

original



CASE NO. 1446
DATE OF HEARING 8/17/2023

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 NEIL MUNRO
Address 424 SWEET ROAD
City EAST AURORA State NY ZIP 14052
Phone 716- (Email NEIL@ PRODUCTS.COM
Interest in the purchaser/developer)

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 424 SWEET RD, EAST AURORA, N.Y. 14052
SBL# 187.00-1-2
Property size in acres 3.5 Property Frontage in feet 615.55 (ALL PROPERTIES
Zoning District BT RR Surrounding Zoning A TOTAL 1,597.88
Current Use of Property RESIDENCE

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # SAME AS HOUSE 187.00-1-2
 Special Use Permit for:
 Use Variance for: GARAGE
 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)

Neil Munro

Signature of Applicant/Petitioner

NEIL T. MUNRO

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 27th day of June in the year 2023 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.

Sheryl A. Miller

Notary Public

SHERYL A. MILLER
Reg. #01MI6128663
Notary Public, State of New York
Qualified In Erie County
Commission Expires June 13, 2025

(Notary stamp)

Office Use Only: Date received: 4/28/23 ^{# 100} CK 1202 Receipt #: 568386 APL

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)

SEE ATTACHED LETTER

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 POSITION OF OUR HOUSE IS ON THE HIGHEST SECTION OF THE PROPERTY. THE DRIVEWAY IS AT AN INCLINE AND TURNS AS YOU DRIVE UP TOWARD THE HOUSE. THE SPECIAL VARIANCE TO BUILD A GARAGE WOULD BE AT THE MID WAY TURN IN THE DRIVEWAY RECESS PLACED IN THE WOODS.

- 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: WE ARE LAND LOCKED WITHOUT ANY ADJOINING NEIGHBOR PROPERTIES. THE GARAGE WOULD NOT BE VERY N. THE GARAGE WOULD BE INSIDE THE DRIVEWAY RECESS PLACED IN A WOODED AREA.

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: IT MY OWN ACTION

(Attach additional pages if needed)

Subject: Proposed Building

Date: Friday, May 19, 2023 at 7:17:42 PM Eastern Daylight Time

From: Neil Munro

To: Neil Munro

May 19, 2023

Neil T. Munro
424 Sweet Road
East Aurora, New York 14052
716-870-5035

Aurora Town Board
300 Glead Ave.
East Aurora, New York 14052

Dear Aurora Town Board,

We are asking for a special building variance to add a Rustic Cedar Batten Garage Structure on our property approximately 25' x 35'. The structure would be built in the wooded area at the mid-section recess of our existing driveway. The way our land and driveway is constructed would allow the building to be placed on the left side of a rising natural knoll and built inside the woods.

We are a corner property and own all sides of the areas around us. We have no neighbors directly on either side of the property. Our south frontage is 470.71 ft. & east property we own is 290.0 ft for a continual frontage of 760. 71 ft. On the west Grover side is 144.84 ft. that we own. Then north-west of Sweet Rd is our Farm at 892 Grover Rd with 692.33 ft. The Sweet Rd property is completely land locked on all sides that we own. My nearest neighbor is Wilson Curry on Sweet Rd which is roughly 650.0 ft. from our house and the proposed structure. We own the land between us.

Our family company Munro Products has been in business for 51 years. We are a quality construction company and would be the sub-builder with the supplier. All plans would be certified with a NYS Engineering firm. I have included a rough design and scale of the building in question for your review. The site and foundation work would be completed by Jeff Eaton Excavation Company, of East Aurora.

On May 15, I met with Rich Miga, Building Enforcement Officer. He mentioned that the building structure that we are proposing in this location, had a good chance in receiving a special building variance because we own all areas around the structure. Being built in the woods was a positive aspect for a special variance as well.

Finally, we own all our properties on Sweet Road and Grover Road free and clear of personal debt and without any bank mortgage. We are the sole deed holders and all town taxes are paid in full.

Thank you very much for your consideration.


Neil Munro

neil@munroproducts.com

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
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www.townofaurora.com

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*This institution is an equal
opportunity provider and employer.*

July 13, 2023 - Revised

Neil Munro
424 Sweet Road
East Aurora, NY 14052

Neil Munro:

The Building Department has reviewed your request to construct *detached garage at 424 Sweet Road (SBL 187.00-1-2)*. The request has been denied because it fails to meet the requirements for *no accessory buildings/structures in the front yard and mean height for accessory buildings/structures*.

Section 116-8.4(B)(2)

*Required: Maximum mean height for accessory buildings/structures shall not exceed 15'.
Requested: 16'-10.5" mean height.
Variance: 1'-10.5"*

Section 116-8.4(E)(4)

*Required: No accessory buildings/structures shall be erected in the front yard.
Requested: Detached garage with lean-to to be constructed in front yard of a corner lot.
Variance: Detached garage in front yard.*

Based on the review of the site plan provided for this application, it was found that the existing single-family dwelling does not have an approved variance for a nonconforming side yard setback.

Section 116-8.1(F)(1)

*Required: 20' side yard setback for a principal building.
Requested: 15.17' side yard setback.
Variance: 4.83'*

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,

Richard Miga
Assistant Code Enforcement Officer

Short Environmental Assessment Form

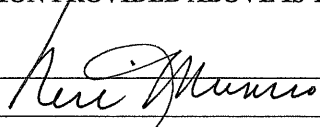
Part 1 - Project Information

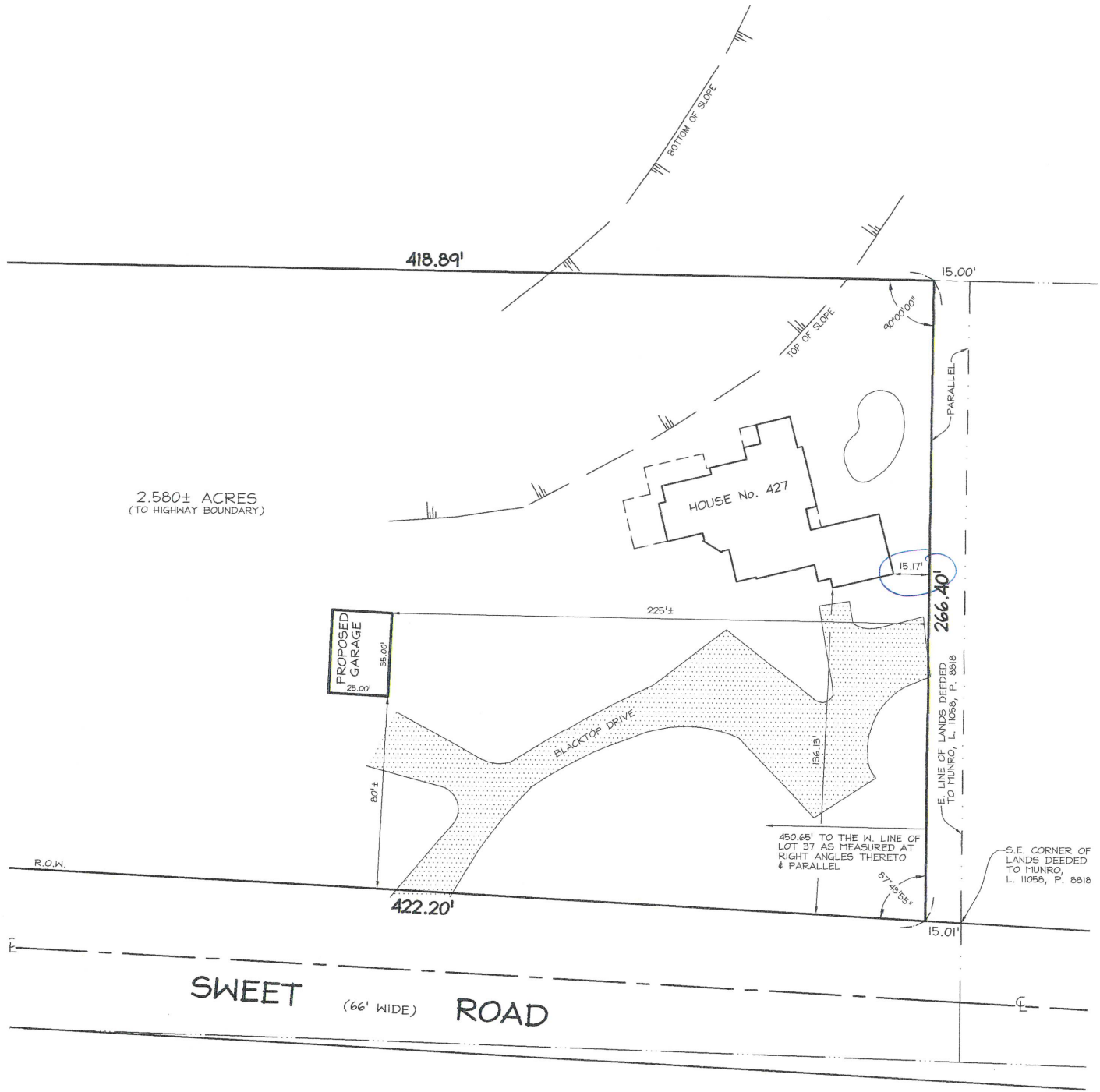
Instructions for Completing

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			
Munro Products-Neil T. Munro			
Name of Action or Project: Neil T. Munro			
Project Location (describe, and attach a location map): 424 Sweet Road, East Aurora, New York 14052			
Brief Description of Proposed Action: Rustic Garage			
Name of Applicant or Sponsor: Neil T. Munro		Telephone: _____ E-Mail: nm _____	
Address:			
City/PO:		State:	Zip Code:
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"/>
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:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 2.5 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 type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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			

<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>Neil T. Munro</u> Date: <u>6-27-23</u></p> <p>Signature: <u>NTM</u> </p>		



509 Main Street, P.O.
p (716) 655-1058 f (716)



Neil Munro
424 Sweet Rd
East Aurora, NY 14052

