



original

CASE NO. 1404

DATE OF HEARING 5/19/22

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

9

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Alana Kelley
Address 150 Bowen Rd.
City East Aurora State Ny ZIP 14052
Phone 7 Fax _____ Email _____
Interest In _____
(owner/purchaser/developer)

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

Property Owner(s) Name(s) Brian + Linda Kelley
Address 198 Orchardwood Dr.
City West Seneca State Ny ZIP 14054
Phone 7 Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 150 Bowen Rd.
SBL# 164-11-2-32
Property size in acres 1.10 Property Frontage in feet 130
Zoning District R1 Surrounding Zoning R1
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # _____
 Special Use Permit for: 2-4 chickens as per 116-19
 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)

Linda Kelly
Linda L Kelly
Signature of Applicant/Petitioner

Linda L Kelly
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.

Roseann Galbraith
Notary Public

ROSEANN GALBRAITH
Notary Public - State of New York
No. 01-GA6107024
Qualified in Erie County
My Commission Expires 3/15/2024

(Notary stamp)

Office Use Only: Date received: 4/14/22 Receipt #: 385700 cash

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)

MY PROPERTY ADDRESS DOES NOT PERMIT THE KEEPING OF POULTRY. I AM REQUESTING AN APPEAL TO THIS JURISDICTION IN ORDER TO PROVIDE ENVIRONMENTALLY & ECONOMICALLY ETHICAL EGG PRODUCTION FOR MY OWN PERSONAL USAGE. THE POULTRY COOP IS PRE-MADE & WILL ONLY HOUSE FROM 2-4 CHICKENS. THE CHICKENS WILL ALWAYS BE CONTAINED WITHIN THIS STRUCTURE & WILL NOT ROAM FREE UNATTENDED ON THE PROPERTY. CHICKENS ALSO IMPROVE SOIL TILT & HEALTH & CAN HELP REGULATE INVASIVE INSECT SPECIES THAT HARM INDIGENOUS PLANT LIFE.

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
300 Glead 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:

150 Bowen Rd
(address)

identified as Tax Map (SBL)# 164-11-2-32

hereby authorizes Uinda L Kelley 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.

Uinda L Kelley
Owner (print)

3/28/2022
Date

[Signature]
Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 28 day of MARCH, 2022, before me, the undersigned, a notary public in and for said state, personally appeared LINDA L KELLEY, 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.

[Signature]
Notary Public

ROSEANN GALBRAITH
Notary Public - State of New York
No. 01-GA6107024
Qualified in Erie County
My Commission Expires 3/5/2024

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

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TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

April 13, 2022

Alana Kelley
150 Bowen Rd
East Aurora, NY 14052

Dear Alana:

The Building Department has reviewed your request to keep 2-4 chickens on your property at 150 Bowen Rd. The request has been denied because it to meet the requirements of the Residence 1 (R1) Zoning District in which it is located.

Section 116-19A Keeping of dogs, fowl, and other animals in R1, R2 and R3 Districts

Required: No bees, cattle, horses, goats, sheep, swine, mink fox or other commercial fur-bearing animals, chickens, ducks geese, pigeons or other fowl shall be kept, harbored or maintained in any R1, R2, or R3 District. The Zoning Board of Appeals may grant temporary or permanent permission to keep chickens on such conditions as it may require.

Requested: 2-4 Chickens, no roosters

Variance: 2-4 Chickens

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,

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: CHICKEN COOP							
Project Location (describe, and attach a location map): BACKYARD							
Brief Description of Proposed Action: 40" H X 80" W X 22" D PRE-MADE CHICKEN COOP TO BE ASSEMBLED IN BACKYARD ACREAGE.							
Name of Applicant or Sponsor: ALANA M. KELLEY / Linda Kelley		Telephone: 716 333 7177 E-Mail: lkelley@gmail.com					
Address: 150 BOWEN RD							
City/PO: EAST ALBORA		State: NY	Zip Code: 14652				
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="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" 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="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><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? <u>1.1</u> acres b. Total acreage to be physically disturbed? <u>12.35 sq. ft.</u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>1.1</u> 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							

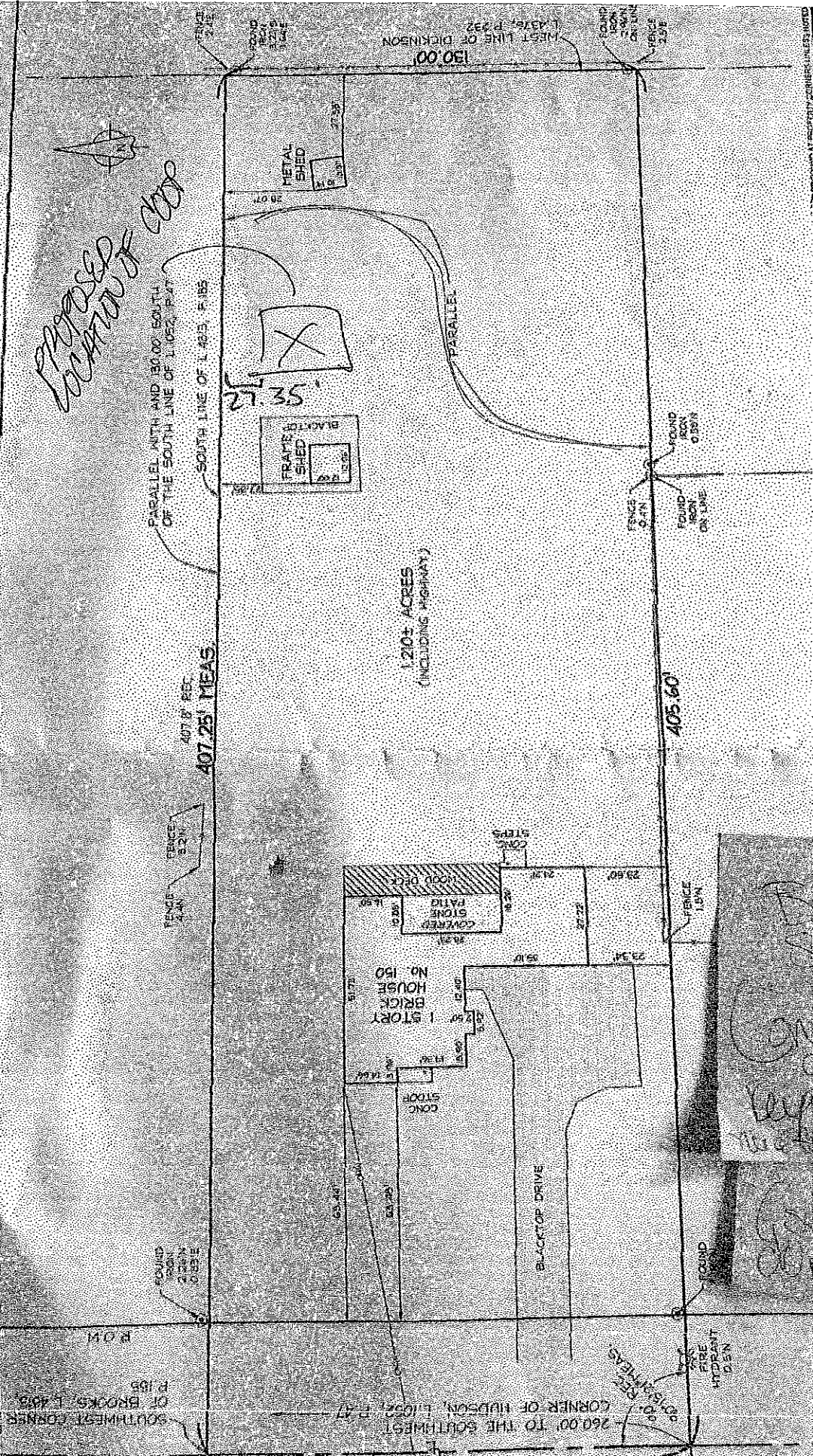
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" 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 checked="" 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: _____	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 site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" 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: _____	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: <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 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: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	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"/>

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

Applicant/sponsor name: ANDREW L. KELLEY Date: 3/28/2022

Signature: *Andrew L. Kelley*



Proposed
200.00 TO THE SOUTHWEST CORNER OF HUDSON, L. 485, P. 47

PARALLEL WITH AND 130.00 SOUTH OF THE SOUTH LINE OF L. 482, P. 47

407.25 MEAS.

1.204 ACRES (INCLUDING HIGHWAY)

PARALLEL

260.00 TO THE SOUTHWEST CORNER OF HUDSON, L. 485, P. 47

SOUTHWEST CORNER OF BROOKS, L. 485, P. 185

AT PROPERTY CORNER, L. 485, P. 185

8:57

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wayfair.com

/ Chicken / Chicken Coops / SKU: W005759758

Zebediah Chicken Coop with Chicken Run For Up To 2 Chickens

See More by [Tucker Murphy Pet™](#)

★★★★☆ 3.7 [383 Reviews](#)



~~\$119.99~~

You're pre-qualified! [Get the Wayfair Credit Card!](#)

Shopping for a business? [Unlock insider pricing](#)

Free Shipping

Product Details



Zebediah Chicken Coop with...
by Tucker Murphy Pet™

\$179.02

★★★★☆ 383

Add to Cart



Nesting Boxes



Weather Resistant



Solid Wood Construction

Overall Square Feet

12.3 †

Weights & Dimensions

Overall

40" H x 80" W x 22"

D

Free Shipping

Get it between Sun, Aug 10 - Wed, Aug 12

Product Details

X

Weights & Dimensions

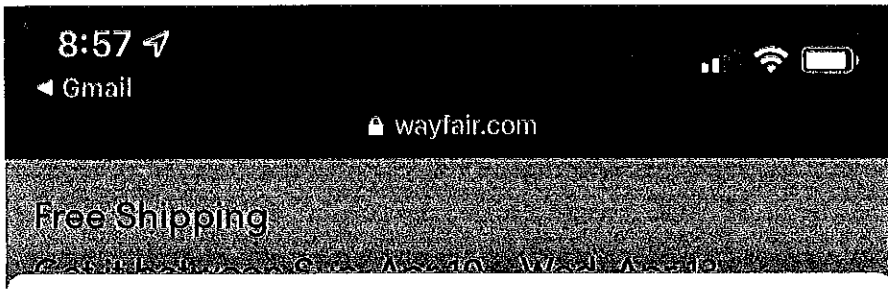
Overall	40" H x 80" W x 22" D
Nesting Box	14" H x 13" W x 20.5" D
Overall Square Feet	12.3 square feet
Overall Product Weight	57 lb.

- The main coop is 39.75 inches in length.
- The run cage is 40x44x22 (LxHxW) inches.
- Door Dimensions: 11.18" W x 12.57" L.

Description

Product Details

- Chicken Capacity: 2
 - Number of Levels: 2 - Levels
 - Chicken Run Included: Yes
 - Weather Resistant: ~~Yes~~
-



Product Details



Product Details

- Chicken Capacity: 2
- Number of Levels: 2 - Levels
- Chicken Run Included: Yes
- Weather Resistant: Yes
- Frame Material: Wood; Metal

Features

- Solid rain-resistant fir wood with environmental paint keep the poultry hutch waterproof and not afraid of the sun anymore. Green asphalt sloping roof to protect from water penetration.
 - It comes with a removable bottom sliding tray for easy cleaning. Heavy-duty galvanized wire fencing is not only vital to the ventilation of poultry, but it will also protect your animals from outside predators.
 - The sliding door and ramp allow poultry to enter the raised housing area. There are timber ridges above the ramp to protect your poultry from slipping back.
-

8:57 ↗

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🔒 wayfair.com

Free Shipping

Product Details



Specifications

Features

Product Type	Chicken Coop
Chicken Capacity	2
Number of Levels	2 - Levels
Frame Material	Wood; Metal
Frame Material Details	Fir wood
Finish	Brown
Solid Wood Construction	Yes
Nesting Box Included	Yes
Nesting Box Material	Wood
Number of Nesting Boxes	1

8:58 ↗

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🔒 wayfair.com

Free Shipping

Product Details

×

Chicken Run Included	Yes
-------------------------	-----

Pull-out Tray Included	Yes
---------------------------	-----

Removable Tray	Yes
----------------	-----

Pull-out Tray Material	Wood
---------------------------	------

Wire Mesh Included	Yes
--------------------	-----

Wheels Included	No
-----------------	----

Ramp Included	Yes
---------------	-----

Ramp Material	Wood
---------------	------

Removable Ramp	Yes
-------------------	-----

Door Included	Yes
---------------	-----

Door Material	Wood
---------------	------

Number of Doors	1
--------------------	---

Window Included	Yes
-----------------	-----

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🔒 wayfair.com

Free Shipping

Product Details

✕

Window Included	Yes
-----------------	-----

Number of Windows Included	1
----------------------------------	---

Roof Included	Yes
---------------	-----

Roof Material	Wood
---------------	------

Roof Finish	Green
-------------	-------

Hinged Roof	Yes
-------------	-----

Removable Roof	Yes
----------------	-----

Floor Included	No
----------------	----

Locking System Included	Yes
----------------------------	-----

Private Sleep Space Included	Yes
---------------------------------	-----

Weather Resistant	Yes
-------------------	-----

Water Resistant	Yes
-----------------	-----

Supplier Intended and Approved Use	Non Residential Use: Residential Use
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Free Shipping

Product Details



Features

- Solid rain-resistant fir wood with environmental paint keep the poultry hutch waterproof and not afraid of the sun anymore. Green asphalt sloping roof to protect from water penetration.
 - It comes with a removable bottom sliding tray for easy cleaning. Heavy-duty galvanized wire fencing is not only vital to the ventilation of poultry, but it will also protect your animals from outside predators.
 - The sliding door and ramp allow poultry to enter the raised housing area. There are timber ridges above the ramp to protect your poultry from slipping back. Your poultry can lay their eggs in the nesting box.
 - Easily assembled required, don't hesitate to get one coop for your chicken duck or rabbit or any other your lovely pet you like
 - The main poultry house is elevated for preventing damage from wet conditions.
-

155

155

147

147

Donald + Karen
Mills

141

Rahayu
Vitouso

141

127 127

95

170

160

160

Thomas + Susan
Brooks

150

150
Buar, Linda
KEUBY alana

140

140

Robert + Jennifer
Murbachi

Cory Zale
Amelia
Deatonis

36
Norma +
Edward
Carbeck

Christopher + Becky

10¹⁰

Freeman

26

26

36

Hillcrest Road

Bowen Road