

Violation 116-9 116-8.4F(2)



CASE NO. 1343

DATE OF HEARING 9/19/19

Town of Aurora Zoning Board of Appeals
300 Glead 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 MaryBeth Covert
Address 1505 Grover Road
City Aurora State NY ZIP 14052
Phone 716 811-1111
Interest in the property

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

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

III. PROPERTY INFORMATION

Property Address 1505 Grover Rd
SBL# 186.00-3-17.112
Property size in acres 5.9 Property Frontage in feet 355'
Zoning District Residential/Ag Surrounding Zoning Residential + Agricultural
Current Use of Property Residence

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-9 116-8.4F(2)
 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)

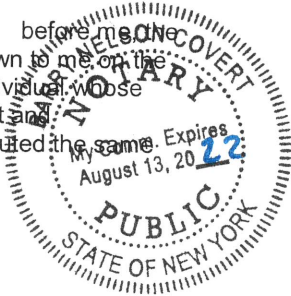
Marybeth Covert
Signature of Applicant/Petitioner

MARYBETH COVERT
Print name of Applicant/Petitioner

State of New York; County of Erie

On the _____ day of _____ in the year _____ before me, one
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, Expires
for the purposes therein stated. August 13, 2022

[Signature]
Notary Public



(Notary stamp)

Office Use Only: Date received: 8/20/19 Receipt #: 121699 by Barb H.

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 added a 14' x 48' "lean to" on the South side of pole barn. It ends approximately 7.5 feet from property line.

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, NY
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No. ZR-19-518
Received: 8/23/19

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

2. Hearing Schedule: **Date** 9/19/2019 **Time** 7:00pm **Location** 300 Glead 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 Specific as follows 1505 Grover Road

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: (be specific) Accessory building built closer to side lot line than allowed by code

8. Other remarks: (ID#, SBL#, etc.) SBL#186.00-3-17.112

9. Submitted by: Martha Libroch, Town Clerk 8/23/19

300 Glead Avenue, East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 8/27/19. 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. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: Sarah Gatti Date: 8/27/19

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:							
Project Location (describe, and attach a location map): <i>1505 Grover Rd. East Aurora N.Y.</i>							
Brief Description of Proposed Action: <i>14' x 48' lean to on south side of barn.</i>							
Name of Applicant or Sponsor: <i>MaryBeth Covert</i>		Telephone:					
		E-Mail:					
Address: <i>1505 Grover Rd.</i>							
City/PO: <i>E. 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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input 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="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><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?		<i>5.9</i> acres					
b. Total acreage to be physically disturbed?		<i>40' x 15'</i> acres <i>feet</i>					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>5.9</i> 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" 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? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near 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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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"/>	
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 checked="" 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 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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

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

Applicant/sponsor name: Mary Beth Couert Date: 8-20-19

Signature: Mary Beth Couert PWC

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



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

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Anthony DiFilippo IV

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historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

August 21, 2019

MaryBeth Covert
1505 Grover Rd
East Aurora, NY 14052

The Building Department inspected the construction of a lean-to on the pole barn at your property at 1505 Grover Rd. The lean-to is not compliant because it fails to meet the requirements of the Town of Aurora Code for the side yard setback for an accessory building in the Rural Residential/Agricultural (RR/A) zoning district in which it is located, as allowed by Section 116-25B.

Section 116-8.4F(2)

Required: Accessory building: a distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

Mean Height of building: 18'8"

Requested: Side yard setback of 7'6"

Variance: 11'2"

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an area variance. You must include your application and fee, a letter to the ZBA explaining your difficulty, any information to support your need for a variance from the Town Code.

If you have any questions contact us at 652-7591.

Sincerely,


Elizabeth Cassidy
Asst. Code Enforcement Officer

BUILDING DEPARTMENT

Town of Aurora/Village of East Aurora

300 Gleed Avenue, East Aurora, NY

Phone (716) 652-7591

Fax (716) 652-3507

Permit # 17-304
Reissue from _____

Circle one <u>Town or Village</u>	Date <u>9/21/17</u>
App Fee \$ <u>35.00</u>	ZBA Y or N <u>(N)</u>
Permit Fee \$ <u>230.00</u>	
Park/Rec Fee \$ _____	

APPLICATION FOR BUILDING PERMIT

New Building	Addition	Demolition	Solid Fuel Appliance
Alteration-Renovation	<input checked="" type="checkbox"/> Accessory Building	<input checked="" type="checkbox"/> Accessory Structure	Special Use
Temporary Accessory Building	Tower	Generator	

Location 1505 Grover Rd. SBL# 186.00.3-17.112

Property Owner Name Mary Beth + Barry Covert

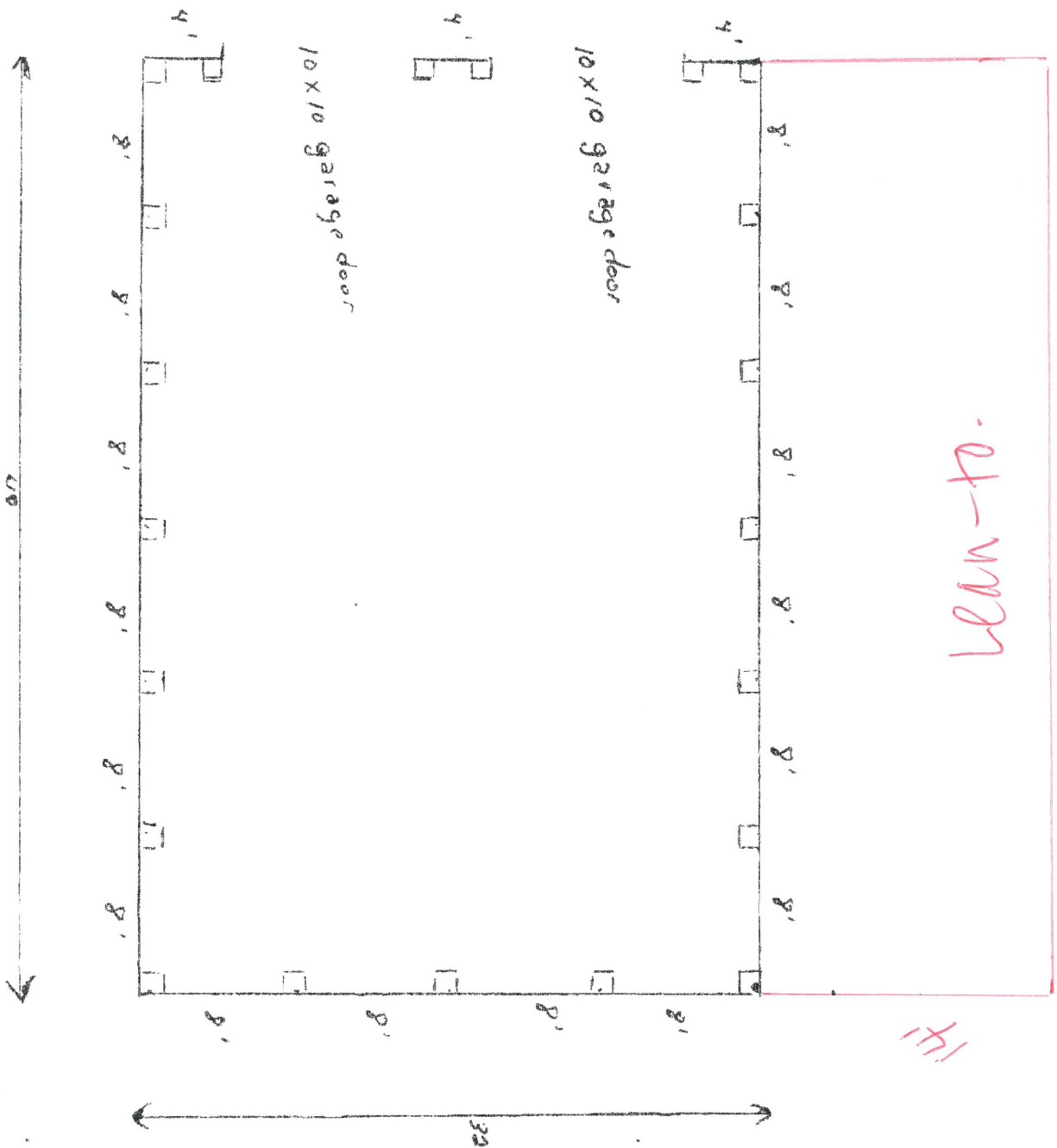
- Give a brief description of request/intention for building permit: Rear 32' x 48'
- Existing use and occupancy Residential Commercial _____ (Check which applicable)
Intended use and occupancy Residential Commercial _____ (Check which applicable)
Is there more than one dwelling on the parcel? No
- Size of completed building 32 ft wide 48 ft long 22 ft high 1 stories Total sq ft 1,536
- Estimated Cost (determined by Building Department) 18432
- Zone or use district in which premises are situated Agricultural
- Does proposed construction violate any zoning law, ordinance or regulation? No
- Name of Architect Owner
Address of Architect _____ Phone Number _____
- Name of Contractor Owner
Address of Contractor _____ Phone Number _____
- Contractors GL/WC/Disability Insurance Certificates on file _____
Number of Policy _____ Date of Expiration _____
- Electrical work done, to be inspected by, and a Certificate of Approval obtained from an inspection agency approved by the Town of Aurora. Yes _____ NA
- DPW Action Required WATER TAP _____ SEWER TAP _____ CURB CUT _____ BACKFLOW PREVENTER _____ GREASE TRAP _____

Bldg Dept Use Only	ZBA
Examined _____ 20 _____	Reason _____
Approved _____ 20 _____	Approved/Denied _____
Disapproved _____ 20 _____	Case # _____
<p align="center"><u>William R. K...</u> Signature of Code Enforcement Officer/Building Inspector</p>	
<p>Receipt is hereby acknowledged of the sum of \$ <u>265.00</u> equal to the fees schedule established by the Town Board of the Town of Aurora NY</p>	
<p><u>Barry Covert</u> Town Clerk/ Deputy Clerk</p>	<p>Date: <u>9/21/17</u> Receipt <u>228953</u></p>

PLEASE READ BEFORE SIGNING APPLICATION

- This application must be completely filled in by typewriter or in ink and submitted to the Building Department.
- Survey showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application. Indicate distance to nearest building on adjoining lot.
- This application must be accompanied by 2 complete set of plans (3 sets for commercial applications) showing proposed construction and 1 complete set of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical, electrical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of Building Permit.

2/20/19 - sent 2m for final map



- E) Upon approval of this application, the Building Department will issue a Building Permit to the applicant. Such permit shall be kept on the premises available for inspection throughout the progress of the work.
- F) No building shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy shall have been granted by the Building Department.
- G) A building permit is issued with the express understanding that the applicant agrees to construct a sidewalk, where applicable, along the street frontage of the lot in accordance with the Village Ordinance and according to line and grade established by the Superintendent of Public Works.
- H) Commercial Permit Applications must be accompanied by NYS Health Department applications for **Backflow Prevention**.
- I) Commercial Plans must indicate size, type and location of **Grease Traps**.
- J) All applications affecting more than one acre of land must be accompanied by a storm water plan in compliance with NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REQUIREMENTS. <http://www.dec.ny.gov/chemical/43133.html>
- K) Curb Cut Applications must be picked up and filed with the Department of Public Works

APPLICATION IS HEREBY MADE to the Code Enforcement Officer for the issuance of a Building Permit pursuant to the NEW YORK UNIFORM FIRE PREVENTION AND BUILDING CODE for the construction of buildings, additions and alterations, as herein described. The applicant agrees to comply with all applicable codes, laws, and regulations. The undersigned hereby certifies that all of the information contained in this application is correct and true.

Name of owner (Please Print) Barry Covert
 Address 1505 Grover Rd Telephone
 SIGNATURE OF OWNER [Signature] DATE

E-mail address: b.covert@iglaw.com

Would you like to receive the Certificate of Occupancy/Compliance by E-MAIL or REGULAR MAIL? Circle one

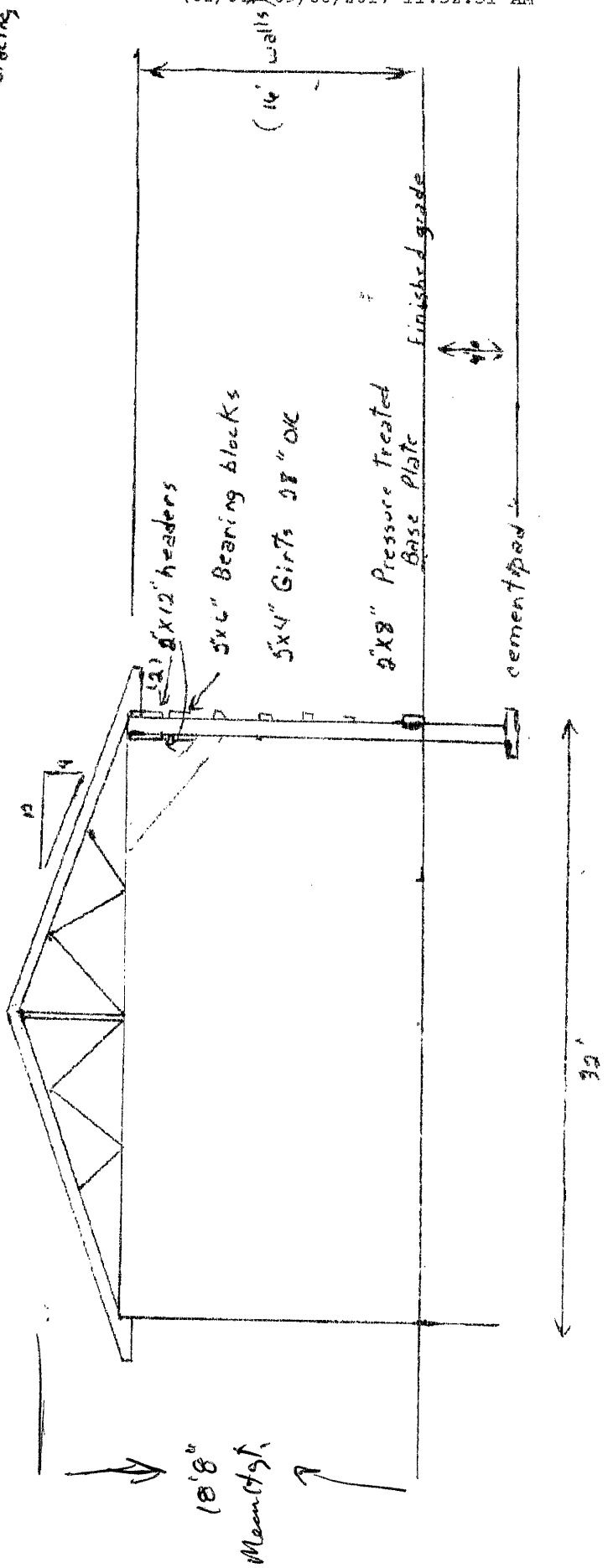
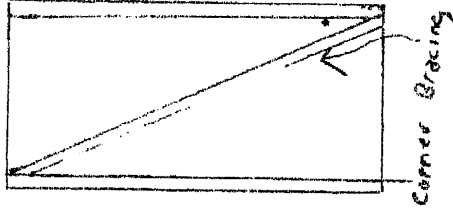
IF OWNER OF PROPERTY IS A CORPORATION, FILL IN LOWER SECTION

STATE OF NEW YORK
 COUNTY OF ERIE ss:

_____ being duly sworn deposes and says that he is the applicant
 (Name of individual signing application)
 above named. He is the _____ of said owner or owners, and
 (Corporate Officer, etc.)
 and is duly authorized to perform or have performed the said work and to make and file this application; that all statements contained in this application are true to the best of his knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith.

 (Signature of Applicant)
 Sworn to before me this ____ day of _____ 20__

 (Signature of Notary) Notary Seal



12x42' Leanto

220

5.1 Acres

592.0

FENCE REMAINTS ON LINE

374.50 D.

426.30 N.

70°

35.11

85° 32' 20" N.
81° 10' 20" N.

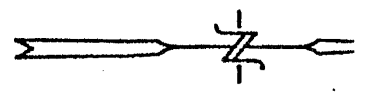
355.0

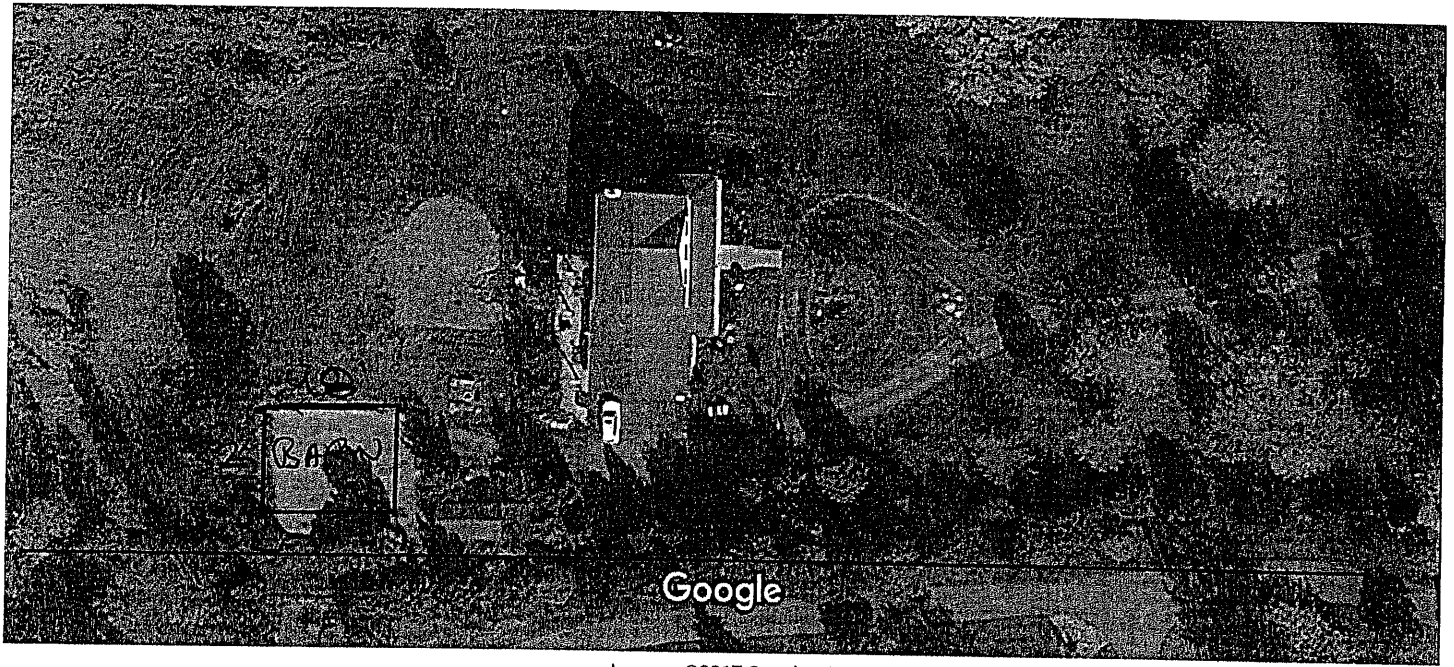
ROAD

61° 58'

66' WIDE

GROVER





Imagery ©2017 Google, Map data ©2017 Google United States 50 ft

32' x 48'
19' from Southern Property line.



Erie County On-Line Mapping Application



- Legend**
- Parcels
 - Municipal Boundaries

0 188.08 376.2 Feet

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



Google Maps 1505 Grover Rd

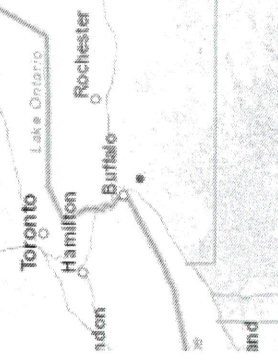
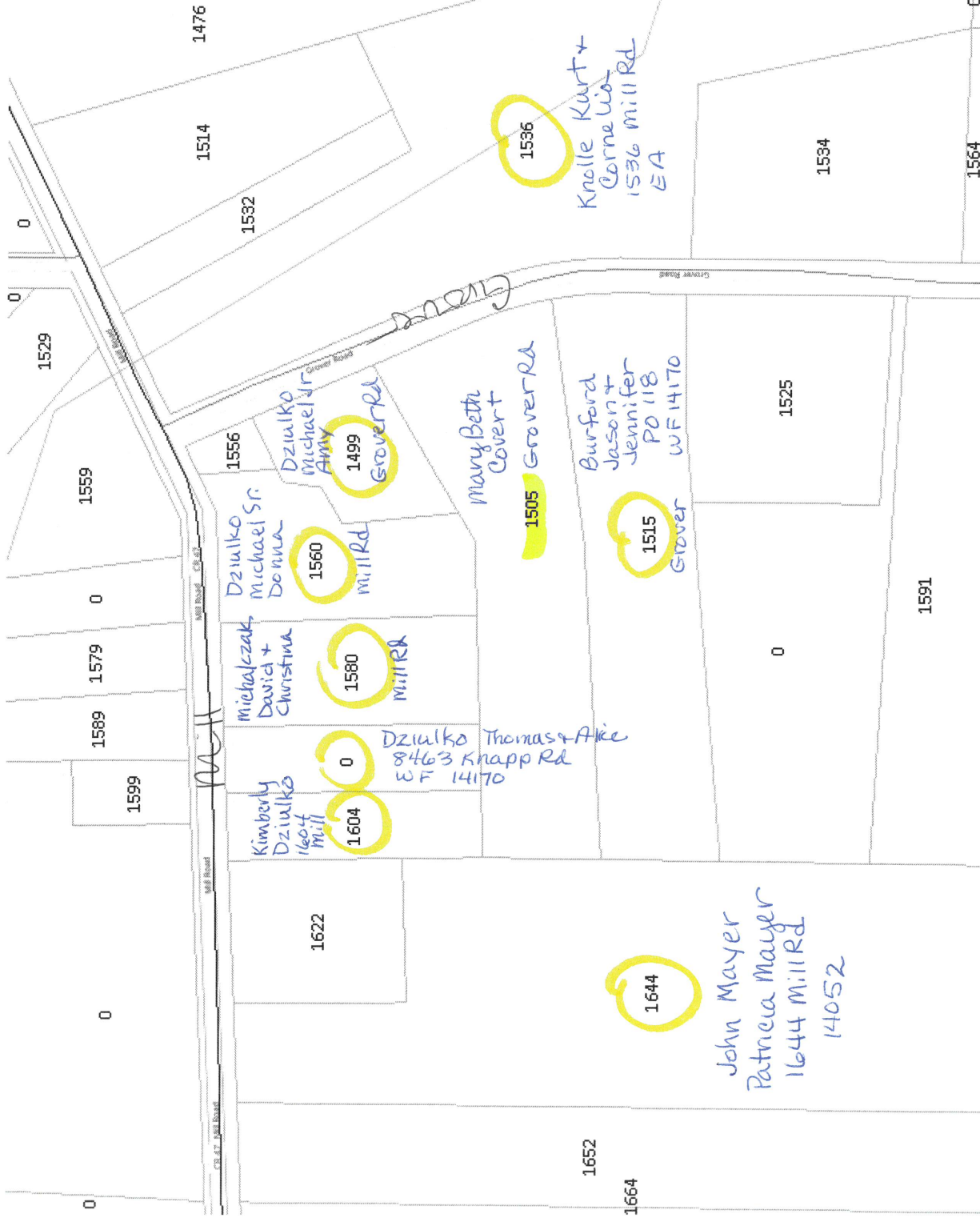


Imagery ©2019 Google, Map data ©2019 50 ft





Erie County On-Line Mapping Application



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

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

