



CASE NO. 1419

DATE OF HEARING ~~10/20/22~~
11/17/2022

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 John and Elaine Diringer
Address 1530 Center Street
City East Aurora State NV ZIP 14052
Phone 716 x - Email EDi AIL.COM
Interest in t OWNE (purchaser/developer)

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

Property Owner(s) Name(s) N/A
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1530 Center Street
SBL# 187.00-3-31
Property size in acres 1.80 Property Frontage in feet 200
Zoning District RR1A Surrounding Zoning RURAL RESIDENT RR1A
Current Use of Property RESIDENCE

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

- Building of New Storage shed (14'x16')
For Storage of LAWN AND garden Equipment,
Outdoor Furniture, Snow equipment
- Trees, Slope of LAND, septic, patio MAKE THIS
The ONLY CHOICE AVAILABLE
- As we aged, We find it more Difficult To Store
these items IN the Basement, Needing more
Accessible Storage Location

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)

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

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

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

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

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

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. Golle
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

September 14, 2022

John and Elaine Diring
1530 Center St
East Aurora, NY 14052

Dear Mr. & Mrs. Diring:

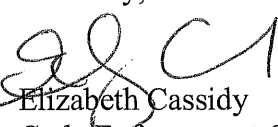
The Building Department has reviewed request to construct a shed at your residence at 1530 Center St. The request has been denied because it fails to meet the code requirements for accessory buildings for the Rural Residential Zoning District.

Section 116-8.4E(4) and 116-18A
Required: No accessory building shall be erected in the front yard.
Requested: Accessory building in the front yard
Variance: Accessory building in the front yard

Section 116-8.4E(1)
Required: Front yard setback of 75'
Requested: Accessory building approximately 52' from ROW
Variance: 23'

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 next available hearing. If you have any questions, please contact our office at 652-7591.

Sincerely,


Elizabeth Cassidy
Code Enforcement Officer

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: ZR-22-611

Postmark/Delivery Date: 9/27/22

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn. A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 10/20/2022 **Time** 7:00pm **Location** 575 Oakwood Ave., E. Aurora, NY

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 Address: 1530 Center Street, Town of Aurora

5a. S.B.L. of Property: 187.00-3-31

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: Proposed accessory building in front yard of residence and setback less than 75' not allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Librock, Town Clerk Email: townclerk@townofaurora.com

10. Return Address: 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 9/27/22. 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. Comment on proposed action is attached hereto.
3. The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: Sarah E. Gatti Date: 10/21/22

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: Construction of SHED			
Project Location (describe, and attach a location map): North of EXISTING Structure			
Brief Description of Proposed Action: Construction of 14' x 16' STORAGE SHED			
Name of Applicant or Sponsor: John AND ELAINE DIRINGER		Telephone: [REDACTED] 9	
Address: 1530 Center Street		E-Mail: EJ [REDACTED]@mail.com	
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.			NO <input type="checkbox"/> YES <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:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>1.8</u> acres	
b. Total acreage to be physically disturbed?		<u>1</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 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			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>N/A</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: <u>N/A</u></p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>	
<p>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?</p> <p>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?</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	

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 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? If Yes,	NO	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)? 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"/>

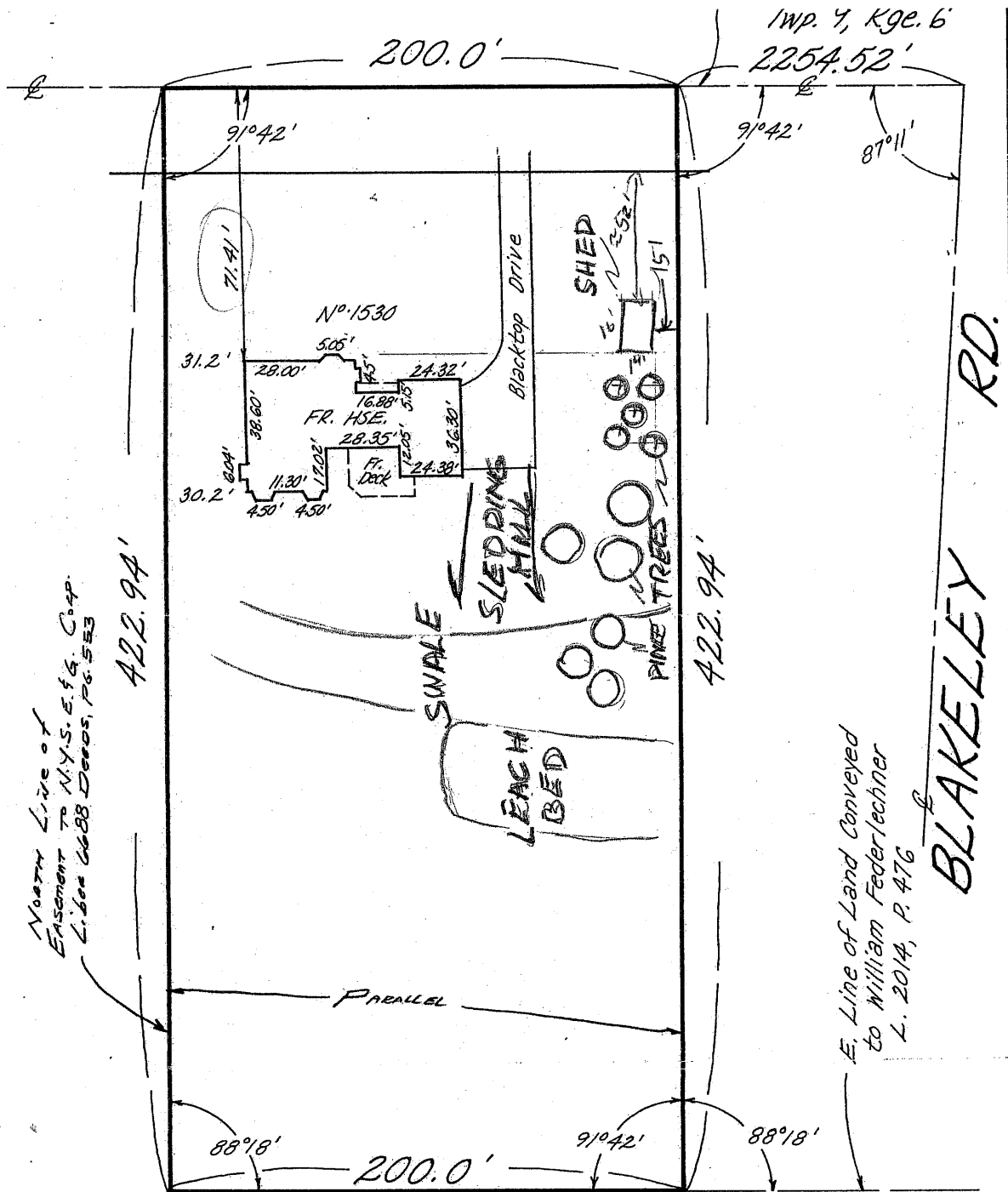
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Applicant/sponsor/name: JOHN AND ELAINE DIRINGER Date: 9/8/2022

Signature: *J. Diringer* Title: OWNERS

Elaine Diringer



Parallel with W. Line of Lot 19, Twp. 9, Rge. 6 & Center St.

SURVEY DATE	4-20-92	SCALE:	1"=50'	SBL NO.	187.00-3-31	CHARLES E. DENVER LICENSED LAND SURVEYOR N.Y.S. LICENSE NO. 49262 6 HUNTINGTON COURT WILLIAMSVILLE, N.Y. 14221 PHONE (716) 631-8041
LOCATION	Town of Aurora	JOB NO.:	92-1586	RE-SURVEY		
	County of Erie, New York					
	Part of Lot 19, Twp. 9, Rge. 6					
MAP COVER						

This Agreement is made between John & Elaine Diringler ("Homeowner")
 at 1530 Center St East Aurora NY 14052

Home Phone # 716 Phone # _____ Email j
 and Race Storage Sheds _____

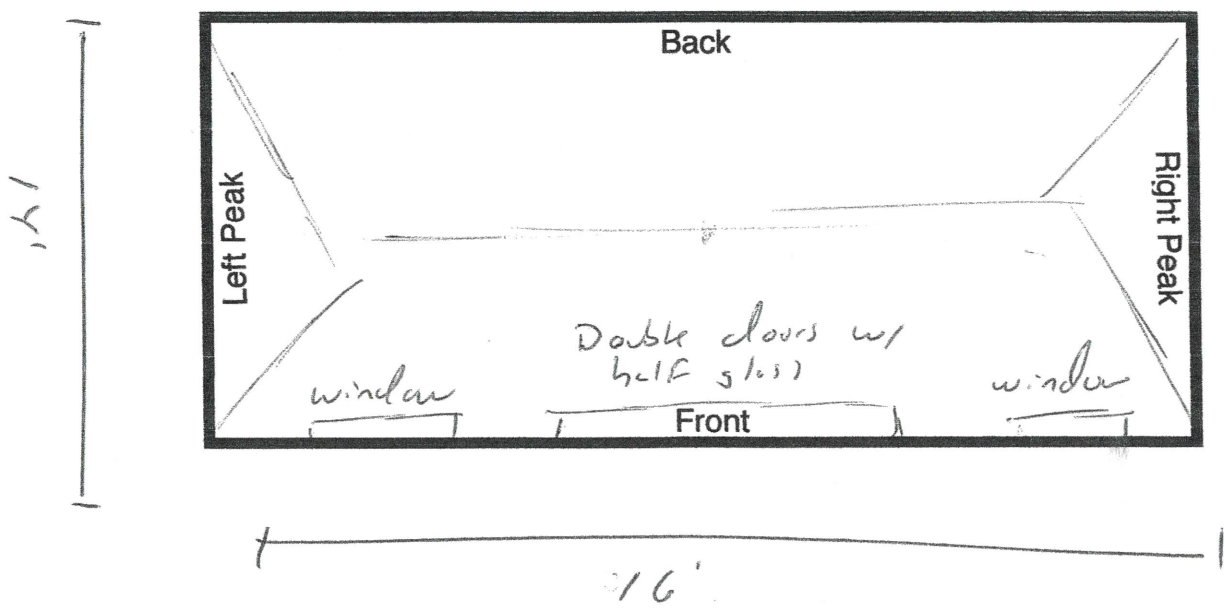
1. Building specifications

Shed size: 14' x 16' x 11'H
 Roof: Metal X Shingled _____ Color Charcoal Black gray
 Siding: Sage
 Shutters: Panel _____ Louvered X Color Forest Green
 Door Placement # 1: _____
 Door Placement # 2: _____
 Window Placement #1 _____
 Parking: _____
 Electrical Hookup: _____
 Shed position comments: _____

Concrete: 14' x 16' w/ haunch
 Stone Base: _____
 Skirt: _____
 Ramp: _____
 Loft: _____
 Shelf: _____
 Extra Window: _____
 Extra Door: _____
 Overhang: _____
 Other: _____
 Other: _____

Estimated span work shall commence on:

Concrete pad or stone base-
 Shed install-

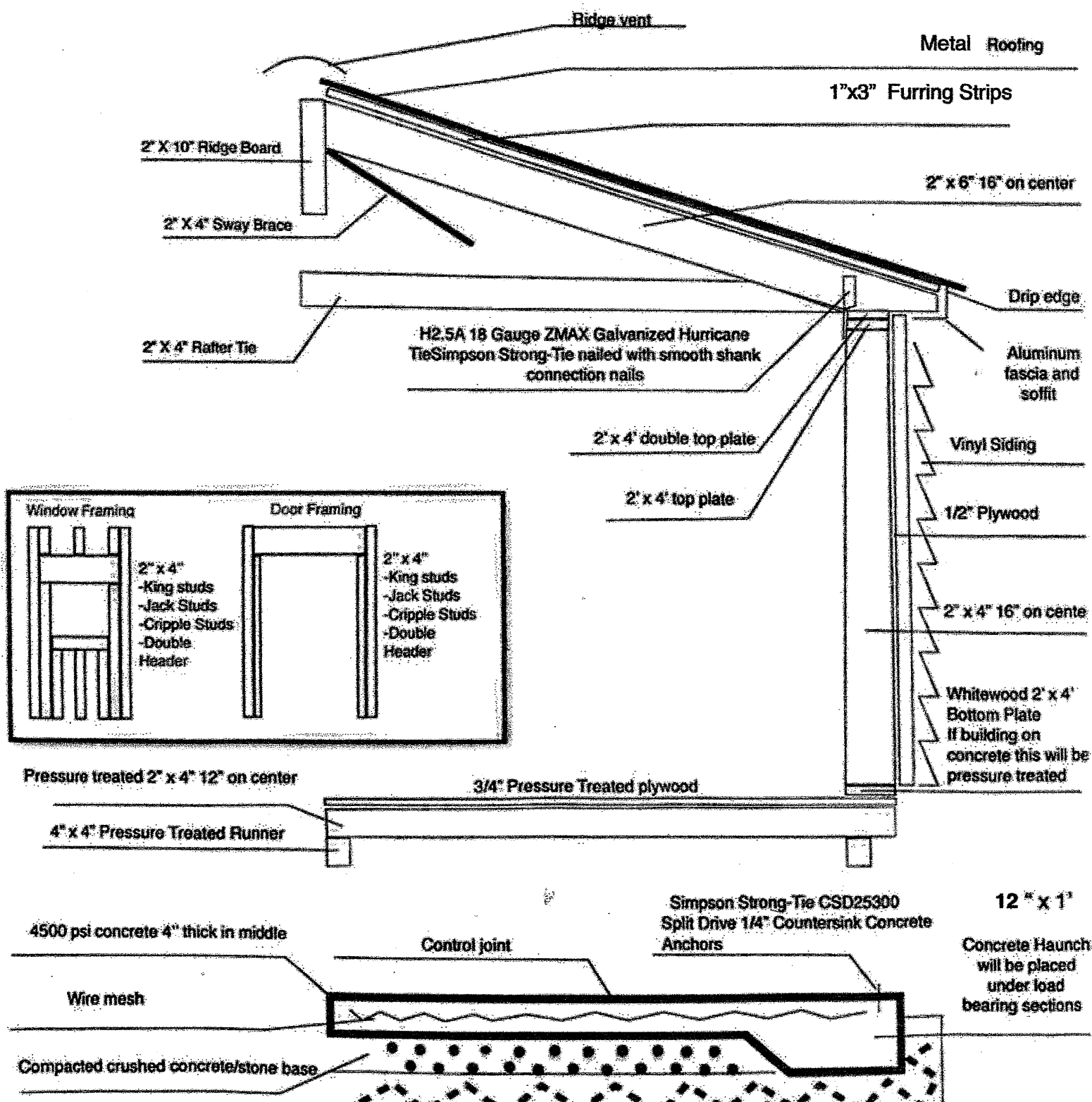


Contractor Name _____ PHONE # _____

Address _____

Contractor Name: Race Storage Sheds LLC. Phone #: Ben Race (716) 566 - 8254 Email: RaceStorageSheds@gmail

Building Size - Length 16' Width 14' Height 11' The floor will be: Concrete X Wood _____



Race Storage Sheds LLC. Contractor Agreement

2. Services to be preformed

Contractor shall furnish all labor and materials to construct and complete the project.

3. Payment

Owner shall pay Race Storage Sheds LLC. for all labor and materials in the sum of 20,781.03

4. Terms of payment

Race Storage Sheds LLC. shall be paid a deposit of 2,000.00 checks # 5377 upon signing this agreement and the remaining amount due the same day the shed instillation is finished.

5. Time of completion

The work to be preformed under this agreement shall be estimated to commence on concrete sep 21 - shed 30
oct 17 - 25th

6. Permits and approvals

Owner shall be responsible for determining which local and state permits are necessary for performing the specified work and for obtaining and

concrete	14' x 16' shed -	10,395.00
	pad w/ bench -	8,064.00
	add window -	375.00
	doors w/ half glass -	725.00
		<u>19,109.00</u>
	ftv	<u>1,672.03</u>
		<u>20,781.03</u>



Signature of owner

JOHN DREINGER
 Print name of owner

AUG 5 2022
 Date



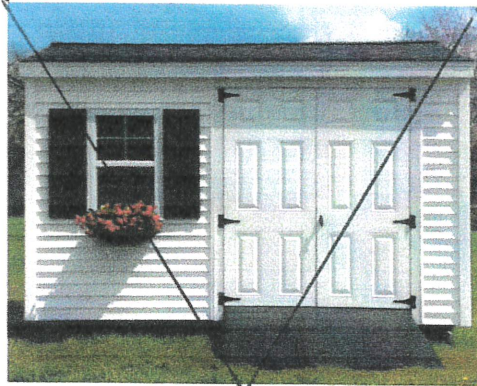
Signature of contractor

8-5-22
 Date

-----Upon signing homeowner agrees to all terms and conditions one the back of this contract-----



- Concrete pads / Walkways
- Stone Bases
- Old Shed Removal
- Ramps
- Shelves
- Critter Skirts
- Extra Wall Height
- Site Work
- Custom Pella Windows
- Custom Fiberglass Doors
- Garage Doors
- Service Bar Windows
- Granite Counter Tops
- Shake Siding
- Metal / Shingle Roofs
- Cupolas
- Gutters
- Partition Walls
- Changing Rooms



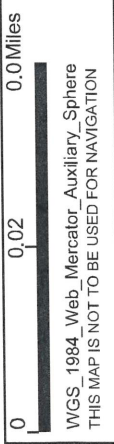


Erie County On-Line Mapping Application



Legend

□ Parcels



WGS_1984_Web_Mercator_Auxiliary_Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

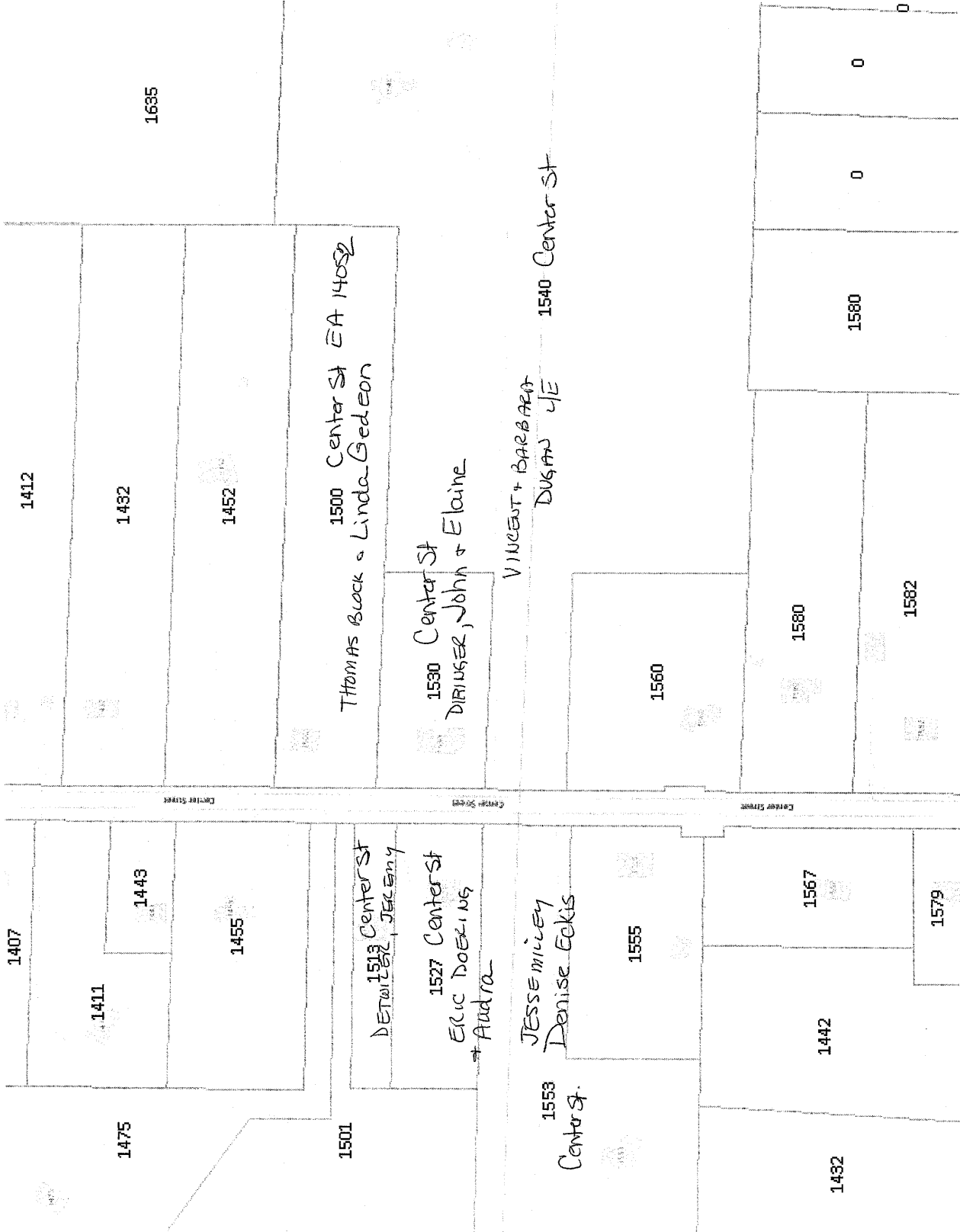
ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

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.



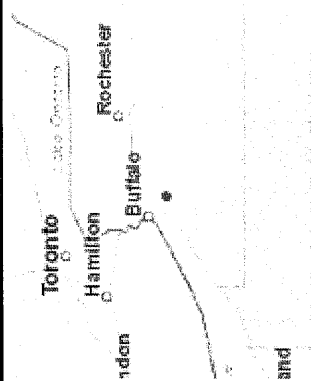
1: 1,128

Erie County On-Line Mapping Application



Legend

Parcels



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