original



CASE NO. 1453

DATE OF HEARING 11-16-2033

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		
V		
X AREA VARIANCE SPECIAL USE PERM	/ITUSE VARIANCE	INTERPRETATION
II. APPLICANT/PETITIONER		
Applicant's Name Michael J. Garvey	a Garrey	
Address 1250 Big Tree Road		-
City East Aurora	State NY	7IP14052
Phone _7: IX	Email Mg	an and an
Interest in /purchaser/deve	eloper) owner	
	7.011101	Harmonia and Anna and
III. PROPERTY OWNER INFORMATION (If of	different from applicant information	on.)
,		,
Property Owner(s) Name(s)		
Address		
City Fax	State	ZIP
Phone Fax	Email	
III. PROPERTY INFORMATION		
Property Address1250 Big Tree Road		
SBL# 165.00-1-26		
SBL# 100.00-1-20	Departure in factors	0
Property size in acres 3.94	Property Frontage in fee	**************************************
Zoning District Iroquois	Surrounding Zoning res	Sideritial
Current Use of Property single family hon	ne	
N/ PROJECT PETAG		
IV. REQUEST DETAIL (check all that apply)		
Variance from Ordinance Section(s) #		
Special Use Permit for:		
X Use Variance for: replacing garage that		
Interpretation of		

V. SIGNATURES (This applethe owner of the property, a s	· ·		
Signature of Applicant/Petition Michael J. Garvey Print name of Applicant/Petitic State of New York; County of Erie On the 2 day of Garl in the yeabove individual appeared, person basis of satisfactory evidence to be name is subscribed to the within in acknowledged to me that he/she/th for the purposes therein stated. Notany Public (Notary stamp)	oner ar 1/2 before me, the ally known to me on the the individual whose strument and	GA4835072 County	arney
Office Use Only: Date re	eceived:	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 () ha	as () has not been made v	vith 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) My garage burned down over 1 year ago. I have been negotiating with the insurance company.... and have just concluded those negotiations to permit me to rebuild my garage in the same location only up to the boundary line of the property to the east owned by my brother, Matthew Garvey. 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 1) 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) Describe why your alleged hardship relating to the subject property is unique and does not apply 2) to other properties in the zoning district or neighborhood: Describe why you believe that the essential character of the neighborhood/community will not 3) change if the Zoning Board of Appeals grants you a use variance: Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please 4)

(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

October 10, 2023

Charles D. Snyder csnyder@townofaurora.com

Michael and Julia Garvey

Luke Wochensky lwochensky@townofaurora.com

1250 Big Tree Road East Aurora, NY 14052

James F. Granville jgranville@townofaurora.com

Michael:

Joseph M. McCann jmccann@townofaurora.com

The Building Department has reviewed your request to construct a detached garage at 1250 Big Tree Road (SBL 165.00-1-26). The request has been denied because the existing dwelling and new accessory structure fails to meet the requirements for front and side

SUPT. OF HIGHWAYS David M. Gunner yard setbacks for an ODA lot.

David M. Gunner (716) 652-4050

Section 99-31A(5)

highway@townofaurora.com

Required: Minimum of 200' front yard setback for the dwelling

CODE ENFORCEMENT OFFICER

Requested: 151.7' front yard set back

Elizabeth Cassidy

Variance: 48.3'

(716) 652-7591

Section 99-31A(6)

building@townofaurora.com

Required: Minimum of 50' side yard setback for the dwelling

ASSESSOR A

Requested: 42.53' side yard setback

Roger P. Pigeon assessor@townofaurora.com

Variance: 7.47'

(716) 652-0011

Section 99-31A(5)
Required: Minimum of 200' front yard setback for the accessory structure

DIR. OF RECREATION Christopher Musshafen

Requested: 170.15' front yard set back

(716) 652-8866 chris@townofaurora.com

Variance: 29.85'

TOWN ATTORNEY

Section 99-31A(6)

Brigid M. Maloney

Required: Minimum of 50' side yard setback for the accessory structure

Requested: 50' side yard setback

TOWN JUSTICE Jeffrey P. Markello Anthony DiFilippo IV Variance: 50'

HISTORIAN Robert L. Goller (716) 652-7944 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

historian@townofaurora.com 652-7591.

FAX: (716) 652-3507

Sincerely,

This institution is an equal

opportunity provider and employer.

Richard Miga

Asst. 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., 14202

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

						al Municipal Law §2391 - nn	
A Municipal Re	ferral	Map is available to help of	determ	ine whether an applicabl	e action i	is subject to referral.	
		Description	n of P	roposed Action			
1. Name of Municipality:	То	wn of Aurora					
However, any county	If t reply re	des that the county shall have 30 he county fails to reply within succived after 30 days but 2 or moing body shall file a report of its	ich perio re davs r	od, the referring body may take prior to final action by the refer	final action	t. hall be subject to 8239-m(5)	
2. Hearing Schedule:	D	ate 11/16/2023	Ti	ime 7:00pm Loca	ation 57	5 Oakwood Ave., E.Aurora	
3. Action is before:		Legislative Body		Board of Appeals		Planning Board	
4. Action consists of:		New Ordinance		Rezone/Map Change	e 🗆	Ordinance Amendment	
☐ Site Plan	V	Variance		Special Use Permit		Other:	
5. Location of Property:		Entire Municipality	V	Address: 1250 E. N	ss: 1250 E. Main Street (Route 20A)		
5a. S.B.L. of Property:	16	5.00-1-26					
6. Referral required as site is within 500' of:		State or County Property/Institution		Municipal Boundary		n Operation located in an cultural District	
□ Expressway		County Road	V	State Highway	Prop	posed State or County Road, perty, Building/Institution,	
7. Proposed change or use: (specify the action, such as the scope of variances or site plans) proposed garage closer to side lot line than allowed by Town Code							
8. Other remarks: Requ	esti	ng -0- clearance	from	the lot line			
9. Submitted by: Martha	Lik	rock, Town Clerk	(Email: townclerk@	otown	ofaurora.com	
10. Return Address: 575	Oa	kwood Ave., Eas	t Au	rora, NY 14052			
	Re	ply to Municipality by	y Erie	County Division of	Plannin	g	
Receipt of the above-desc submits its review and re submitted with this referra	oly u	d proposed action is ander the provisions of	cknov appli	vledged on cable state and local	7 law, bas	The Division herewith sed on the information	
1. The proposed ac	ction	is not subject to revie	w und	der the law.			
2. Comment on pro	pose	ed action is attached h	ereto				
3. The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.							
4. No Recommend	4. No Recommendation; proposed action has been reviewed and determined to be of local concern.						
By the Division of Plannin	g: _			****		_Date:	

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

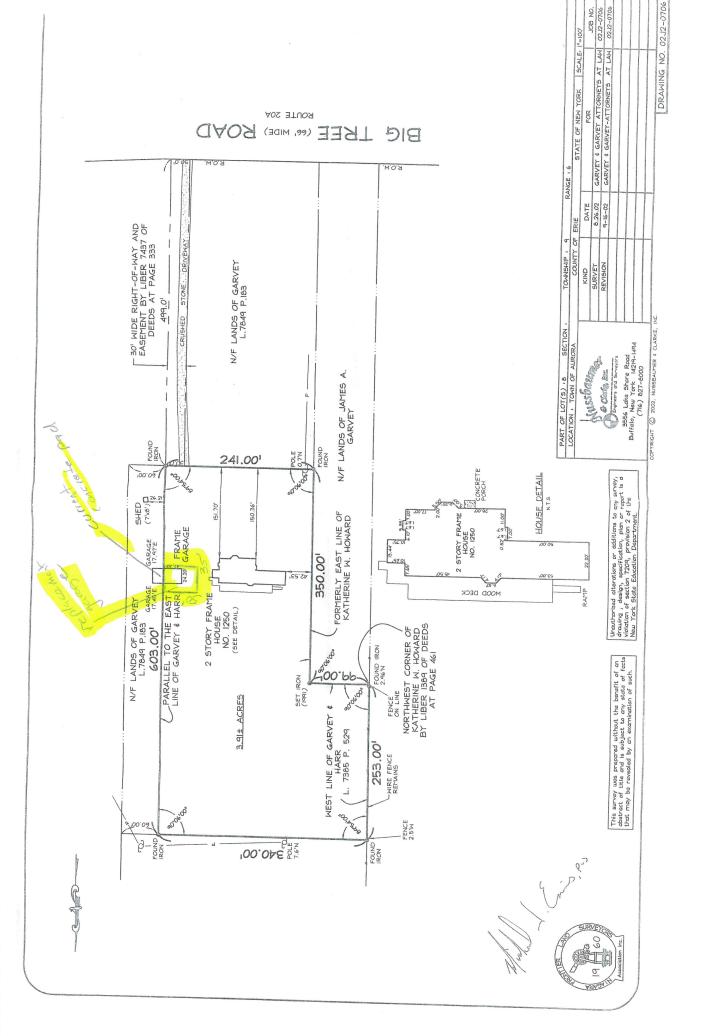
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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	A SECULAR AND			
Michael & Julia Garvey				
Name of Action or Project:				
Reconstructin of a garage				
Project Location (describe, and attach a location map): 1250 Big Tree Road (a/k/a East Main St.) E. Aurora NY	14052	HILL TO THE		
Brief Description of Proposed Action:			CEANUTE AND SECURIOR	
Reconstructin of a garage				
Name of Applicant or Sponsor:	Telephone:		Pitting Ministration	
Michael & Julia Garvey	E-Mail: mg		jez	
Address: 1250 East Main St.	-		 	
City/PO: East Aurora	State: NY	p Code:		
East Autora	INT	140	52	
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.				
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:		M		
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 3.94 acres 3.94 acres 3.94				
4. Check all land uses that occur on, adjoining and near the proposed action. Urban Rural (non-agriculture) Industrial Commercial Forest Agriculture Aquatic Other (sp. Parkland	cial Residential (suburban) pecify):		TO SECUL TO SECUL	

		T =	T ==
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?		岩	
	<u>└</u>	<u> </u>	
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?			
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar	ea?	NO	YES
If Yes, identify:		X	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
o. a. win the proposed action result in a substantial increase in traine above present tevels:		TX	TES
b. Are public transportation service(s) available at or near the site of the proposed action?		X	
			<u>H</u>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed accommodations or bicycle routes available on or near site of the proposed accommodations.	ion?		Ш
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
in the proposed action with exceed requirements, describe design reatures and technologies.			
		4	L
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:		LA(
11 140, describe medica for providing pouters water.			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
11. Will the proposed action connect to existing wastewater duffices:		110	1123
If No, describe method for providing wastewater treatment:		X	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places? b. Is the proposed action located in an archeological sensitive area?		N N	
b. 15 the proposed action tocated in an archeological sensitive area:		X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	n	NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?		X	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		X	П
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 a	all that	annly.	<u></u>
Shoreline Forest Agricultural/grasslands Early mid-successi		шрріў.	
☐ Wetland ☐ Urban Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed	name, and the life property of	NO	YES
by the State or Federal government as threatened or endangered?		X	П
16. Is the project site located in the 100 year flood plain?		NO	YES
		X	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	MARIN THE PURPLY AND AND AND	NO	YES
If Yes, NO VES		\boxtimes	
a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain	ıs)?		
If Yes, briefly describe:			
	Colored Providence Park		
	· Ophical control of the		

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:	\boxtimes	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?	demonstr	
If Yes, describe:	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste?		
If Yes, describe:	X	Ш
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I KNOWLEDGE	BEST O	F MY
Applicant/sponsor name: Michael Garvey & Julia Garvey Date: 9-26-2	3	
Signature: Millimy My Julia Jarrey		



1 SIDE ELEVATION FERNANDERSE FERNAN FRONT ELEVATION REAR ELEVATION PROGRAMMA FROM FOLKANDA AF ILL LOUTON, PR. CLOV DISTACH SOLD RATE POLACY TO THE FICHERS SEE A "SOMEOWER RALIFICATION" -225'S e 30" (C. NO NEUL MON MINELE STIN' DOS, EARTHORN, IP ON TUTI NEW SORISE THE RIDGE VENT PATE SAPINE, NORTH SAPIN CONTENT WEIGHD SPECKHOLIN SPICK AND IT CALLS, "T. VESIGN DATA NUMBER OF TEXTS OF WORLD OF TEXTS O SIDE ELEVATION 000000 2000 - 33 -,0000 5500 000, 200 DOOR DETAILS 4" CONTRA TO COSTS 4" COSTA TO CONTRA SING SIDE ELEVATION AL BASHALD PASA MAS IR. SAULIN BUNNAKKASI MUSIK 1911. SAULIN COSMIN WASHAND JASA (ORBINAE 191 MASIES NE DALA WASE). CONCONTRE IN CONTENTINA THORDALAND ALVINE WILL IN HAT SEPHINE OF ALL DUALDEN'S THE TOTAL OF SECULDE, RA. JAN. PAL. INC SEL, WATER SIEF IN LLCEPAGE WHITE GLASS ALVINE LAND CONTENTINA SERVICES, ALI WAY WILL'SE IN FEEDEREE WHITE COM., INDICAT COSD. AL FALLSKA, K. RATEKTERP BT. 3389T P. JF ATTOST SCH. SKEN BREIGG, 1941. B. NOWEN PHYBLIGK. "AND SEE SKEN SKEN BRYNNEN PHYBLIGGAL GENLOORD STERKSREPHY GEO. PRO TRALLER ROLDS' TEP BLOSS SYSTER HYSREPHY GEO. PRO TRALLER ROLDS' TEP BLOSS SYSTER HYGH." *** STEEL PROPERTY STANDARD TO STANDARD TO STANDARD STAND CONTYL REGISHAL BARES THAS al ricela vor srlie r algenia Persung publiken Al padas sall carcier existi LICHTING SCHEPLLE STEPHER SHEEPINGS BETTER THE THE WITHOUT DESCRIPTION OF THE STEPHER SHEEPINGS BETTER THE STEPHER SHEEPINGS BETTER SHEEPIN ALL CONTROLLING TO NUCCONTAINED TO THE ZEINDS TO SPALE ENGLANDS THE EN ZWISION 7: THERMAL & MOISTLIFE PROTECTION E AL ANNO ANTE DE TENDO DE CONTRACA AL PENDENTE DE CONTRACA PARTICIO. L'ANNO COR DALL DE TENDO DE CONTRACA DE LA PRESENTA DE CONTRACA PARTICIO. AL ROT DALY FROM DE TROOG ETHEN DE MINE OF WET THORSE FROM THE TROOG ETHEN DE MINE OF THE TROOG THE STATE OF THE TROOG THE CONSTITUTION OF THE TROOG THE CONSTITUTION OF THE CONSTITUTION REFLORMER TO TOTAL FORTON STANDARD AND MARKET TO SEE ALL CANNEL AND MARKET MAY BE CARE ALL CANNEL AND MAKE AND THE CARE ALL CANNEL AND THE CARE AND THE C пластикалак 1. 8.5% или метрека, 1. 6. или капректура, 10. метолу 14 июн Отумки макрека пречат менатали порег (името) Jarda Joha Merkela ski, colfinger springer see, entropie Joha Merkela ski, colfinger ski, see, entropie Joha Merkela ski, colfinger ski, see, entropie AMERICAN CONTROLLO TELEGORO DE TRANSPORTO DE плинанал пастэнць ям, не модят о ге як екстэ ивитол. Нивак пасте се гист пол стексто собъявляют спесия THE SALES WICE CRIESE AS DEPONDED CANADATAL ALL ICHMONING SALES WILL BE WICE THE BEBLAND THAT IS SET THE BEBLAND THAT IS SET PLANTAINER. ALT PRINCIPES INLIE ETCHEGO, NE COURTIONS SOMETHE AL TRANSILIES INLIE ETCHEGO, NE COURTINES SOME INTERNATIONAL DE BRANCE AL RECHEVENO ETCH MANNATIONAL ance anching a verter of the best of the and a best of the about the anching and a south a best of the and a best of the anching and a best of the about the anching a TENNYAMI TARCH HOMIN SHI E NY COLOF NO ANI AN'I AN'I K'ALICOPOT IE WILL LIVE SHI HANDY ACCESSED. CAMPERINOMI LOMOPIC OLGENO ANTON HANDE HASS. WOODOOS Part Lajorolo Hall Mistory Color in in tannishing Ta a-b" allohard Obstrike, Dogo- oo Colorins in tuli is Lelost Ofenna DE HEFERINDS ALIEN CONVESSION WELL IN GANGLAND KONTONT HROUNE HE ZUM ONTON KONTONT KANO BURBALUE. LANGER HAND RECORD TO THE RESERVENCE. ALTOWARDS AND STAR SHOW UP TO BRUTE TELEBOOK A ALLOWING SERVENCE SHOW UP TO BRUTE TELEBOOK BRUTE SHOW OF SHOW AND THE SHOW AND AND SHOW OF SHOW AND THE SHOW AND THE SHOW OF AND SHOW OF SHOW OF SHOW OF THE SHOW OF AND SHOW OF SHOW O INDU BI AZIA SKI IRRI DI NE SPLJD, UPDLEMICE, MI II AMEN BILADE DRAF FORMIKE KLASOR HESTRIK. no and a bettado. El apedo som de albada no por desee durada de entre Regelosa, del desego el de compara de ase, alba dos estas. S Regelosa, del desego estas de estas estas de actualistas de la compara de la compara de la compara de la compa ATRIO FORM OUT. 12 EXEMPARAMENTO SHILES ABREMATING THATES, 15 MAIN'S PTHEORY OF SHILE SHILE SHILES ABREMATING THATES. rrigiory wyontr Bornes fre, ktorenzod io kei po pei stakin Bri koje al ppistotot com bio estapano. SPECIFICATIONS DIVISION I: GENERAL REQUIREMENTS DIVISION B. POORS & WINDOWS DIVISION 6: WOOD & PLASTICS TILL I I AGO 2 24PES - POGEO-PO PECTURES AGO 14ES - EGES AGO 2 AS PECTURES AGO 14ES - EGES AGO 2 AS PECTURES AGO 14ES - EGES AGO 2 AS PECTURES AGO 14ES - EGES AGO 14ES AGO 14ES 1. SOLETURE SELE, ENCL. ENCLIS AGO 14ES AG PIVISION 3: CONCRETE DIVISION 2: SHEWORK

1250 ROUTE 20A, EAST AURORA, NEW YORK 14052

THE GARVEY RESIDENCE - GARAGE

HEATHER IN NOTICE CONTINUES OF THE PARTY OF

ELEV. & PLANS
PLANS

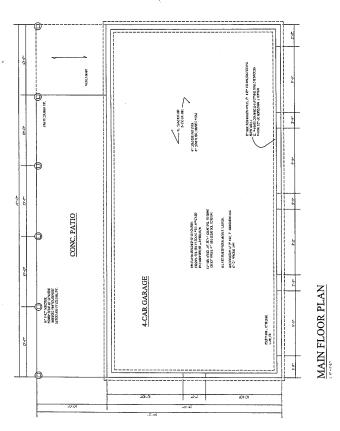
BEREZE

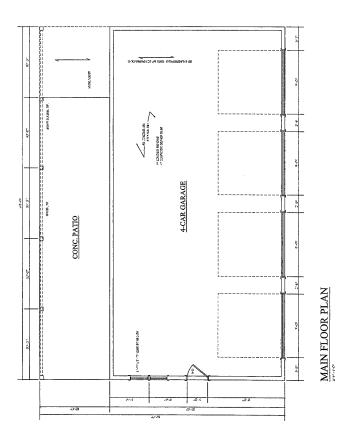
COULT GERENOMO

CONTRO ON

A-2







This Indenture, made the 19th day of Opril
Witnesseth, that

, 2000.

JAMES A. GARVEY and MARIE M. GARVEY, residing at 1250 E. Main Street, East Aurora 14052 GRANTOR(S)

in consideration of \$1.00 and more received by GRANTOR(S) subject to the trust fund provisions of section thirteen of the lien law hereby grant(s) and release(s) unto

MICHAEL J. GARVEY and JULIA D. GARVEY, his band and wife residing at 13748 Big Tree Road, East Aurora, NY 14052 GRANTEE(S),

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 No. 8, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point which is the northwest corner of premises conveyed to Katherine W. Howard by deed recorded in the Erie County Clerk's Office in Liber 1389 of Deeds at page 461, said point being 849 feet north of the north bounds of the Big Tree Road as measured along the west line of lands of said Katherine W. Howard, thence northerly and on and along the west line of lands conveyed to James A. Garvey and Emile A. Haar by deed recorded in Liber 7385 of Deeds at page 529 in the Erie County Clerk's Office, a distance of 253 feet to a point; thence easterly at an interior angle of 89° 54', a distance of 340 feet to a point which is 60 feet west of the easterly line of lands conveyed to James A. Garvey and Emile A. Haar by said deed aforesaid; thence southerly and on a line parallel to the east line of lands of said James A. Garvey and Emile A. Haar as described by said deed aforesaid, a distance of 603 feet; thence westerly a distance of 241 plus or minus feet, to the east line of lands of the said Katherine W. Howard, said point being 499 feet northerly of the north boundary line of the Big Tree Road; thence northerly along the east line of said lands of Katherine W. Howard at an interior angle of 90° 06′, a distance of 350 feet to the northeast corner of lands of said Katherine W. Howard as described by said deed aforesaid, thence westerly along the north line of lands of the said Katherine W. Howard as described in said deed aforesaid, a distance of 99 feet to the point or place of beginning.

TOGETHER WITH and including a right of way and easement for ingress, egress and installation and repair of utilities from the south line of the above described premises to the north bounds of Big Tree Road, the east line of said easement or right of way being an extension southerly of the east line of premises above described to then north bounds of Big Tree Road, thence westerly along the north bounds of Big Tree Road, a distance of 30 feet; thence northerly and on a line parallel to the easterly boundary of said easement or right of way a distance of 499, plus or minus, feet to the south line of premises described hereinabove.

PUR 438m 170 DID-2

