. Thank you.

Whitcomb I will make the motion that we table Case #1337 until the petitioner requests to be heard again on this matter again.

Heussler I will second that motion.

Upon a vote being taken:

Whitcomb Aye

Rosati Aye

Salter Aye

Heussler Aye

Stroth Aye Ayes-Five Noes-None Motion carried.

EXHIBITS

CASE #1337-William & Robin Shanahan
251 Greenwood Drive, East Aurora, NY

- Exhibit 1 Affidavit of Publication
- Exhibit 2 Affidavit of Posting
- Exhibit 3 ECDP Form and Response
- Exhibit 4 Building Department Letter of Determination
- Exhibit 5 ZBA Application
- Exhibit 6 Building Permit Application
- Exhibit 7 Petitioner's Letter of Intent
- Exhibit 8 Photograph
- Exhibit 9 Short Environmental Assessment Form
- Exhibit 10 Copy of Survey
- Exhibit 10A Reduced Copy of Survey
- Exhibit 11 Copy of Deed
- Exhibit 12 List of Abutting Property Owners

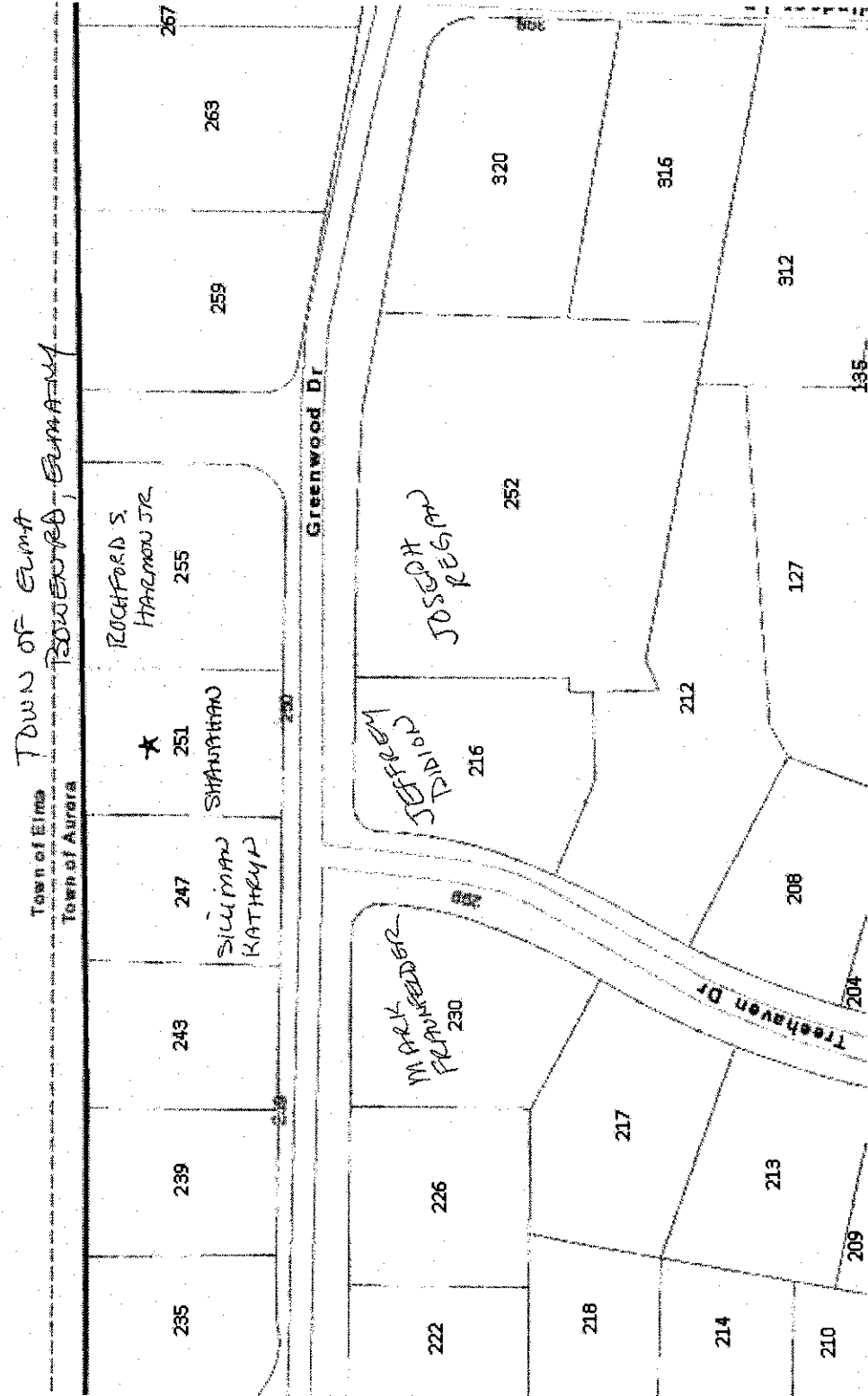


Erie County On-Line Mapping Application

1840

Legend

-  Parcels
-  Municipal Boundaries



0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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.

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

1: 2,257

