

ORIGINAL



CASE NO. 1451
DATE OF HEARING 10/19/2023

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 SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Eugene J. Wehrfritz
Address 233 Behm Rd.
City West Falls State N.Y. ZIP 14170
Phone [redacted] Fax [redacted] Email clw [redacted]
Interest [redacted] (owner/purchaser/developer) Owner

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 233 Behm Rd.
SBL# 199.00-4-2.12
Property size in acres 5.08 Property Frontage in feet 125
Zoning District R2/A Surrounding Zoning R-2/A/RR
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.2 E 4
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

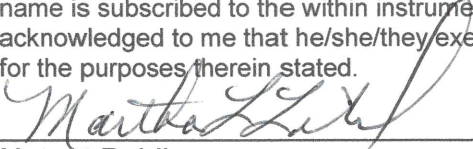
V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)


Signature of Applicant/Petitioner

Eugene Wehrfritz
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 18 day of Sept 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.


Notary Public

(Notary stamp)

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

Office Use Only: Date received: 9/18/23 CR1005 \$100 Receipt #: B90922

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 _____

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

TOWN COUNCIL MEMBERS

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csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

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jmccann@townofaurora.com

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highway@townofaurora.com

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(716) 652-7591
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assessor@townofaurora.com
(716) 652-0011

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

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

Eugene Wehrfritz
233 Behm Rd
West Falls, NY 14170

Eugene:

The Building Department has reviewed your request to construct a pole barn at your residence at 233 Behm Rd. The request has been denied because it fails to meet the code requirements for accessory buildings in the Rural Residential (RR) Zoning District in which the property is located.

Section 116-8.4E(4) & 116-18A(1)
Required: No accessory building/structure 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,

A handwritten signature in black ink, appearing to read "Elizabeth Cassidy".

Elizabeth Cassidy
Code Enforcement Officer

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: _____

Postmark/Delivery Date: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 10/19/2023 **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 Address: 233 Behm Rd (PO W. Falls)

5a. S.B.L. of Property: 199.00-4-2.12

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: Accessory building in front yard of the residence needs a front yard
(specify the action, such as the variance.
scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha L. Libroek **Email:** townclerk@townofaurora.com

10. Return Address: 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 _____. 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: _____ **Date:** _____

Short Environmental Assessment Form

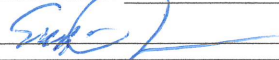
Part 1 - Project Information

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 | | | |
|--|--|--|--|
| Eugene Wehrfritz | | | |
| Name of Action or Project: Pole barn | | | |
| Project Location (describe, and attach a location map): 233 Behm Road | | | |
| Brief Description of Proposed Action: I wish to construct a pole barn for storage of my tractor and implements I own for maintenance of my property | | | |
| Name of Applicant or Sponsor: Eugene Wehrfritz | | Telephone: [REDACTED] | |
| | | E-Mail: [REDACTED] | |
| Address: 233 Behm Road | | | |
| City/PO: West Falls | | State: NY | Zip Code: 14170 |
| 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 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: A building permit issued by the Town of Aurora is required | | | NO <input type="checkbox"/> |
| | | | YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | 5.08 acres | |
| b. Total acreage to be physically disturbed? | | 1008 Sq Ft acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 5.08 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 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)? If Yes, explain purpose and size: _____ _____ _____</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? If Yes, describe: _____ _____ _____</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? If Yes, describe: _____ _____ _____</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: Eugene Wehrfritz Date: 9/18/2023</p> <p>Signature: </p> | | |

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

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)

I would like to construct a pole barn for storage of my tractor and implements I use to maintain my property. Due to the topography of my property, this is the most practical location to construct the barn. If I were to move it back to be within the requirements of the building code, its location would be very close to, if not interfere with my septic system. Additionally, there is a large tree stump that would also need to be removed.

Town of Aurora
575 Oakwood Avenue
East Aurora, NY 14052
www.townofaurora.com

**Zoning Board of Appeals
Application
Owner Authorization**

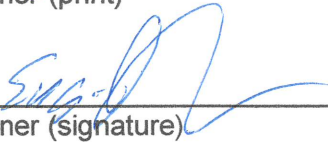
The undersigned, who is the owner of the premises know as:

233 Behm Road, West Falls, 14170, identified as Tax Map (SBL)# 199.00-4-2.12
(address)

hereby authorizes Amy La Find 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.

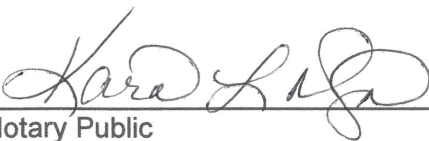
Eugene J. Webrfritz
Owner (print)

10/2/2023
Date


Owner (signature)

STATE OF NEW YORK)
 SS
COUNTY OF ERIE)

On this 2 day of October, 2023, before me, the undersigned, a notary public in and for said state,
personally appeared Eugene J. Webrfritz, 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.


Notary Public

KARIN L. DOJNIK
Notary Public, State of New York
Reg. # 01DO6445148
Qualified in Erie County
Commission Expires December 12, 2024

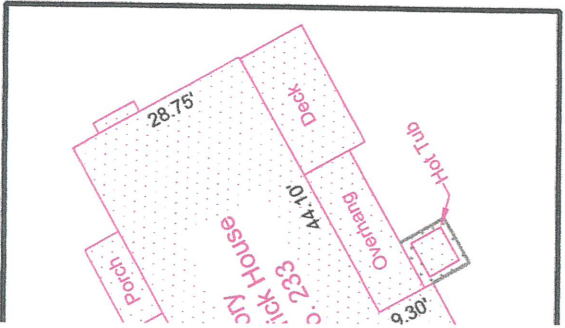
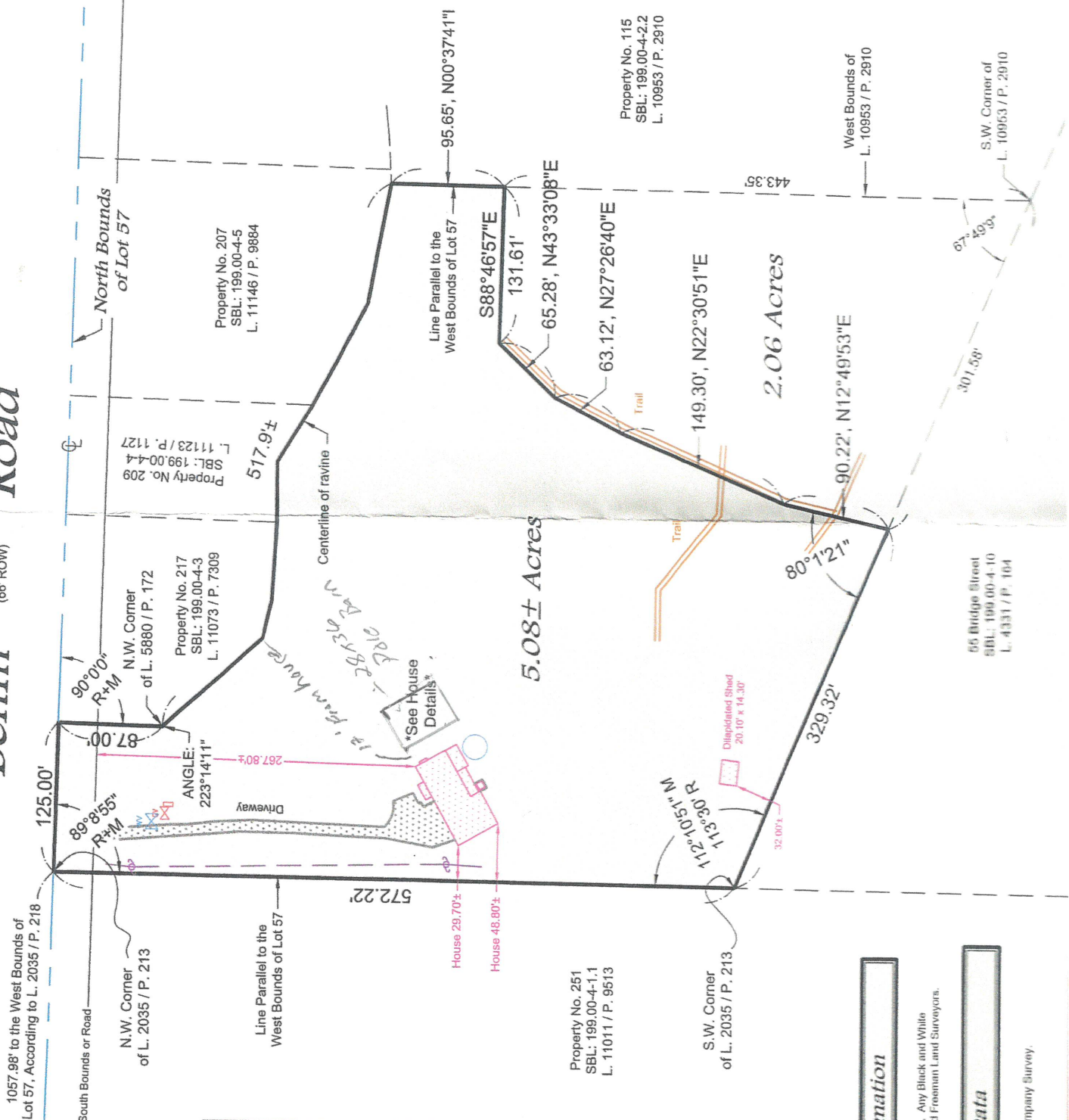
MN1 Soil
 MN2 Cont How and
 MN3 Unas 720K
 MN4 This title of au
 MN5 THI

IP
 Ca, Po
 W
 W
 Oa

Surveyor & E
 I hereby certify
 that this survey
 Land Surveyor
 This certification
 unless this survey
 certification is in
 null and void if it

Behm Road

(66' ROW)



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.

Reference Data

Maps and notes from the Holland Land Company Survey.

Miscellaneous Notes

(MNT) Some features shown on this plan may be shown out of scale for clarity.

(MIZ) Certain easements and/or utility lines, may or may not be shown hereon. This shall not imply that all easements or utilities affecting premises are shown.

(MNS) Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7607 Provision 2 of the New York State Education Law.

(MSZ) This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.

(MRS) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

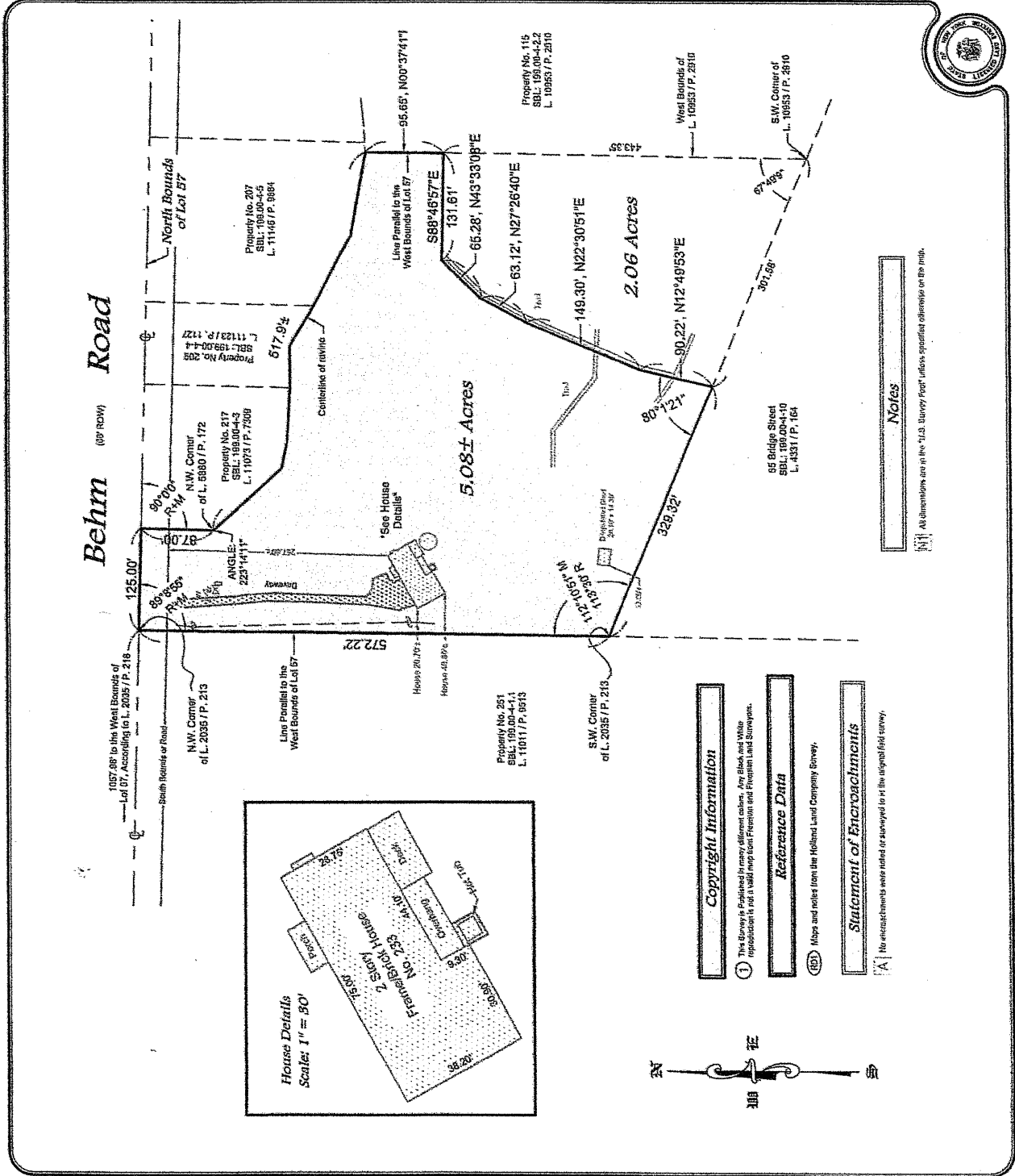
Legend of Symbols & Abbreviations

| | | | |
|----|--------------|----|---------------|
| N | North | E | Encroachment |
| S | South | H | Hollow |
| E | East | C | Centennial |
| W | West | | |
| IP | IP / Refined | I | Indication of |
| PL | PL or PL | N | Non |
| PL | PL or PL | F | Formerly |
| PL | PL or PL | M | Measured |
| PL | PL or PL | P | Power Pole |
| PL | PL or PL | PL | Power Pole |
| PL | PL or PL | PL | Power Pole |
| PL | PL or PL | PL | Power Pole |
| PL | PL or PL | PL | Power Pole |
| PL | PL or PL | PL | Power Pole |
| PL | PL or PL | PL | Power Pole |
| PL | PL or PL | PL | Power Pole |

Map of 233 Behm Road

Being Part of
 Lot 57 Township 9 Range 6
 Holland Land Company Survey
 Town of Aurora
 Erie County, New York

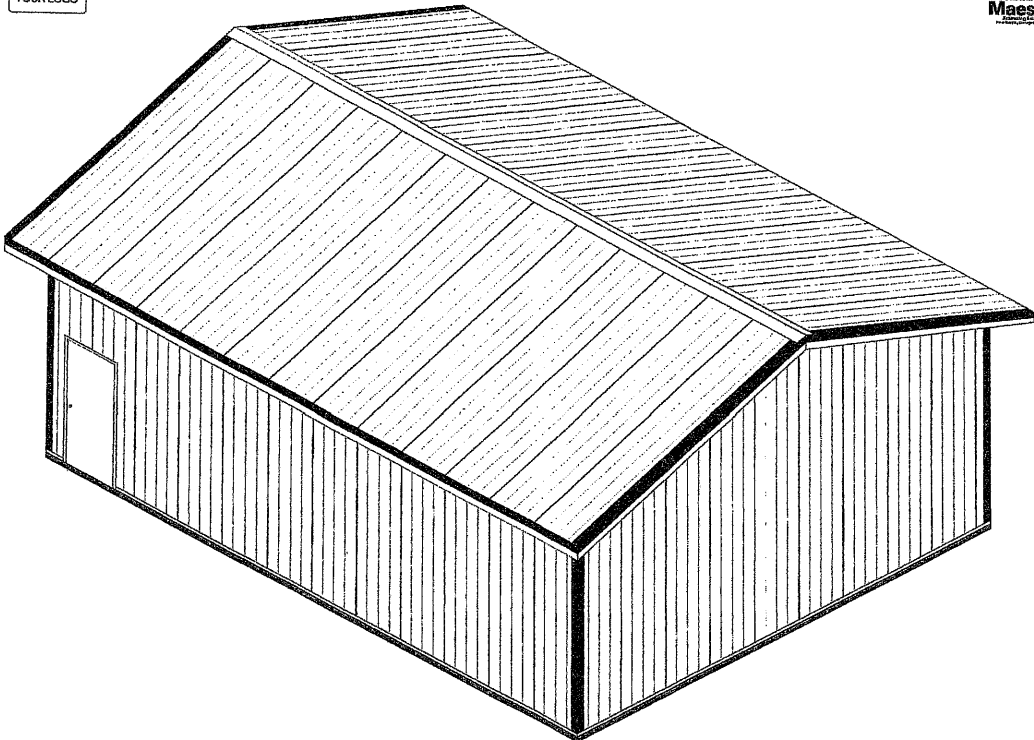
Survey Prepared By:
 Licensed Surveyor: David Scott Freeman
 License No.: 50480
 In the State of: New York
 Date of Survey: August 16, 2022
 Date of ReMap: October 12, 2022
 Drawing Scale: 1" = 100'
 Freeman & Freeman, Job No. 11220-A



Freeman and Freeman Copyright 2022

YOUR LOGO

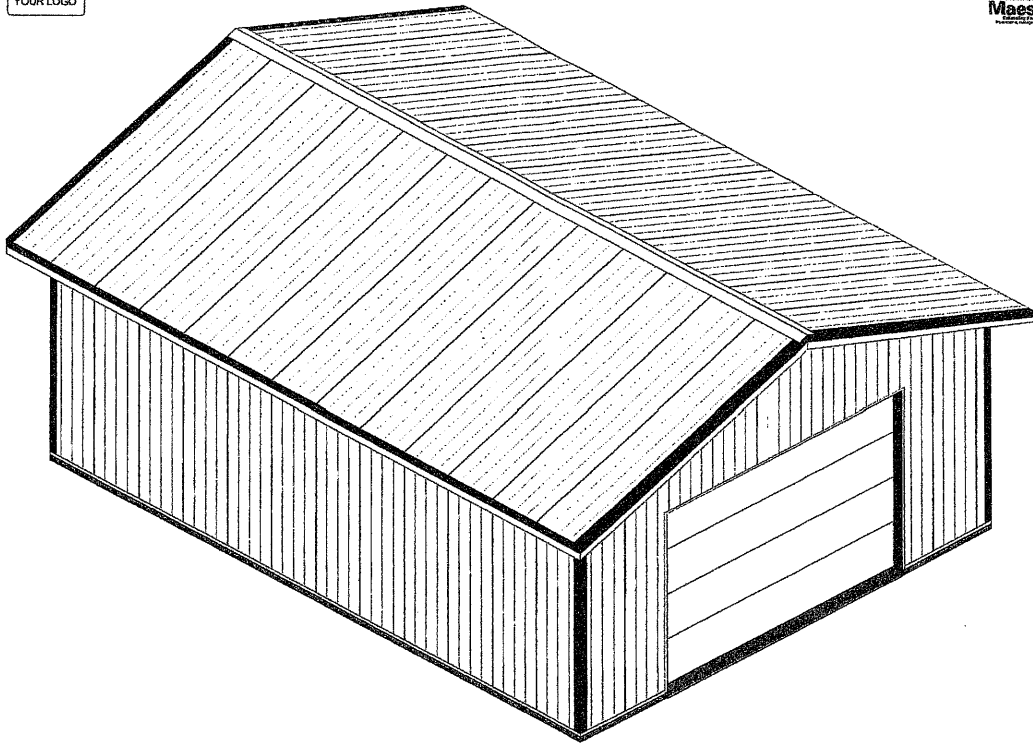
Structural
Maestro
SOLUTIONS



John Greenish
Estimate Number: 1351
05/12/2019

YOUR LOGO

Construction
Maestro
ESTABLISHED 1988

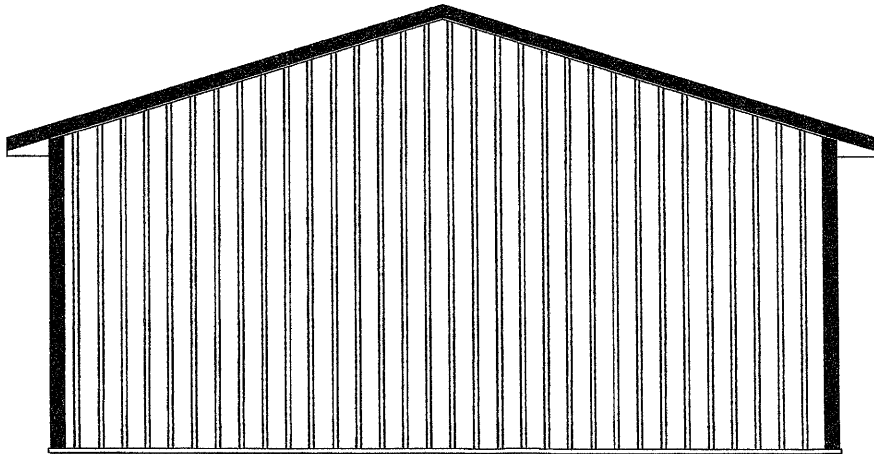


*John Gimpelich
Estimate Number: 1351
02/10/2023

YOUR LOGO

SOUTH SIDE-GABLE SIDE 2 ELEVATION

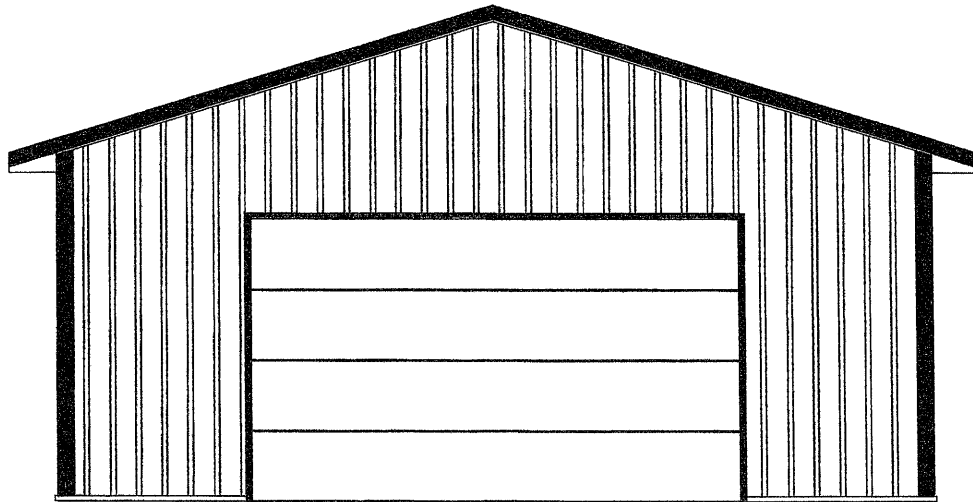
Construction
Maestro[®]
Estimate & Software
Photo Editing, Graphics & Design



"John Gingerich
Estimate Number: 1351
8/31/2023"

YOUR LOGO

NORTH SIDE-GABLE SIDE 1 ELEVATION

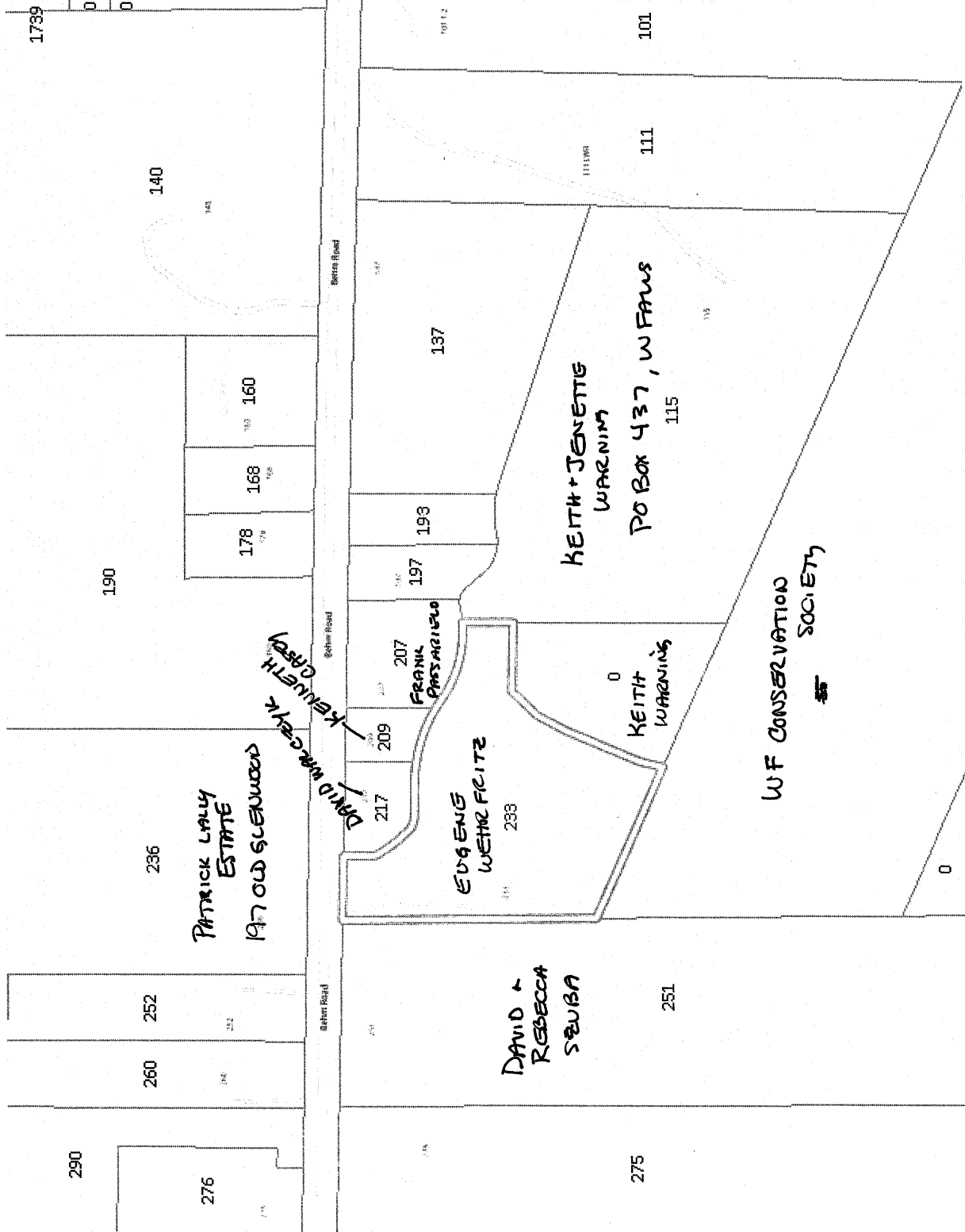


"John Gingerich
Estimate Number: 1351
8/31/2023"

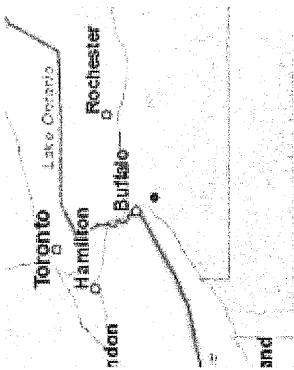
ZBA CASE 1751



Erie County On-Line Mapping Application



Legend
□ Parcels



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