

original



CASE NO. 1464 (REVISED)

DATE OF HEARING 3/24/2024  
5/16/2024

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 716-746-9369 Fax \_\_\_\_\_ Email kellyoc519@gmail.com  
Interest in the property (ex: owner/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) # 116-8.1E  
 Special Use Permit for: \_\_\_\_\_  
 Use Variance for: \_\_\_\_\_  
 Interpretation of \_\_\_\_\_

Case # 1464  
Exhibit # 3  
Date 3/24/24  
Sam

**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)

[Handwritten Signature]

Kellison

KOC

Signature of Applicant/Petitioner

Kelly O'Conner

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.

[Handwritten Signature]  
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 #:

89110

[Handwritten Signature]

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)

Case # 1464  
Exhibit # (4)  
Date 3/11/24  
Sam

SUPERVISOR  
Charles D. Snyder  
(716) 652-7590  
[csnyder@townofaurora.com](mailto:csnyder@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

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

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

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

Raymond M. Wrazen  
[rwrazen@townofaurora.com](mailto:rwrazen@townofaurora.com)

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

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

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

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

FAX: (716) 652-3507

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

April 18, 2024 Revised


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 116-8.1B(1)  
Required: Front yard setback is a minimum of 75 feet from the street right-of-way  
Requested: 4'8" front yard setback  
Variance: 70'4"

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

Case # 1464  
Exhibit # 12  
Date 4/18/24  
sam

**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 - m. 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** May 16, 2024      **Time** 7:45pm      **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: 12 West Falls Road, PO W. Falls

**5a. S.B.L. of Property:** 186.04-4-7.2

**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 on front of dwelling closer to right-of-way than allowed by Town Code. 4.6 feet requested, 75 feet required  
*(specify the action, such as the scope of variances or site plans)*

**8. Other remarks:** This is a revised application. Original request was 6 inches from right of way.

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

**10. Return Address:** 575 Oakwood Avenue, East 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: \_\_\_\_\_

# 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: 716-796-9369	
Kelly O'Connor		E-Mail: Kellyoc50@gmail.com	
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 ft 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			
		Case # <u>1464</u> Exhibit # <u>(8)</u> Date <u>3/21/24</u> <u>Jam</u>	

5. Is the proposed action,	NO	YES	N/A
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? 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: <u>NA</u>	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: <u>NA</u>	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: <u>NA</u>	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"/>	
	<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:		
<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 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)?	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: _____ <i>Bellman</i> _____ Date: <i>2/12/24</i> Signature: _____ Title: _____		



Proposed Front Porch Addition  
 To The  
 O'Connor / Arizona Residence  
 12 West Falls Road, East Aurora, New York 14052

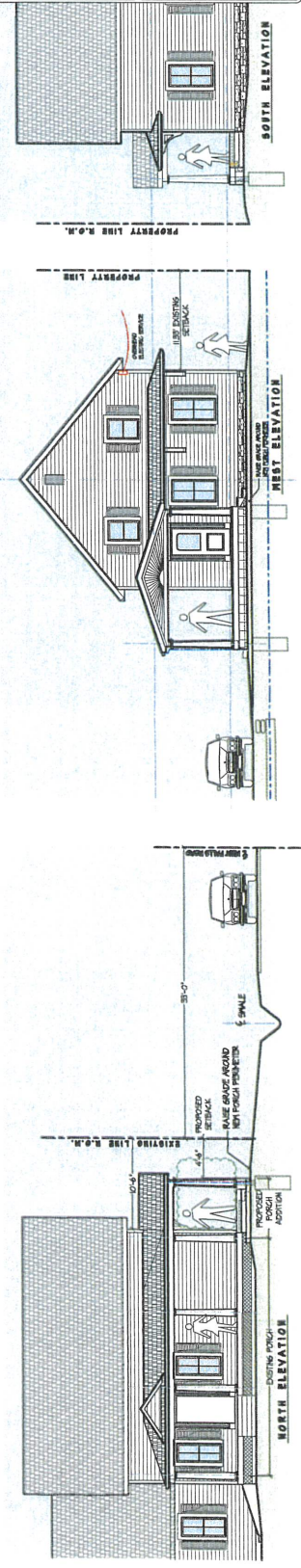
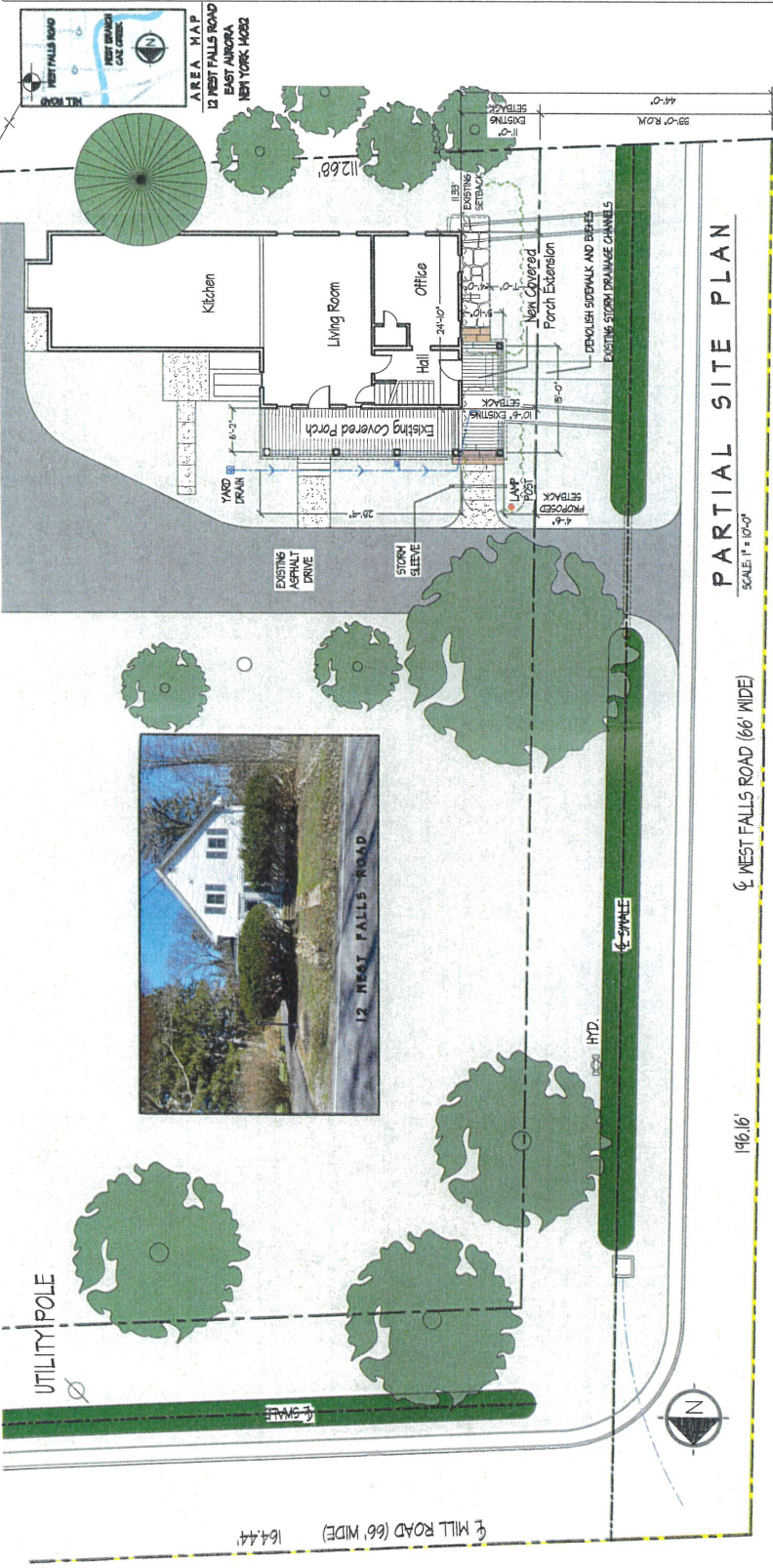
Variance  
 Application  
 Drawing



DATE: April 5, 2024  
 SCALE: As Noted  
 JOB NO.: 24-06  
 DRAWN BY: A.A.  
 CHECKED: GRS  
 REVISED:

SHEET:  
 SITE PLAN AND  
 SECTION  
 ELEVATIONS  
 DRAWING NO.  
**V-1**  
 IN SET OF:

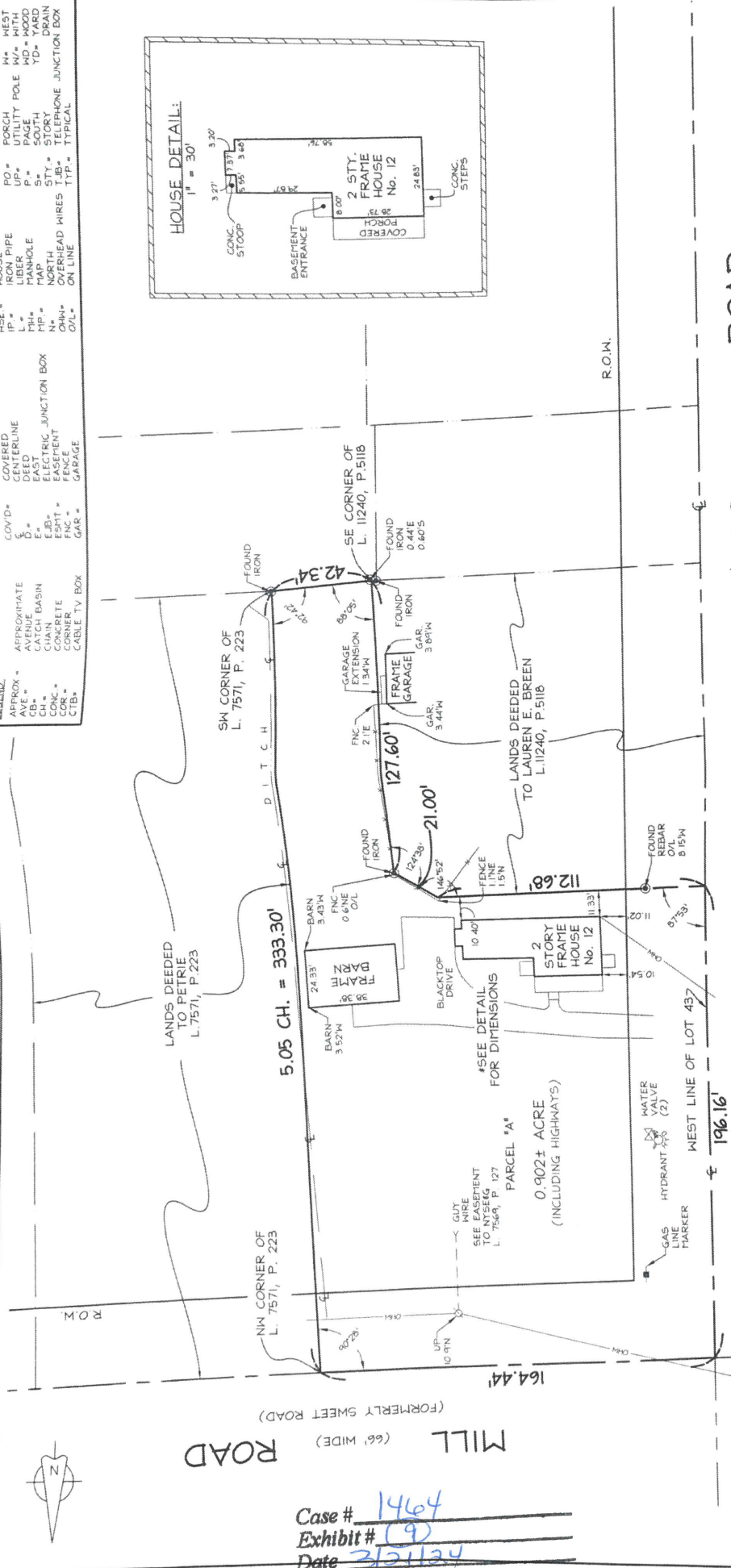
1464  
 Exhibit # 1464  
 Date 5/16/24



**PARTIAL SITE PLAN**  
 SCALE: 1" = 10'-0"



LEGEND:	APPROX. =	COVERED =	HSE. =	HOUSE	PO. =	PORCH	M. =	WEST
AVE.	AVENUE	DEED	IP. =	IRON PIPE	P. =	PAGE	MI. =	MILE
CB. =	CATCH BASIN	EAST	L. =	LIBER	S. =	SOUTH	KD. =	KOOD
CONC. =	CONCRETE	FENCE	N. =	MAP	STY. =	STORY	YD. =	YARD
COR. =	CORNER	FRASENT	NH. =	NORTH	T.B. =	TELEPHONE	JUNCTION	BOX
CTB. =	CABLE TV BOX	GAR.	OIL. =	ON LINE	TYP. =	TYPICAL		



## WEST FALLS ROAD

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

Case # 1464  
 Exhibit # 19  
 Date 2/21/22  
 [Signature]

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.  
 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 design, specification, plan or report is a violation of section 7206, provision 2 of the New York State Education Law.

**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  
 Scale: 1" = 40'



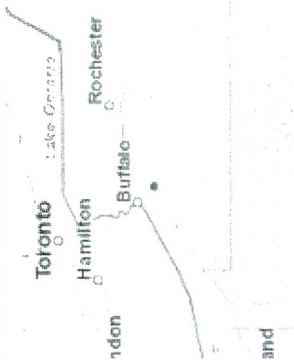
SBL: 186.04-17.2  
 Date of Survey: 6/23/2015  
 Project Number: 15J3-0223a

Resurveyed: 10/16/2023

*Thornton A. Kenyon*



# Erie County On-Line Mapping Application



### Legend

- Parcels

Case # 1404  
 Exhibit # 11  
 Date 3/14/14  
 12 W. Falls Rd

0 0.04 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: 2,257

