

CASE NO. 1494 DATE OF HEARING 4/17/25

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 John B Hickhings Address 1231 Okan Rd PO BOL 183
City Souls 1000175 State NU ZIP 14139
Phone 716 x — Email fixecon rv
Interest in t /purchaser/developer)
III. PROPERTY OWNER INFORMATION (If different from applicant information.)
Property Owner(s) Name(s) blin E. Hitchiens Address 1231 Olean Rd
City South Wales State ME NU ZIP 14139
Phone 716 Email Avec
III. PROPER I I INFORMATION
Property Address 1231 Ofean Rd South Wates HY 14139
SBL# 188,00-3-23, ZI Property size in acres 8.4 Property Frontage in feet 885,65
Zoning District Surrounding Zoning
Current Use of Property
Current Ose of Froperty
IV. REQUEST DETAIL (check all that apply) Variance from Ordinance Section(s) # 116~8・46(4), 116~18A(*); 116~8・4E(*) Special Use Permit for: Use Variance for:
Interpretation of

the owner of the prope	erty, a separate owner authoriz	ation form must be submitted	d – see pg. 5)
Signature of Applicant John Bolti Print name of Applicant	thing		
State of New York; County	of Erie		
above individual appeared basis of satisfactory evider name is subscribed to the	ne/she/they executed the same alled. LEY 1544 5 New York		
Office Use Only:	Date received:	Receipt #:	
ECDP ZR-1 form sent to	D EC:	Hearing publication date:	
PREVIOUS APPEAL(S) :		
A previous appeal to the	e Zoning Board of Appeals()ha	s () has not been made with r	espect to this property.
Previous appeals:	Tung of Appeal	Out of the state of	David
Date:	Type of Appeal:	Granted	Denied

Date: _____ Type of Appeal: _____

V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not

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)	
26+26+15(H) 2 car garage, to be constructed in front of but to	
the south of house	
hand drops off dramaticly just 5 and w of site due to a small stream	win
preventing construction behind or next to the house	
	•
z.	-
	-
	-
THE RESIDENCE OF THE PROPERTY	
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:	
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)	ıl
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: Required fill and concrete would be before our means	
	_
NA .	
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: Old Shed/qarage and improve the usefulnes and asthetic appearan	<u>r</u> ee
of the property	
4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain:	
Live a Live and the second of	
(Attach additional pages if needed)	

TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052 BUILDING DEPARTMENT (716) 652-7591

MEMO

TO: Chairperson Ernst and members of the Zoning Board of Appeals

FROM: Richard Miga, Assistant Code Enforcement Officer

DATE: February 20, 2025

The attached variance application is a reapplying for a previously reviewed and granted variance under case number 1445. Due to the applicant not procuring a building permit within one-year of the ruling, under 116-91H, the previously granted variance became null and void.

If you have any questions, please contact me at 652-7591. Richard Miga

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

TOWN COUNCIL MEMBERS

February 20, 2025

Luke Wochensky lwochensky@townofaurora.com

> John Hitchings 1231 Olean Road South Wales, NY 14139

James F. Granville jgranville@townofaurora.com

Joseph M. McCann imccann@townofaurora.com

John:

Raymond M. Wrazen rwrazen@townofaurora.com

The Building Department has reviewed your request to construct an accessory structure (garage) at 1231 Olean Road (SBL 188.00-3-23.21). The request has been denied because it fails to meet the requirement for no accessory buildings/structures in the front vard.

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

highway@townofaurora.com

Sections 116-8.4F(4) and 116-18A(1)

Required: No accessory buildings/structures shall be erected in the front yard.

CODE ENFORCEMENT **OFFICER**

Elizabeth Cassidy (716) 652-7591

Requested: Accessory Structure in front yard Variance: Accessory Structure in front yard

building@townofaurora.com

Sections 116-8.4E(1)

Required: Front Yard depth or setback is a minimum of 75' from the street right-of-way (ROW).

This letter serves as notice that we have received the application and fee for the Zoning

ASSESSOR Stephen R. Pigeon

Requested: Accessory structure 25' from ROW

assessor@townofaurora.com (716) 652-0011

Variance: 50'

DIR. OF RECREATION

Christopher Musshafen (716) 652-8866

chris@townofaurora.com

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.

TOWN ATTORNEY Brigid M. Maloney

TOWN JUSTICE Jeffrey P. Markello Anthony DiFilippo IV

> HISTORIAN Robert L. Goller (716) 652-7944

historian@townofaurora.com

Richard Milea

Sincerely,

Assistant Code Enforcement Officer

FAX: (716) 652-3507

This Institution is an equal

opportunity provider and employer.

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., 14202.

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

The proposed action desc							
4 3 4 ! ! 1 D						al Municipal Law §2391-nn	
A Municipal Re	rerrai .			ne whether an applicable	action is	s subject to referral.	
	mq.m	-	n oi P	roposed Action			
1. Name of Municipality:	10	wn of Aurora					
However, any county	If the reply re-	he county fails to reply within su ceived after 30 days but 2 or mo	ich perio re days p	er receipt of a full statement of the d, the referring body may take fiverior to final action by the referring ton with the county within 30 day	nal action. ng body sl	nall be subject to §239-m(5)	
2. Hearing Schedule:	D	ate 04/17/2025	T	me 7:00pm Locati	on 575	Oakwood Ave., E. Aurora, NY	
3. Action is before:		Legislative Body	V	Board of Appeals		Planning Board	
4. Action consists of:		New Ordinance		Rezone/Map Change		Ordinance Amendment	
☐ Site Plan	V	Variance		Special Use Permit		Other:	
5. Location of Property:		Entire Municipality	V	Address: 1231 Olea	1231 Olean Road (Route 16), PO S. Wales, Town of Aurora		
5a. S.B.L. of Property:	188	.00-3-23.21			WII OI .		
6. Referral required as site is within 500' of:		State or County Property/Institution		Municipal Boundary [Operation located in an cultural District	
☐ Expressway		County Road	V	State Highway	□ Proposed State or County Road, Property, Building/Institution, Drainageway		
7. Proposed change or us		Garage in front of	resid	ence and closer to	oad tl	nan allowed than allowed	
(specify the action, such as scope of variances or site p		by rown code					
scope of variances or site p							
scope of variances or site page 8. Other remarks:	plans)		k	Email: townclerk@	town	ofaurora.com	
scope of variances or site page 8. Other remarks: 9. Submitted by: Marth	olans) ——— a Lik	prock, Town Cler			town	ofaurora.com	
scope of variances or site page 8. Other remarks: 9. Submitted by: Marth	a Lik	prock, Town Clerk kwood Ave., E. A	Auroi				
8. Other remarks: 9. Submitted by: Marth 10. Return Address: 575 Receipt of the above-des submits its review and re	a Lik 5 Oa Rescribes	prock, Town Clerkwood Ave., E. Apply to Municipality b	Auroi y Erie	County Division of F	lannin	ιg Γhe Division herewith	
8. Other remarks: 9. Submitted by: Marth 10. Return Address: 575 Receipt of the above-des submits its review and resubmitted with this reference.	a Lik 5 Oa Rescribes	prock, Town Clerkwood Ave., E. Apply to Municipality b	Auroi y Erie acknow f appli	County Division of Formula of Formula of Formula on Leading state and local formula of F	lannin	g Fhe Division herewith	
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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 2 Cas garage 2 6+26+56 (H) Name of Action or Project 1231 O'Reau Rd S. Waltes NY 14137 Project Location (describe, and attach a location map): Brief Description of Proposed Action: 2 Cas garage build a 45° caugh to the front of the house. Nw corner of aligns will the front of the house. Nw corner of aligns will the front of the house. No corner of Applicant or Sponsor: Telephone: E-Mail: f Come. Address: 12.31 O'Reau Rd City/PO: State: State: No yes 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, NO yes aministrative rule, or regulation? If yes, attach a narretive 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. 2 Does the proposed action require a permit, approval or finding from any other government Agency? No yes If yes, list agency(s) name and permit or approval: Tok State: 1. Total acreage (project site and any continuous properties) owned or controlled by the applicant or project sponsor? 4. Check all land uses that occur on, are adjoining or near the proposed action: Urban Rural (non-agriculture) Industrial Commercial Residential (suburban) Forest Raral (non-agriculture) Industrial Commercial Residential (suburban) Parkland	T. C					
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Name of Applicant or Sponsor: Telephone: E-Mail: COWE	Name of Action or Project					
Name of Applicant or Sponsor: Telephone: E-Mail: Corw.	1231 Otean Rd S. Weltes NY 14139					
Name of Applicant or Sponsor: Telephone:	Project Location (describe, and attach a location map):					
Name of Applicant or Sponsor: Telephone:						
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State: Zip Code: City/PO: State: Zip Code:	Address.					
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☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):	or commoned by the approach of project sponsor.	**************************************				
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):	4. Check all land uses that occur on, are adjoining or near the proposed action:					
Forest Agriculture Aquatic Other(Specify):		al 🔲 Residential (subur	rban)			
Level 1		cify):				
	Land Land					

Is the proposed action,	NO	YES.	N/A
• •	110	120	
a. A permitted use under the zoning regulations?		V	
b. Consistent with the adopted comprehensive plan?			
Is the proposed action consistent with the predominant character of the existing built or natural landscap	ne?	NO	YES
is the proposed action consistent with the predominant character of the existing bunt of natural failusea	<i>,</i> 0:		V
Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area	?	NO	YES
Yes, identify:		V	
a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
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?	i		
Does the proposed action meet or exceed the state energy code requirements?		NO	YES
the proposed action will exceed requirements, describe design features and technologies:			
		.	
0. Will the proposed action connect to an existing public/private water supply?		NO	YE
If No, describe method for providing potable water:		- 	
		-	
1. Will the proposed action connect to existing wastewater utilities?		NO	YE
If No, describe method for providing wastewater treatment:		_	.
		_ \	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or	district	NC	YE
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		TV	716
Commissioner of the NTS Office of Farks, Recreation and Thistoric Treservation to be engine for instance of State Register of Historic Places?	JII LIIO	-	-
		4	ЯF
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?			-
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, cont wetlands or other waterbodies regulated by a federal, state or local agency?	ain	N(-1
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody	?	L	7. 6
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			
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		_]	
]. v:	

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				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	МО	YES		
Federal government as threatened or endangered?	V			
16. Is the project site located in the 100-year flood plan?	NO	YES		
to the project but as the time and the project but the project	V			
17. Will the proposed action create storm water discharge, either from point or non-point sources?	ИО	YES		
If Yes,	اسا			
a. Will storm water discharges flow to adjacent properties?	V			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		П		
If Yes, briefly describe:				
18. Does the proposed action include construction or other activities that would result in the impoundment of water	ИО	YES		
or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:				
	V			
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			
and the subject of semi-disting (organize or	NO	ZVDO.		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES		
If Yes, describe:				
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE B	EST O	<u> </u>		
MY KNOWLEDGE				
Applicant/sponsor/name: John B Hitchings Date: 02 07 2025				
Signature: John B 1 Title: Wir.		······································		

February 19, 2025

Members of the Zoning Board of Appeals, Town of Aurora

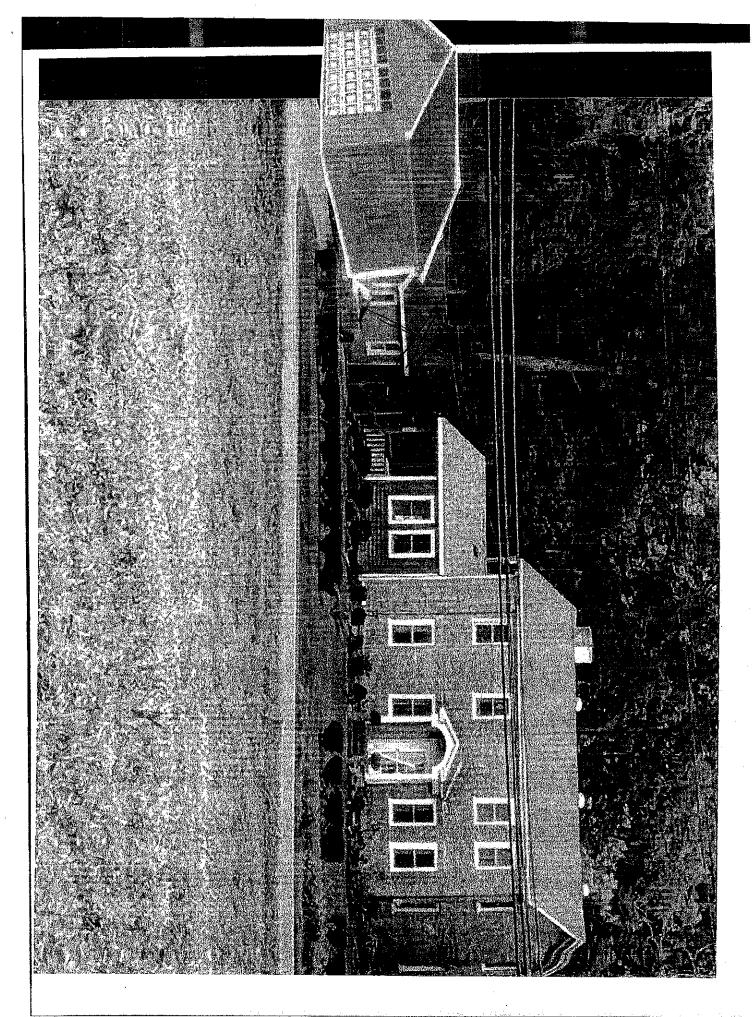
We are submitting our appeal for a variance to build a 2 car garage at the residence of John and Linda Hitchings, 1231 Olean Rd, South Wales NY, 14139. This request was first submitted on August 17, 2023. The variance was approved - but due to the time it required for us to get the property surveyed, and then to have an architect draw submittable plans, we were not able to build in 2024. So, here we are!

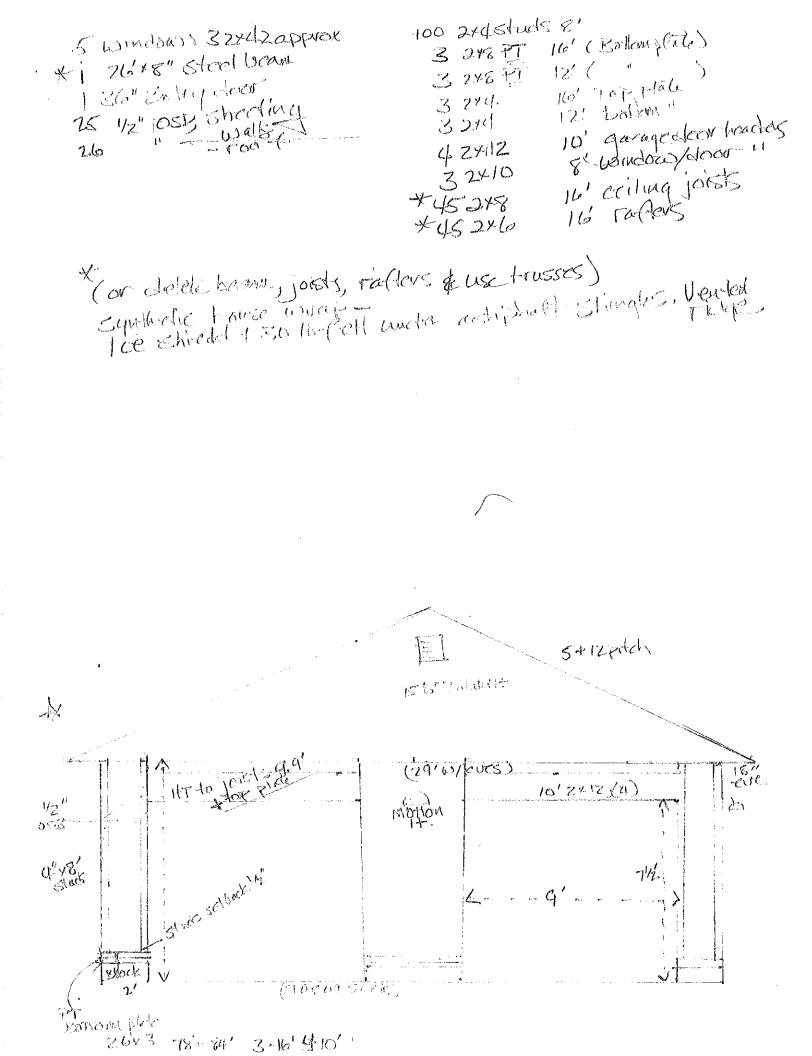
The plan replaces an old garage designed to house a single model T Ford with a standard unattached 2 car garage, 26 X 26 X 15H, with 9 ft walls. The only site near the house that can accommodate that footprint is in front of the house. The land beyond immediately drops off steeply to a small stream. The garage would sit at a 45deg angle to the front of the house, a few feet to the south of the house. The old garage will be demolished.

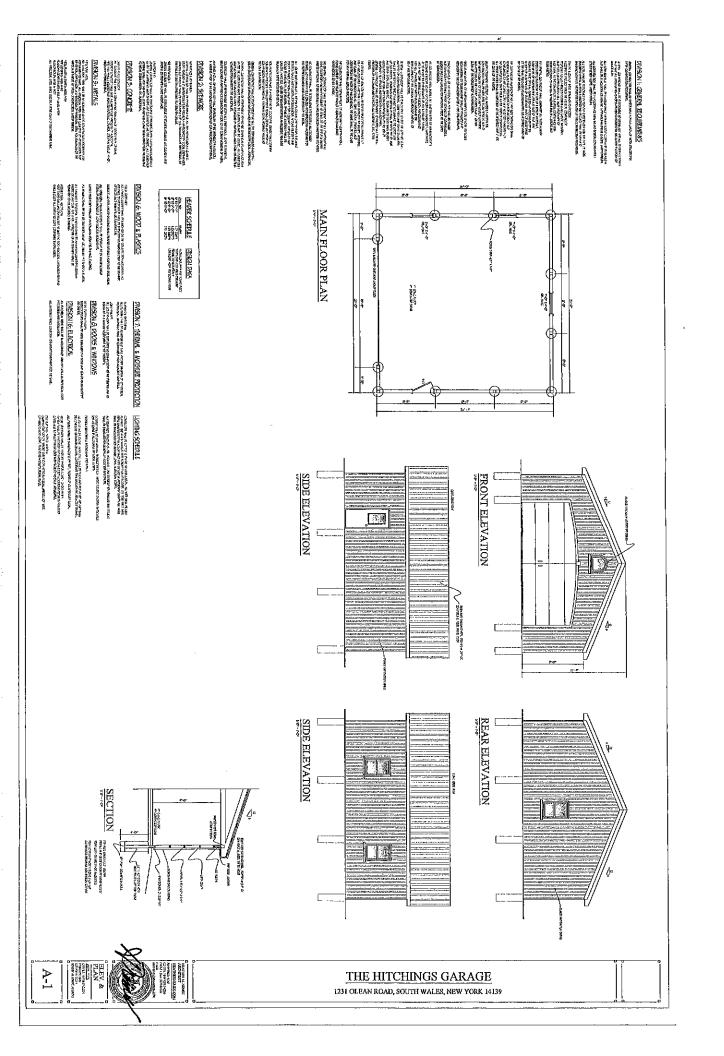
The house is grandfathered at less than 100 ft from the road. The variance is for a 50 foot setback from the center of the road, which will align the NW corner of the garage with the front of the house. I'm sorry to bring this back to you. I had no idea I needed the survey or the architectural blueprint! 72, and still learning new things, just not everyday. On that note, I hope you have a good one!

Sincerely

John Hitchings







John & Linda Hitchings 1231 Olean Rd 5 Wetes Ny 14139 7166526783

