

original



CASE NO. 1422-REVIEW

DATE OF HEARING 5/16/2024
6/20/2024 @

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 COLLEEN O'CONNOR / THOMAS J. WEIR

Address 839 MILL ROAD

City EAST AURORA State N.Y. ZIP 14052

Phone 0 Fax _____ Email _____

Interest in (as owner/purchaser/developer) OWNER

(7 TOM)

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

Property Owner(s) Name(s) _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 839 MILL ROAD EAST AURORA, N.Y. 14052

SBL# 187.01-1-15.111

Property size in acres 1.4 Property Frontage in feet _____

Zoning District _____ Surrounding Zoning _____

Current Use of Property RESIDENTIAL HOME

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____

Special Use Permit for: CHICKEN COOP

Use Variance for: _____

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)

NO CHANGE TO OUR ORIGINAL APPLICATION

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)

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 / Thomas J. Weir
Signature of Applicant/Petitioner

Colleen O'Connor / Thomas J. Weir THOMAS T. WEIR
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 15th day of April in the year 2024 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.

Karin L. Dojnik
Notary Public

(Notary stamp)

KARIN L. DOJNIK
Notary Public, State of New York
Reg. # 01DO6445148
Qualified in Erie County
Commission Expires December 12, 2026

Office Use Only: Date received: _____ Receipt #: _____

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 _____

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: <i>Chicken Coop Variance - side yard - owner</i>																		
Project Location (describe, and attach a location map): <i>side yard - See Survey and pictures</i>																		
Brief Description of Proposed Action: <i>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</i>																		
Name of Applicant or Sponsor: <i>Colleen O'Connor</i>		Telephone: <i>7</i>																
Address: <i>839 Mill Rd</i>		E-Mail: <i>eas</i>																
City/PO: <i>East Aurora</i>		State: <i>NY</i>	Zip Code: <i>14052</i>															
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%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<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:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3. a. Total acreage of the site of the proposed action?		<i>1.4</i> acres																
b. Total acreage to be physically disturbed?		<i>1.4</i> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.4</i> acres <i>00138 with us the 90sq ft shed</i>																
4. Check all land uses that occur on, are adjoining or near the proposed action:																		
<table style="width: 100%;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input checked="" type="checkbox"/> Agriculture <i>behind our property</i></td> <td><input type="checkbox"/> Aquatic</td> <td><input type="checkbox"/> Other (Specify):</td> <td><i>R1</i></td> </tr> <tr> <td><input type="checkbox"/> Parkland</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				<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 checked="" type="checkbox"/> Agriculture <i>behind our property</i>	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (Specify):	<i>R1</i>	<input type="checkbox"/> Parkland				
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<input type="checkbox"/> Parkland																		

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<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>		<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: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<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>		<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>		<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: _____		<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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?		<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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				

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

16. Is the project site located in the 100-year flood plan?

NO YES

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

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

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

NO YES

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Colleen O'Connell THOMAS WAJR Date: 8/30/22
Signature: Colleen O'Connell Title: Thomas J. WJR

REVIEW up 21

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csnyder@townofaurora.com



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townclerk@townofaurora.com

TOWN OF AURORA

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March 18, 2024

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

Dear Ms.O'Connor:

On October 17, 2022, the Zoning Board of Appeals approved a review of a Special permit for a chickens at 839 Mill Rd. The Board also indicated the case was to be reviewed in one year.

You are hereby recalled for a review of your Case No.1422 at the May Zoning Board of Appeals meeting. Please complete the enclosed form and return to this office no later than April 15, 2024. No fee is required as it is merely a review of an existing case.

Your presence is required at the Zoning Board of Appeals meeting to answer any questions from the Board. If you, or an authorized agent, are unable to attend the meeting date noted above, please let us know.

If there is no change to your original application, please make that note. If you would like to request any changes to the special permit, please make that request in the "letter of intent" section of the application.

At a later date, you will be notified what time your case will be presented to the Board.

Please call the office at 652-7591 if you wish to discontinue this special permit.
Our office hours are Monday – Friday from 8:30am-4:30pm.

Respectfully,

Dolly Bailey
Building & Zoning Clerk



Erie County On-Line Mapping Application



0 0.07 0.1 Miles

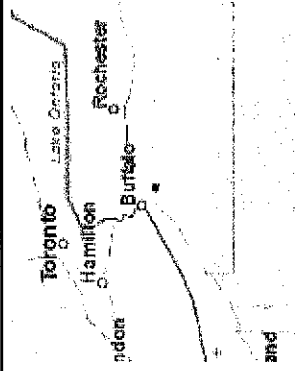
WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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.

Legend

- Parcels



1: 4,514

**ZONING BOARD OF APPEALS
TOWN OF AURORA
DECISION**

RE: APPEAL NOS. 1402, 1422

A public hearing on the Application of Thomas Weir and Colleen O'Connor having been called before the Zoning Board of Appeals in the Aurora Municipal Center, 575 Oakwood Ave., on the 17th day of November, 2022 at 8:15 p.m., after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-9 (F) of the Code of the Town of Aurora.

Members Present were:

Davis Heussler, Acting Chairman
Rodney Simeone
Mandy Carl
Nancy Burkhardt
Ray Wrazen, Alternate Member

Others Present:

Liz Cassidy, Code Enforcement
Paul Kielich, Code Enforcement Officer

The Secretary read the Notice of Public Hearing and the Affidavit of Publication for Case 1422 which were duly marked as exhibits herein. Exhibits 1 and 2. Case 1402 did not require the notice of public hearing as it is a review case.

In Appeal 1402 Petitioner seeks a side yard set back variance for the construction of a shed on their property at 839 Mill Rd., East Aurora, NY in an R 1 Zoning District. They had also sought a front yard variance, but this is no longer necessary as the building dept. has concluded that the structure will not technically be in their front yard. They produced signatures of multiple neighbors who are unopposed to this variance. They are also amenable to reducing the set back variance from 9' to 7' and also attaching gutters and a rear downspout to the building.

In Appeal 1422 Petitioner seeks a use variance to allow chickens on their property. They already had them and were unaware they needed the variance. The chicken coop which is at the side of their house is technically in the front yard so a variance is required for that also. Valerie Giallella, the neighbor nearest the chick coop wrote a letter in support.

At a duly convened public meeting held on the 17th day of November, 2022, after said public meeting, the Zoning Board of Appeals finds as follows:

