

8/31/22
ddg. dept



CASE NO. 1422

DATE OF HEARING 10/20/2022

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 coop location SPECIAL USE PERMIT chickens USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Colleen O'Connor + Thomas Weir
Address 839 Mill Rd
City East Aurora State NY ZIP 14052
Phone 716 4 Email east2@gmail
Interest in the property as chaser/developer

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

Property Owner(s) Name(s) Colleen O'Connor + Thomas Weir
Address 839 Mill Rd same
City East Aurora State NY ZIP 14052
Phone Fax Email

III. PROPERTY INFORMATION

Property Address 839 Mill Rd EA
SBL# 187.01-1-15.111
Property size in acres 1.4 acres Property Frontage in feet
Zoning District R1A Surrounding Zoning R1A
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-19A & 116-8.1E(4) & 116-18A(1)
 Special Use Permit for: Chickens in R1/coop side/front yard
 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)

Colleen O'Connor
Signature of Applicant/Petitioner

Colleen O'Connor
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 31 day of August in the year 2022 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.

Martha L. Librock
Notary Public

MARTHA L. LIBROCK
(Notary stamp) Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2026

Office Use Only: Date received: 9/15/22 Receipt #: 385981
Cash Sam

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 _____

I had a chicken permit in the Village of EA, and did not realize it was not transferable to my 1.4 Acres in the town. **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)

We have six chickens in a 6x8' caged coop on the side of our house towards the back. The run is located behind the coop. We have had these chickens since we moved as I did not realize my chicken permit was not transferable. We compost the chicken manure for our large garden. The prevailing winds take any odors away from house. We apparently need a side yard variance. We located the coop there for accessibility and so our neighbors do not have to look at the coop as they would if it was in the back instead of in the woods.

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:
The slope of the property makes access difficult in back and the prevailing winds would take any odor towards our house and our neighbor houses. As it sits no odors are noticed by any of us as winds take anything to front of house.

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:
The coop is located in a wooded area. No neighbor has complained in the 3+ years we have had the coop. We checked with our direct neighbor before building the coop. The run is hidden in the woods.

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain:
Yes, we put the coop there after talking to the neighbor on that side - But no - the land elevation issues that contribute to accessibility are not self created. Nor are the direction of prevailing winds.

(Attach additional pages if needed)

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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Anthony DiFilippo IV

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historian@townofaurora.com

FAX: (716) 652-3507

September 14, 2022

Colleen O'Connor & Thomas Weir
839 Mill Rd
East Aurora, NY 14052

Dear Colleen & Thomas:

The Building Department has reviewed request to keep chickens at your residence at 839 Mill Rd. The request has been denied because it fails to meet the code requirements for the R.

Section 116-19A

Required: No bees, cattle, horses, goats, sheep, swine, mink, fox or other commercial fur bearing animals, chickens, ducks, geese, pigeons or other fowl shall be kept, harbored or maintained in any R-1, R-2 or R-3 District. The Zoning Board of Appeals may grant temporary or permanent permission to keep chickens on such conditions it may require.

Requested: 6 chickens
Variance: 6 chickens

Section 116-8.1E(4) & 116-18A(1)

Required: No accessory building shall be erected in the front yard
Requested: Accessory building in the front yard
Variance: Accessory building in the front yard

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

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			
Chicken Coop Variance – side yard – owner			
Name of Action or Project: Coop Variance			
Project Location (describe, and attach a location map): Side yard – See Survey and pictures			
Brief Description of Proposed Action: Coop and run will be in the woods This area did not need to be cleared of trees – only bramble bushes – but is surrounded on 3 sides by woods			
Name of Applicant or Sponsor: Colleen O'Connor		Telephone: 6909 E-Mail: e [redacted] @gmail.com	
Address: 839 Mill 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.			NO <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government 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?		1.4 acres	
b. Total acreage to be physically disturbed?		0.00138 inches	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		the 4850 sq ft shed	
4. Check all land uses that occur on, are adjoining or 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) R1			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture behind our property <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? 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? <i>because it is in the woods</i>	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"/>	
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: <i>No energy required</i>	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: <i>hand carried from inside house</i>	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 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"/>	
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"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban 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,

a. Will storm water discharges flow to adjacent properties? N/A

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

NO	YES
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

If Yes, briefly describe: No changes to topography were made

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: _____

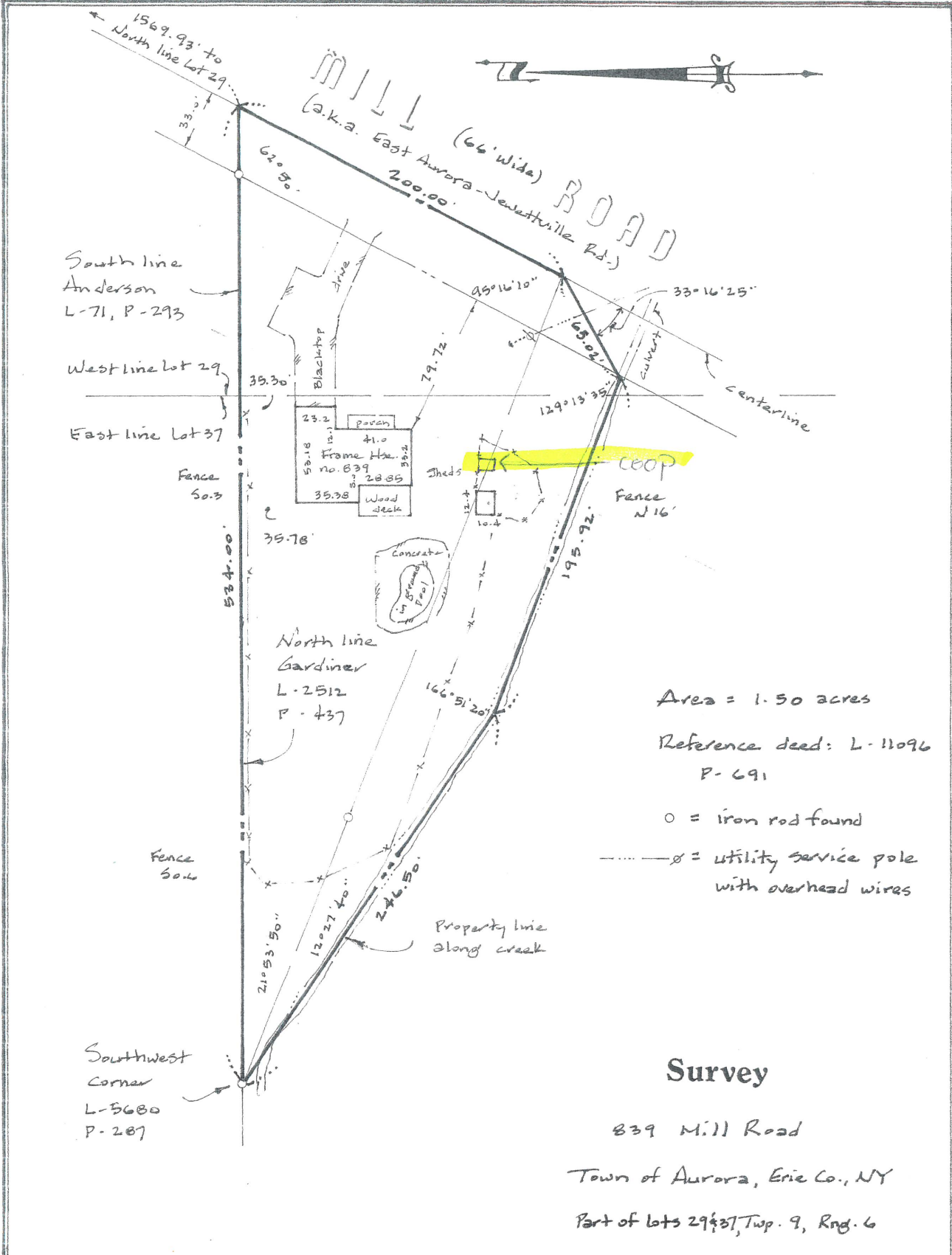
NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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: Colleen O'Connell THOMAS WAIR Date: 8/30/22
Signature: Colleen O'Connell Title: Thomas J. Wair




Area = 1.50 acres
 Reference deed: L-11096
 P-691
 ○ = iron rod found
 —x— = utility service pole
 with overhead wires

Survey
 339 Mill Road
 Town of Aurora, Erie Co., NY
 Part of lots 29 & 37, Twp. 9, Rng. 6

Date: July 1, 2019 Scale: 1" = 50' Job no. 19157 Book 58, p. 47

8-16-22	resurvey

Jankin


TELLUS
LAND
SURVEYING
 New York Pennsylvania
 P.O. Box 753 Phone (716) 655-3833
 East Aurora, NY 14052-0753 Fax (716) 655-9026

NOTE: 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

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12:23

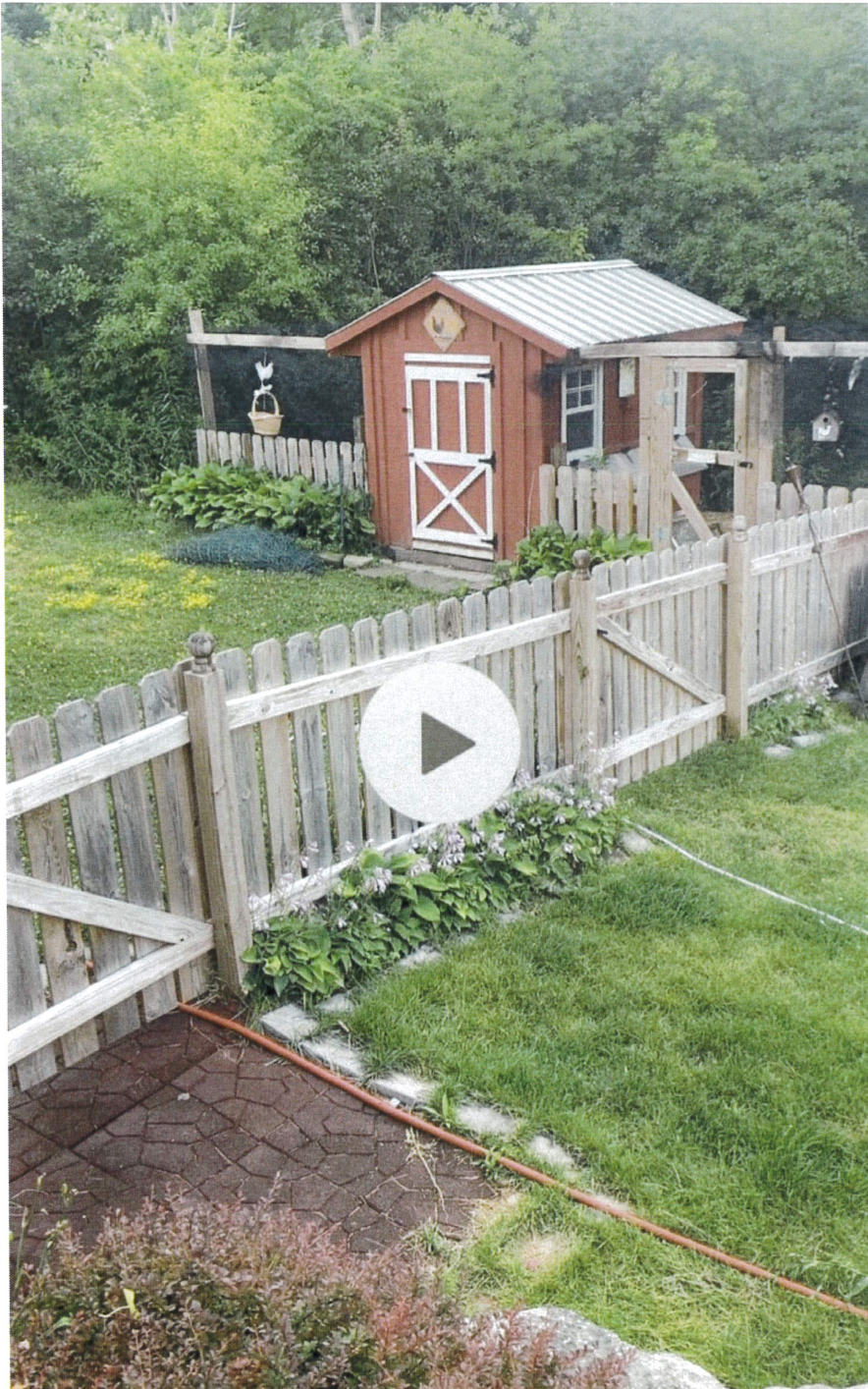
◀ Camera

📶 LTE 🔋



July 21
10:23

Edit



August 30, 2022

Dear Town Variance Board Members,

This letter is written in support of the location of my adjacent neighbor's chicken coop and run. Colleen O'Connor and Thomas Weir live directly next door and their chickens are located on our side of the property. The current location of their chickens next to their house is the least obtrusive. Due to the prevailing winds running uphill, we do not experience any offensive smells or sounds from their chickens as we might if the chickens were in the back of the property. Also, we cannot see the chickens or the chicken run from our house since it is in the woods. There are not enough woods in the rear of their property to provide such privacy. Had they located the coop in the back of the property any smells would have blown directly towards our houses. Please approve their side yard variance for their chicken coop and run as it is the best location for us, as their neighbors, based on the configuration of the property and prevailing winds.


Sincerely,



Valerie Giallella

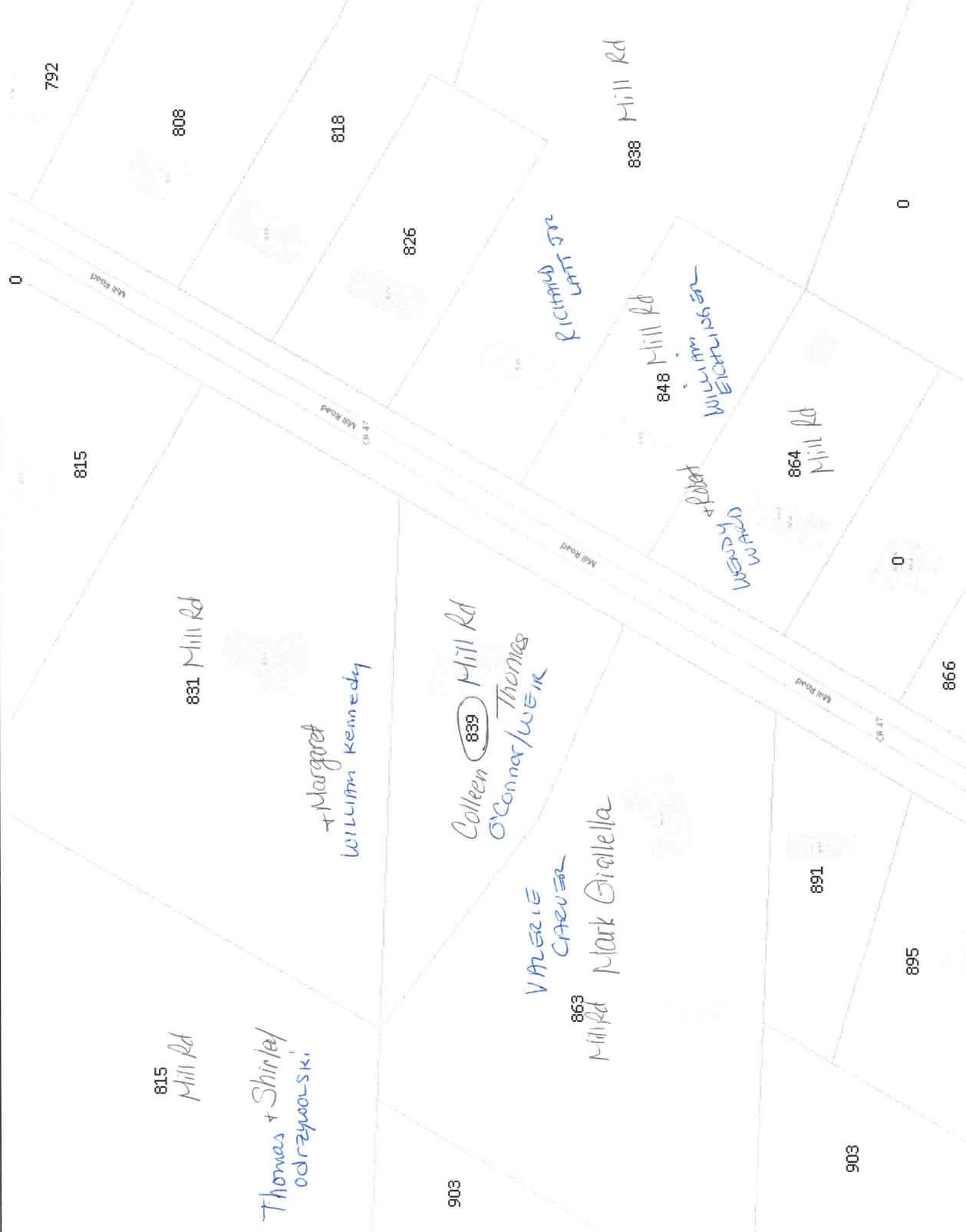
863 Mill Rd.

East Aurora, NY 14052





Erie County On-Line Mapping Application



Legend

- Parcels

Scale: 1: 2,257

Scale: 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**

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