



original

CASE NO. 1390
DATE OF HEARING 8/19/2021

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 DANA HOLMES
Address 1591 OLEAN RD
City S. WALES State N.Y. ZIP 14139
Phone 7 Fax _____ Email AIL.COM
Interest in _____ (owner/purchaser/developer) 6

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

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

III. PROPERTY INFORMATION

Property Address 1591 OLEAN RD, S. WALES, N.Y. 14139
SBL# 188.00-4-15.2
Property size in acres 8 Property Frontage in feet 114
Zoning District RR/A Surrounding Zoning RR/A
Current Use of Property RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.4 F(1)
 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)

Dana Holmes
Signature of Applicant/Petitioner

DANA HOLMES
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 8 day of July in the year 2021 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.

Juliet J. Wnek
Notary Public

(Notary stamp)

Juliet J. Wnek
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 12, 2023

Office Use Only: Date received: 7/12/21 Receipt #: 804963 *Radact*
etc

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)

WOULD LIKE TO ATTACH A GARAGE PERPENDICULAR TO MY HOUSE IN LINE WITH MY DRIVEWAY. WOULD NEED THE NORTH END OF THE NEW GARAGE TO BE 12 FEET FROM THE PROPERTY LINE INSTEAD OF THE REQUIRED 20 FEET.

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)

Town of Aurora
300 Gleed Avenue
East Aurora, NY 14052
www.townofaurora.com

**Zoning Board of Appeals
Application
Owner Authorization**

The undersigned, who is the owner of the premises know as:

1591 OLEAK RD, S. WALES, N.Y. 14139....., identified as Tax Map (SBL)# 188.00-4-15,2
(address)

hereby authorizes DANA HOLMES to bring an application for area variance
 special use permit use variance interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential approval. The undersigned further permits the Town or its authorized
representative(s) access to the property to review existing site conditions during the review process.

DANA HOLMES
Owner (print)

7/8/21
Date

Dana Holmes
Owner (signature)

STATE OF NEW YORK)
 SS
COUNTY OF ERIE)

On this 8 day of July, 2021, before me, the undersigned, a notary public in and for said state,
personally appeared Dana Holmes, personally known to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument.

Juliet J. Wnek
Notary Public

Juliet J. Wnek
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 12, 2021

**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-21-431
Received: 7/15/21

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** 7/15/2021 **Time** 7:15pm **Location** 575 Oakwood Ave., E. Aurora

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 1591 Olean Road, PO S. Wales, Town of Aurora

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) Proposed addition to principal building requires side yard setback greater than setback being requested.

8. Other remarks: (ID#, SBL#, etc.) SBL#188.00-4-15.2

9. Submitted by: Martha L. Librock, Town Clerk 7/15/2021
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 7/16/21. 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:

Date:

7/29/21

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

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TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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historian@townofaurora.com

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

*This institution is
an equal opportunity
provider and
employer*

July 12, 2021

Dana Holmes
PO Box 151
South Wales, NY 14139

The Building Department has reviewed the submittal for the construction of an attached garage at your property at 1591 Olean Rd. The request has been denied 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 116-8.4F(1)

Required: Each side yard for principal building a minimum of 20 feet

Requested: Side yard of 12 feet

Variance: 8 feet

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

Sincerely,


Elizabeth Cassidy
Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

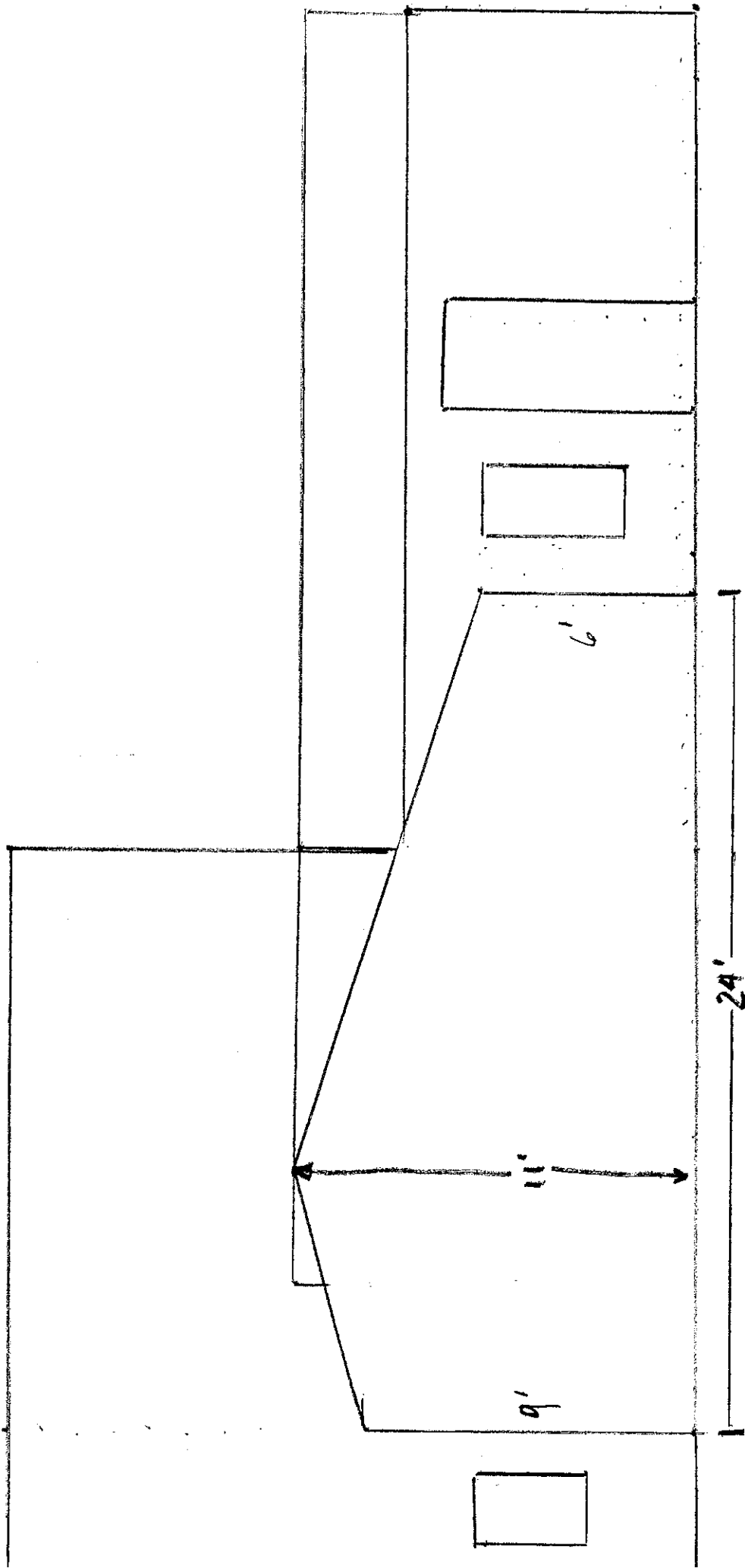
Instructions for Completing

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			
BUILDING AN ATTACHED GARAGE			
Name of Action or Project: 1591 OLEAN RD, S. WALES, N.Y. 14139			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: ATTACHING A GARAGE TO MY HOUSE			
Name of Applicant or Sponsor: DANA HOLMES		Telephone	
		E-Mail: HC	
Address: 1591 OLEAN RD			
City/PO: SOUTH WALES		State: N.Y.	Zip Code: 14139
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 checked="" type="checkbox"/>
			YES <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:			NO <input checked="" type="checkbox"/>
			YES <input 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>1/8</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>8</u> 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 type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

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)? If Yes, explain purpose and size: _____ _____	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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>DANA HOLMES</u>	Date: <u>7/8/21</u>	
Signature: <u><i>Dana Holmes</i></u>		

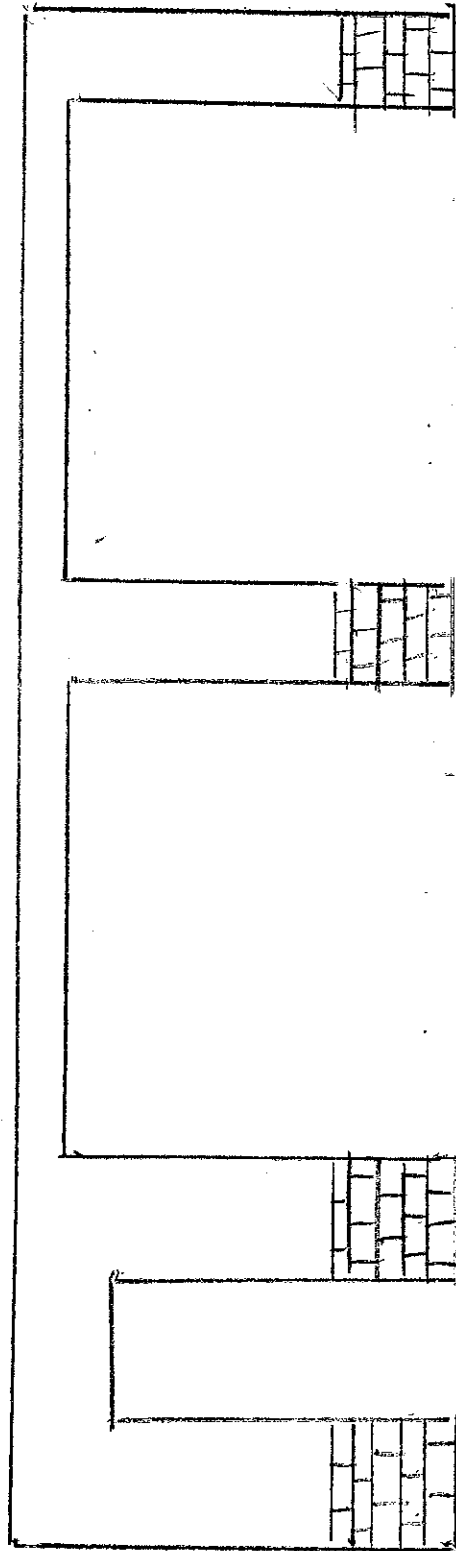


END VIEW

METAL ROOF
TO MATCH
HOUSE

BACK
END
FRONT
SIDED WITH
CERTAINTED MAN/STREET
DOUBLE A WOODGRAIN
CLAP BOARD

* MATCHES REST OF HOUSE



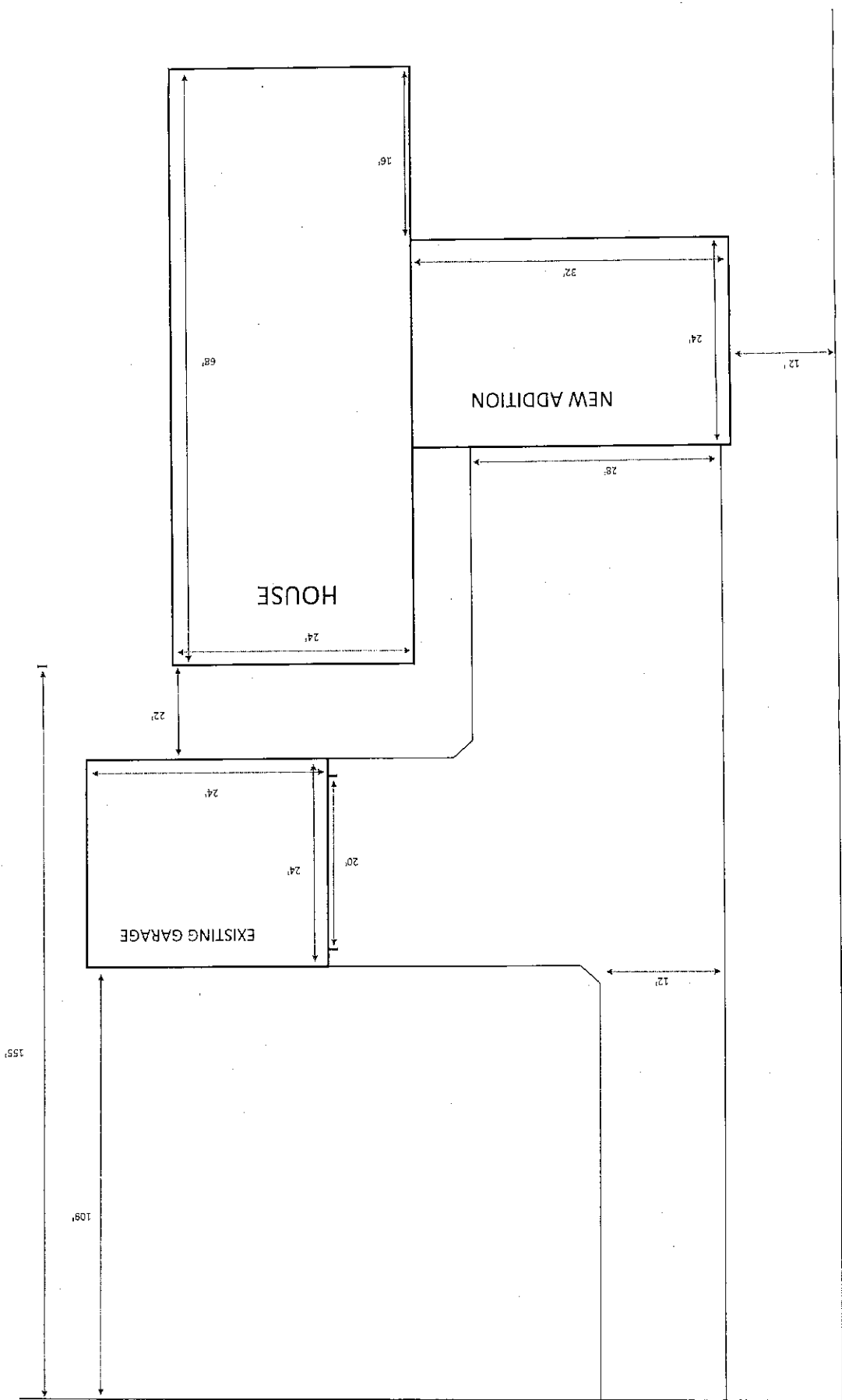
3'

10'
VINYL OVERHEAD

10'
VINYL OVERHEAD

30" HIGH
* STONE

PLUMCREEK
VERSETTA
STONE



0LEAD

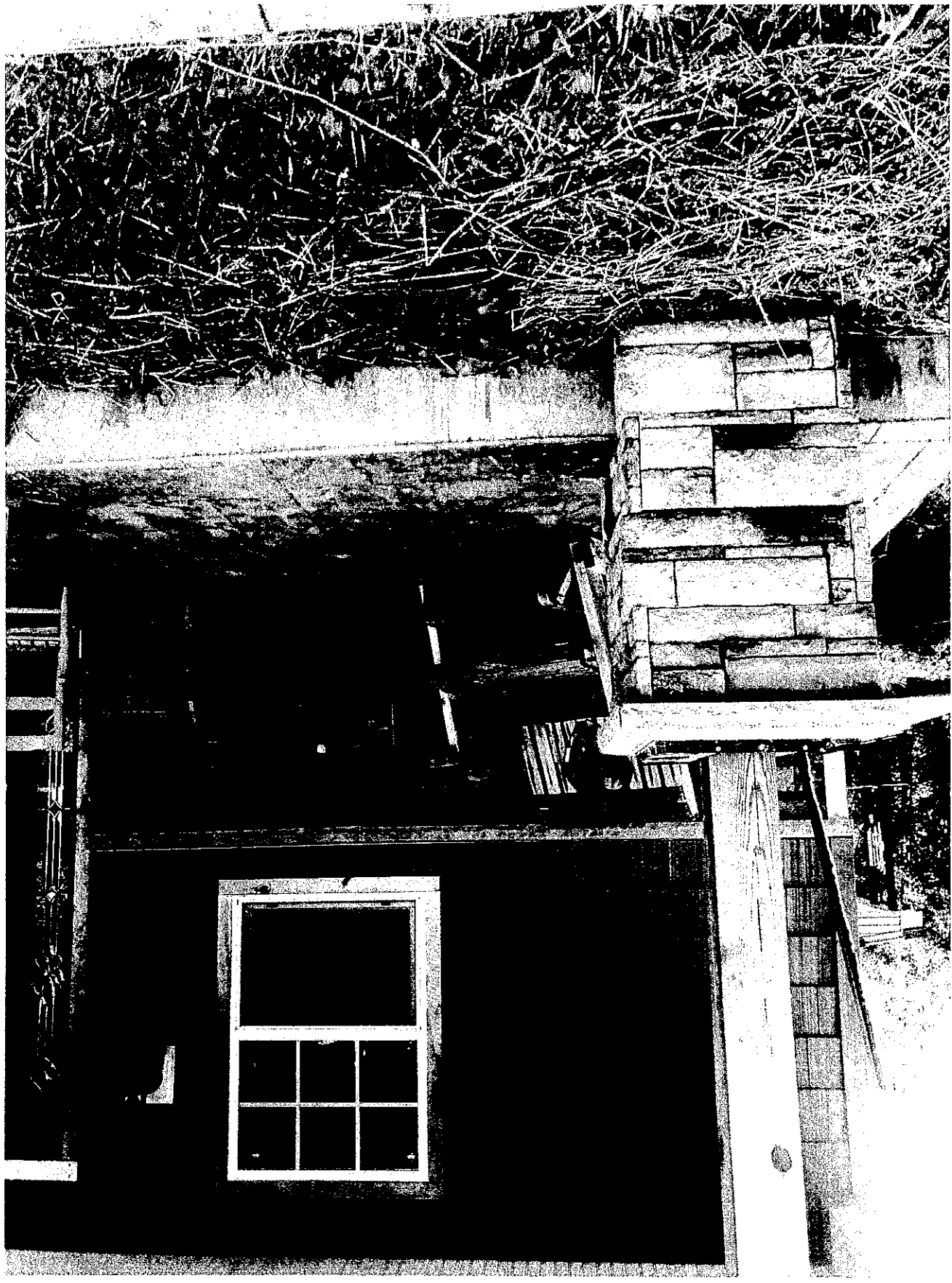
1977 10 11



OLEAD

(EXAMPLE OF PROPOSED SIDING, ETC. (FINISHES))

FRONT PORCH



South line HlCo Lot 4
North line HlCo Lot 3

Copyright Information

This Survey is published in many different colors. Any Black and White reproduction is not a valid map from Freeman and Freeman Land Surveyors.

Aurora
Map No. B39
Expressway

7.99 Acres

Cazenovia Creek

Clean Road

Route 16

Survey Statement

- (S1) A survey not shown to have been based on the Original Survey, is a survey based on a subsequent survey. The Surveyor does not indicate where the HOLLAND LAND COMPANY's original survey is.
- (S2) Eminent Domain was NOT based on the old occupied farms from the requirements.
- (S3) Hilly Area Investigation to show physical evidence and indicate original Holland Land Company and the original survey of the land. The Surveyor can indicate the Holland Land Company's original survey.

Reference Data

- (R1) Maps and notes from the Holland Land Company Survey.



Miscellaneous Notes

- (M1) Error: Indicate where on the plan they be shown out of each for clarity.
- (M2) Certain measurements and/or utility lines may not be shown unless they are shown on the plan.
- (M3) This Survey was prepared without the benefit of an up-to-date aerial photograph of the land.
- (M4) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE.

Legend of Symbols & Abbreviations

●	7.99 Acre	North	7.99	7.99 Acres
○	7.99 Acre	South	7.99	7.99 Acres
○	7.99 Acre	East	7.99	7.99 Acres
○	7.99 Acre	West	7.99	7.99 Acres
○	7.99 Acre	North	7.99	7.99 Acres
○	7.99 Acre	South	7.99	7.99 Acres
○	7.99 Acre	East	7.99	7.99 Acres
○	7.99 Acre	West	7.99	7.99 Acres
○	7.99 Acre	North	7.99	7.99 Acres
○	7.99 Acre	South	7.99	7.99 Acres
○	7.99 Acre	East	7.99	7.99 Acres
○	7.99 Acre	West	7.99	7.99 Acres
○	7.99 Acre	North	7.99	7.99 Acres
○	7.99 Acre	South	7.99	7.99 Acres
○	7.99 Acre	East	7.99	7.99 Acres
○	7.99 Acre	West	7.99	7.99 Acres
○	7.99 Acre	North	7.99	7.99 Acres
○	7.99 Acre	South	7.99	7.99 Acres
○	7.99 Acre	East	7.99	7.99 Acres
○	7.99 Acre	West	7.99	7.99 Acres
○	7.99 Acre	North	7.99	7.99 Acres
○	7.99 Acre	South	7.99	7.99 Acres
○	7.99 Acre	East	7.99	7.99 Acres
○	7.99 Acre	West	7.99	7.99 Acres
○	7.99 Acre	North	7.99	7.99 Acres
○	7.99 Acre	South	7.99	7.99 Acres
○	7.99 Acre	East	7.99	7.99 Acres
○	7.99 Acre	West	7.99	7.99 Acres

Survey

Being Part of
Lot 3 Township 3 Range 6
Holland Land Company Survey
Erie County, New York

Survey Prepared By:

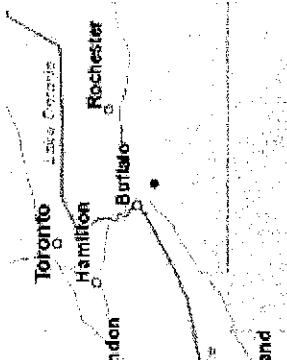
David Scott Freeman
Holland Land Survey No. 050480
Date of Survey: November 3, 1977
Date of Last Revision: August 14, 2015
Drawing Scale: 1" = 160'
Freeman & Freeman, J50 No. 2842

Freeman and Freeman Land Surveyors
Resurveying the Holland Land Company for the Erie County
10432 Grand Road, Getzwood, N.Y. 14068
Phone: (716) 692-7740, Fax: (716) 692-4007



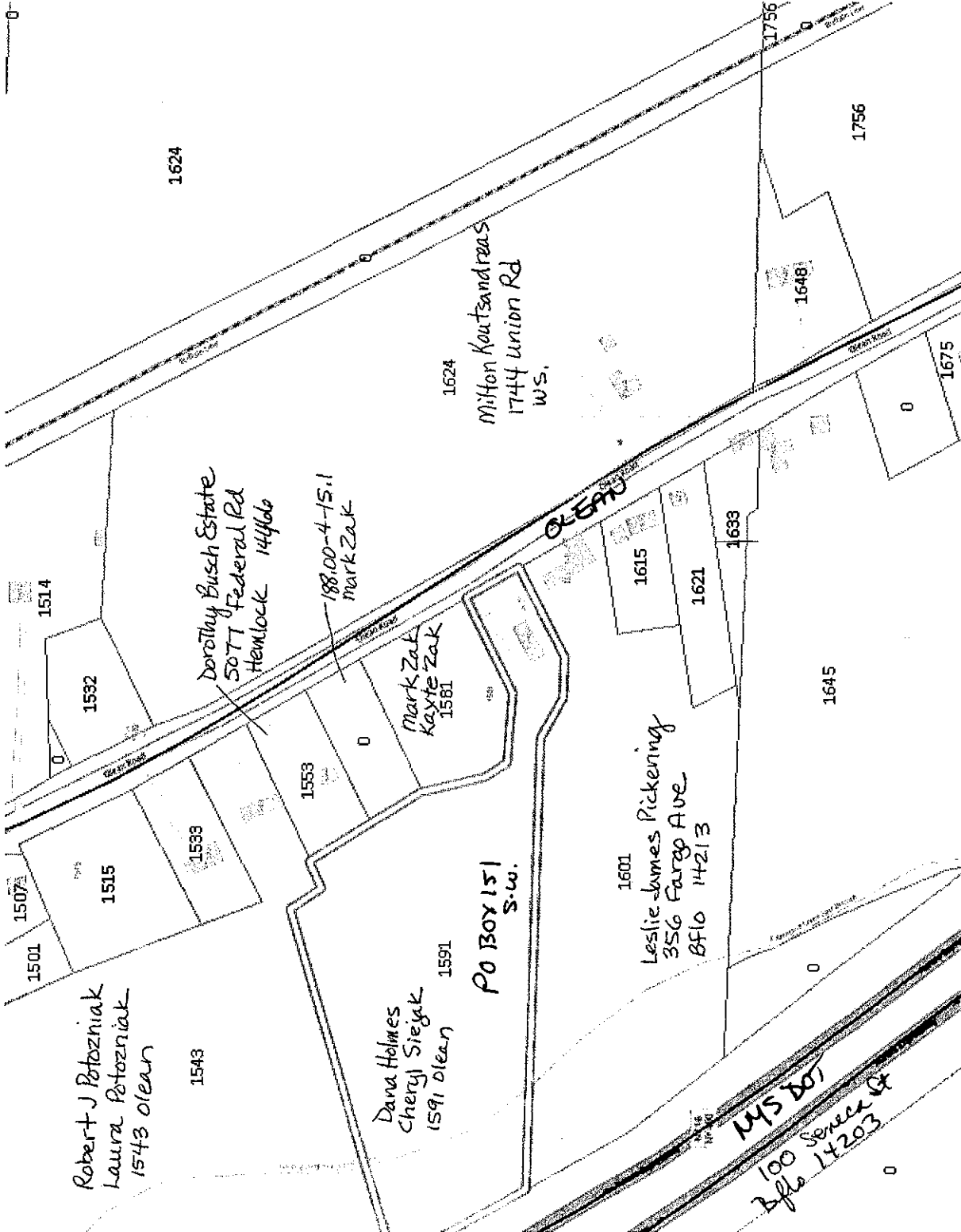
Case 1390

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