

original



CASE NO. 1399

DATE OF HEARING 4/21/22

Town of Aurora Zoning Board of Appeals
575 Oakwood 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 DARYL & LYNN KIBLER
Address 815 OLDEN RD.
City WEST FALLS State NY ZIP 14170
Phone 71 ax _____ Email dk l.com
Interest in _____ (or/purchaser/developer) owner

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 815 OLDEN RD WEST FALLS NY 14170
SBL# 199.00-2-13
Property size in acres 6.70 Property Frontage in feet 353.37
Zoning District RR Surrounding Zoning _____
Current Use of Property Residential/Agricultural

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)

L. Frat-kibler
Signature of Applicant/Petitioner

Lynn Frat-kibler
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 4 day of March in the year 2022 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.

Morgan A Eaton
Notary Public

(Notary stamp)

Morgan A Eaton
Notary Public, State of New York
Registration No. 01EA6365129
Qualified In Erie County
My Commission Expires October 2, 2025

Office Use Only: Date received: 3/14/22 Receipt #: 385657 Ratt

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)

TO HAVE A FARMSTAND BETBACK FROM ROAD ON EAST SIDE OF PROPERTY, 55' FROM EAST SIDE PROPERTY LINE AND 106' SOUTH OF PROPERTY STAKE LOCATED IN N/E CORNER OF PROPERTY. FARMSTAND WILL BE A PREFAB SHED, 1 STORY 160 FT² IN SIZE. IT WILL BE SURROUNDED BY ESTABLISHED LANDSCAPE. IT IS ON THE SIDE LOT OF THE RESIDENCE. GRAVEL ACCESS WILL BE INSTALLED TO STRUCTURE.

(EC) * products sold will be produce grown onsite and baked goods from commercial kitchen on site (ECHO approved)

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)

Town of Aurora
575 Oakwood 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:

815 Olden Rd
(address)....., identified as Tax Map (SBL)#.....

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.

Lynn Fial-Kibler
Owner (print)

3/4/22
Date

L. Fial-Kibler
Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 4 day of March, 2022, before me, the undersigned, a notary public in and for said state,
personally appeared Lynn Fial-Kibler, 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.

Morgan A Eaton
Notary Public

Morgan A Eaton
Notary Public, State of New York
Registration No. 01EA6365129
Qualified in Erie County
My Commission Expires October 2, 2025

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

TOWN COUNCIL MEMBERS

Charles D. Snyder
csnyder@townofaurora.com

March 14, 2022

Luke Wochensky
lwochensky@townofaurora.com

Daryl & Lynn Kibler
815 Olden Rd
West Falls, NY 14170

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Mr. and Mrs. Kibler:

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

The Building Department has reviewed your request for a shed in the front yard of your property at 815 Olden Rd. The request has been denied because it fails to meet the Aurora Town Code requirements for accessory buildings in the Rural Residential Zoning District in which it is located.

CODE ENFORCEMENT
OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

Section 116-8.4E(4) Front Yard Depth or Setback
Required: No accessory building shall be erected in the front yard
Requested: 10' x 16' shed in front yard
Variance: Shed in front yard

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

Section 116-18A(2)
Required: In any R District, no accessory building shall be erected or altered so as to be in any front yard.
Requested: 10' x 16' shed in front yard
Variance: Shed in front yard

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

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

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

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Cassidy".

Elizabeth Cassidy

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: <p style="text-align: center; font-size: 1.2em;">FARMSTAND SHED STRUCTURE</p>			
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">815 OLDEN RD. WEST FALLS NY 14170</p>			
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">INSTALL A PREFAB 160' FT (10X16) 1STORY SHED ON SIDE LOT. 55' E PROPERTY LINE, 106' S OF OLDEN RD.</p>			
Name of Applicant or Sponsor: <p style="text-align: center; font-size: 1.2em;">DARYL & LYNN KIBLER</p>		Telephone: _____	
		E-Mail: <u>dkibler@westfallsny.com</u>	
Address: <p style="text-align: center; font-size: 1.2em;">815 OLDEN RD.</p>			
City/PO: <p style="text-align: center; font-size: 1.2em;">WEST FALLS</p>		State: <p style="text-align: center; font-size: 1.2em;">NY</p>	Zip Code: <p style="text-align: center; font-size: 1.2em;">14170</p>
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 government 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?		<u>6.70</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres <i>INSTALLED ON < 1 ACRE.</i>	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>6.70</u> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<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 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input 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"/>	
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"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional

Wetland Urban 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 plan?	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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>

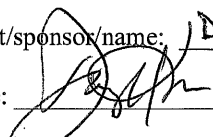
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

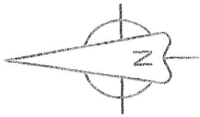
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: DARYL KIBLER Date: 3/4/2022

Signature:  Title: OWNER

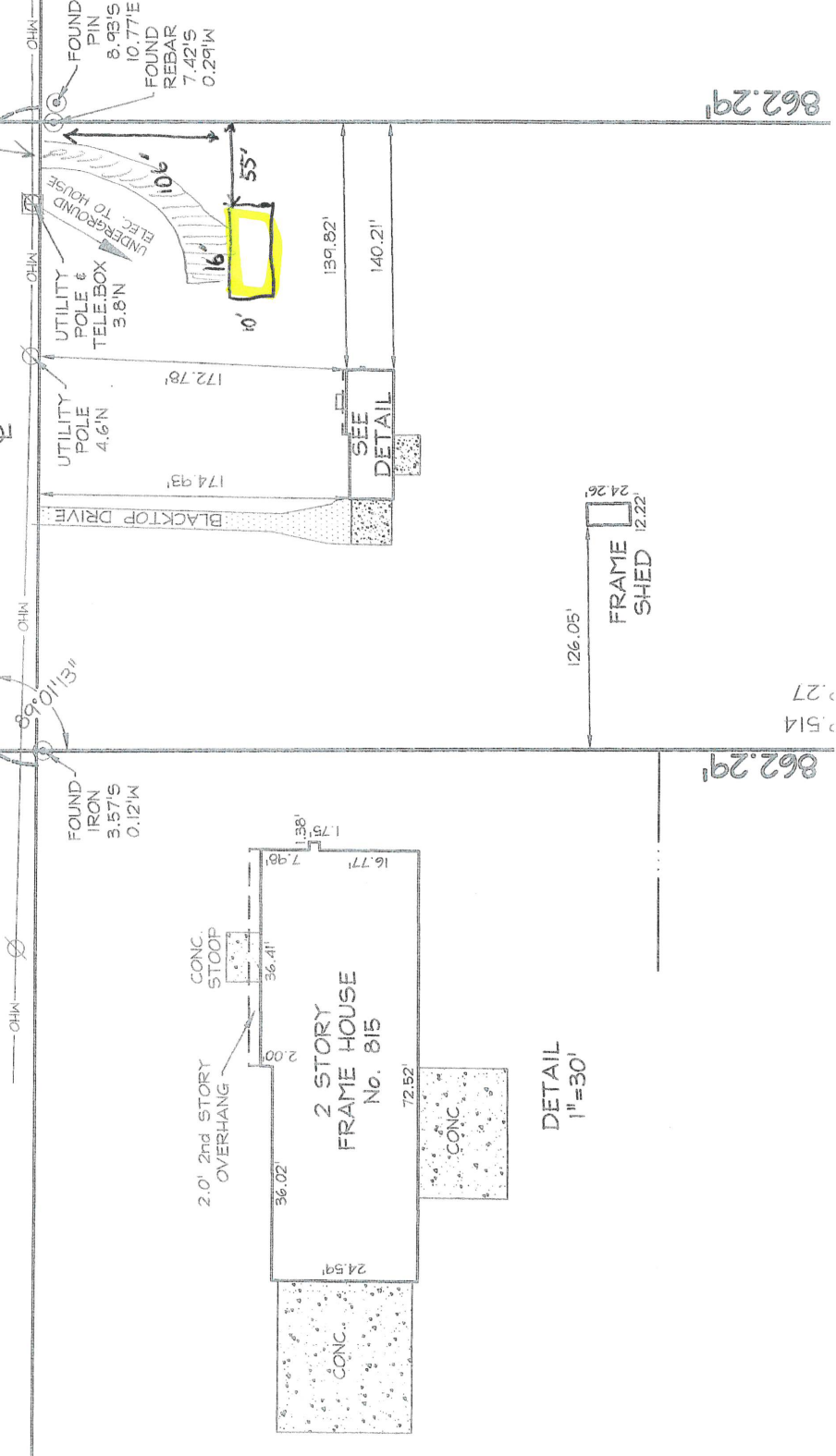


OLDEN ROAD (49.5' WIDE)

1263.24' TO THE CENTER LINE OF GROVER ROAD (66' WIDE)

353.375'

Drive Access

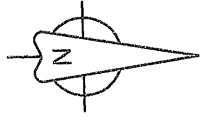


862.29'

862.29'

514
27

DETAIL
1"=30'



OLDEN ROAD (49.5' WIDE)

1263.24' TO THE CENTER LINE OF GROVER ROAD (66' WIDE)

353.375'



FOUND IRON 3.57'S 0.12'W



BLACKTOP DRIVE

174.93'

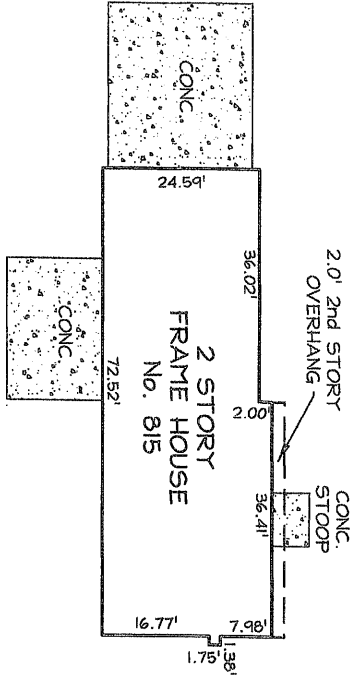
UTILITY POLE 4.6'N

172.78'

UTILITY POLE & TELE BOX 3.8'N

UNDERGROUND ELEC. TO HOUSE

FOUND PIN 8.93'S 10.77'E
FOUND REBAR 7.42'S 0.29'W



2 STORY FRAME HOUSE No. 815

DETAIL 1"=30'



FRAME SHED 24.26' 12.22'

126.05'

862.29'

862.29'

P.514
P.27

PARALLEL WITH THE CENT
LINE OF GROVER ROAD

WEST LINE OF SMITH, L.4:
WEST LINE OF RANNEY, L.1:

6.994± ACRES
(INCLUDING HIGHWAY)

PARALLEL WITH THE CENTER
LINE OF OLDEN ROAD

353.3751

FOUND
REBAR
3.34'S
ON LINE

FOUND
IRON
3.64'S
0.241M

PARALLEL WITH THE CENTE
LINE OF GROVER ROAD

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

509 Main Street, P.O. Box 516, East Aurora, NY 14052
p (716) 655-1058 f (716) 655-1964 www.nussclairke.com

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 any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.



**BOUNDARY SURVEY
815 OLDEN ROAD**

Part of Lot 42, Township 9, Range 6

Holland Land Company's Survey

Town of Aurora

County of Erie, State of New York

Date of Survey: 3/9/2020

Scale: 1" = 100' Project No.: 2033-0106

Thomas A. Kasper

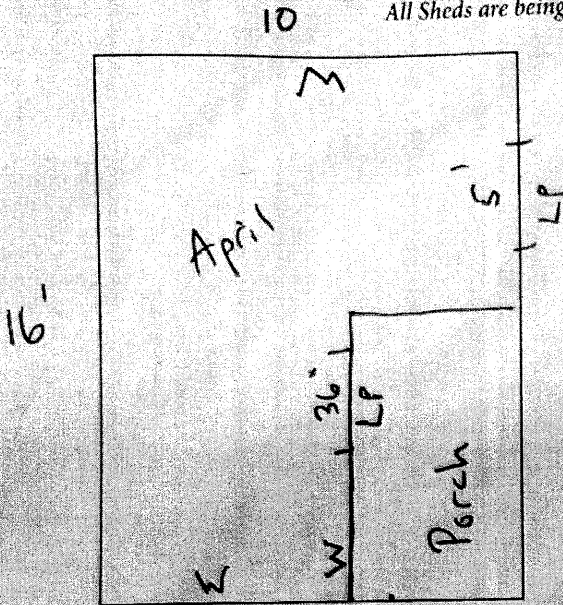
For Delivery Options:
Amish Valley Sheds LLC
(716) 474-6712

BROOKSIDE SHEDS

FOR ALL YOUR CUSTOM AMISH SHEDS
All Sheds are being purchased directly from Amish Builders.

Standard Sheds Include:

- 5' or 6' Double Door
- Tin Roof in Choice of Colors
- LP Smart Siding
- 3/4" T&G LP ProStruct Flooring
- 4"x6" PT Skids
- 2"x6" PT Floor Joists



Date: 3/2/22
Name: Daryl & Lynn Kibler
Address: 315 Olden Rd.
West Falls 14170
Phone: 289-7053

Optional Items:

- Gambrel Roof \$2 sq. ft. _____
- 7' Wall / 5/12 Pitch \$1 sq. ft. _____
- Architectural Shingles \$2 sq. ft. _____
- Staining or Paint \$200 or \$1.50 sq. ft. _____
- Color _____
- Windows 18" x 27" \$50 _____
- 24" x 36" \$60 (3)
- Insul. Windows 24" x 36" \$150 _____
- 30" x 36" \$150 _____
- Flower Boxes & Shutters \$50 _____
- Type wood/vinyl
- Extra Single Door \$75 wood/\$125 fiberglass
- Extra Double Door \$400 wood/\$250 fiberglass
- Prehung Doors Cost _____
- Type wood
- Dormer & Window \$300 _____
- Transom Dormer \$500 _____

Intls.

- LP Smart Siding
- Vinyl Siding
- Metal Siding
- Log
- Dutch Lap Larch/Kiln Dried
- Roll-Up Doors • Size _____ \$400
- Garage Door • Size: _____ \$550
- Extra Ramps _____ \$50 ea.

Color

Beige Primer

Disclaimers: No Refunds

Amish Valley Shed or anyone acting on behalf of them will not be held responsible for any damage to customers yard while delivering shed.

Any 14' wide or larger shed must go on a level pad or will be the customers responsibility to level the shed.

All changes must be made in writing to Brookside Sheds at 5750 Stoddard Rd., Conewango, NY 14226.

Credit card payment is plus 3.5%

12' wide sheds are measured at the roof top, the floor

Payment to be made upon delivery in cash or check. Nonpayment will result in a \$700 fee.

X _____
Customer Signature

Tin Roof Color Black
Shed Price \$ 4,000
Tax \$ 320
Total \$ 4320
Deposit \$ _____
Balance Due \$ 4320



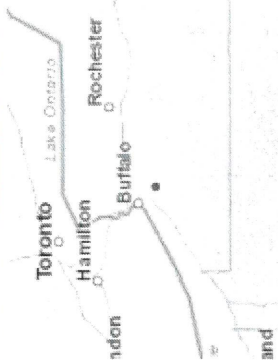


Erie County On-Line Mapping Application



Legend

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



*Kibler
815 Olden Rd*

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

