

ZONING BOARD OF APPEALS  
TOWN OF AURORA  
DECISION

RE: APPEAL NO. 1371

A public hearing on the Application of Charles (Chaz) Vance, (the Petitioner), having been called before the Zoning Board of Appeals in the Aurora Municipal Building, 575 Oakwood Avenue, on the 19<sup>th</sup> day of November, 2020 at 7:30 p.m., after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-9 (F) of the Code of the Town of Aurora.

The hearing was called to order by chairman Paul Ernst with the following Board members present :

Davis Heussler  
Rodney Simeone  
Anthony Rosati  
Timothy Stroth

Also Present : William Kramer - Building Inspector/Code Enforcement Officer

The Secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein. Exhibits 1 and 2.

Mr. Vance seeks a special use permit to have chickens (hens) in a residential district at 1963 Davis Road, PO West Falls, Town of Aurora, New York (the "premises"). SBL# 199.03-1-32.

The Petitioner appeared.

Douglas Crow, Kathrine Merrill appeared, both in favor of the request.

The Chairman noted two (2) letters were received by the Town asking to deny the request and one (1) email in favor.

At a duly convened public meeting held on the 19<sup>th</sup> day of November, 2020, after said public meeting, the Zoning Board of Appeals finds as follows:

**Findings**

1. This Petition was referred to the Erie County Division of Planning and it was advised on October 28th, 2020, that it had no recommendation on the proposed action and that it was a matter of local concern. Exhibit 6.

2. The Petitioner is requesting to house (12) twelve chickens (no Roosters) to supply eggs for personal and friend's consumption. They will not be for sale, although the Board noticed an "egg for sale" sign on the Premises.
3. The Board members Stroth and Rosati noted that a previous request was denied in July 2015 by the ZBA, but the Petitioner went ahead regardless with his plans to house chickens.
4. The Board continued to press for the Petitioner's plans to raise, take care of and house the chickens. The Petitioner presented different options. The Board asked for more definitive answers and a layout of the site to better understand the petitioner's request. The Petitioner did indicate he had future plans for a larger shed (chicken coop).
5. The Petitioner agreed to come back in front of this Board with a drawing(s) to finalize a site layout and chicken coop design.
6. The Board also asked the Petitioner to try to resolve any differences with the neighbors who are against this request and gain their support.

Chairman Ernst made a motion to table CASE # 1371 regarding allowing chickens at 1963 Davis Road, SBL# 199.03-1-32, PO West Falls, Town of Aurora, New York, due to the lack of information and decisions by the Petitioner.

Timothy Stroth seconded the motion.

On a roll call, the vote was:

Paul Ernst	Aye
Davis Heussler	Aye
Rodney Simeone	Aye
Anthony Rosati	Aye
Timothy Stroth	Aye

The motion was carried.

Ayes : 5            Nyes : 0

RESOLVED, The Board **Tabled** Application No.1371 and the case was adjourned until the December meeting of the Zoning Board of Appeals, hereby and is subject to any conditions set forth herein.

The Petitioner returned on **December 17, 2020 at 7:15 pm** to further discuss their proposed variance request at a public hearing before the Zoning Board of Appeals in the Aurora Municipal Center, 575 Oakwood Avenue.

The hearing was called to order by chairman Paul Ernst with the following Board members present :

- Davis Heussler
- Rodney Simeone
- Anthony Rosati
- Timothy Stroth

Also present : William Kramer, Building Inspector/Code Enforcement Officer.

The Petitioner continued to discuss his plans to house chickens without the Board requested information from the November meeting.

The Board again requested more definitive information including a site drawing to scale indicating all the site details re: locations, sizes, etc. along with the coop design. The Petitioner indicated he has Architectural drawing skills (CAD- Computer aided design) and could provide the drawings as requested.

Again, Chairman Ernst made a motion to table Case No.1371 due to continued lack of requested information and decisions by the Petitioner.

Davis Heussler seconded the motion.

On a roll call, the vote was :

Paul Ernst	Aye
Davis Heussler	Aye
Rodney Simeone	Aye
Anthony Rosati	Aye
Timothy Stroth	Aye

The motion was carried                      Ayes : 5                      Nyes : 0

RESOLVED : The Board again **Tabled** Application No.1371 and the case was adjourned until the January meeting of the Zoning Board of Appeals, hereby and is subject to any conditions set forth herein.

The Petitioner returned on **January 21, 2021 at 7:15 pm** to further discuss their variance request at a public hearing before the Zoning Board of Appeals in the Aurora Municipal Center, 575 Oakwood Avenue.

The hearing was called to order by chairman Paul Ernst with the following Board members present :

- Davis Heussler
- Rodney Simeone
- Anthony Rosati
- Timothy Stroth

The petitioner provided a colored site drawing indicating the locations of the fenced - in chicken range and storage shed/coop. The range now includes the entire rear yard and he is proposing to use an existing shed now on site to be both a storage shed and chicken coop and locate it close to his neighbor's property line who is objecting to this variance request.

After much discussion, the Board asked the Petitioner to reduce the size of the fenced - in range and locate a stand-alone chicken coop next to the house. The drawing that the Petitioner provided was marked up by the Board and he agreed to return next month with a new drawing showing these exact locations as was agreed to at this hearing.

Again, Chairman Ernst made a motion to table Case No.1371 until next month to allow the Petitioner to provide a new drawing as marked up and agreed to at this hearing.

Timothy Stroth seconded the motion :

On a roll call, the vote was :

Paul Ernst	Aye
Davis Heussler	Aye
Rodney Simeone	Aye
Anthony Rosati	Aye
Timothy Stroth	Aye

The motion was carried:                      Ayes : 5                      Nyes : 0

**RESOLVED** : The Board again **Tabled** Application No.1371 and the case was adjourned until the February meeting of the Zoning Board of Appeals, hereby and is subject to any conditions set forth herein.

The Petitioner returned on **February 18, 2021 at 8:00 pm** to further discuss their proposed variance request at a public hearing before the Zoning Board of Appeals in the Aurora Municipal Center, 575 Oakwood Avenue.

The hearing was called to order by chairman Paul Ernst with the following Board members present :

Davis Heussler  
Rodney Simeone  
Anthony Rosati  
Timothy Stroth

Also Present : Elizabeth Cassidy - Assistant Building Inspector/Code Enforcement Officer

The Petitioner provided to the Board a sketch representing the proposed locations of the chicken pen and coop (Exhibit # 21). The Chairman noted the sketch did represent the size and location as was discussed and recommended by both the Board and Petitioner in January's meeting. The Petitioner confirmed his request for six chickens (no rooster) and will be building a +/- 5' x 10' chicken coop. The timing of building the new coop was discussed and determined to be complete and operating by July 1, 2021, at which time, the Board members will visit the site and review the Case at the July 15, 2021 ZBA meeting.

As with most variance request for chickens, the Board told the Petitioner a one-year review will be put in place for a final approval.

Davis Heussler made a motion to approve a special use permit to Charles Vance at 1963 Davis Road, for six chickens contingent upon matching the layout from his sketch (Exhibit # 21) and building a +/- 5' x 10' chicken coop by July 1, 2021. The Petitioner is to return to the July 15, 2021 ZBA meeting to confirm the chicken coop. The Board will also request a one-year review from this meeting date for a final approval.

Rodney Simeone seconded the motion :

On a roll call, the vote was :

Paul Ernst	Aye
Davis Heussler	Aye
Rodney Simeone	Aye
Anthony Rosati	Aye
Timothy Stroth	Aye

The motion was carried:                      Ayes : 5                      Nyes : 0

RESOLVED, that variances applied for by the Petitioner in his Application No. 1371 be and hereby is granted subject to any conditions set forth herein.

Dated: East Aurora, New York  
February 18, 2021

  
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Chairman