



CASE NO. 1356

DATE OF HEARING ~~12/15~~
6/24/2020

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 Chase Long
Address 806 Davis Rd.
City East Aurora State NY ZIP 14052
Phone 716 N/A Email cw sm
Interest in the property as (owner/purchaser/developer) Child

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

Property Owner(s) Name(s) Karen Penfold
Address 806 Davis Rd.
City East Aurora State NY ZIP 14052
Phone N/A Fax N/A Email N/A

III. PROPERTY INFORMATION

Property Address 806 Davis Rd.
SBL# 186.00-1-38.1
Property size in acres .60 Property Frontage in feet 116.5
Zoning District RR Surrounding Zoning RR/A
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-17D 116-8.4 G(2)
12' Door Opening; Rear Yard Setback
 Special Use Permit for: _____
 Use Variance for: 12 Ft Door opening; Rear yard setback. (e)be
 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)

SEE ATTACHED Letter of Intent

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: _____

SEE ATTACHED Variance Request Hardship

- 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: _____

SEE ATTACHED

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: No, standard height of Class A Motorhomes is over 9 feet.

(Attach additional pages if needed)

Petitioner's Letter of Intent – Area Variance

The proposed area of the property is the only usable area on the property for a building of this size for personal use. The neighboring property in which this building would be closest to is also owned by the property owner Karen Penfold and family member William Long Jr. They have agreed to allow this building to be within the regulated zoning requirements for a structure in terms of distance from the neighboring property line. There is no other reasonable area in which this building could be located based on the property lines and other structures on the property. The building is also not completely visible from neighboring properties in the community as it is as far back from neighboring residences as possible.

Karen Penfold

Karen Penfold

Date: 9/18/19

William Long Jr.

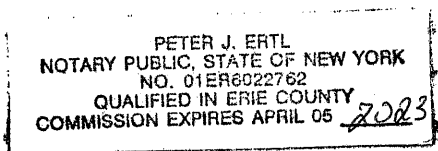
William Long Jr.

Date: 9-18-19

Chase Long

Chase Long

Date: 9/18/19



Peter Ertl

area
Use Variance Request – 12 Ft Door Opening

The proposed building is being constructed for personal use for storage and an area in which to perform maintenance on the property residents Recreational Vehicle (MotorHome). The residents of the property have health issues and are in need of a place on the property in which their MotorHome can have preventative maintenance completed by the applicant (Chase Long), in which is also their child and caretaker. A building with a 9 Ft door opening would not be sufficient to perform maintenance on the vehicle as the motorhome 11' 6" in height. A 12 Ft door opening would allow for this MotorHome to be pulled into the building for said maintenance. This variance in the zoning code would not affect the essential character of the community because it does not change the shape and/or size of the building, only the opening. The building is also not completely visible from neighboring properties in the community as it is as far back from neighboring residences as possible.

Applicant – Chase Long

Chase Long

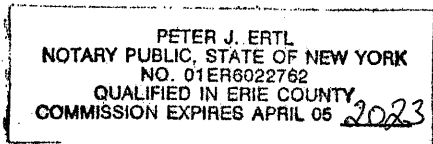
Date: *9/18/19*

Property Owner – Karen Penfold

Karen Penfold

Date: *9/18/19*

Peter J. Ertl



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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(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Ronald P. Bennett

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

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

March 17, 2020

Chase Long
806 Davis Rd
East Aurora, NY 14052

The Building Department has reviewed your request place a detached steel building the property at 806 Davis Rd. We have denied the request because it fails to meet the requirements of the Town of Aurora Code for the Rural Residential (RR) zoning district in which it is located.

Section 116-17D

Required: In any R District, the permitted accessory uses on any premises shall not include a private garage with vehicular entrance headroom more than nine feet high.

Requested: accessory building with 12' garage door
Variance: 3'

Section 116-8.4G(2)

Required: Depth of rear yard for Accessory Building: a distance equal to the mean height of the proposed accessory building, but not less than 10'

Requested: Accessory building with a mean height of 14.5'
Variance: 14.5'

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

1356

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
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-20-219

Postmark/Delivery Date: 5/18/20

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, replay 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** 6/18/2020 **Time** 7pm **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 806 Davis 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 closer to rear lot line than allowed by code; garage door higher than allowed by code

8. Other remarks (SBL#, etc.): SBL#186.00-1-38.1

9. Submitted by: Martha L. Libroek, Town Clerk

10. Return Address: 300 Glead Avenue, E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 5/18/20. 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 - signed electronically Date: 5/19/20

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

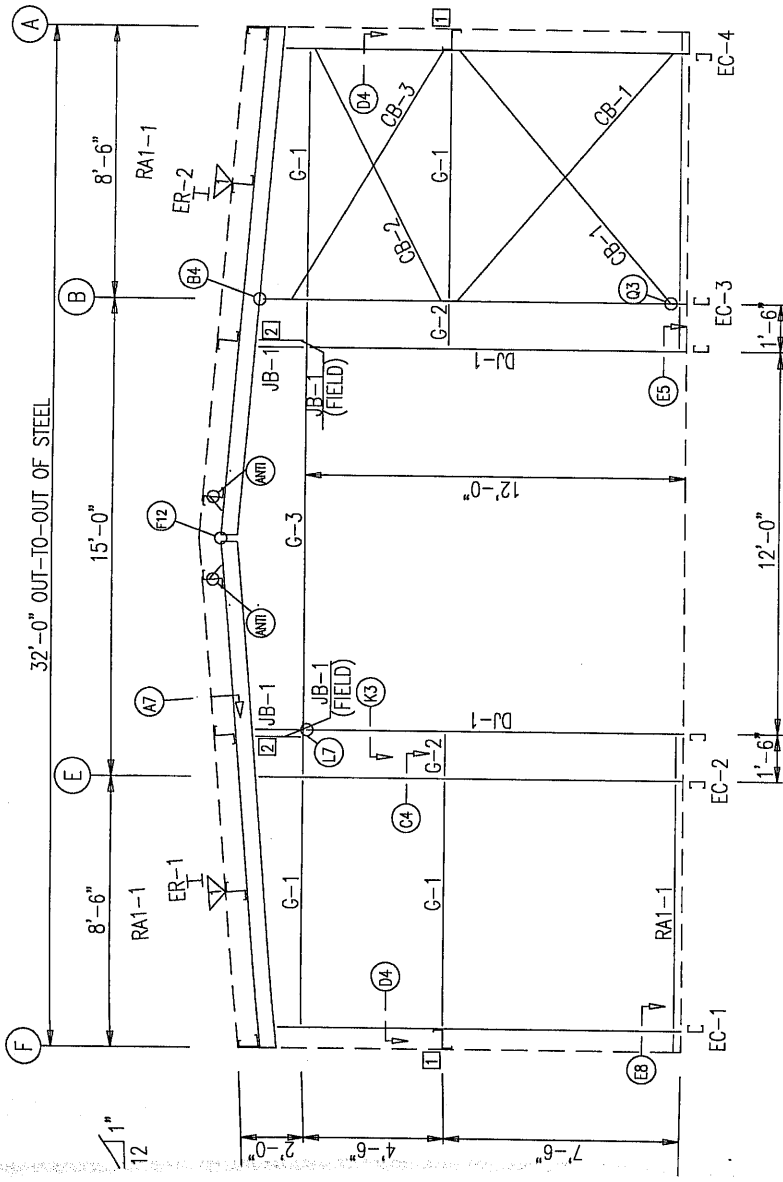
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Personal Use Building or Garage							
Project Location (describe, and attach a location map): 806 Davis Rd. East Aurora, NY 14052							
Brief Description of Proposed Action: Personal use building for storage and personal maintenance of personal motorhome and vehicles.							
Name of Applicant or Sponsor: Chase Long		Telephone: [REDACTED]					
		E-Mail: [REDACTED] .com					
Address: 806 Davis Rd.							
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.			<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: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><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: Zoning Board of Appeals / Building Department			<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: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><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"/>						
3.a. Total acreage of the site of the proposed action? _____ acres							
b. Total acreage to be physically disturbed? _____ 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, adjoining and 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							

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?	NO	YES	N/A
	<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?	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
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: <u>Garden Hose from existing house on property</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>N/A</u>	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
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	NO	YES	
	<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: _____	NO	YES	
	<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>_____</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>_____</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>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Chase Long</u></p>		<p>Date: <u>9/18/19</u></p>
<p>Signature: <u>Chase Long</u></p>		



ENDWALL FRAMING: FRAME LINE 1

building size: 32'0" x 36'0" x 14'0"

ISSUE	DATE	FOR
A	7/31/19	FOR CONCS

DAVIS (66' WIDE) ROAD

287' 65" R.O.C.
280' 30" M.E.A.S.

800 Davis

506 Davis

New Building

NOTES
THIS PLAN IS SUBJECT TO ALL APPLICABLE ORDINANCES AND REGULATIONS OF THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
IT IS THE POLICY OF THE CITY OF CHICAGO TO ENCOURAGE THE DEVELOPMENT AND CONSTRUCTION OF AFFORDABLE HOUSING.
THE CITY OF CHICAGO DOES NOT GUARANTEE THE ACCURACY OF THIS PLAN OR THE INFORMATION CONTAINED HEREIN.
THE CITY OF CHICAGO IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN OR THE INFORMATION CONTAINED HEREIN.
THE CITY OF CHICAGO IS NOT RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN OR THE INFORMATION CONTAINED HEREIN.

N. LINE OF
1240 60
1241 00
PARALLEL WITH

PARALLEL WITH THE S. LINE OF S.

N. LINE OF LOT 58

PARALLEL WITH THE S. LINE OF LOT 58

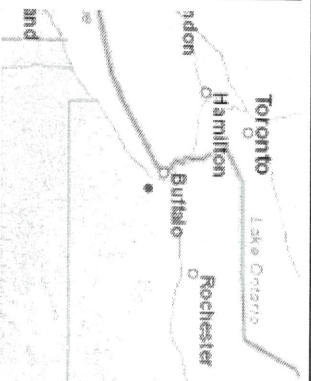
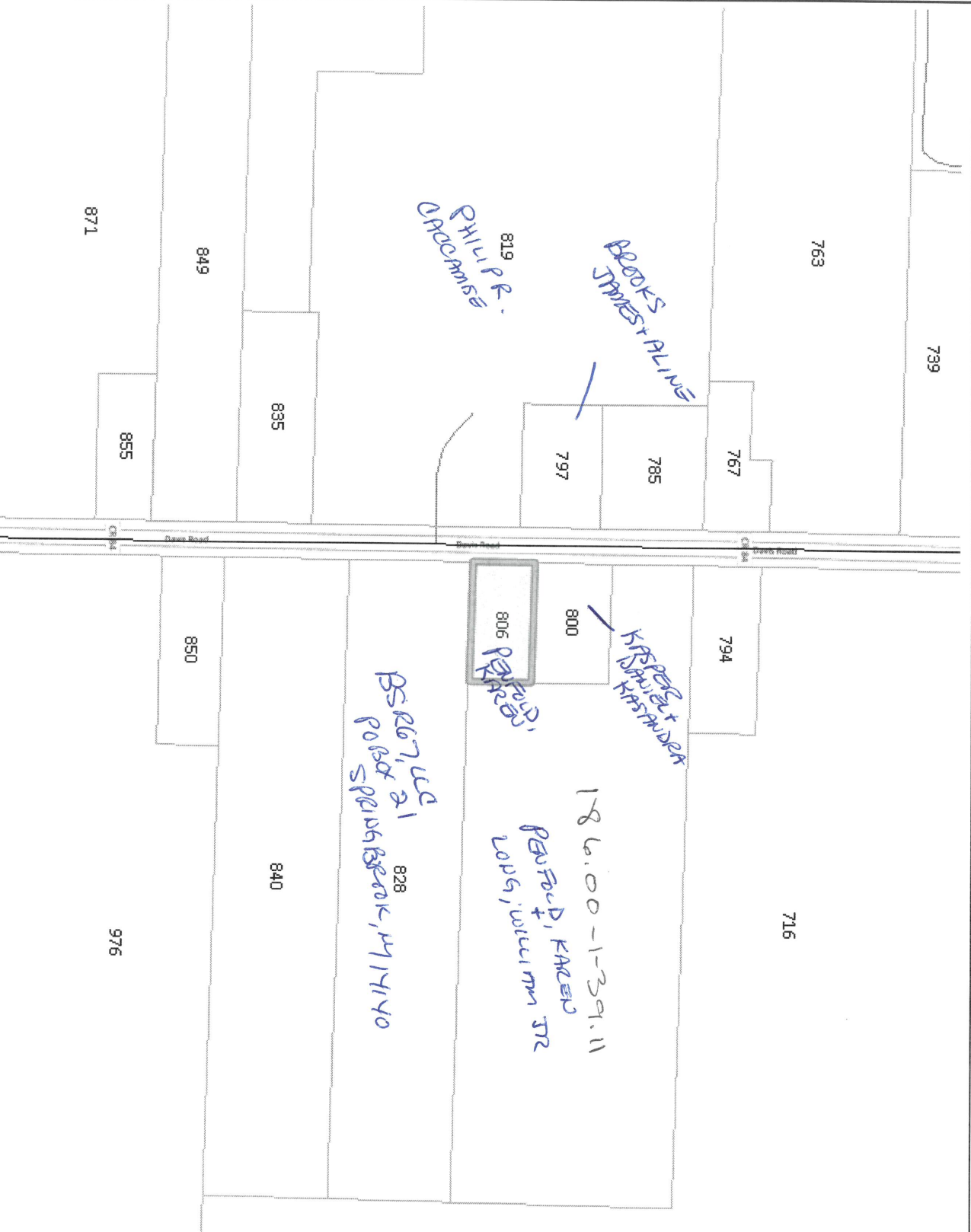
LANDS DEVELOPED BY
EAGAN PROPERTIES
L. 1094, P. 5385

LANDS DEVELOPED BY
DONALD C. LONG & PATRICK L. LONG
L. 896, P. 287

PARALLEL WITH THE S. LINE OF LOT 58



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

