



CASE NO. 1402

DATE OF HEARING 5/19/2022

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 THOMAS WEIR COLLEEN O'CONNOR  
Address 839 MILL RD.  
City EAST AURORA State NY ZIP 14052  
Phone 716 [REDACTED] Email WEIR [REDACTED]@RUNNER.COM  
Interest in the property as (owner/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 839 MILL RD EAST AURORA NEW YORK 14052  
SBL# 187.01-1-15.111  
Property size in acres 1.40 Property Frontage in feet 2238'  
Zoning District R1/A Surrounding Zoning R1/A  
Current Use of Property SFR

#### 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 )

Thomas J. Weir  
Signature of Applicant/Petitioner

THOMAS WEIR  
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 28 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.

Martha Librock  
Notary Public

(Notary stamp) **MARTHA L. LIBROCK**  
Notary Public, State of New York  
No. 01LI5028312  
Qualified in Erie County  
My Commission Expires May 31, 2026

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Office Use Only:      Date received: 4/4/22      Receipt #: 385680 Rast

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)

The rear and side yards of the property have a steep grade and often stay wet for quite a while in the spring which would not allow us to get our mower out. In addition, we need to move the structure closer to the property line to allow for sufficient room for a truck to pass through if we need any work done. There is no pass through on the opposite side due to the placement of our in ground pool. The neighbor on the adjoining side is ok with this as there are pine trees that would obscure the structure from her view.

**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: Grade of the land is not flat in side and rear.

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: The structure would be landscaped

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)

SUPERVISOR  
James J. Bach  
(716) 652-7590  
[jbach@townofaurora.com](mailto:jbach@townofaurora.com)



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

## TOWN OF AURORA

Aurora Municipal Center  
575 Oakwood Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

### TOWN COUNCIL MEMBERS

April 4, 2022

Charles D. Snyder  
[csnyder@townofaurora.com](mailto:csnyder@townofaurora.com)

Colleen O'Connor & Thomas Weir  
839 Mill Rd  
East Aurora, NY 14052

Luke Wochensky  
[lwochensky@townofaurora.com](mailto:lwochensky@townofaurora.com)

Colleen & Tom:

James F. Granville  
[jgranville@townofaurora.com](mailto:jgranville@townofaurora.com)

The Building Department has reviewed your request to construct a shed on your property at 839 Mill Rd. The request has been denied because it fails to meet the Aurora Town Code requirements for the front yard setback in the Residence 1 (R1) Zoning District in which it is located.

Joseph M. McCann  
[jmccann@townofaurora.com](mailto:jmccann@townofaurora.com)

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

Section 116-8.1E(4) and 116-18 A(1)

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

Required: No accessory building in the front yard

Requested: Accessory building in the front yard

Variance: Accessory building in the front yard

ASSESSOR  
Roger P. Pigeon  
[assessor@townofaurora.com](mailto:assessor@townofaurora.com)  
(716) 652-0011

Section 116-8.1F(2)

Required: Side yard setback for an accessory building is the distance equal to the mean height of the proposed accessory building, **but not less than 10 feet**

Requested: 1' side yard setback for an accessory building with a mean height of 9.25'

Variance: 9'

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

TOWN ATTORNEY  
Brigid M. Maloney

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.

TOWN JUSTICE  
Jeffrey P. Markello  
Anthony DiFilippo IV

HISTORIAN  
Robert L. Goller  
(716) 652-7944  
[historian@townofaurora.com](mailto:historian@townofaurora.com)

Sincerely,

Elizabeth Cassidy  
Code Enforcement Officer

FAX: (716) 652-3507

## Jennifer Calkins

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**From:** Colleen Blizniak [mailto:colleen.blizniak@...com]>  
**Sent:** Monday, March 20, 2022 5:48 PM  
**To:** Jennifer Calkins  
**Subject:** Weir shed variance

The shed would be similar to this, except 10'x20' and possibly bigger windows, no man door on the road side- just a window. Some sort of window/door/ or double door on the side towards the backyard. It would be oriented with the long side along the property line. The vinyl siding will not require maintenance allowing for it to be closer to the property line. We plan to put hostas along that side so no mowing will be necessary on that side either. Please take note that the next door neighbor (Kennedy) is writing us a letter of approval.





— No Cupola

— Main Ht = 9.25'

6/12 pitch

— Small Ht

下  
上  
下  
上



## 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.

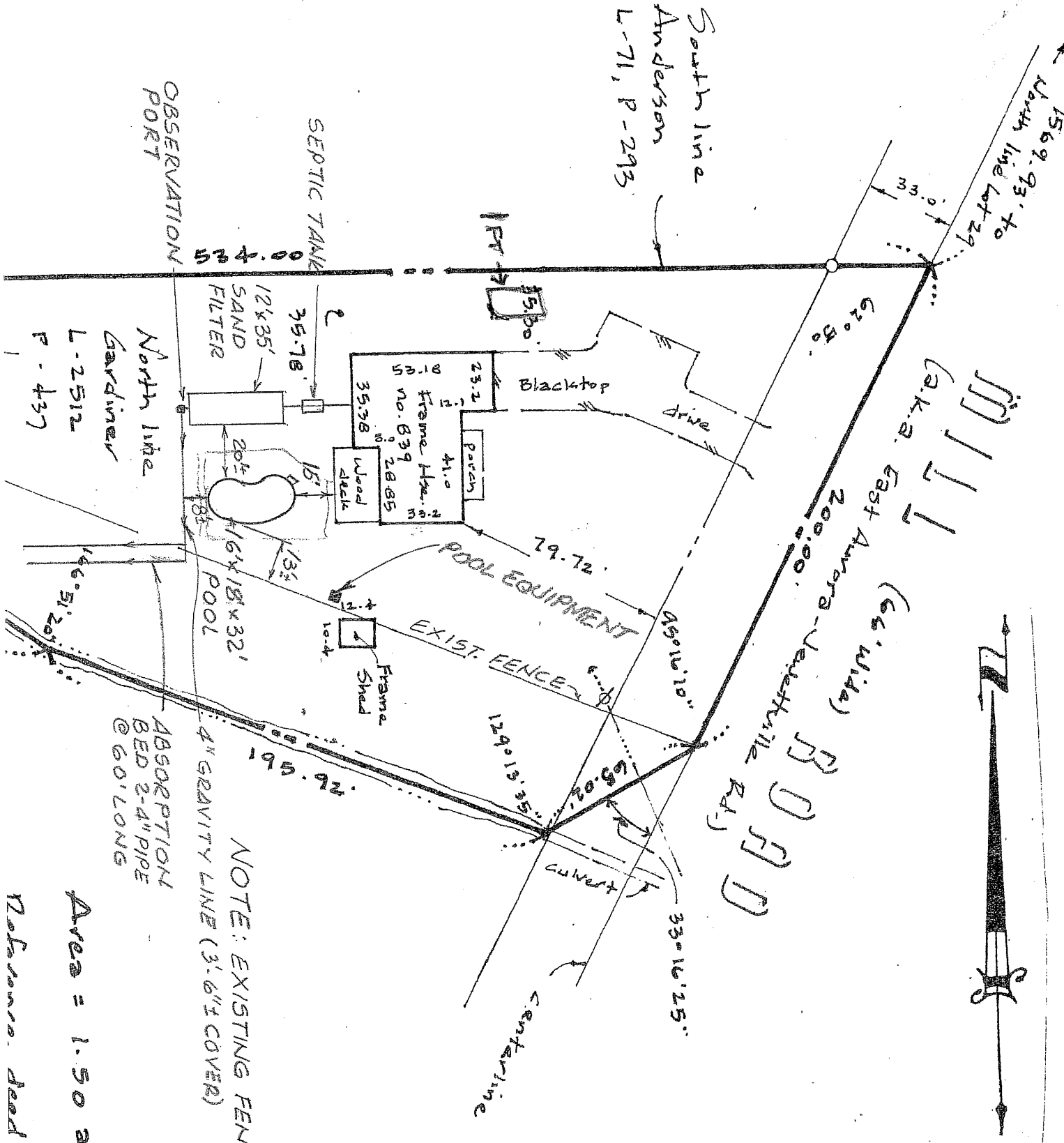
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: <i>Shed in front yard</i>			
Project Location (describe, and attach a location map): <i>839 Mill Rd.</i>			
Brief Description of Proposed Action: <i>Shed in front yard</i>			
Name of Applicant or Sponsor: <i>THOMAS WEIR</i> <i>COLLEEN O'CONNOR</i>		Telephone: <i>7</i> E-Mail: <i>WEI</i> <span style="float: right;"><i>WWW.R.COM</i></span>	
Address: <i>839 Mill Rd.</i>			
City/PO: <i>EAST AURORA</i>		State: <i>N.Y</i>	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"/>
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:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
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 type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, <ul style="list-style-type: none"> <li>a. A permitted use under the zoning regulations?</li> <li>b. Consistent with the adopted comprehensive plan?</li> </ul>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input 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: _____ <i>N/A</i> _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ <i>N/A</i> _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ <i>N/A</i> _____ _____	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input 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: _____ _____ _____	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input 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 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?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
_____		
_____		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<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?	NO	YES
If Yes, describe: _____	<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?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>THOMAS WEIR COLLEEN O'CONNOR</u> Date: _____		
Signature: <u>Thomas J. Weir</u> Title: <u>OWNER</u>		



NOTE: EXISTING FENCED YARD.  
 4" GRAVITY LINE (3' 6"± COVER)

Area = 1.50 acres

Reference. Deed: L-11096

South line  
 Anderson  
 L-71, P-293

OBSERVATION  
 PORT

SEPTIC TANK

12' x 35'  
 SAND  
 FILTER

North line  
 Gardiner  
 L-2512  
 P-437

20' x  
 18' x 32'  
 POOL

41.0  
 Frame Hse.  
 no. B39  
 2885

Wood  
 Deck  
 Shed

Blacktop

Drive

POOL EQUIPMENT  
 EXIST. FENCE

(66' Wide)  
 BODSD  
 A.K.A. East Aurora - Vevetteville Rd.

CULVERT

Centerline

534.00

35.78

55.00

62.03

79.72

59.10

120.13

65.02

33.16

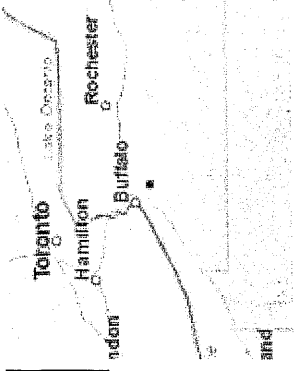
195.92

33.0

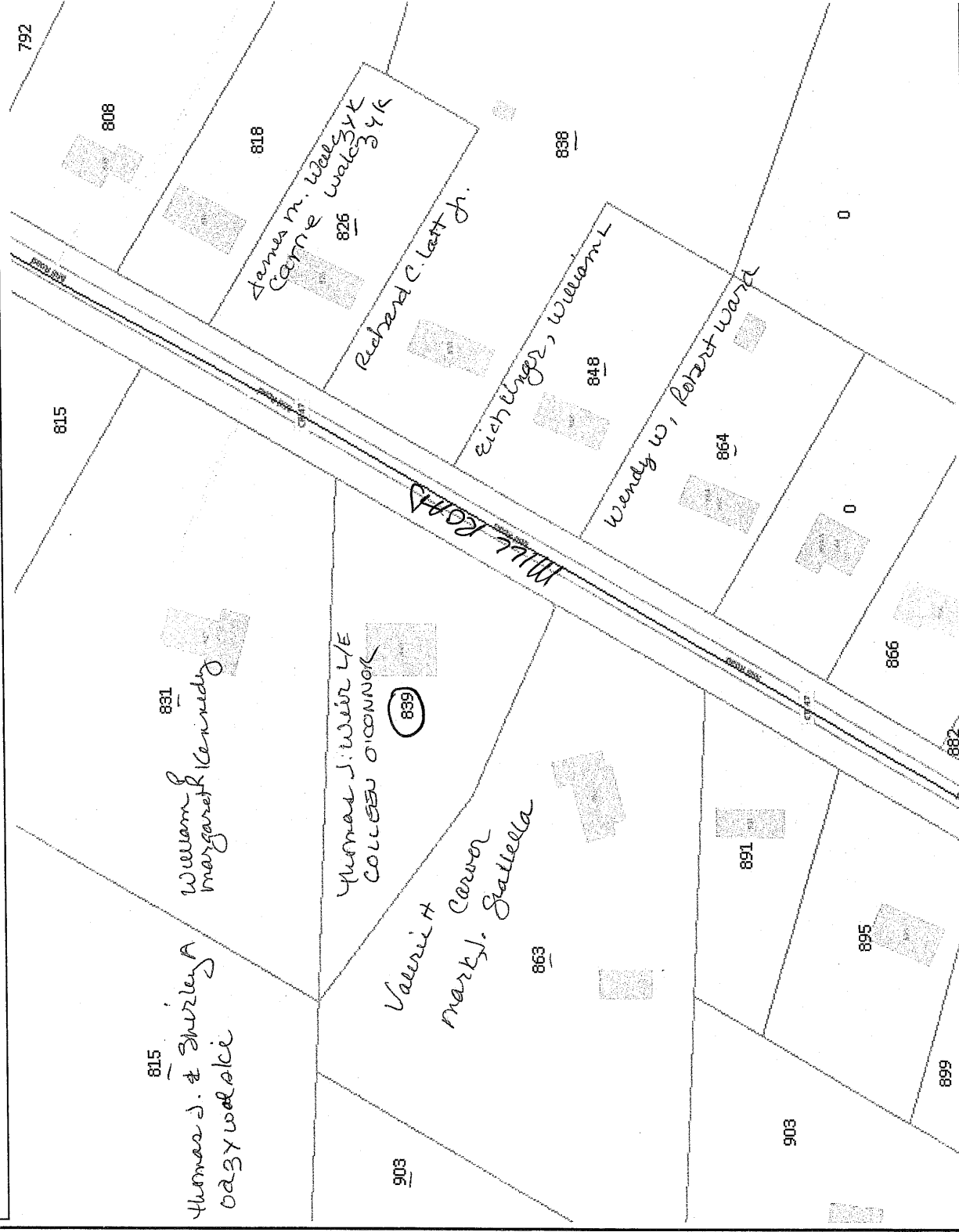
1569.93' to  
 North line Lot 29

1702

# Erie County On-Line Mapping Application

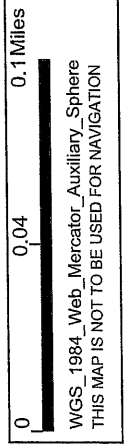


- Legend**
- Parcels
  - Streets and Highways
    - Interstate
    - Primary State Road
    - Secondary State Road
    - County Road
    - Local Road



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