



CASE NO. 1370

DATE OF HEARING 11/19/2020

Town of Aurora Zoning Board of Appeals
300 Gleed 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 Robert Call
Address 529 Center Street
City East Aurora State NY ZIP 14052
Phone 7 Fax _____ Email o hoo.com
Interest in _____ (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

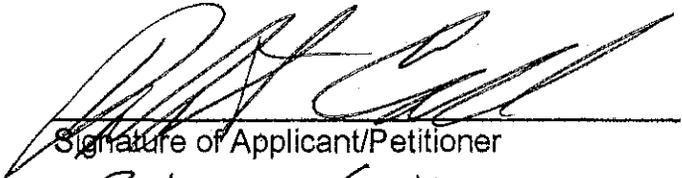
Property Address 529 Center Street East Aurora NY 14052
SBL# 142489 175.04-2-8
Property size in acres 1.0 Property Frontage in feet 112.5
Zoning District RR/A Surrounding Zoning RR/A
Current Use of Property Single Family home

IV. REQUEST DETAIL

(check all that apply)

____ Variance from Ordinance Section(s) # 116-17D
____ 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)



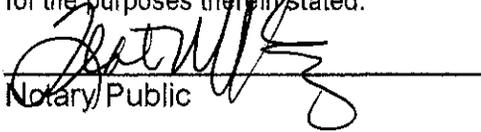
Signature of Applicant/Petitioner

Robert Call

Print name of Applicant/Petitioner

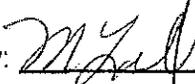
State of New York; County of Erie

On the 23rd day of October in the year 2020 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) Leah M. Di Filippo
NOTARY PUBLIC, NYS
Erie County, #01DI6210715
My Comm expires Aug. 31, 2021

Office Use Only: Date received: 10/26/2020 Receipt #: 364566

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 _____

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)

I am planning to build a pole barn and requesting a variance on the overhead door height to 10 feet high to allow storage of small RV, tractor and enclosed trailer.

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)

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@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

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sfriess@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

SUPT. OF HIGHWAYS
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(716) 652-4050
highway@townofaurora.com

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(716) 652-7591
building@townofaurora.com

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(716) 652-0011

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

TOWN ATTORNEY
Ronald P. Bennett

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

October 26, 2020

Robert Call
529 Center St
East Aurora, NY 14052

The Building Department has reviewed your request construct a pole barn at your property. The request has been denied because it fails to meet the requirements of the Town of Aurora Code for the Rural Residential (RR) zoning district in which it is located.

Section 116-17D

Required: In any R district, the permitted accessory use shall not include a private garage with vehicular entrance headroom more than nine feet high.

Requested: 10' overhead door

Variance: 1'

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an area variance. You must include your application and fee, a letter to the ZBA explaining your difficulty, any information to support your need for a variance from the Town Code. If you have any questions contact the office at 652-7591.

Sincerely,

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

Elizabeth Cassidy

Asst. Code Enforcement Officer

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: Pole Barn Door Variance							
Project Location (describe, and attach a location map): 529 Center Street, Located 87' west of Rear of House							
Brief Description of Proposed Action: Requesting variance on overhead door height to 10'							
Name of Applicant or Sponsor: Robert Call		Telephone: _____					
		E-Mail: c _____					
Address: 529 Center Street							
City/PO: East Aurora		State: NY	Zip Code: 14052				
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%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><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?		<u>1.0</u> acres					
b. Total acreage to be physically disturbed?		<u>1120 ft² (28x40')</u> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>3.4</u> 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 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, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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? If Yes, identify: _____	NO	YES	
	<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 service(s) 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 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: _____	NO	YES	
	<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: <u>Barn Storage only.</u>	NO	YES	
	<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: <u>No wastewater.</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? 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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 plain?	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? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>Rain Gutters to runoff Ditch.</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>

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

Applicant/sponsor name: Robert D. Call Date: October 23, 2020
 Signature: *Robert D. Call*

Expound Mills & T. M. ...

Warranty Deed with Lien Covenant
Ind. or corp.

THIS INDENTURE

Made the 18th day of April, Two Thousand Two,

BETWEEN

ROBERT J. MEISNER,
residing at 53 Hawthorne Drive, Orchard Park, New York 14127,

Grantor,

and

ROBERT D. CALL and JEANNINE CALL, his wife,
residing at 350 Main Street, East Aurora, New York 14052,

Grantees.

WITNESSETH, that the said Grantor, in consideration of ~~ONE AND MORE~~
~~Dollars (\$1.00 & More),~~
lawful money of the United States, paid by the Grantees, does hereby grant and release unto the Grantees,
their heirs and assigns forever:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and
State of New York, being part of Lot 30 of the Holland Land Company's Survey described as
follows:

BEGINNING at a point in the center line of Center Road (66 feet wide), said center line also
being the east line of Lot 30, distant 1748.92 feet northerly from the southeast corner of Lot 30,
said point of beginning also being the northeast corner of lands conveyed to Curt T. Resetarits
and Patricia L. Resetarits, recorded in the Erie County Clerk's Office in Liber 11004 of Deeds at
Page 8022, thence westerly at right angles with the center line of Center Road and along the
north line of lands conveyed to Resetarits 387 feet to a point, thence northerly and parallel with
the center line of Center Road 112.50 feet to a point, thence easterly along a line drawn at right
angles to the center line of Center Road 387 feet to the center line of Center Road, thence
southerly along the center line of Center Road, 112.50 feet to the principal point or place of
beginning.

R 124 8594
DWM 909
AUR-37,500
DIV-2

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantees.

AND, the said Grantor do covenant with said Grantees as follows:

FIRST - That the Grantees shall quietly enjoy the said premises.

SECOND - That the Grantor will forever WARRANT the title to said premises.

THIRD - Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF

(L.S.) Robert J. Meisner (L.S.)
ROBERT J. MEISNER

STATE OF NEW YORK :
COUNTY OF ERIE : ss.

On the 18th day of April, in the year 2002, before me, the undersigned, a notary public in and for said state, personally appeared ROBERT J. MEISNER, personally known to me or proved 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Nicholas P. Amigone III
Notary Public

NICHOLAS P. AMIGONE, III
Notary Public, State of New York
Qualified in Erie County
My Commission Expires February 28, 2003

**WARRANTY DEED
WITH LIEN COVENANT**

ROBERT J. MEISNER

TO

ROBERT D. CALL and
JEANNINE CALL, his wife

DATED: April 18, 2002

Record & Return to:
(NPA) BOX 180

ERIE COUNTY CLERK'S OFFICE
County Clerk's Recording Page

Return To:

RAYMOND MILES
2777 SHERIDAN DR.
TONAWANDA, NY 14150

Index DEED LIBER

Book 11007 Page 1110

No. Pages 0003

Instrument DEED-VACANT LND

Date : 5/29/2002

Time : 2:44:11

Control # 200205290909

MEISNER
ROBERT J
CALL
ROBERT D
CALL
JEANNINE

TT# TT 2001 023641

Employee ID DWM

200206071911600000427
COUNTY \$ 24.00
COE STATE \$ 4.75
COE COUNTY \$.25
TRANSFER \$ 150.00
NFTA TT \$ 187.50
STATE E&A \$ 22.00
COUNTY E&A \$ 3.00
\$.00
\$.00
Total: \$ 391.50

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

TRANSFER TAX

WARNING - THIS SHEET CONSTITUTES THE CLERK'S . CONSIDERATN \$ 37,500.00
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL TRANSFER TAX \$ 337.50

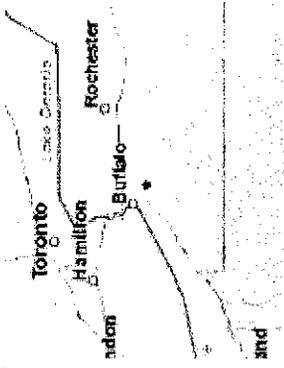
David J. Swarts
County Clerk



D110071110

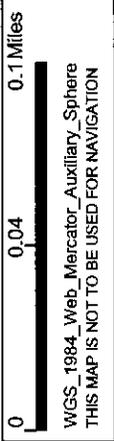
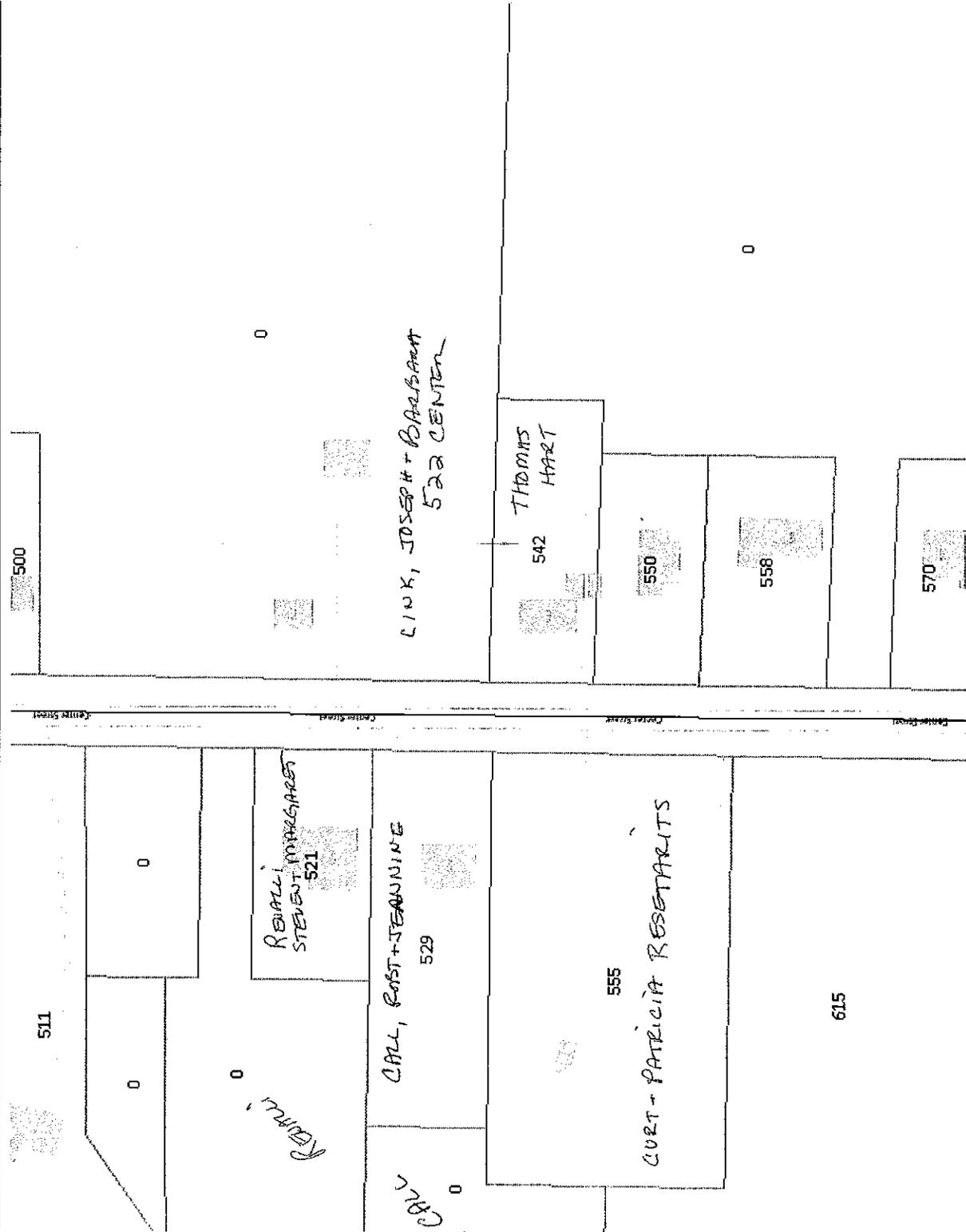
Case 1370

Erie County On-Line Mapping Application



Legend

- Parcels
- Streets and Highways**
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road



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: 2,257

