Town of Aurora

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ZONIUG, BOAMD OF APPEALS Planning application

ZBA CASE NO. 1485

For use by Principal Authority			DECEMBER 9,2024			
Cloudpermit application number US-NY21589-P-2024-106	,					
PIN 188.01-2-4						
Application submitted to Aurora, New York						
Description of Subject Property						
Address 928 OLEAN RD						
Municipality Aurora, New York						
PIN 188.01-2-4						
Purpose of Application	en e					
Application type Variance — Area variance — Multiple Varia	nces					
Applicant, Property owner						
Last name Fallon	First name Connor		Corporation or partnership			
Street address 928 olean rd	Unit number		Lot / Con.			
Municipality East Aurora	ZIP code 14052		State NY			
Other phone						
Fax	E c		mc			
Declaration and Signatures						

Applicant

I, Connor Fallon (The Applicant), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.



Digitally signed on 11/09/2024, 7:52:02 PM EST by Connor Fallon.

Town of Aurora or East A	urora	
Town of Aurora or East Au		
Town of Aurora	Village of East Aurora	
Town of Aurora - Applica	tion Information	
Type of Request		
✓ Area Variance ☐ S	Special Use Permit 🔲 Use Variand	ce Interpretation
Property Information		
Property Size in Acres	Property Frontage in	
0.35	49.67	•
Zoning District	Surrounding Zoning RR and R2	
R2		
Current Use of Property Residencial		
Request Detail	·	
Check all that apply:		For:
Variance from	Special Use Use Variance	Height: 116-8.2B(2) and setback: 116-8.2F(2)
✓ Ordinance	Permit for:	
☐ Interpretation of		
1		I I
Petitioner's Letter of Into	ent	
		ariance and/or special use permit is being requested and any
the attachments section	- · ·	ard of Appeals in deciding this appeal: (attach additional pages to
		very large branch fell off the neighbor's tree causing substantial garage is unsafe and has to be completely torn down and rebuilt.
The lot of this property	is an irregular shape causing very n	arrow side setback/property lines around garage. I plan to
Current garage is rough	nly a 23×20.5. I would like to build a	lightly bigger to better accommodate and make it more versatile. 24×32. Basically the same width just a little longer. This would
		I also plan on buying a camper/rv in the next few years and would reasoning for the 14ft wall height. That height would allow for a
planned 12ft tall garage	door. This would allow me to fit can	nper and bucket tractor inside the garage. Another reason for 14ft automotive car lift for personal use in order to work on my truck
and other personal pro	jects/vehicles. These lifts require 14	t clearance. With 14ft walls and a 4 /12 truss would put me at a
		nce is 15ft. so only 1 ft higher. This would building would sit in the iceable from the road, scenery of area will stay the same. Also, my
house height the peaks	s are just about 21ft so the pole barn	garage would not be taller than the house. One last thing I would e road from my property there are a handful of accessory
buildings at the same h	neight or higher than my planned bui	lding. Thank you for your time and I hope you understand why I
Teel my building is an e	exception to the current ordinances a	nd should be allowed a variance.
Town of Aurora or East	Aurora	
Town of Aurora or East A	Aurora	
Town of Aurora	Village of East of Aurora	

Town of Aurora - Application Requirements				
1. Prior to seeking a variance from the ZBA, the Applicant/Property Owner must receive a denial				
from the Building Department for a building permit, a decision from the Code Enforcement				
Officer, or a referral from the Planning Board or Town Board.				
2. Completed applications must be submitted by the second Monday of the month prior to the next				
scheduled meeting of the ZBA. The ZBA meets the third Thursday of each month.				
3. All applications must be accompanied by the proper application fee. ZBA application fee is \$100.00.				
Checks made payable to Town of Aurora.				
4. If the applicant/petitioner is not the property owner, an owner authorization form must be submitted.				
5. Submit one (1) original copy of the following information (For larger projects, additional large scale hard copies may be requested) to the Town of Aurora Building Department:				
PLEASE UPLOAD THESE DOCUMENTS IN THE MAIN WORKSPACE ATTACHMENT UPLOAD AREA:				
ZBA Application with all questions answered Petitioner's Letter of Intent Petitioner's Letter of Intent Sketch, drawing, plan or brochhure showing all dimensions of the structure that requires a variance and any other information as may be necessary (ex. photos of the property).				
Survey prepared by a licensed surveyor. licensed architect or professional engineer showing the property involved and the location of all existing structures and proposed structures. All setbacks measurements must be shown on the survey. A site plan showing the proposed structure and all dimensioning including distance from property lines and roadways, driveways, wells, septic, drainage ditches and any other features relevant to the variance being requested.				
Short Environmental Assessment Form (SEQRA) - Part I Completed by applicant				
http://www.townofaurora.com/files/7814/9582/0950/3B_ZBA_Short_EAF.pdf				

SUPERVISOR Charles D. Snyder (716) 652-7590 csnyder@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

November 13, 2024

TOWN COUNCIL MEMBERS

Luke Wochensky lwochensky@townofaurora.com

James F. Granville jgranville@townofaurora.com

Joseph M. McCann jmccann@townofaurora.com

Raymond M. Wrazen rwrazen@townofaurora.com

SUPT. OF HIGHWAYS David M. Gunner (716) 652-4050

 $\underline{highway@townofaurora.com}$

CODE ENFORCEMENT OFFICER Elizabeth Cassidy

(716) 652-7591

building@townofaurora.com

ASSESSOR Stephen R. Pigeon assessor@townofaurora.com

<u>assessor@townofaurora.com</u> (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

This institution is an equal opportunity provider and employer.

Connor Fallon

928 Olean Road

East Aurora, NY 14052

Connor Fallon:

The Building Department has reviewed your request to construct an accessory structure (garage) at 928 Olean Road (SBL 188.01-2-4). The request has been denied because it fails to meet the requirements of mean height for accessory buildings/structures, side yard setbacks, and garage door height in your zoning district of R2.

Section 116-8.2B(2)

Required: Maximum mean height for accessory buildings/structures shall not exceed 15'.

Requested: 16' mean height.

Variance: 1'

Section 116-8.2F(2)

Required: Accessory buildings/structures shall have a side yard setback equal to the mean height of the proposed accessory structure/building but not less than 10 feet.

Requested: 1.5' side yard setback on the north side and 1.92' side yard setback on the south side.

Variance: 14.5' on the north side and 14.08' on the south side based on 16' mean height.

Section 116-8.2G(2)

Required: Accessory buildings/structures shall have a rear yard setback equal to the mean height of the proposed accessory structure/building but not less than 10 feet.

Requested: 1.5' rear yard setback on the northeast corner

Variance: 14.5' based on 16' mean height.

Section 116-17D

Required: In any R District, the permitted accessory uses on any premises shall not have a private garage with vehicular entrance headroom more than 10 feet high.

Requested: 12'

Variance: 2'

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

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

Submit this form with <u>full statement of proposed action</u> (as described in GML 239-m(c)) at <u>www.Erie.gov/IRonline</u>, 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.,

DO NOT WRITE IN	THIS SPACE
Case No.:	
Delivery Date:	

17202		Tostiliant/Delivery Date			
		ance with the provisions of NYS General Municipal Law §239 l - nn			
A <u>Municipal Re</u>		etermine whether an applicable action is subject to referral.			
d Name of Manielastica	-	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 12/19/2024	Time 7:00 pm Location 575 Oakwood Ave., E. Aurora, NY 14052			
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				
5a. S.B.L. of Property:	188.01-2-4				
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: (specify the action, such as the scope of variances or site plans) Pole barn is higher and closer to side and rear lot lines than allowed by Town Code. Garage door height higher than allowed by Town Code					
8. Other remarks:					
9. Submitted by: Martha	a Librock, Town Clerk	Email:townclerk@townofaurora.com			
10 . Return Address: <u>575</u>	ō Oakwood Ave., E. A	urora, 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 Plannin	ng:	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					
Tare 1 - 11 of eet and Sponsor Intormation					
Name of Action or Project:					
928 olean garage rebuild					
Project Location (describe, and attach a location map):					
928 Olean rd east Aurora ny 14052, building to be be built in rear of property at end of o	driveway	where current garage site	s,		
Brief Description of Proposed Action:	·				
Existing garage had tree fall on it causing substantial structural damage. Planning on de pole barn (24x32 with 14ft wall height) style garage in its place, the side setback is goil minimum distance from building to property line on each side at the closet point in about	emolishir ng to be t 2ft,	ng current garage and reb basically the same as ori	ouilding iginal b	a slight uilding.	tly bigger
Name of Applicant or Sponsor:	Telep	hone			/
Connor Fallon	E-Ma			·	
Address:	1				
928 Olean rd					
City/PO:		State:	Zip	Code:	
East Aurora		NY	1405		
1. Does the proposed action only involve the legislative adoption of a plan, le administrative rule, or regulation?	ocal lav	v, ordinance,		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and	the one	ironmantal magazzasa s	414		 1
may be affected in the municipality and proceed to Part 2. If no, continue to	questio	n 2.	ınat	~	
2. Does the proposed action require a permit, approval or funding from any of Yes, list agency(s) name and permit or approval:	other go	overnmental Agency?		NO	YES
in the second to the second of approved.				4	
0 m 1	3	<u> </u>			
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed?	0.0	acres			
c. Total acreage to be physically distilled?	0.0	18 acres			
or controlled by the applicant or project sponsor?	0.35	⁵⁰ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.					
☐ Urban ☑ Rural (non-agriculture) ☐ Industrial ☐ Comme	ercial	Residential (suburt	ban)		
☐Forest ☑Agriculture ☐Aquatic ☐Other (specify)):			ĺ
☐ Parkland					

	NO	YES	N/A	1
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO.	$\overline{\mathbf{Q}}$		
b. Consistent with the adopted comprehensive plan?		V		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	ŀ	NO	YES	
 Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental At If Yes, identify: 	ea?	NO	YES	<u>} </u>
		NO	37100	<u>. </u>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO V	YES	
b. Are public transportation service(s) available at or near the site of the proposed action?		V		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?	<u>//</u>	3772	
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: N/A just a basic structure no electric, insulation, or HVAC to be installed at this time		NO	YE]
10. Will the proposed action connect to an existing public/private water supply?		NO	YE	S
If No, describe method for providing potable water:		V]
11. Will the proposed action connect to existing wastewater utilities?		NO	YE	ES
If No, describe method for providing wastewater treatment:]
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	C	NO	YI	ES
b. Is the proposed action located in an archeological sensitive area?		V		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, con wetlands or other waterbodies regulated by a federal, state or local agency?		NO V	Y	ES
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:	.y?	- 1	<u> </u>	
		-		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Chec ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-succes ☐ Wetland ☐ Urban ☐ Suburban	ck all the ssional	at apply	:	
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	7	YES
by the State or Federal government as threatened or endangered?		V] [
16. Is the project site located in the 100 year flood plain?		NC		YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	5	YES
If Yes, a. Will storm water discharges flow to adjacent properties?	S	<u> </u>	<u> </u>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm of YEs, briefly describe:	irains)? S			
		_		

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)?		YES
If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	V	
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 V	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE Applicant/sponsor name: Connor Fallon Date: 11/9/2024 Signature:	BEST O	F MY

928 Olean Rd East Aurora NY 14052

:

Dear

I just recently purchased this property and during closing a very large branch fell off the neighbor's tree causing substantial damage to the current garage multiple contractors all said garage is unsafe and has to be completely torn down and rebuilt. The lot of this property is an irregular shape causing very narrow side setback/property lines around garage. I plan to demolish this garage and rebuild it in the same place, just slightly bigger to better accommodate and make it more versatile. Current garage is roughly a 23x20.5. I would like to build a 24x32. Basically the same width just a little longer. This would allow for more space to store my vehicle, tractor, atv, ect. . I also plan on buying a camper/rv in the next few years and would like to have the ability to store in garage. This is part of the reasoning for the 14ft wall height. That height would allow for a planned 12ft tall garage door. This would allow me to fit camper and bucket tractor inside the garage. Another reason for 14ft wall height is eventually I would like to install a 12k 2-post automotive car lift for personal use in order to work on my truck and other personal projects/vehicles. These lifts require 14ft clearance. With 14ft walls and a 4/12 truss would put me at a overhaul height of 18ft or 16ft mean height which the ordinance is 15ft mean heigh to my understanding. So only 1 ft higher. This would building would sit in the back of my property and the change would not be very noticeable from the road, scenery of area will stay the same. Also, the height at peaks of main dwelling are just about 21ft so the pole barn garage would not be taller than the main dwelling. One last thing I would like to mention is if you drive 2 minutes either way down the road from my property there are a handful of accessory buildings at the same height or higher than my planned building. Thank you for your time and I hope you understand why I feel my building is an exception to the current ordinances and should be allowed a variance.

Connor Fallon

,

FALLON

East Aurora, NY 14052 928 Olean Rd., POST FRAME BUILDING

GENERAL NOTES:

- COMPLY WITH ALL CURRENT LOCAL, STATE AND FEDERAL CODES AND REGULATIONS. MAINTAIN INSURANCE AS REQUIRED BY NEW YORK STATE AND TOWN OF AURORA.
- OBTAIN ALL NECESSARY PERMITS FOR THE WORK.
 REVIEW AND VERIFY ALL EXISTING CONDITIONS AND THE SCOPE OF WORK PRIOR TO
 CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING - 4 6 4
 - NO SUBSTITUTIONS WITHOUT AUTHORIZATION OF OWNER AND ARCHITECT. COMPLY WITH MANUFACTURER'S WRITTEN INSTRUCTIONS AND RECOMMENDATIONS WITH THE WORK, 4

FOR INSTALLATION OF ALL PRODUCTS USED IN CONSTRUCTION.

STRUCTURAL DESIGN CRITERIA:

TRUSS DESIGN SHALL SUPPORT:

SNOW LOAD: ROOF

33 psf 50 psf

GROUND

DEAD LOAD: 5 psf

WIND LOAD : EXPOSURE C (115 mph) RISK CATEGORY I

- OF 2000 psf is ASSUMED. AFTER POST HOLE EXCAVATION, CONTRACTOR SHALL IN LIEU OF A COMPLETE GEOTECHNICAL EVALUATION, LOAD BEARING PRESSURE NOTIFY ARCHITECT OF OTHER SOIL BEARING CONDITIONS. <u>.</u>
- BOTTOM OF POST FOOTINGS TO BE MINIMUM 4'-0" BELOW FINISHED GRADE ON ALL CONCRETE TO BE MIN. 4000 psi COMPRESSIVE STRENGTH.
 - ALL LUMBER SPF #2 OR BETTER. UNDISTURBED SUBGRADE.
- FASTENERS IN CONTACT WITH PRESSURE TREATED WOOD SHALL BE HOT-DIPPED GALVANIZED, STAINLESS STEEL, SILICON BRONZE OR COPPER.

DRAWING INDEX

- GENERAL NOTES 4-0 4-0
- FLOOR PLAN
- **EXTERIOR ELEVATIONS** A-02 A-03
 - WALL SECTION







WITH THE NEW TORK STATE BEXCATION WAINING - ALTBEATIONS OF THIS DOCUMENT EXCEPT IN ACCORDANG

SECTION 7209, MONISON 2, IS LIEGAL, ALL WORK SHALL CONFORM TO ALL APPICARE LOCAL, AND STATE CODE, AND

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PURPOSES ONLY, CONSTRUCTION MEANS
AND METHODS BY OTHERS.
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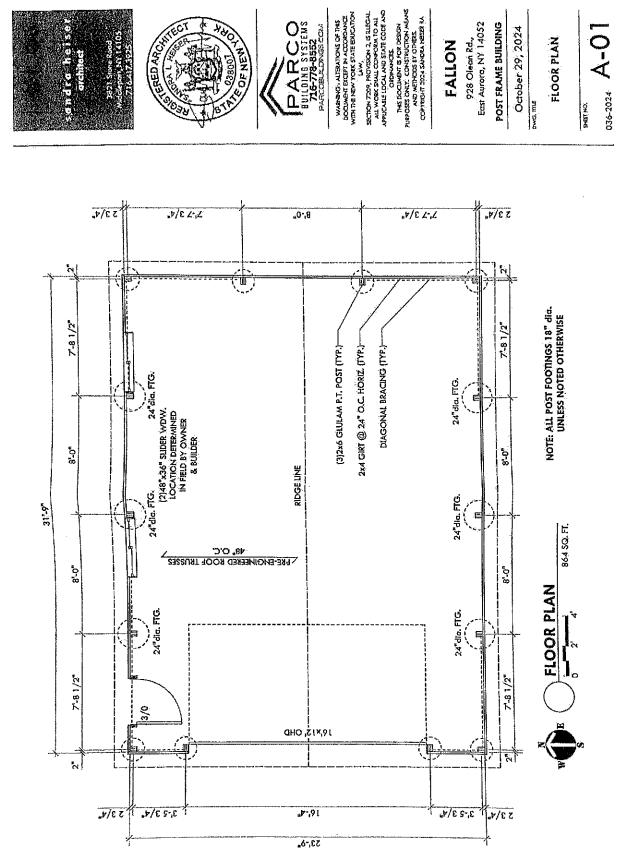
FALLON

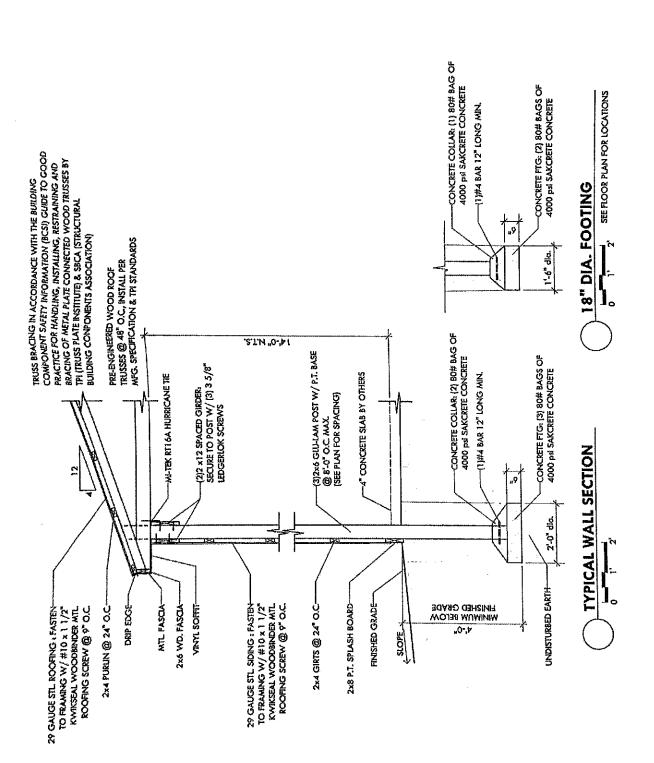
East Aurora, NY 14052 928 Olean Rd.,

POST FRAME BUILDING October 29, 2024

COVER

036-2024 A-O SPEET NO.











WANDERS LITERATIONS OF THE DOCUMBER EXCEPT IN ACCORDANCE WITH THE NEW YORK STATE STUCKNON

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AND METHODS SY OTHERS.
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FALLON

East Aurora, NY 14052 928 Olean Rd,

POST FRAME BUILDING

TWG. TITLE

October 29, 2024

SECTION

036-2024 A-03 SPEET NO.

