



CASE NO. 1376

DATE OF HEARING 2/18/2021
original

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 DOUGLAS FRANCIS
Address 2108 CENTER ST
City EAST AURORA State NY ZIP 14052
Phone 716 Email ST AOL.COM
Interest in it owner
(purchaser/developer)

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 2108 CENTER ST (TO BE SUB DIVIDED)
SBL# 200.00-3-14.1
Property size in acres APPROX. 0.85AC Property Frontage in feet 125
Zoning District _____ Surrounding Zoning R-1A
Current Use of Property RURAL FOREST - NOT IMPROVED

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-8.4C(1); 116-29A
 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)



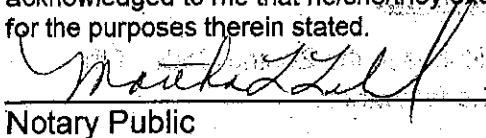
Signature of Applicant/Petitioner

Douglas Francis

Print name of Applicant/Petitioner

State of New York; County of Erie

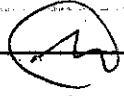
On the 12 day of November in the year 2021, before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.



Notary Public

MARTHA L. LIBROCK
(Notary stamp) Notary Public, State of New York
No. 01LI6028312
Qualified in Erie County
My Commission Expires May 31, 2022

Office Use Only: Date received: 1/12/2021 Receipt #: 304658

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)

- PLEASE SEE ATTACHED LETTER -

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:

N/A

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: _____

N/A

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: _____

N/A

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)

Douglas R Francis
2108 Center Street
East Aurora, NY 14052

January 11, 2021

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

Re: Approvals requested for Proposed New House at 2108 Center Street

Dear Zoning Board Members,

Thank you for considering two requests for approval relative to the above project.

My name is Doug Francis, and I am a retired architect, contractor and construction program manager living in the one bedroom log house at 2108 Center Street. I propose to build a new, small house on my (to be subdivided) 3 1/2 acre property at 2108 Center. I plan to serve as architect, general contractor and mortgage holder for this project. At a recent meeting with Bill Kramer to preliminarily review my conceptual design ideas, two issues requiring Zoning Board approval were identified - the square foot area proposed and the source of water for the new house.

✓ Square foot area:

The reason I'm doing this project is so that my daughter Bethany can enjoy the blessings of home ownership. In order to produce a house whose first cost and life-cycle costs fit her income realities, I need to design as small and cost consciously as practical. Bethany's housing needs are modest, and the 1053 sf house shown on drawings 1 - 4 (attached) are more than adequate for her (and a partner). I understand there is a minimum size requirement of 1200 sf, but in the interests of economy, "green" living and leaving as small a footprint as we can, I request the Board's approval for the smaller design submitted.

✓ Source of water:

The proposed new house is approx. 50 feet from my existing water well facilities, making a connection to it both inexpensive and convenient. By contrast, connecting to the County water line on Center Street would require about 400 feet of trenching and pipe laying, plus boring under Center Street. To make matters worse, the first 200 feet of trenching and meter pit would have to be excavated out of the bedrock which is at the surface now due to Erie County removing all the overburden back in the 1930's when they straightened Center Street. The cost to perform rock excavation is far more costly than earth excavation, plus the trenching at about 8 times longer, comprises an major unnecessary economic burden as compared to the alternative available. Accordingly, I request the Board's approval to connect to the well.

Thank you again for your time and consideration. I'm available to answer any questions and look forward to attending the February Board meeting as required.

Sincerely,


Douglas Francis

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



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

TOWN OF AURORA

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

TOWN COUNCIL MEMBERS

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sfriess@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

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csnyder@townofaurora.com

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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*

January 11, 2021

Douglas Francis
2108 Center St
East Aurora, NY 14052

Dear Doug:

The Building Department has reviewed your submittal for the construction of a single family dwelling on a lot split from your property at 2108 Center St. The request has been denied because it fails to meet the requirements of the Town of Aurora Code for the Rural Residential (RR) zoning district in which it is located.

Section 116-8.4C(1)


Required: Building size for Dwelling: not less than 1,200 sq. ft.
Requested: 1,053 sq. ft. dwelling including habitable space in the basement
Variance: 147 sq. ft.

Section 116-29A

Required: If a public water supply is available, no new residence or other new principal building, except a farm structure, shall be constructed, erected, built, or used without connection with such water supply.
Requested: New residential build without connection to public water
Variance: No public water connection

This letter serves as notice that we have received your application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of your hearing next month. If you have any questions contact our office at 652-7591.

Sincerely,


Elizabeth Cassidy
Asst. 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.: _____

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** 2/28/2021 **Time** 7:00pm **Location** 575 Oakwood 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 2108 Center Street

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 single family residence does not meet code requirements for building size (square feet) and connection to public water supply.

8. Other remarks: (ID#, SBL#, etc.) SBL# 200.00-3-14.1

9. Submitted by: Martha Librock, Town Clerk 1/13/2021

575 Oakwood Ave., E. 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: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

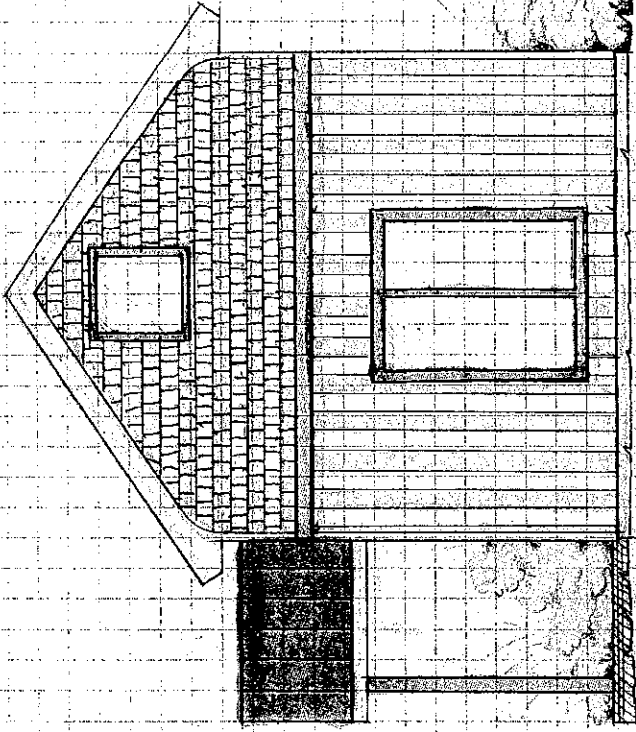
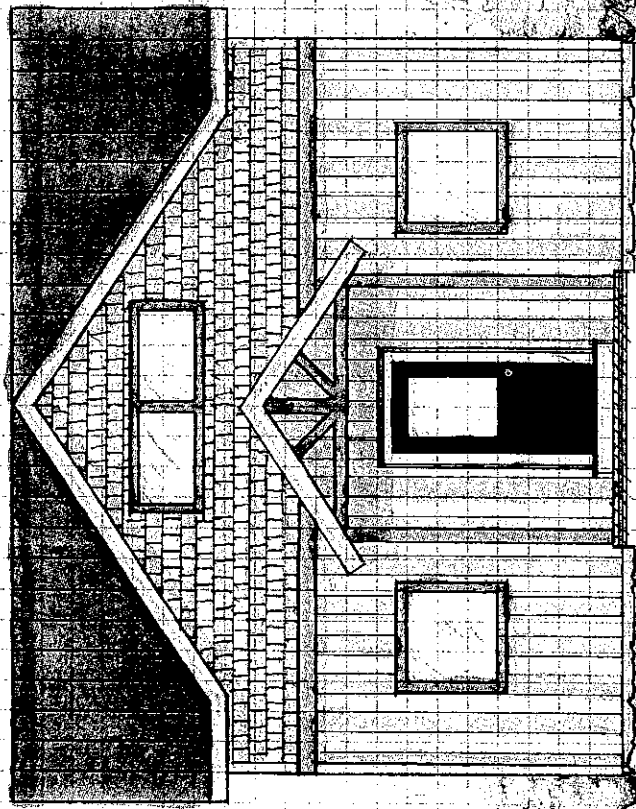
Part 1 - Project Information: The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: BETHANY'S NEW HOUSE																		
Project Location (describe, and attach a location map): 2108 CENTER ST, EAST AURORA, NY (SEE DWG #5, ATTACHED)																		
Brief Description of Proposed Action: CONSTRUCTION OF A NEW HOUSE AS SHOWN ON DWGS #1-4, ATTACHED																		
Name of Applicant or Sponsor: DOUGLAS FRANCIS		Telephone: 286																
		E-Mail: ST																
Address: 2108 CENTER ST																		
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3. a. Total acreage of the site of the proposed action? 0.85 acres																		
b. Total acreage to be physically disturbed? 0.33 acres																		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.5 acres																		
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input checked="" type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td><input type="checkbox"/> Parkland</td> <td colspan="3"></td> <td></td> </tr> </table>				<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
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<input type="checkbox"/> Parkland																		

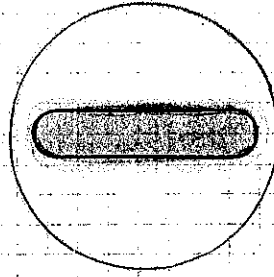
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	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>DRILLED WELL</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>SAND FILTER SEPTIC SYSTEM</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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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 checked="" 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: <u>ONLY RESIDENTIAL ROOF GUTTERS</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Douglas Francis</u> Date: <u>1/11/21</u></p> <p>Signature: _____</p>		

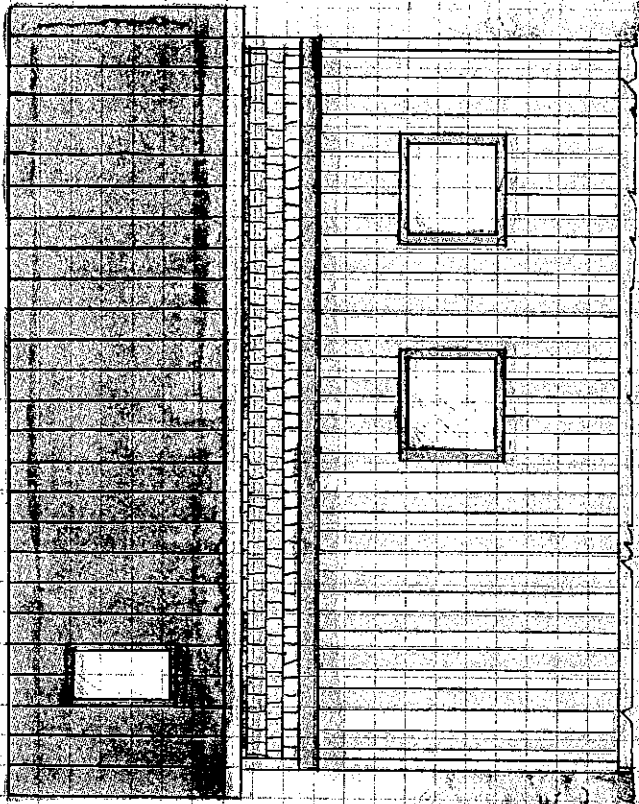


BETHANY'S HOUSE

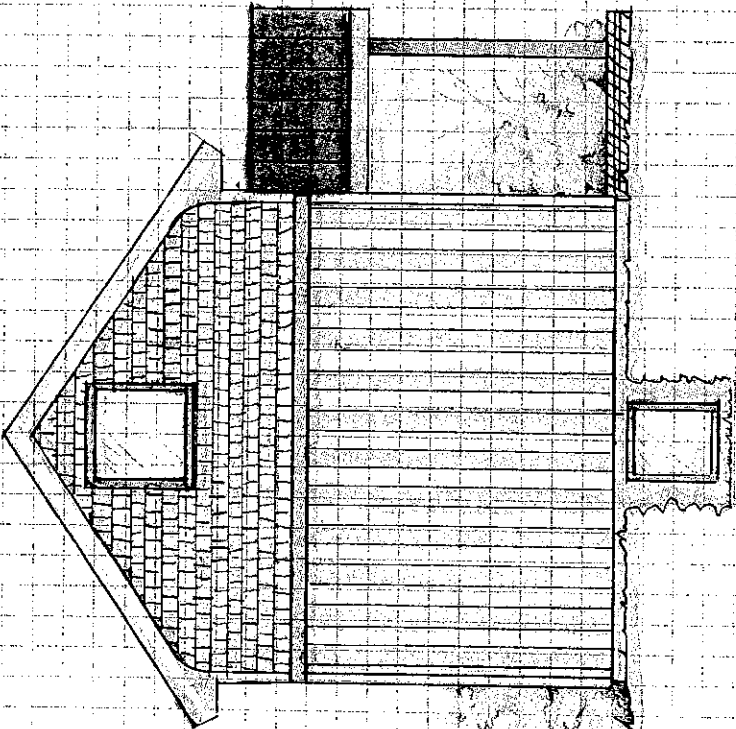
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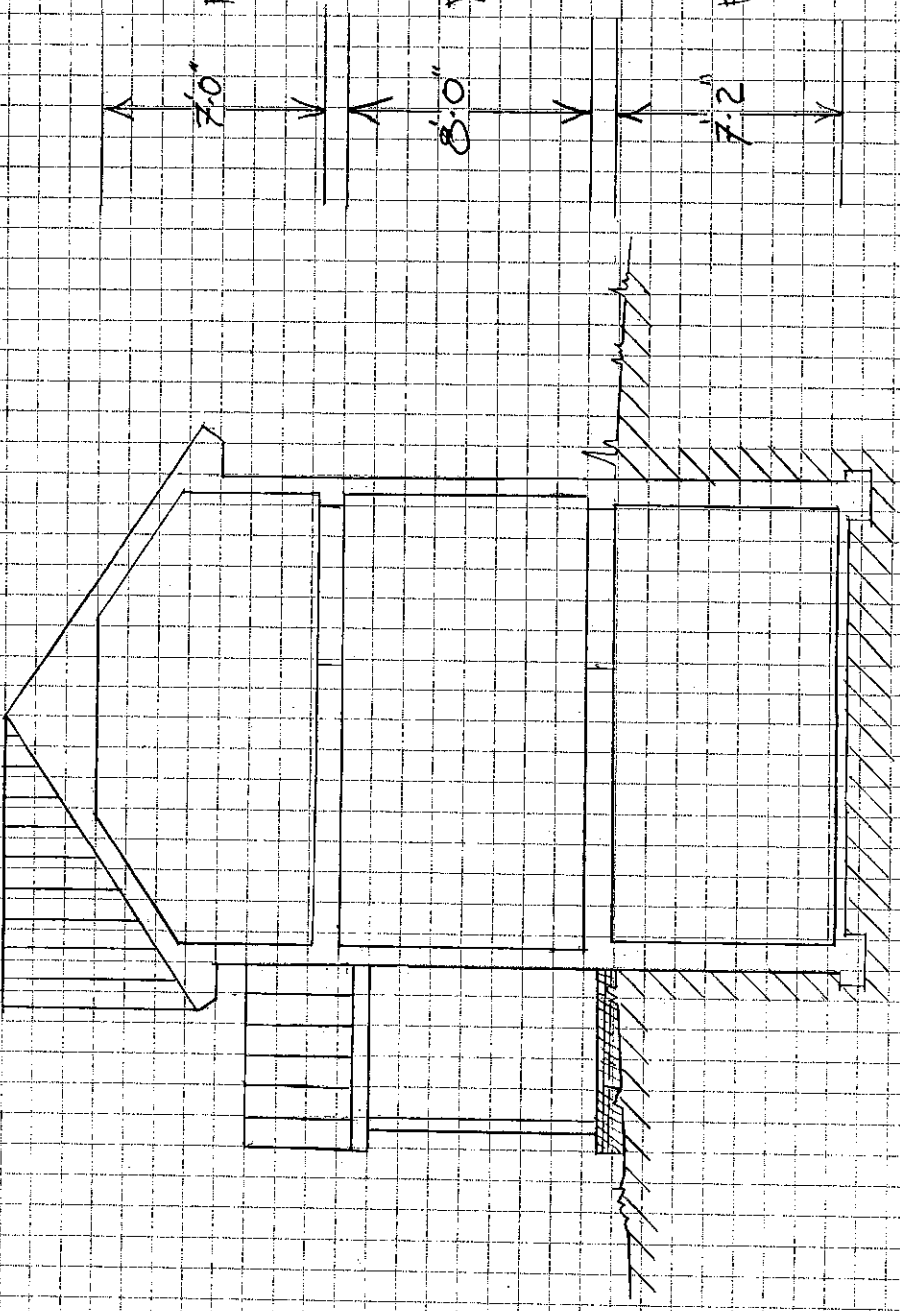


2



SCALE: 1/4" = 1'-0"

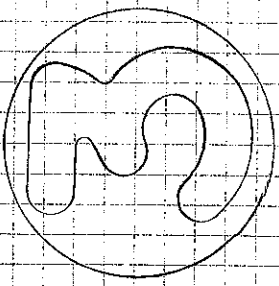




7'-0" Floor to Ceiling

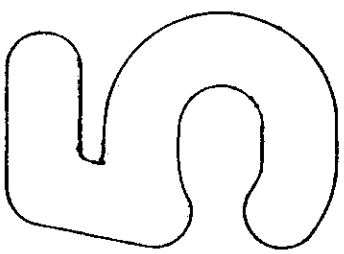
8'-0" Floor to Ceiling

7'-2" Floor to Ceiling

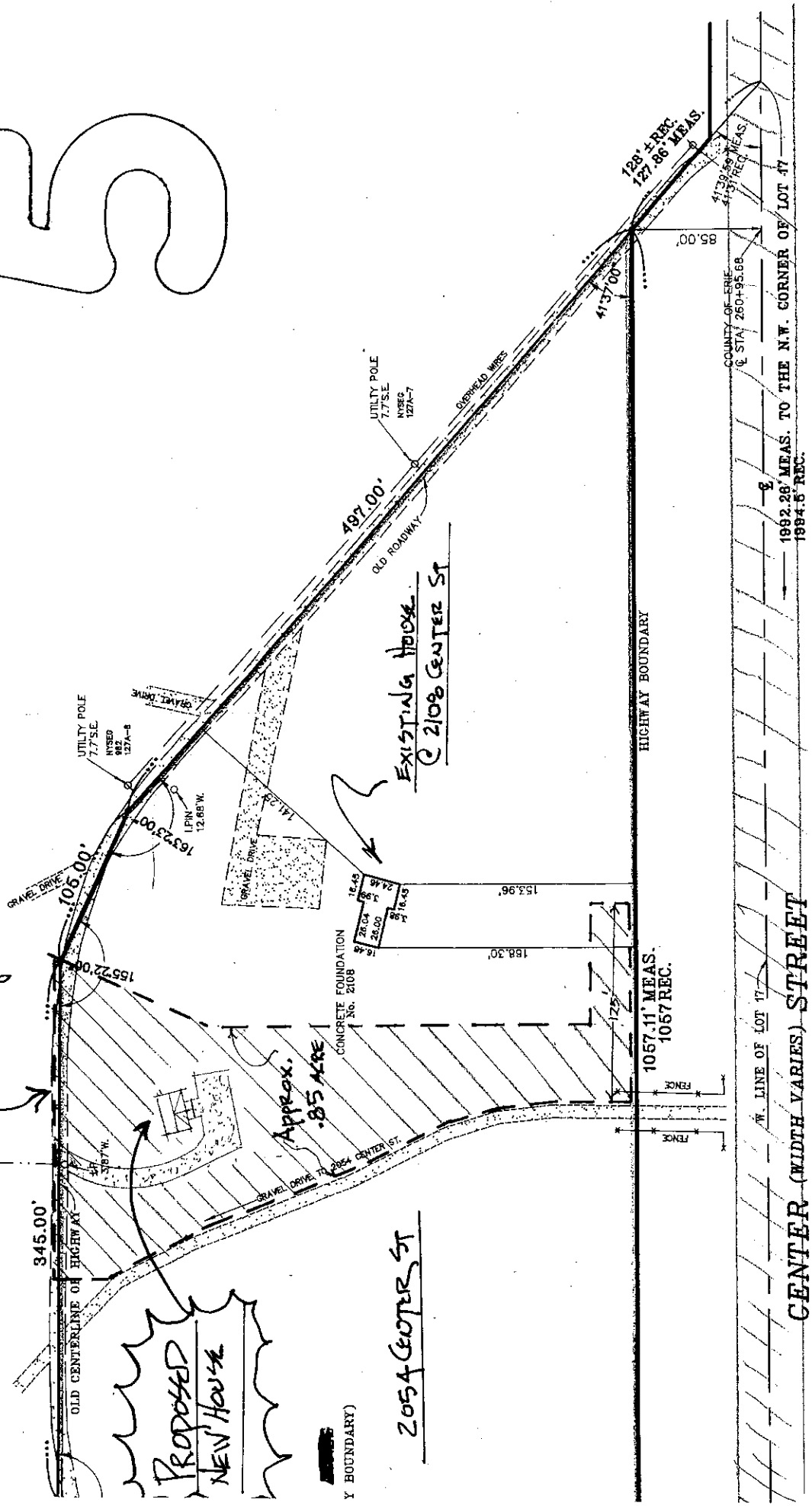


SCALE: 1/4" = 1'-0"

DRAWING



PROPOSED SUBDIVISION



Y BOUNDARY

2054 CENTER ST

CENTER (WIDTH VARIES) STREET

(C.R. No. 33)

0 73

x=0 y=0

