

original



CASE NO. 1464

DATE OF HEARING 3/21/2024

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 Kelly O'Connor
Address 12 W. Falls Rd
City W-Falls State NY ZIP 14170
Phone 711 Email Kelly@1.com
Interest in the property as (applicant, purchaser/developer) OWNER

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

Property Owner(s) Name(s) ~~Kelly~~ SAME
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

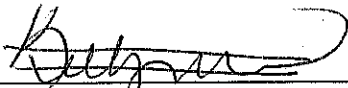


III. PROPERTY INFORMATION

Property Address 12 W. Falls Rd
SBL# 186-04-1-7.2
Property size in acres 0.902 Property Frontage in feet 164 x 196
Zoning District R1 Surrounding Zoning R1
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.1 E
 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)

  
Signature of Applicant/Petitioner

Kelly O'Connor
Print name of Applicant/Petitioner


State of New York; County of Erie

On the 12 day of February the year 2024 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.


Notary Public

(Notary stamp)

KARIN L. DOJNIK
Notary Public, State of New York
Reg. # 01DO6445148
Qualified in Erie County
Commission Expires December 12, 2024

Office Use Only: Date received: 2/12/24 \$100 cash Receipt #: 891110 

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)

I would like to improve the curb appeal of my home on West Falls and Mill Roads and be able to use my front door. As it stands, my front door is inaccessible as it has a small stone path to the culvert (ditch) along West Falls Road. Building a small porch on the West Falls side would allow us to enter the house through the main entrance door.

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)

**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.: _____

Postmark/Delivery Date: _____

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** 3/21/2024 **Time** 7:00pm **Location** 575 Oakwood Ave., EA

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: 12 West Falls Rd, PO W. Falls

5a. S.B.L. of Property: 186.04-1-7.2

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 porch addition to front of house closer to right of way than
(specify the action, such as the scope of variances or site plans) allowed by Town Code

8. Other remarks: Proposed porch would be about 1/2 foot from R.O.W line

9. Submitted by: Martha L. Libroock, 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 _____. 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: _____ Date: _____

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Libroek
(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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csnyder@townofaurora.com

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Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

Kelly O'Connor
12 West Falls Rd
West Falls, NY 14170

January 12, 2024

Kelly:

The Building Department has reviewed your request to construct a front porch at your property at 12 West Falls Rd. The request has been denied because it fails to meet the code requirements for the front yard setback in the Residence 1 (R1) District in which it is located.

Section 116-8.1E(1)

Required: Front yard setback is a minimum of 75 feet from the street right-of-way

Requested: Front porch with a front yard setback of .54'

Variance: 74.46'

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,

A handwritten signature in cursive script that reads "Elizabeth Cassidy".

Elizabeth Cassidy
Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

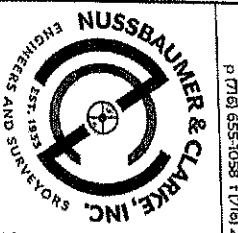
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Porch extension and reconstruction			
Name of Action or Project:			
12 West Falls Road			
Project Location (describe, and attach a location map):			
Property on 12 West Falls Road			
Brief Description of Proposed Action:			
To build a porch on the main side of house, facing West Falls Road.			
Name of Applicant or Sponsor:		Telephone: -	
Kelly O'Connor		E-Mail: Kailon	
Address:			
12 West Falls Road			
City/PO:		State:	Zip Code:
W. Falls		NY	14170
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: TOA Building permit		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		.902 acres	
b. Total acreage to be physically disturbed?		.300 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.89 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 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,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<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?		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?		NO	YES	
If Yes, identify: _____		<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	
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: <u>NA</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: <u>NA</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: <u>NA</u>		<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?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 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?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				

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? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
If Yes, briefly describe: _____ <i>to the ditch</i> _____ _____		
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: _____ <i>Burn</i> _____ Date: <i>2/12/24</i> Signature: _____ Title: _____		



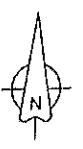
509 Main Street, P.O. Box 516, East Aurora, NY 14052
 P (716) 655-1058 F (716) 270-6091 WWW.NUSSBAUMER.COM

BOUNDARY SURVEY
 12 West Falls Road
 Part of Lot 43, Township 9, Range 6
 Holland Land Company's Survey
 Town of Aurora
 County of Erie, State of New York
 SBL: 186-04-1-72
 Scale: 1" = 40'
 Date of Survey: 6/23/2015 Project Number: 1513-0223A

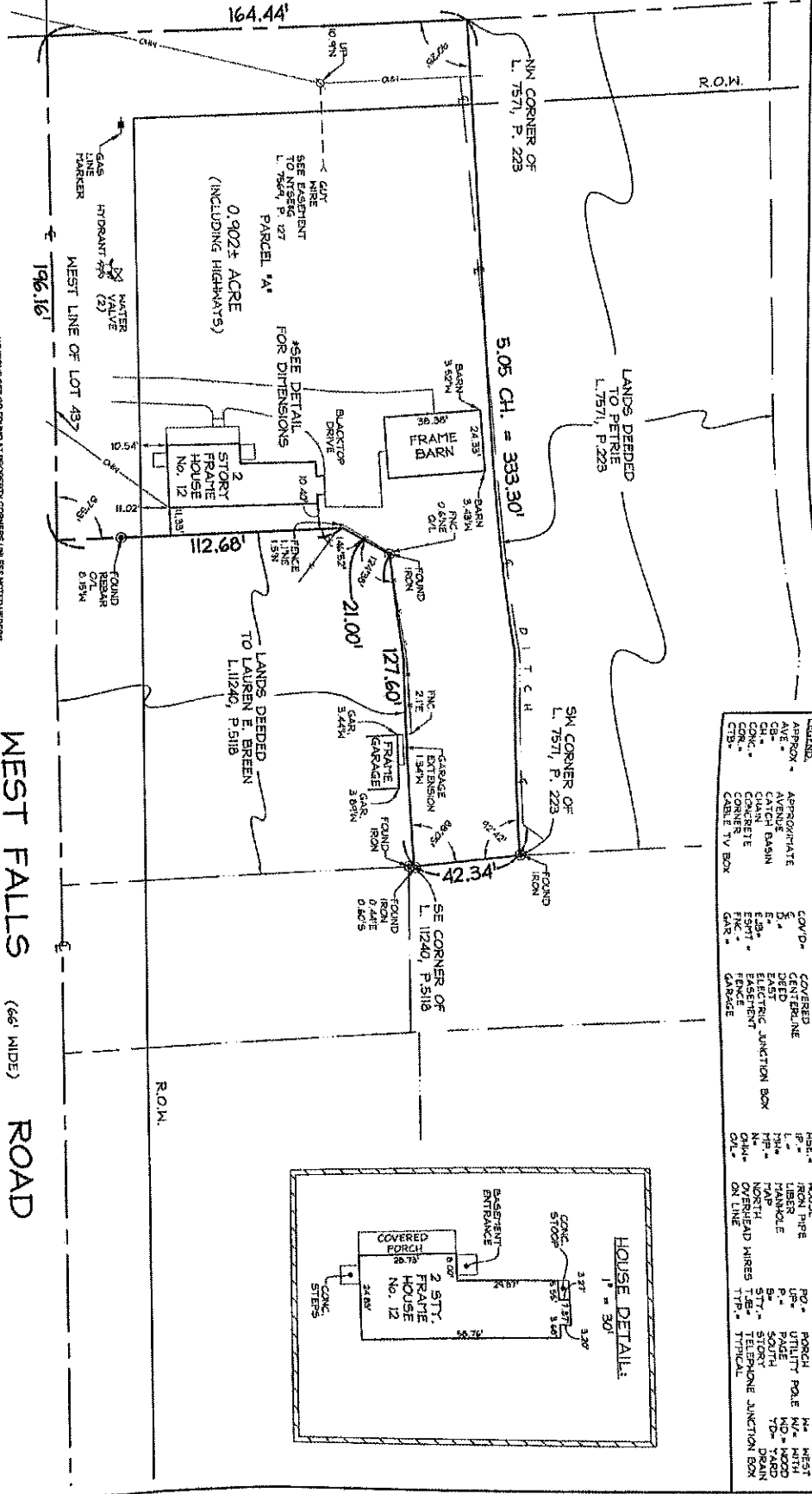
Robert M. Karpman

RESURVEYED: 10/6/2023

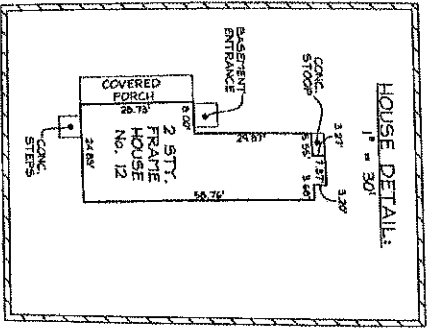
NO POINT SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED OTHERWISE.



MILL ROAD (66' WIDE)
 (FORMERLY SWEET ROAD)

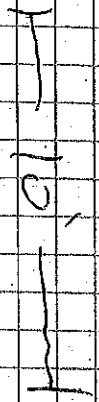


SYMBOL	DESCRIPTION
APPROX.	APPROXIMATE
AVE.	AVENUE
CH.	CATCH BASIN
CHK.	CHIMNEY
CONC.	CONCRETE
COR.	CORNER
CTB.	CABLE TV BOX
COV'D.	COVERED
5.4.	CENTERLINE
E.A.	EAST
E.S.	EASTERN
E.SPT.	EAST-JUNCTION BOX
F.K.	FENCE
F.K.	FENCE
GAR.	GARAGE
HSE.	HOUSE
IF.	IRON
LIBER	LIBER
MARK	MARKER
NAP.	NAIL
NORTH	NORTH
NORTH	NORTH
ON LINE	ON LINE
P.O.	POST
UP.	UTILITY
PAVE	PAVED
SOUTH	SOUTH
SOUTH	SOUTH
TELEP.	TELEPHONE
TYP.	TYPICAL
M.W.	MANHOLE
M.D.	MOUND
TD.	TRENCH
DRAN	DRAIN
JUNCTION BOX	JUNCTION BOX

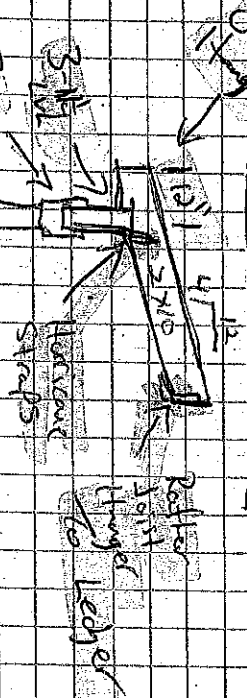


WEST FALLS ROAD (66' WIDE)
 (ALSO KNOWN AS WESTFALL ROAD)

D-west falls
Roof Detail

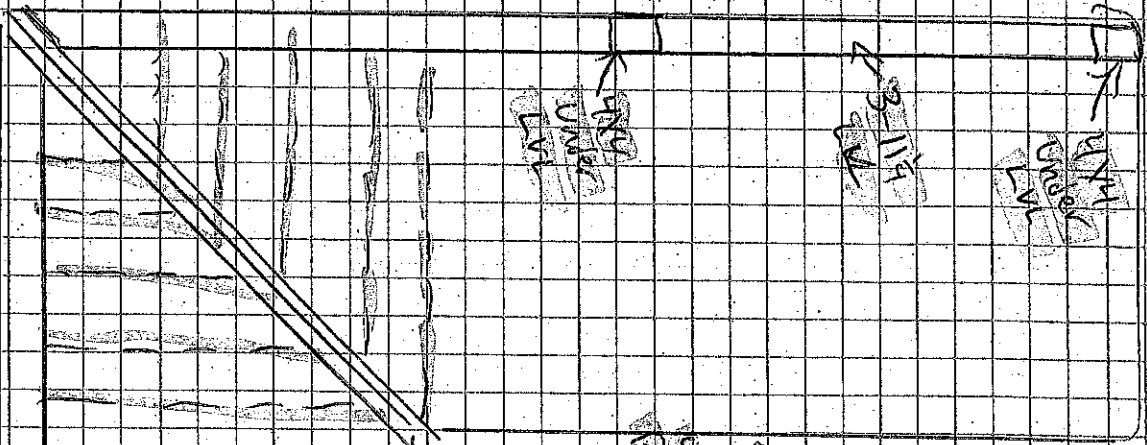


Pitch Detail



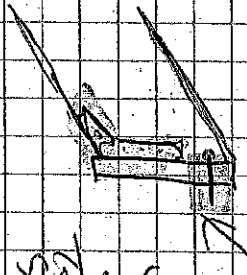
Using 1/2" CPX Plywood Decking on Roof

20'



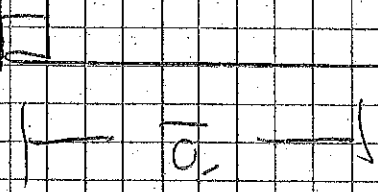
2x10 Rafters 16" OC

Solid blocking
4x4
Rafter
15
3-1/2" LVL
to Post

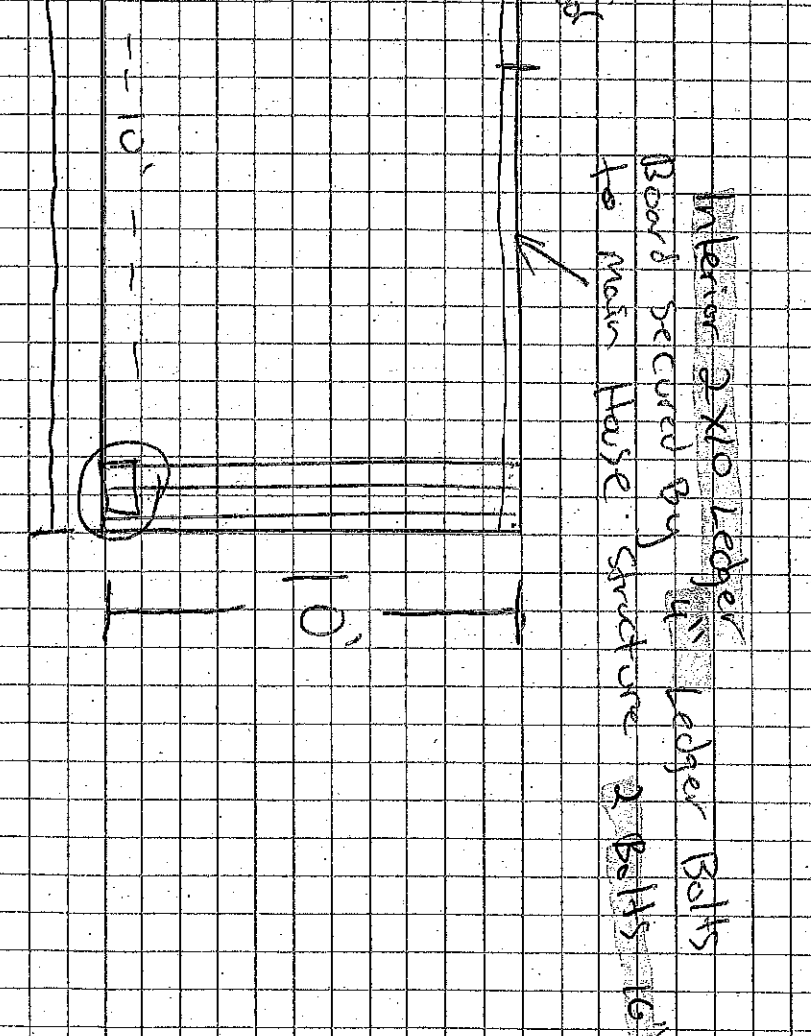
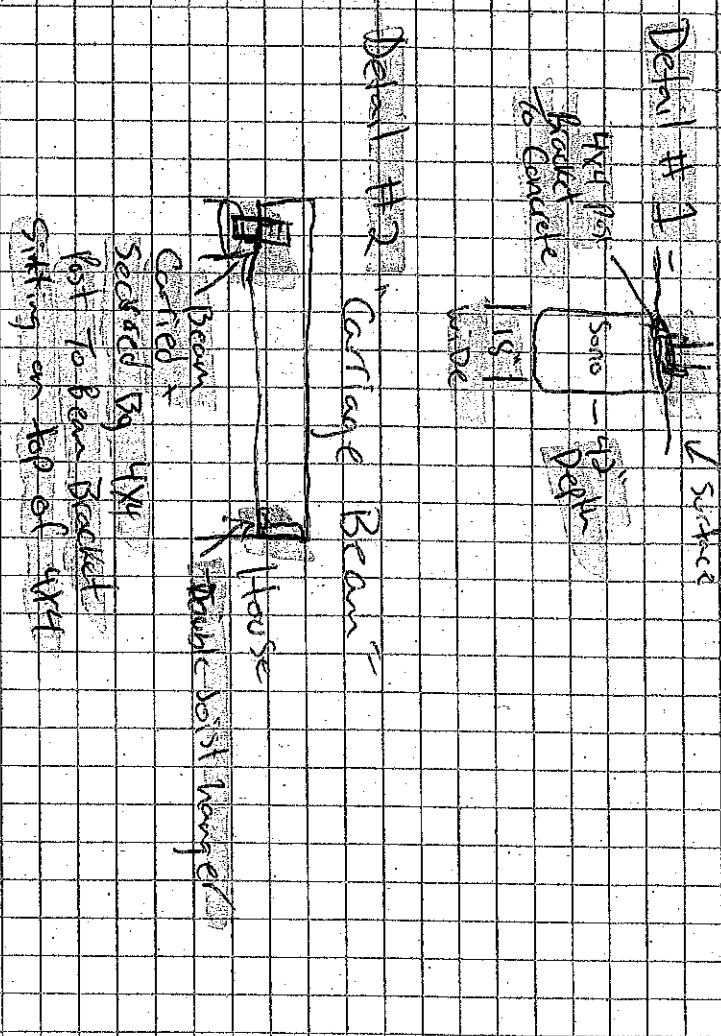
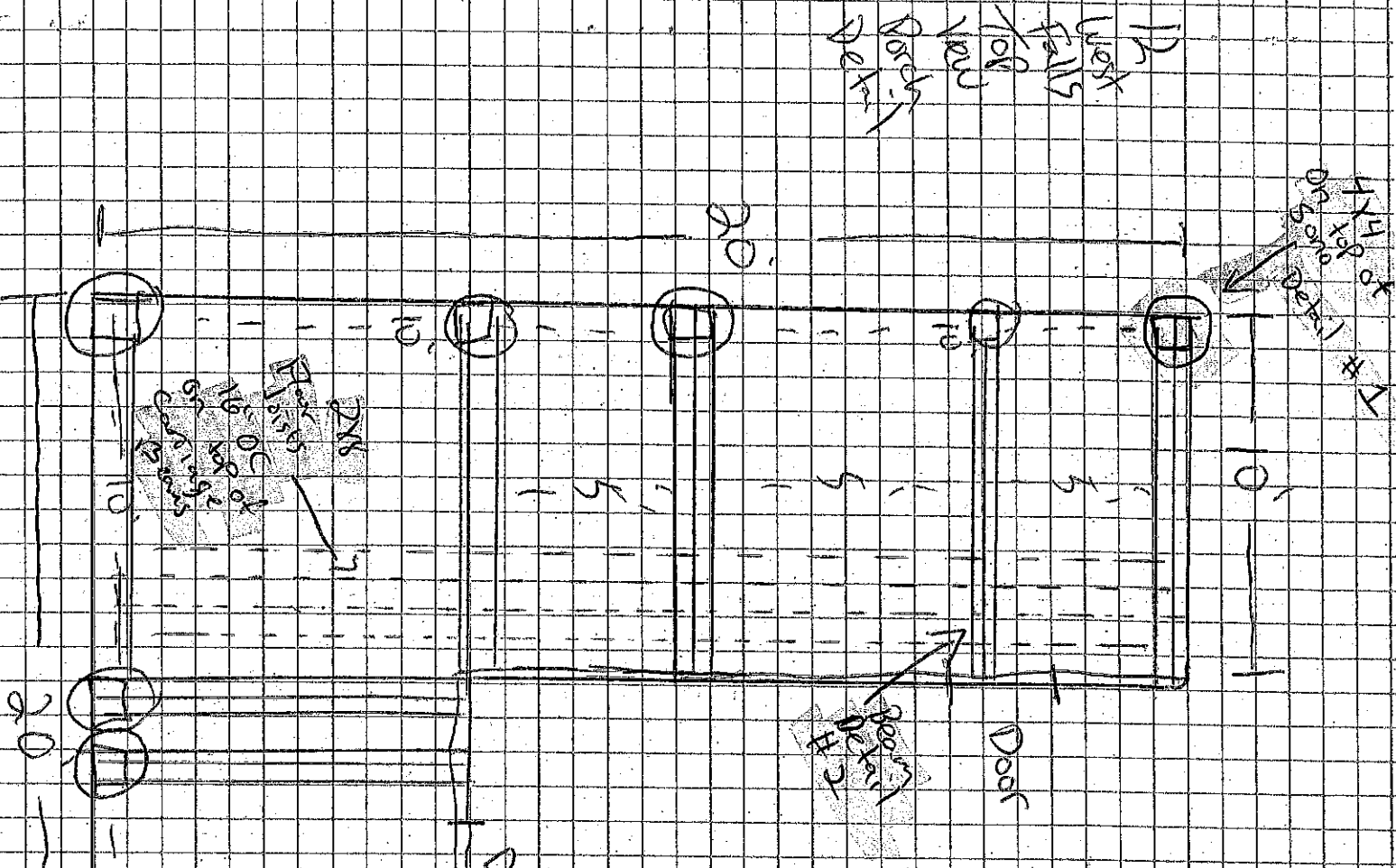


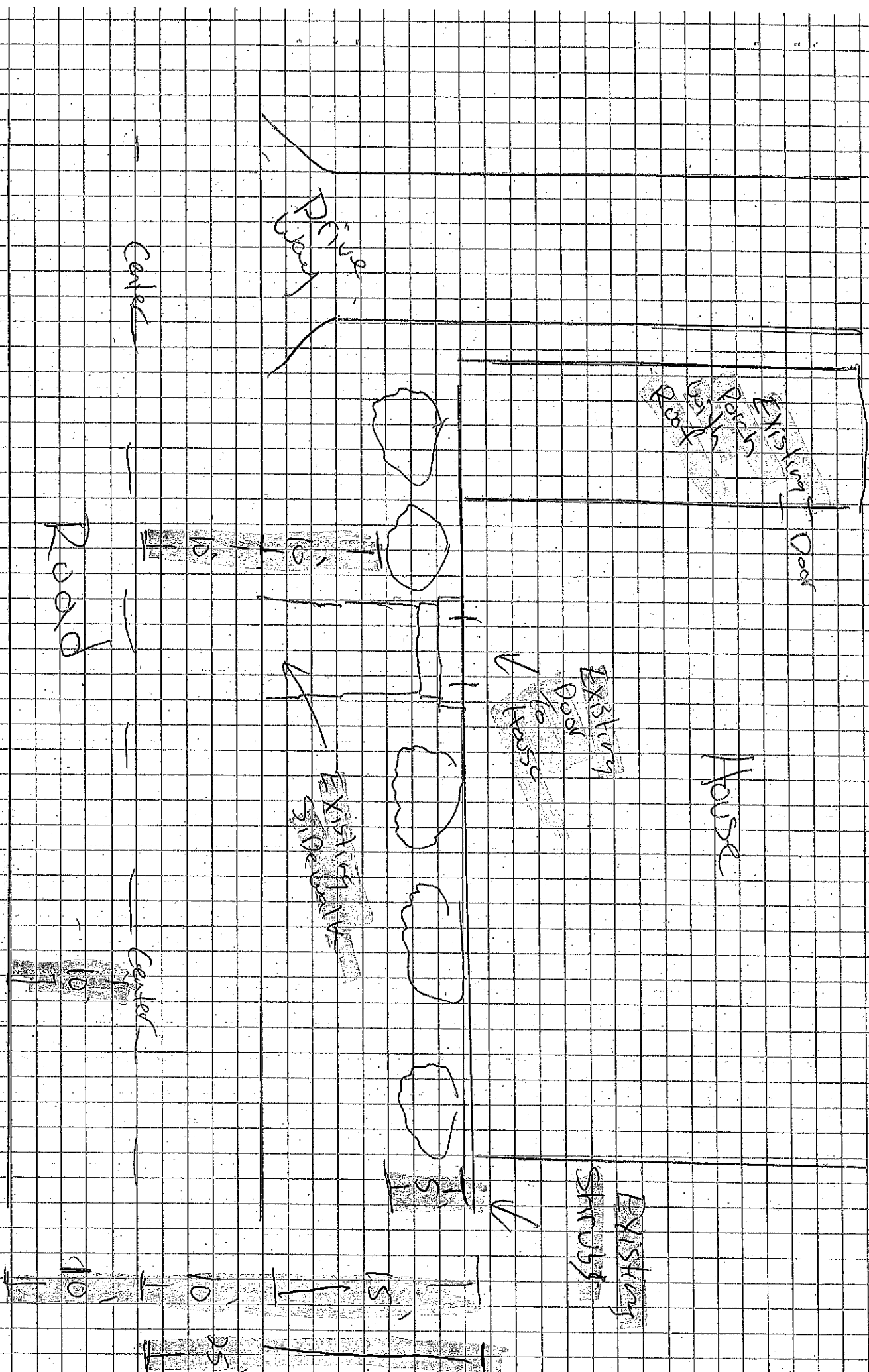
15
Ledger
2x12
with 5" Bolts
every 16" OC
to main house
structure

20'



10'





HOUSE

EXISTING DOOR
DOOR
DOOR
DOOR

EXISTING DOOR
DOOR
DOOR

EXISTING SNUBS

Pond

EXISTING DRIVEWAY

Center

Center

Road

10'

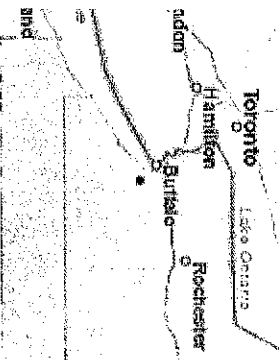
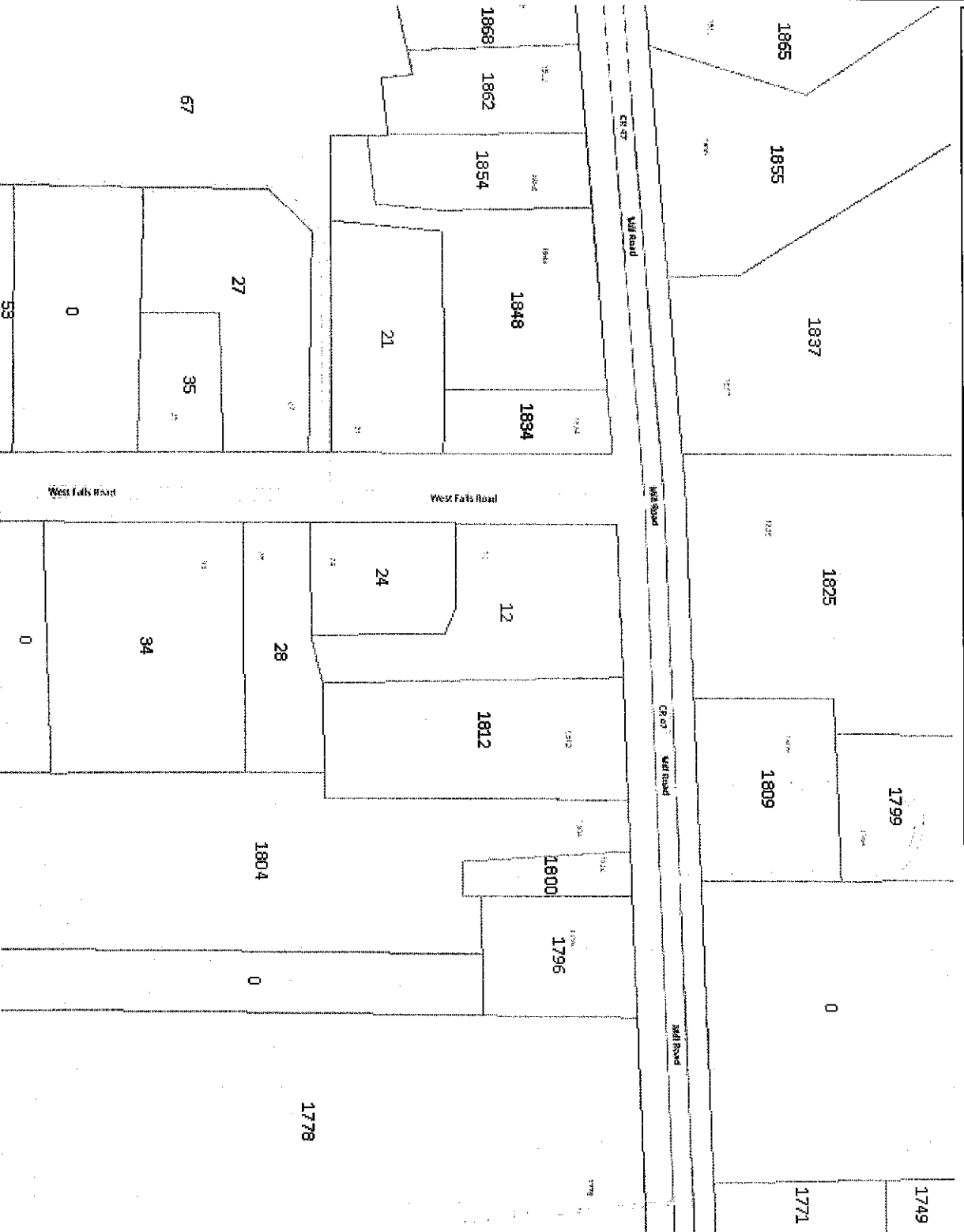
10'

15'

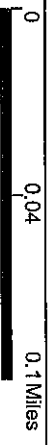
25'



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: 2,257

