

Village of East Aurora Zoning Board of Appeals

Thursday, April 14, 2022

Introduction of Zoning Board Members Chair

Approval of Minutes Chair
February 10, 2022
March 10, 2022

6:00 p.m.

177 Elmwood Ave.-John Hawk-Section 285-20.5; Table 20.5A Residential District Bulk Requirements

Introductions: Chair

Notice of Appearances for Each Hearing Chair/CEO

Reading of Denial Letter CEO

Reading of Appeal Letter CEO

Other Communications CEO

Appellant Presentation

Appearance Comments

Board Deliberations Chair

Presentation of Board Findings Chair

Adjournment

Jennifer Schamberger – Chair

Vacant – Member

Bruce Mitchell – Member

Tony Hoffman – Member

Gary Kimmel-Hurt – Alternate

Liz Cassidy – Code Enforcement Officer (CEO)

Jessica Taneff – Secretary to the ZBA

Chris Trapp – Village Attorney

Original 5/15/12



VILLAGE OF EAST AURORA
VILLAGE HALL
571 MAIN STREET
EAST AURORA, NY 14052
716.652.6000 FAX 716.652.1290
www.east-aurora.ny.us



John Hawk
177 Elmwood Ave
East Aurora, NY 14052

Dear Mr. Hawk:

The Building Department has reviewed the request construct a new detached garage at your residence at 177 Elmwood Ave. The request has been denied because it fails to meet the code requirements for accessory buildings in the Single Family Residential (SFR) Zoning District in which it is located.

Section 285-20.5; Table 20.5A Residential District Bulk Requirements

Required: Maximum building height for an accessory structure is 15'

Requested: Mean height (not including cupola) of 21' for an accessory building

Variance: 6'

285-30.2B: The height limitations of this Chapter shall not apply to church spires, belfries, cupolas and domes....

285-60.7 Definition of building height: the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to ...the mean height between the eaves and ridge for *gable* hip and gambrel roofs.

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 Village Clerk with the date and time of your hearing next month. If you have any questions, please contact us at 652-7591.

Sincerely,

Elizabeth Cassidy
Code Enforcement Officer

VILLAGE OF EAST AURORA

571 Main St
East Aurora, NY 14052

Phone (716) 652-6000
Fax (716) 652-1290

APPLICATION TO ZONING BOARD OF APPEALS

APPLICANT NAME John Hawk
ADDRESS 177 Elmwood Ave East Aurora, NY
TELEPHONE 716-601-9540 FAX _____

ADDRESS OF APPEAL 177 Elmwood Ave East Aurora, NY
ZONING DISTRICT SFR
ZONING CODE SECTION 285-20.5; Table 20.5A

TYPE OF APPEAL (check one)
 AREA VARIANCE PARKING SPACE DESIGNATION
 USE VARIANCE INTERPRETATION

GROUND(S) FOR VARIANCE (may continue on separate sheet)
I am rebuilding the detached garage of the house we recently purchased which needed to be demolished due to severe structural issues. I'm asking for two variances in rebuilding the garage. First is height which I would like to increase to 20 feet to add storage. This will also allow the garage to maintain the architectural integrity of the street. I have included pictures of garages on our street to show how our design conforms with the current architecture/height of the garages in the neighborhood.

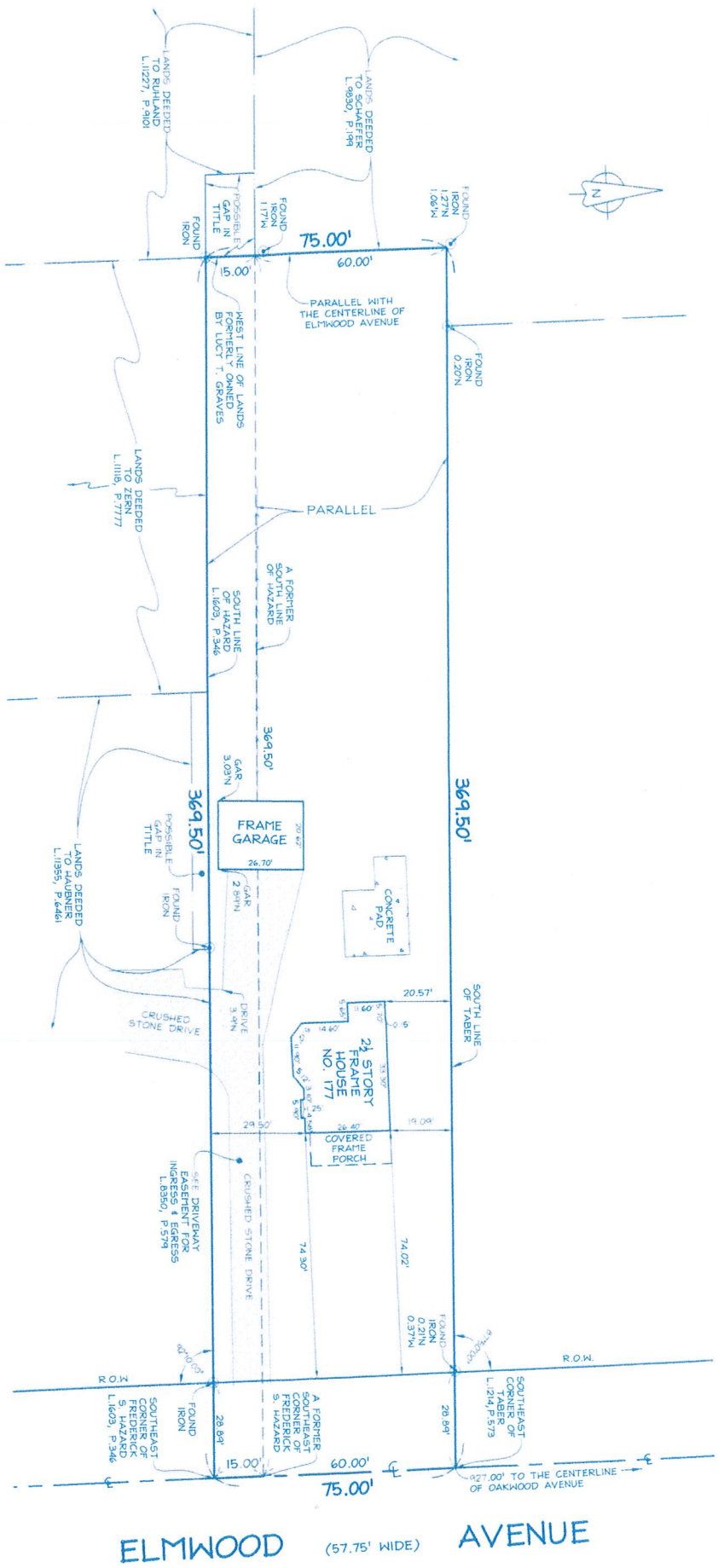
- REQUIRED ATTACHMENTS:
1. Property survey indicating existing and proposed structures, lot lines, neighboring building within 10' of applicant's lot lines (8 copies).
 2. Drawings, photos or other pertinent documents (8 copies).
 3. Environmental Assessment Form (attached) (8 copies).
 4. Public Hearing Fee \$125.00

ACKNOWLEDGEMENT:
Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Village of East Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law.

APPELLANT SIGNATURE _____ DATE _____
OWNER SIGNATURE John Hawk DATE 3/14/22

OFFICE USE ONLY

DATE RECEIVED	<u>3/15/22</u>	RECEIPT#	<u>6125</u>
PUBLIC HEARING DATE	<u>4/14/22</u>	NOTICE TO NEWSPAPER	_____
NOTICES TO NEIGHBORS	_____	PACKETS TO MEMBERS	_____
AFFIDAVIT OF MAILING	_____	ERIE COUNTY PLANNING	_____



NUSSBAUMER & CLARKE, INC.
 ENGINEERS AND SURVEYORS
 EST. 1958

BOUNDARY SURVEY

177 Elmwood Avenue
 Part of Lot 15, Township 9, Range 6
 Holland Land Company's Survey
 Village of East Aurora, Town of Aurora
 County of Erie, State of New York

Date of Survey: 7/29/2015
 Scale: 1" = 30'
 Project No.: 1512-0886A

RESURVEY: 10/29/2021

509 Main Street, P.O. Box 516, East Aurora, NY 14052
 P (716) 655-1058 F (716) 655-1964 www.nussclark.com

This survey was prepared with reference to
 State Survey 194013, dated October 22, 2011.

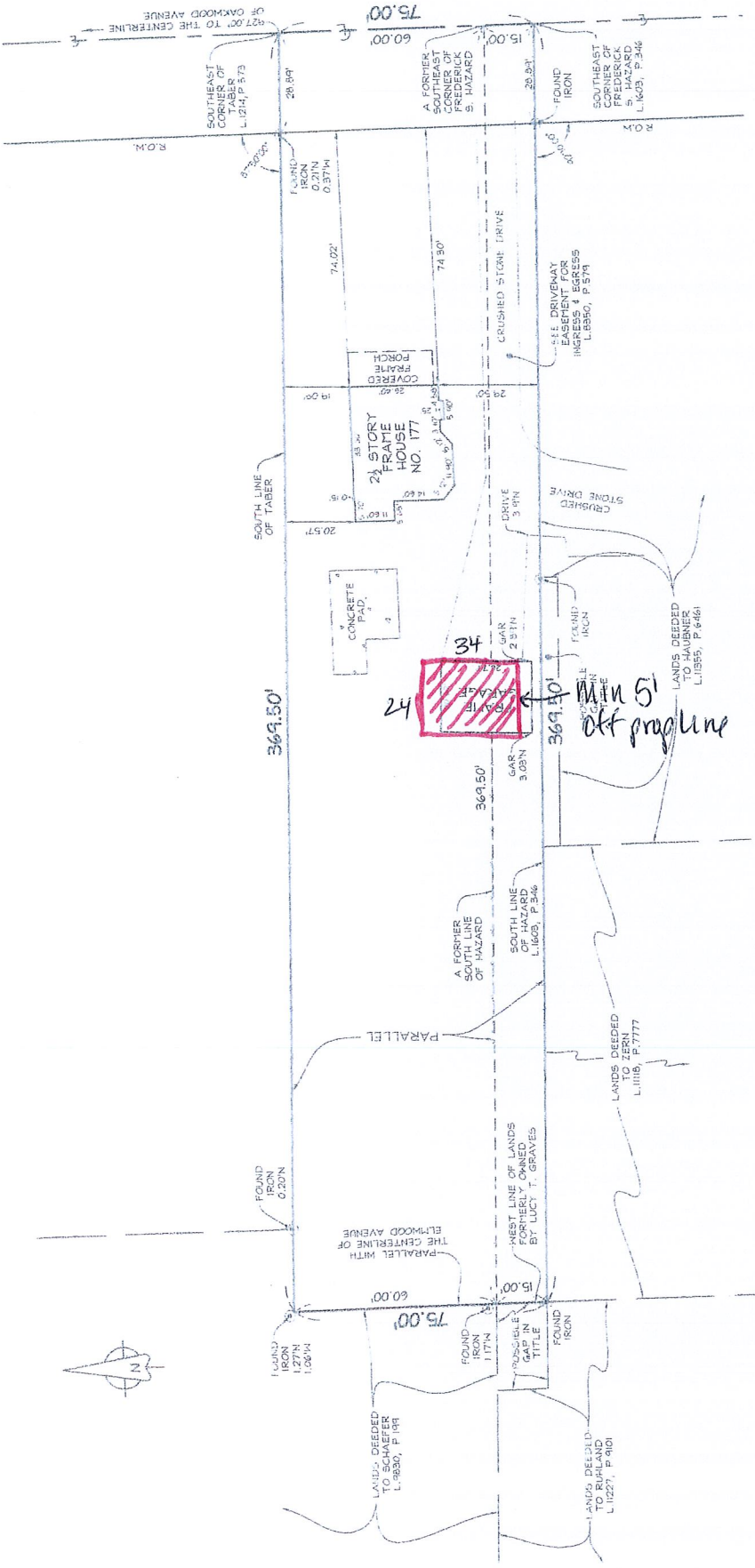
UNAUTHORIZED ALTERATION OR ADDITION
 TO THIS SURVEY IS A VIOLATION OF SECTION
 7209, PARAGRAPH 2 OF THE NEW YORK STATE EDUCATION LAW.

NO RIGHTS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON

Robert A. King



ELMWOOD AVENUE (57.75' WIDE)



RESURVEY: 10/29/2021

505 Main Street, P.O. Box 516, East Aurora, NY 14052
p (716) 655-1058 f (716) 655-1954 www.nussclark.com



BOUNDARY SURVEY

177 Elmwood Avenue
Part of Lot 15, Township 9, Range 6
Holland Land Company's Survey
Village of East Aurora, Town of Aurora
County of Erie, State of New York

Date of Survey: 7/29/2015

Scale: 1" = 30'

Project No.: 151Z-0686A

Therese A. Karpov

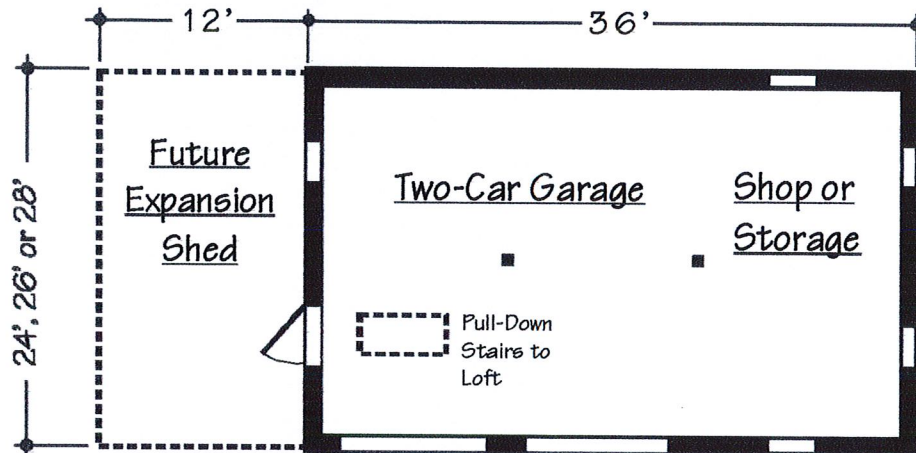
NO IRON SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED IN/ON
CONTRACT DOCUMENTS. ALL IRON SETS AND FOUND IRON SHALL BE
DESIGNED AND PLACED IN ACCORDANCE WITH THE FOLLOWING TO BEY A SURVEY
DESIGN SPECIFICATION PLAN OR REPORT IN A VALIDATION OF ACCURACY
7209, provision 2 of the New York State Education Law.

This survey was prepared with reference to
the survey of the same premises by
L. J. Schaefer, dated October 22, 1921.

Examples of neighboring garages on Elmwood

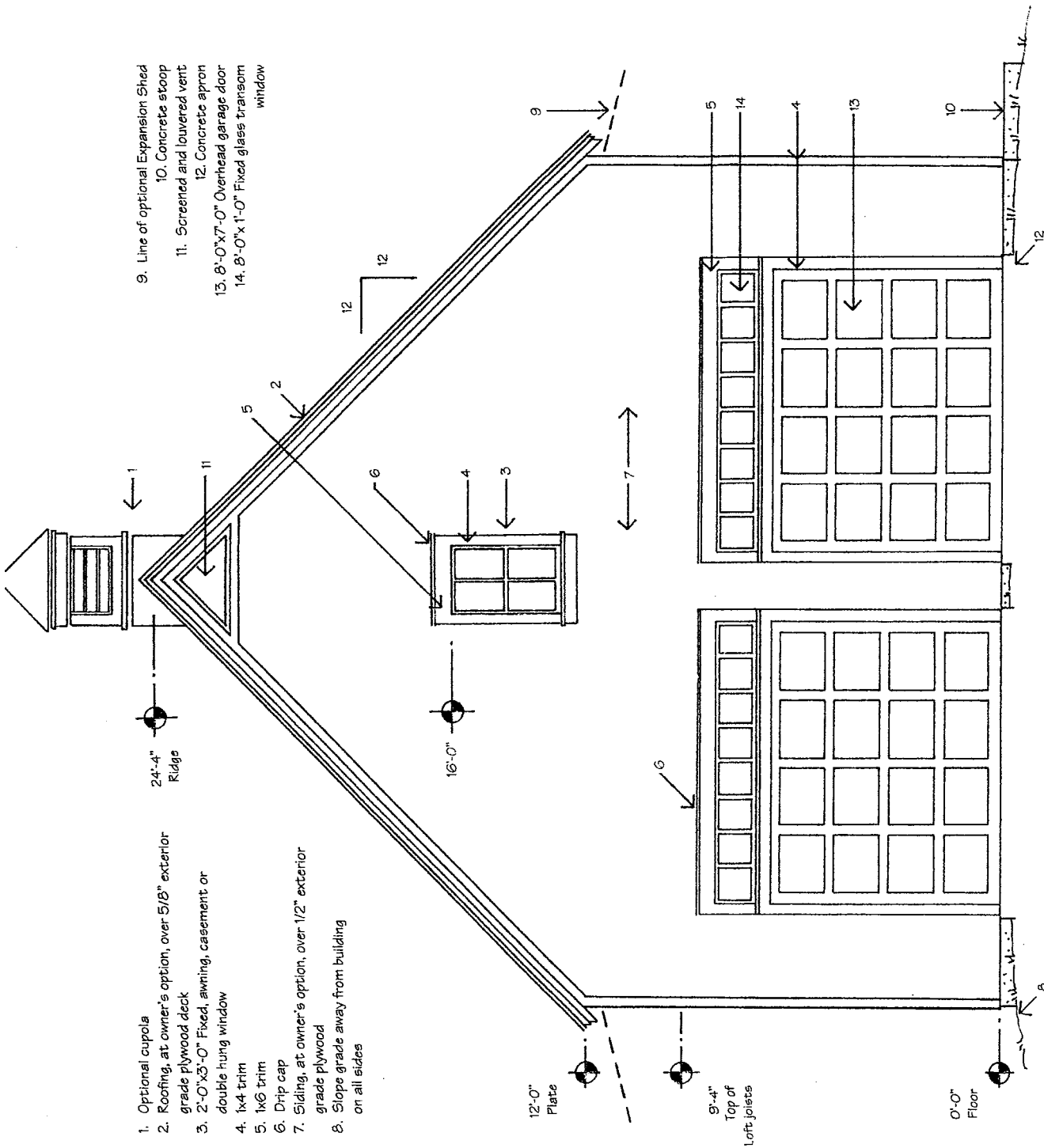


Sample Layout #2 - Two-Car Garage & Workshop



Here's a big, practical storage building that might be just what you need in your backyard. It's a two-car garage with plenty of extra space for storage or your use as a work or hobby shop. Add a wall between the spaces and use the shed-roof section as your office or studio. The garage has pull-down stairs to a full loft for extra storage. Leave room on your property for another garage or storage space. The Garden Oak plans let you expand your garage at any time in the future.

See the Index page for a list of drawings. Build the gable roof garage using drawings P1 through FD3. Build the shed roof section using drawings ES-P1 through ES-D1 and FD1 through FD3. Use Elevation ES-E2 as the front of the shed roof shop/storage space.

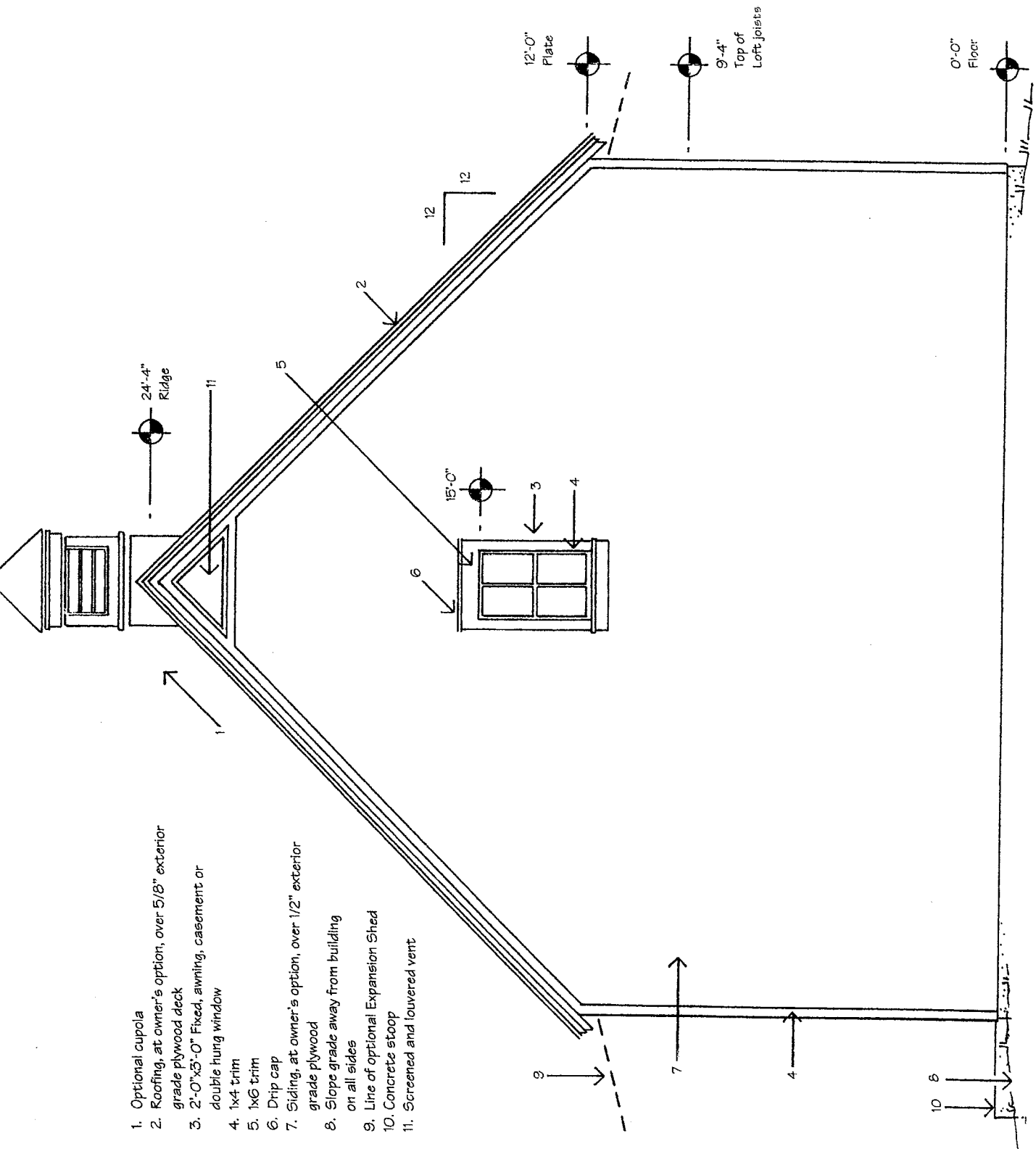


- 9. Line of optional Expansion Shed
- 10. Concrete stoop
- 11. Screened and louvered vent
- 12. Concrete apron
- 13. 8'-0" x 7'-0" Overhead garage door
- 14. 8'-0" x 1'-0" Fixed glass transom window

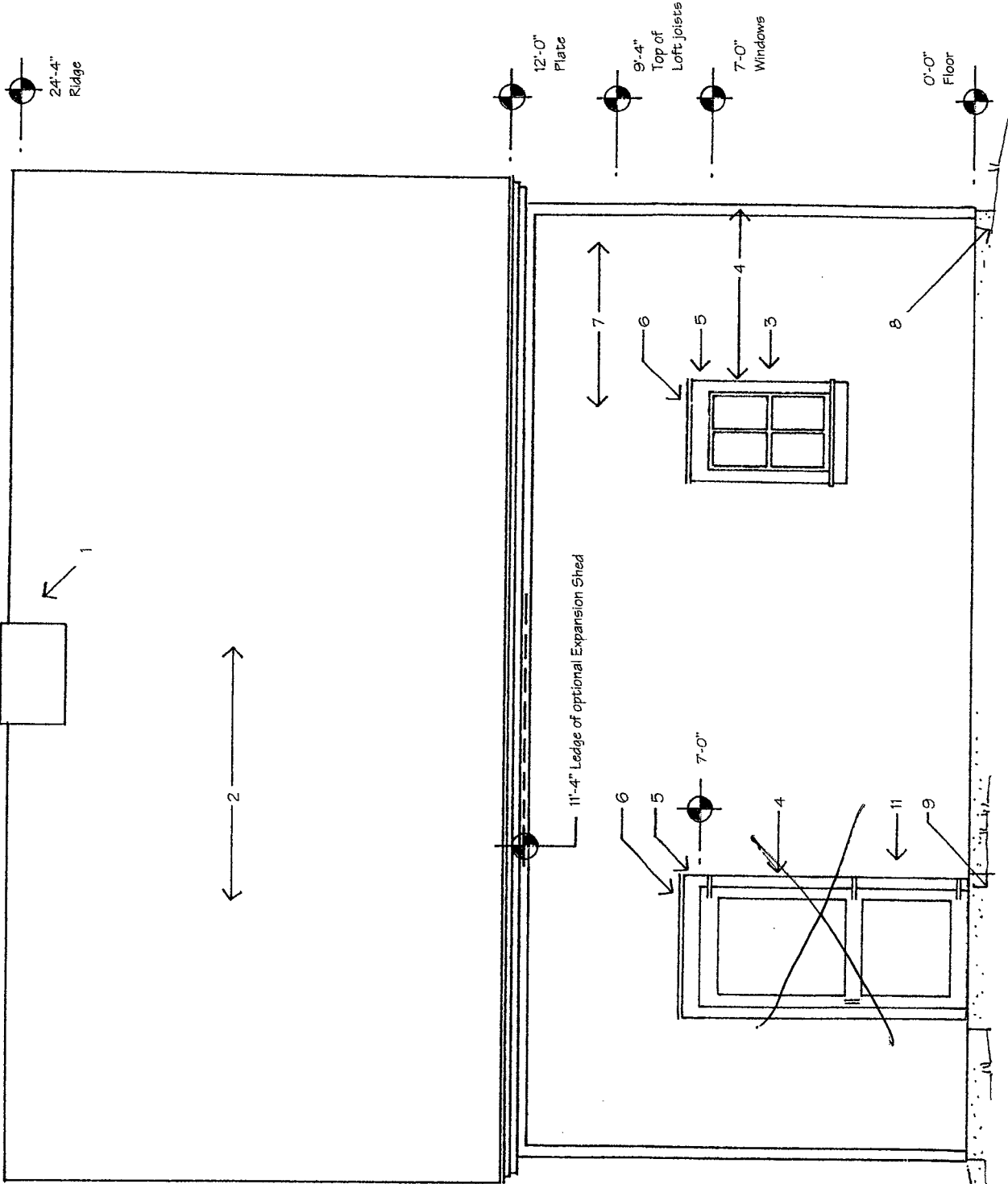
- 1. Optional cupola
- 2. Roofing, at owner's option, over 5/8" exterior grade plywood deck
- 3. 2'-0" x 5'-0" Fixed, awning, casement or double hung window
- 4. 1x4 trim
- 5. 1x6 trim
- 6. Drip cap
- 7. Siding, at owner's option, over 1/2" exterior grade plywood
- 8. Slope grade away from building on all sides

E1 - MAIN GARAGE FRONT ELEVATION
 1/4" = 1'-0" Mirror this drawing for other orientations

1. Optional cupola
2. Roofing, at owner's option, over 5/8" exterior grade plywood deck
3. 2'-0" x 3'-0" Fixed, awning, casement or double hung window
4. 1x4 trim
5. 1x6 trim
6. Drip cap
7. Siding, at owner's option, over 1/2" exterior grade plywood
8. Slope grade away from building on all sides
9. Line of optional Expansion Shed
10. Concrete stoop
11. Screened and louvered vent

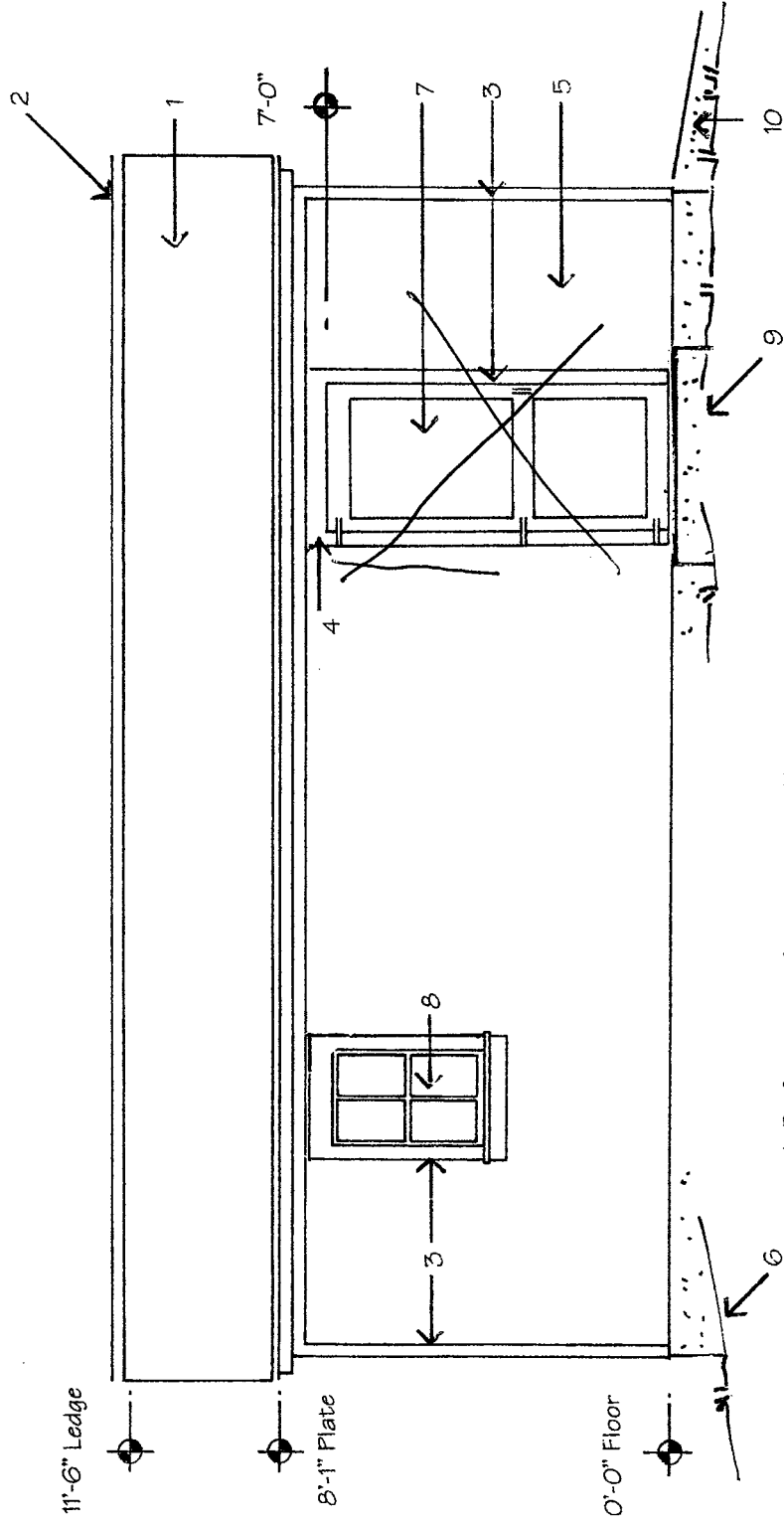


E2 - MAIN GARAGE REAR ELEVATION
 1/4" = 1'-0" Mirror this drawing for other orientations



1. Optional cupola
2. Roofing, at owner's option, over 5/8" exterior grade plywood deck
3. 2'-0"x3'-0" Fixed, awning, casement or double hung window
4. 1x4 trim
5. 1x6 trim
6. Drip cap
7. Siding, at owner's option, over 1/2" exterior grade plywood
8. Slope grade away from building on all sides
9. Concrete stoop
10. Concrete apron
11. 3'-0"x7'-0" Door

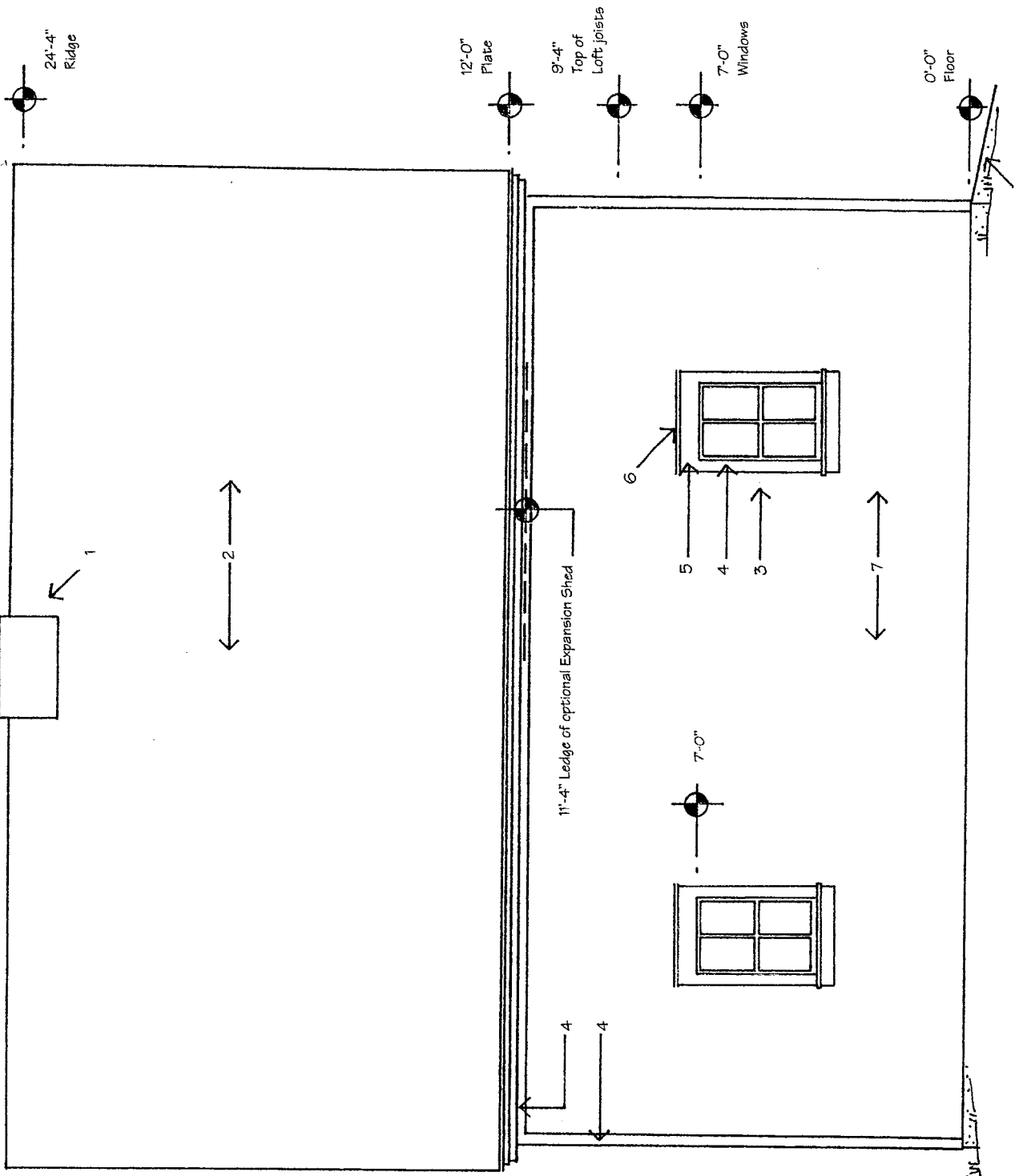
E3 – MAIN GARAGE SIDE ELEVATION
 1/4" = 1'-0" Mirror this drawing for other orientations



1. Roofing, at owner's option, over 5/8" exterior grade plywood deck
2. Flash shed roof into Main Garage
3. 1x4 trim
4. 1x6 trim
5. Siding, at owner's option, over 1/2" exterior grade plywood
6. Slope grade away from building on all sides
7. 3'-0" x 7'-0" Door
8. 2'-0" x 3'-0" Fixed, awning, casement or double hung window
9. Concrete stoop
10. Concrete apron

ES-E3 - EXPANSION SHED SIDE ELEVATION

1/4" = 1'-0" Mirror this drawing for other orientations



1. Optional cupola
2. Roofing, at owner's option, over 5/8" exterior grade plywood deck
3. 2'-0"x3'-0" Fixed, awning, casement or double hung window
4. 1x4 trim
5. 1x6 trim
6. Drip cap
7. Sliding, at owner's option, over 1/2" exterior grade plywood
8. Slope grade away from building on all sides
9. Concrete apron

E4 – MAIN GARAGE SIDE ELEVATION

1/4" = 1'-0" Mirror this drawing for other orientations

Short Environmental Assessment Form

Part 1 - Project Information

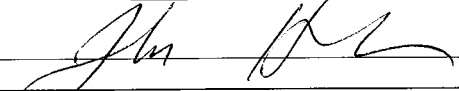
Instructions for Completing

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>Replace dilapidated Existing garage</i>			
Project Location (describe, and attach a location map): <i>177 Elmwood East Aurora @ Current garage site</i>			
Brief Description of Proposed Action: <i>Tear down current garage & replace concrete pad with new pad, then replace/rebuild new garage</i>			
Name of Applicant or Sponsor: <i>John Hawk</i>		Telephone: <i>601-9540</i>	
		E-Mail: <i>JHawk@Daemen.edu</i>	
Address: <i>177 Elmwood</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.		NO <input checked="" type="checkbox"/>	YES <input 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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres		<i>24x36 ft</i>	
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? <i>.60</i> acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <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 type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
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?	NO	YES	
	<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?	NO	YES	
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?	NO	YES	
	<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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
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?	NO	YES	
	<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?	NO	YES	
	<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: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>John Hawk</u> Date: <u>3/8/22</u> Signature: <u></u> Title: _____		