CASE NO. _____

DATE OF HEARING _____

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 Wendell B Anderson
Address 7420 Chestnut Ridge Road
City Orchard Park, NY State NY ZIP 14127
Phone 716-864-7420 Fax 716-648-1220 Email timbercrafters@gmail.com
Interest in the property (ex: owner/purchaser/developer) Builder

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) Bret + Halley Biersbach
Address 1249 East Main Street
City East Aurora State NY ZIP 14052
Phone 716-316-6715 Fax _____ Email bbiersbach@gmail.com

III. PROPERTY INFORMATION

Property Address 1249 East Main Street EA, NY 14052
SBL# 176.002-3.1
Property size in acres 9.15 Property Frontage in feet 510
Zoning District RR/A Surrounding Zoning RR/A
Current Use of Property SFD

IV. REQUEST DETAIL

(check all that apply)

X Variance from Ordinance Section(s) # 116-8.5 F (2)
___ 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

Bret Biersbach M.D.

Print name of Applicant/Petitioner

State of New York; County of Erie

On the day of in the year 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)

DOROTHY BAILEY
Reg #01BA0023544
Notary Public, State of New York
Qualified In Erie County
Commission Expires April 15, 2028

Office Use Only: Date received: _____ 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 ( ) 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)

New Garage Detached
Re: additional + Larger Vehicles Use + Property Equipment Storage
Owners want Garage situated as shown on survey in order to enjoy view of Beautiful Willow tree + allow for best use + viewing from attached Covered Patio Section. However the Willow tree is a concern as they typically start to shed + Lose their stability as early as 20 years. I've had experiances where they have fallen unexpectedly after only a few years after construction disrupted their root system. I've suggested leaving enough room not only to avoid damage to structure, but to allow access for a cherry picker to mitigate trimming that will be necessary.

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
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.gov

TOWN COUNCIL MEMBERS

Luke Wochensky
lwochensky@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

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

CODE ENFORCEMENT OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

ASSESSOR
Stephen R. Pigeon
assessor@townofaurora.com
(716) 652-0011

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

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
James Granville

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

FAX: (716) 652-3507

This institution is an equal opportunity provider and employer.

March 3rd, 2026

Brett & Halley Biersbach
1249 Big Tree Road
East Aurora, NY 14052

Brett & Halley,

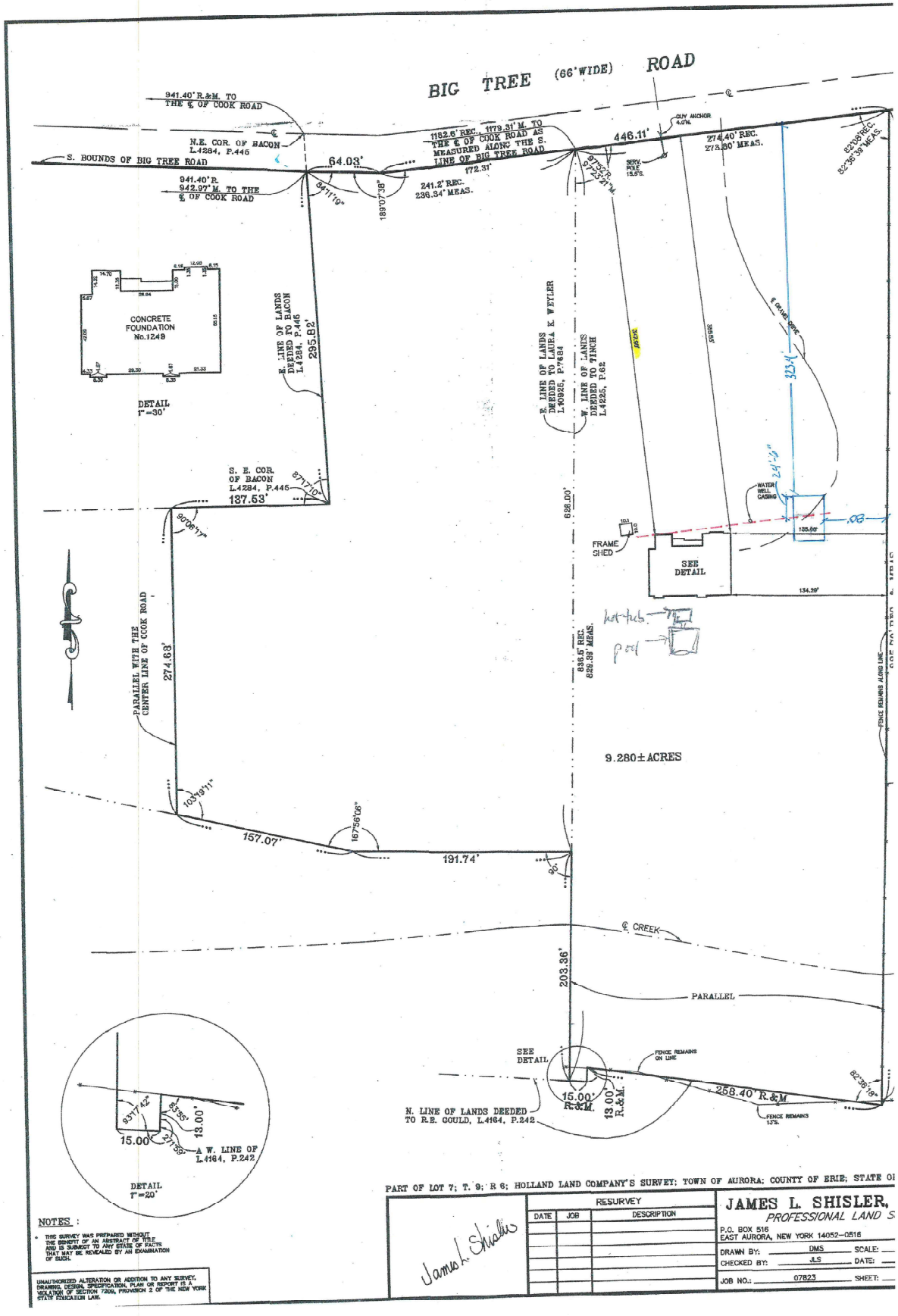
The Building Department has reviewed your request for a detached garage at 1249 Big Tree Road The request has been denied because it fails to meet the requirement for no accessory structure (detached garage) in the front yard in the Agricultural (A) zoning district in which the single-family dwelling and proposed detached garage is located.

Sections 116-8.5F(2)
Required: No accessory building/structure shall be erected in the front yard.
Requested: A 24'x42' accessory structure (garage) that will extend 24'-6" into the front yard. The accessory structure will have a setback 323.4' from the ROW.
Variance: A 24'x42' accessory structure (garage) that will extend 24'-6" into the front yard. The accessory structure will have a setback 323.4' from the ROW.

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 652-7591.

Sincerely,

Richard Miga
Assistant Code Enforcement Officer



PART OF LOT 7; T. 9; R 6; HOLLAND LAND COMPANY'S SURVEY; TOWN OF AURORA; COUNTY OF ERIE; STATE OI

NOTES :

* THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

James L. Shisler

RESURVEY

DATE	JOB	DESCRIPTION

JAMES L. SHISLER,
PROFESSIONAL LAND S.
P.O. BOX 516
EAST AURORA, NEW YORK 14052-0516

DRAWN BY: DMS SCALE:
CHECKED BY: JLS DATE:
JOB NO.: 07823 SHEET:

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:
Garage

Project Location (describe, and attach a location map):
1249 Big Tree Rd East Aurora NY 14052

Brief Description of Proposed Action:
Detached Garage

Name of Applicant or Sponsor:	Telephone:
Bret Biersbach M.D.	E-Mail:

Address:
1249 Big Tree Rd

City/PO:	State:	Zip Code:
East Aurora	NY	14052

	NO	YES
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 government Agency? If Yes, list agency(s) name and permit or approval:	☒	☐

3. a. Total acreage of the site of the proposed action? 42×24 ft ~~acres~~
   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? 10 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:
   ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☒
b. Consistent with the adopted comprehensive plan?	☐	☐	☒

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☒

	NO	YES
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
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐
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?	☒	☐

	NO	YES
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
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☒	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☒	☐

	NO	YES
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?	☒	☐
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?	☒	☐

	NO	YES
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: _____ _____ _____		

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 ☐ Urban ☒ Suburban

	NO	YES
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?	☒	☐
16. Is the project site located in the 100-year flood plan?	☒	☐
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: To be directed to lateral drainage stream on property		
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:		
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:		
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:		

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

Applicant/sponsor/name: Bret Bierschenk, MD Date: 2/17/2026

Signature: _____ Title: _____

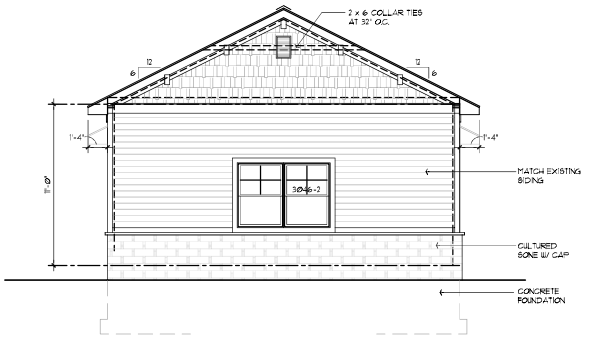
PRINT FORM

GENERAL NOTES:

1. CLIMATE DESIGN CRITERIA:
   WIND SPEED: 90 MPH
   SEISMIC DESIGN CATAGORY: C
   DESIGN LOADS:
   GROUND SNOW: 55# PSF
   FIRST FLOOR: 40# PSF LIVE 10# PSF DEAD
   SECOND FLOOR: 30# PSF LIVE 10# PSF DEAD
   ATTIC (NO STORAGE): 10# PSF LIVE 5# PSF DEAD
   ATTIC (STORAGE): 20# PSF LIVE 5# PSF DEAD
2. MINIMUM COMPRESSIVE STRENGTH OF CONCRETE:
   BASEMENT/FOUNDATION WALLS: 2500 PSI
   (NOT EXPOSED TO WEATHER)
   BASEMENT & INTERIOR SLABS ON GRADE: 2500 PSI
   (EXCEPT GARAGE FLOOR SLABS)
   BASEMENT/FOUNDATION WALLS: 3000 PSI
   (EXPOSED TO WEATHER)
   PORCHES, CARPORT SLABS AND STEPS 3500 PSI
   EXPOSED TO WEATHER, GARAGE FLR SLABS
3. PROVIDE FOUNDATION SURFACE DRAINAGE SLOPING AWAY FROM FOUNDATION WALLS AT A MINIMUM OF A 6" FALL WITHIN 10'-0".

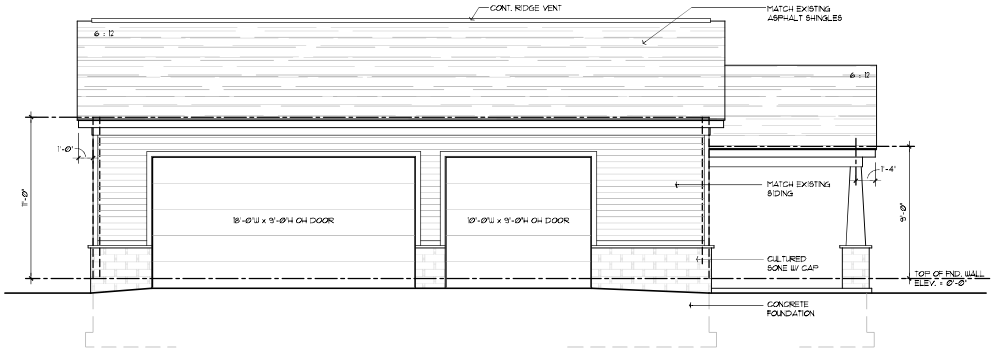
GENERAL NOTES:

1. ALL WORK SHALL COMPLY WITH THE LATEST EDITION OF THE NEW YORK STATE RESIDENTIAL BUILDING CODE.
2. TO THE BEST OF THE ENGINEER'S/ARCHITECT'S KNOWLEDGE, THESE PLANS COMPLY WITH THE PROVISIONS OF THE NEW YORK STATE ENERGY CONSERVATION CODE.
3. ALL ELECTRICAL WIRING AND DEVICES SHALL COMPLY WITH THE NATIONAL ELECTRIC CODE AND SHALL RECEIVE AN UNDERWRITER'S LABORATORY INSPECTION AND CERTIFICATE OF COMPLIANCE.
4. THE ENGINEER/ARCHITECT IS NOT RETAINED OR RESPONSIBLE FOR SITE VISITS DURING CONSTRUCTION.
5. ALL WORK SHALL BE PERFORMED TO THE HIGHEST STANDARDS OF THE TRADE INVOLVED. ALL TRADES SHALL EMPLOY THE LATEST CONSTRUCTION MATERIALS AND TECHNIQUES. ITEMS OF CONSTRUCTION REQUIRED OR NECESSARY FOR THE PERFORMANCE OF THE WORK, WHETHER OR NOT INDICATED ON THE PLANS, SHALL BE CONSIDERED PART OF THE WORK.
6. THE CONTRACTOR IS REQUIRED TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING THE WORK. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER/ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.
7. THE CONTRACTOR IS REQUIRED TO OBTAIN ALL NECESSARY PERMITS AND PAY ALL REQUIRED FEES.
8. CONCRETE WALLS SHALL BE REINFORCED AS REQUIRED FOR APPLIED LOADING.
9. ALL CONCRETE SHALL BE AIR ENTRAINED.
10. ALL REINFORCING STEEL SHALL BE NEW ASTM A-615, GRADE 60 MIN. AND SHALL COMPLY WITH CRSI STANDARDS FOR FABRICATION AND PLACEMENT.
11. ALL STRUCTURAL STEEL SHALL BE NEW ASTM A-36 AND SHALL COMPLY WITH AISC STANDARDS FOR FABRICATION AND ERECTION.
12. ALL FRAMING LUMBER SHALL BE #1 OR BETTER WITH A MINIMUM ALLOWABLE EXTREME FIBER BENDING STRESS (Fb) OF 1000 PSI.
13. ALL ENGINEERED LUMBER SHALL HAVE A MINIMUM ALLOWABLE EXTREME FIBER BENDING STRESS (Fb) OF 2,400 PSI - E = 2.0.
14. WARNING: IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW SECTION 7209, SUBDIVISION 2, FOR ANY PERSON TO ALTER THESE DRAWINGS/DOCUMENTS AFTER THEY HAVE BEEN SEALED.



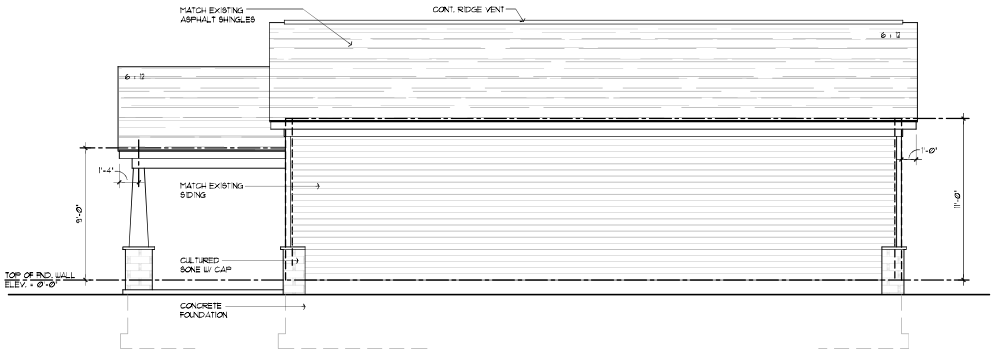
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



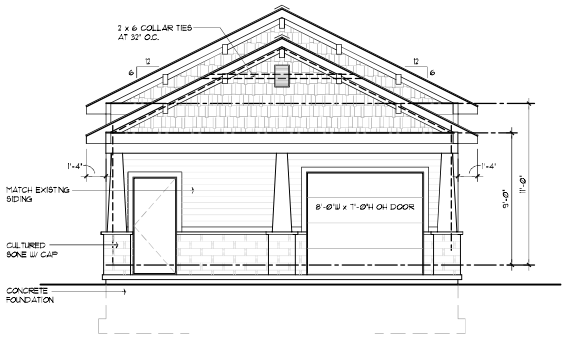
RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

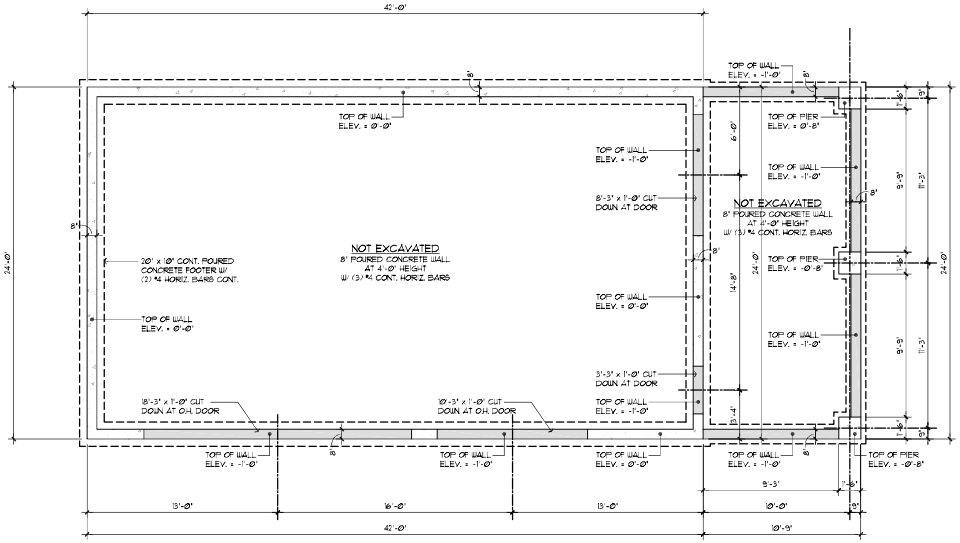


REAR ELEVATION

SCALE: 1/4" = 1'-0"

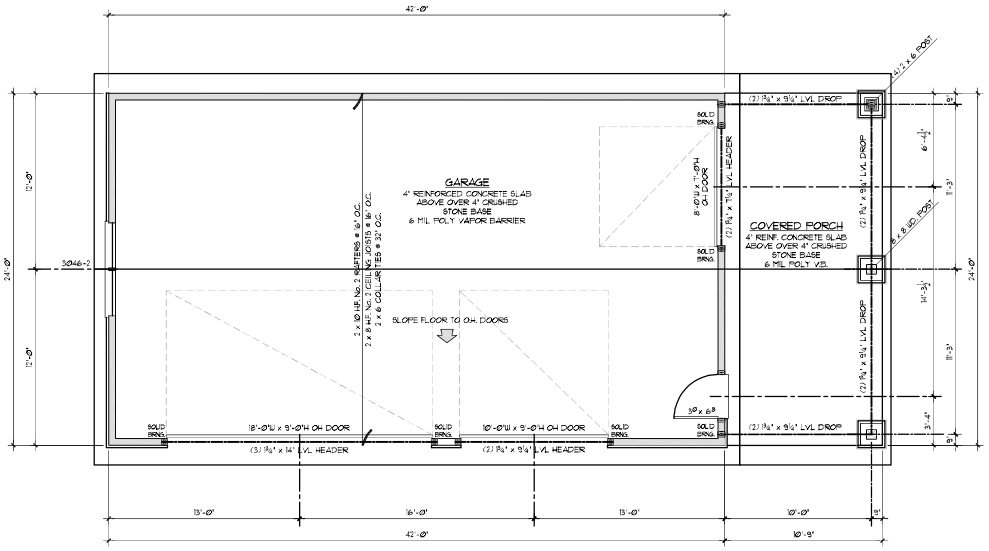
Exterior Elevations

A-1



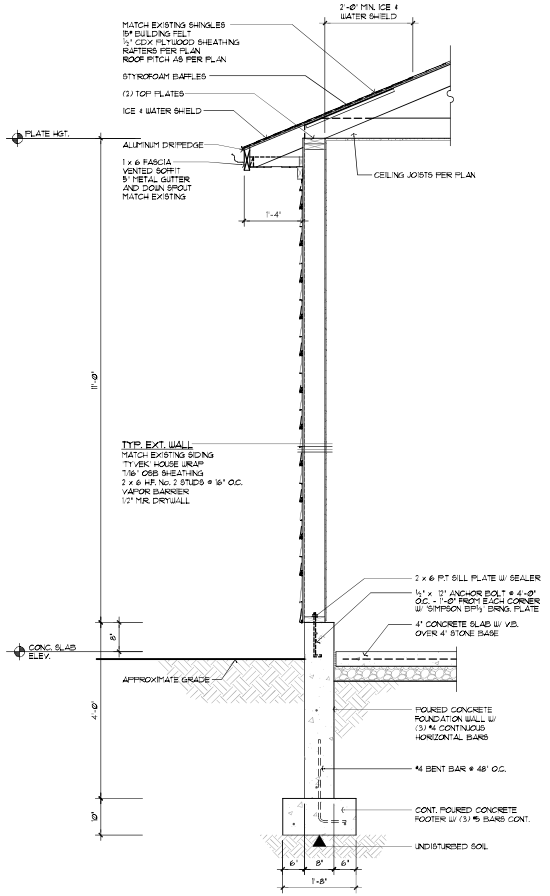
FOUNDATION PLAN

SCALE: 1/4" = 1'-Ø"



FLOOR PLAN

SCALE: 1/4" = 1'-Ø"



TYP. WALL SECTION (1 / A-2)

SCALE: 3/4" = 1'-Ø"

Floor Plan

A-2











SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, 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: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn

A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply. If the county fails to reply within such period, the referring body may take final action. However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5) The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 4/16/26 **Time** 7:00 pm **Location** 575 Oakwood Ave, East Aurora

3. Action is before: ☑ Legislative Body ☑ Board of Appeals ☐ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment

☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other: _____

5. Location of Property: ☐ Entire Municipality ☑ Address: 1249 Big Tree Rd, East Aurora

5a. S.B.L. of Property: 176.00-2-3.1

6. Referral required as site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District

☐ Expressway ☐ County Road ☑ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: *(specify the action, such as the scope of variances or site plans)* Area variance requested to construct a detached garage in the front yard (in front of the residence)

8. Other remarks: _____

9. Submitted by: Elizabeth Cassidy **Email:** ecassidy@townofaurora.com

10. Return Address: Town of Aurora Building Dept, 575 Oakwood Ave, East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ **The proposed action is not subject to review under the law.**
2. ☐ **Comment on proposed action is attached hereto.**
3. ☐ **The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.**
4. ☐ **No Recommendation; proposed action has been reviewed and determined to be of local concern.**

By the Division of Planning: _____ **Date:** _____