

Zoning Board of Appeals
[Town/Village] of Aurora, NY

Date: 29 August 2024

Log No.: 24-23

Dear Applicant: Stacy and Rich Groth

At a meeting of this Board held on 28 August, 2024, your application for:

Two area (set-back) variances at 39 Cherry Ave.,
see attached Resolution
(project and description)

was granted denied.

If granted, the following conditions apply:

Please note that the minutes show that you agreed to honor your neighbor's request that plants not be disturbed along the north lot line during construction work. Thank you!

Sincerely,


Signature of Chairman

Tax Parcel Number: Section: #182.13-1-8

Application # 24-23

RESOLUTION--DECISION ON AREA VARIANCE

At a regular meeting of the Village Zoning Board of Appeals of the Village of Aurora, in Cayuga County, held in the Fire Dept. Meeting Hall, on the 28h day of August 2024, at 7:00 P.M., prevailing time, the meeting was called to order by Karen A. Hindenlang, Chair, and upon roll being called, the following were:

PRESENT: Laura Holland, Alexis Boyce, Karen Hindenlang, and Bradley Brokaw

ABSENT: Jeri Vargo

The following resolution was offered by Board Member Brokaw who moved its adoption, and seconded by Board Member Holland to wit:

WHEREAS, the Zoning Board of Appeals of the Village of Aurora received an application from Stacy and Rich Groth for two area set-back variances of Sections 503 and 405.P1.A.3c of the Zoning Law of the Village of Aurora to permit

the placement of a 16' by 20' garage (unattached accessory structure) in the north-east rear corner of the property at 39 Cherry Avenue, to be positioned 2' from the rear/north lot line and 2' from the side/east lot line, which would encroach 8' into the 10' setback area required for both the side and rear lot lines

and

WHEREAS, in connection with such application, the Zoning Board has received and reviewed an application from Mr. And Mrs. Groth signed July 8, 2024, which included supporting materials and a completed Short Environmental Assessment Form under the SEQRA; conducted individual sites visits between August 5 and August 27, 2024; held a public hearing on August 28, 2024 and received comments thereat in writing and through photographs from Zoning Inspector Bob Rhea, as well as neighboring property owners Alan and Carolyn Connors, Mike and Lori Ryan, and Louise Rossmann.

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

A. The requested variances will not create an undesirable change in the character of the neighborhood or detriment to nearby properties in that the garage is in keeping with the

character of the neighborhood, is comparable to similar structures with analogous placement on neighborhood properties (specifically 31 and 35 Cherry Ave.) and is in keeping with the existing built and natural environment.

B. The benefits sought by the applicant cannot be achieved by some other feasible method due to the placement of the existing house structure and small size of the lot.

C. The requested variances are substantial in that the incursion is 80% (8 feet of the required 10-foot setback) along a significant portion of the lot lines, i.e., 27% of the north lot line and 21% of the east lot line.

D. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because it will not affect traffic, it will not produce noise or odor, it does not impinge on wetlands or waterbodies, it is not in an archaeologically sensitive area, and it will not produce storm water discharge. and

E. The alleged difficulty was self-created because the appellant wishes to have a garage.

NOW, THEREFORE, BE IT RESOLVED that the application of Stacy and Rich Groth for approval of two variances (described above) of Sections 503 and 405.P1.A.3c of the Zoning Law of the Village of Aurora is hereby granted for the reasons stated in items A through E above, subject to the following conditions: none.

The question of the foregoing resolution was duly put to a vote as follows:

Laura Holland - Aye

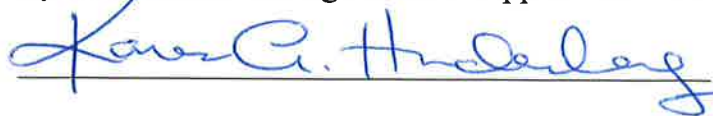
Alexis Boyce - Aye

Bradley Brokaw - Aye

Karen Hindenlang - Aye

Dated: August 28, 2024, Aurora, New York

By order of the Zoning Board of Appeals of the Village of Aurora

 Chair, Zoning Board of Appeals