

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request

PAID
\$7500
2

Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1283
Date 9/15/16

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) William Darling of 75 DAVIS RO. EAST AURORA NY 14052
HEREBY, APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING
INSPECTOR on APPLICATION NO. _____ WHEREBY THE BUILDING INSPECTOR DID DENY

TO William C. Darling
Name of Applicant

OF 75 DAVIS RO, EAST AURORA, NY 14052
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY 75 DAVIS RO. EAST AURORA NY 14052
SBL # 174.01-2-5.2 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)
Table of District Regulations - Acc building in front yard

3. TYPE OF APPEAL. Appeal is made here with for:
 An interpretation A variance - to the Zoning Ordinance
 An exception A temporary permit

4. A PREVIOUS APPEAL has has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:

See attached list marked as an exhibit.

STATE OF NEW YORK
COUNTY OF ERIE
Town of AURORA

Wm Darling
Signature(s)
75 DAVIS RO. EAST AURORA NY 14052
Mailing Address

WILLIAM DARLING, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.
7/20/16 Bet 228414

Sworn to before me this 20th
day of July, 2016

Martha L. Librock
NOTARY PUBLIC

MARTHA L. LIBROCK
Notary Public, State of New York
No. 01L15028312
Qualified in Erie County
My Commission Expires May 31, 2018



Town of Aurora
300 Glead Avenue
East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name William C. Darling
Address 75 DAVIS RD. EAST AURORA NY 14052
Telephone ()

Address of appeal William 75 DAVIS RD. EAST AURORA NY 14052
Zoning District A
Zoning Code Section Table of District Regulations - Ace Building

Type of Appeal:

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

GROUND FOR VARIANCE: (may continue on separate sheet)

THE AREA IN WHICH I WANT TO BUILD THIS SHED IS SURROUNDED
By TREES WHICH WILL NOT HAVE ANY REAL VISIBILITY FROM
ANYWHERE ELSE BUT MY PROPERTY. IN ORDER TO PLACE
THE SHED ANYWHERE ELSE ON THE PROPERTY I WOULD
HAVE TO DO EXCAVATION WORK BECAUSE MY BACK
YARD IS A HILL.

ACKNOWLEDGMENT:

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 Town of 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

Petitioners Signature Wm. C. Darling Date 2/20/10
Owners Signature Wm. C. Darling Date 2/20/10

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: 22-110-473
Received: 8/25/16

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

2. Hearing Schedule: **Date** 9/15/2016 **Time** 7:00pm **Location** 300 Glead Ave., E. Aurora, NY

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 Specific as follows 75 Davis Road, E. Aurora, NY

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary ^{Horse} 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: (be specific) Accessory building in front yard of residence

8. Other remarks: (ID#, SBL#, etc.) SBL#174.01-2-5.2

9. Submitted by: Martha L. Librock, Town Clerk August 25, 2016

300 Glead Ave., E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 8/29/16. 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. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning:



Date:

9/1/16

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



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Southside Municipal Center

300 Gleed Avenue, East Aurora, NY 14052

www.townofaurora.com

TOWN COUNCIL MEMBERS

Susan A. Friess
sfriess@townofaurora.com

Jeffrey T. Harris
jharris@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

William Darling
75 Davis Rd.
East Aurora, NY 14052

7/27/2016

Re; Accessory building

Bill,


The Building Department has reviewed your application to erect an accessory structure on your property at 75 Davis Rd. We have denied your application because it fails to meet the requirements as stipulated by Aurora Town Code section 116-4 (Definitions of Yard, Front)

116-4 Required: An open space the full width of the lot between a main building and the front lot line unoccupied by buildings.

Request: an accessory building between the street and the main building.

Variance: an accessory building in the front yard.

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, application fee and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

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

SUPT. OF BUILDING
Patrick J. Blizniak
(716) 652-7591
building@townofaurora.com

ASSESSOR
Richard L. Dean
assessor@townofaurora.com
(716) 652-0011

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

TOWN ATTORNEY
Ronald P. Bennett

TOWN JUSTICE
Douglas W. Marky
Jeffrey P. Markello

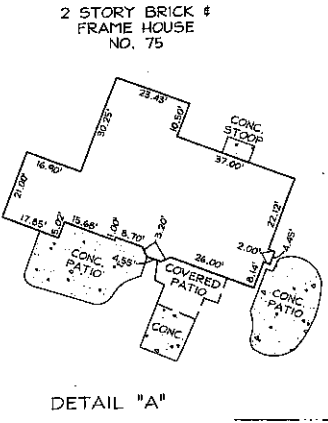
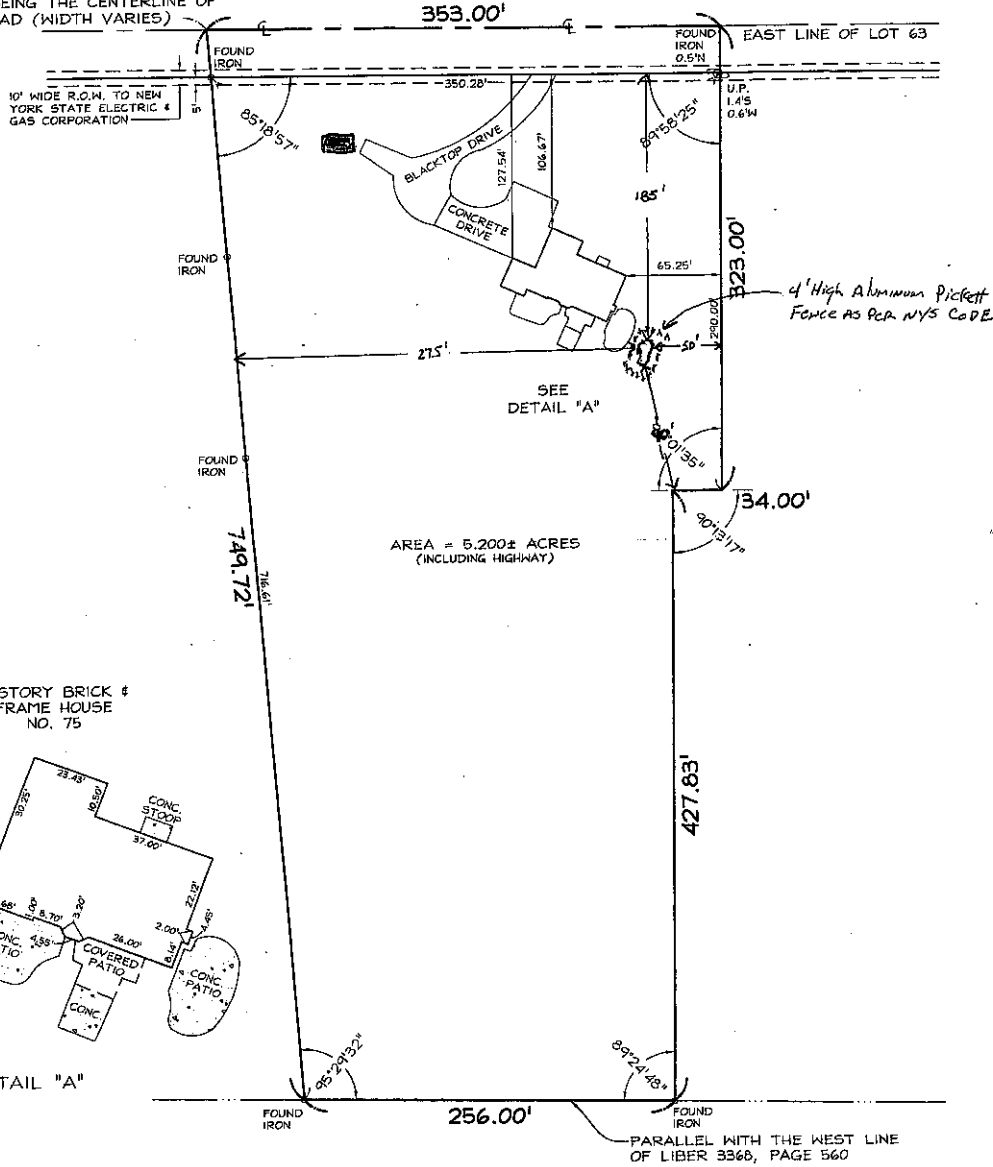
HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

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



DAVIS (66' WIDE) ROAD

—591.57' TO THE NORTH LINE OF LOT 63, ALSO BEING THE CENTERLINE OF QUAKER ROAD (WIDTH VARIES)



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 alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

PART OF LOT : 63	SECTION :	TOWNSHIP : 9	RANGE : 6 OF THE HOLLAND LAND COMPANY'S SURVEY	
LOCATION : TOWN OF AURORA	COUNTY OF ERIE	STATE OF NEW YORK	SCALE: 1"=80'	
<p>3556 Lake Shore Road Buffalo, New York 14219-1494 (716) 827-8000</p>	KIND	DATE	REQUESTED BY	JOB NO.
	SURVEY	3/01/16	TRASK LAW OFFICE	07J2-001TA
	REVISED	3/18/16	TRASK LAW OFFICE	07J2-001TA

Handwritten signature: Michael I. E.

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

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Successors to the records of Graf Land Surveyors
Successors to the records of James L. Shisler, Land Surveyor



Erie County On-Line Mapping Application



Legend

- Parcels
- Municipal Boundaries
- 2014_bdy

0 94.04 188.1 Feet

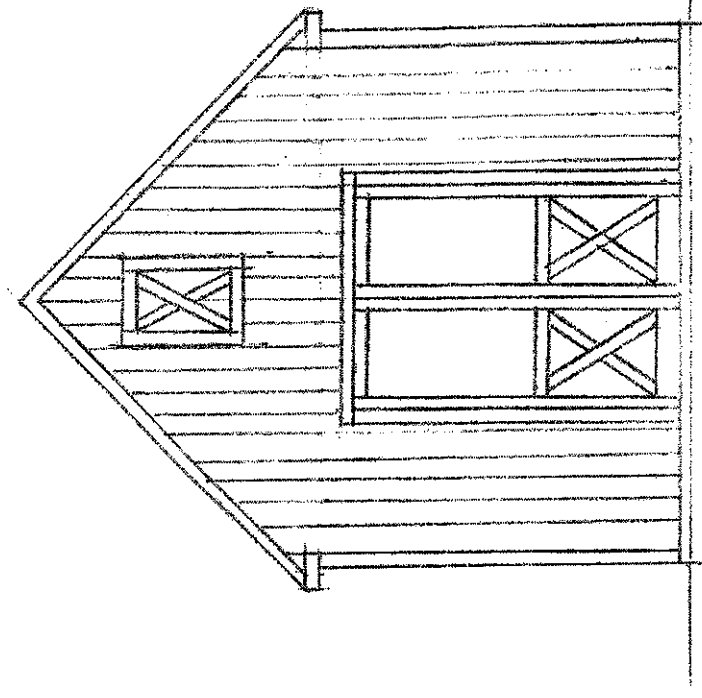
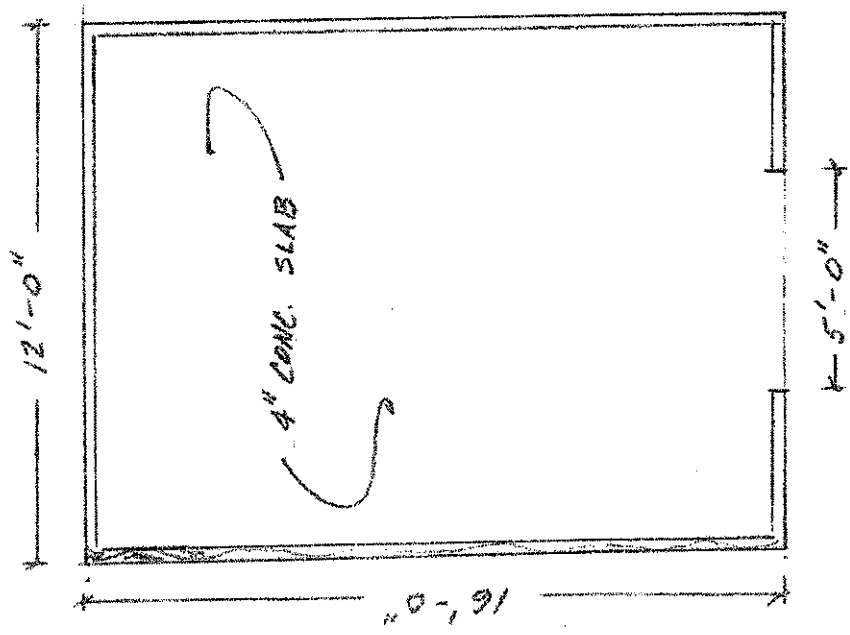
WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

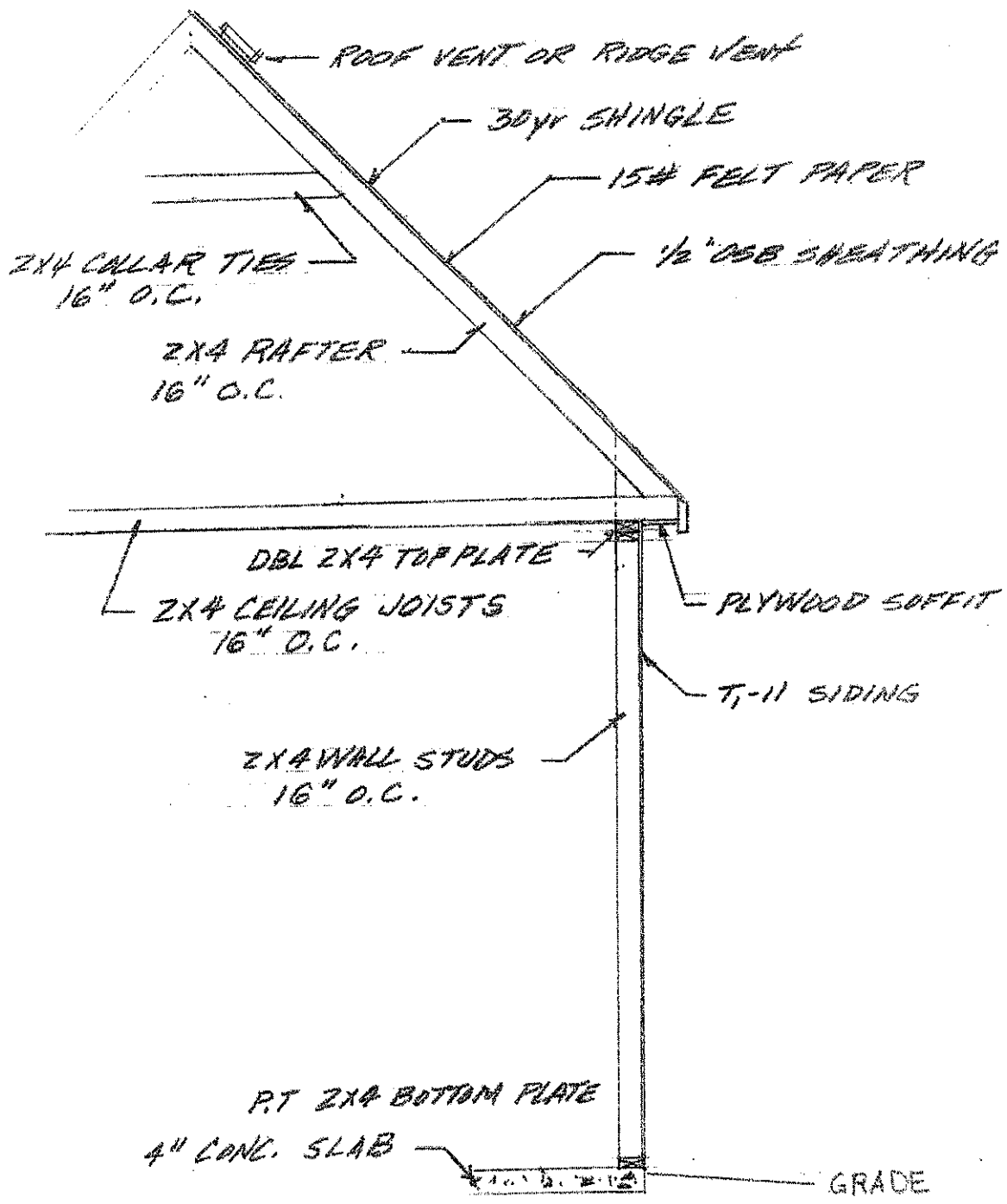
ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

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: 1,128







Mary Beth Billitter-Darling

Petitioner: William Darling
75 Davis Rd
East Aurora, NY 14052

SBL#: 174.01-25.2

=====

Abutting Properties: Mailing Address (if different)

SBL: 174.01-2-4.1
Robert J Ellis Revocable Trust
1361 Quaker Rd

PO Box 911
Orchard Park, NY 14127

SBL: 174.01-2-1
Richard & Donna Smith
1421 Quaker Rd
Orchard Park, NY 14127

SBL: 174.01-2-5.3
Timothy Hutchings
85 Davis Rd
East Aurora, NY 14052

SBL: 174.00-2-1.11
Barbara Chur
166 Davis Rd

1181 Quaker Rd
East Aurora, NY 14052

William Darling
75 Davis Rd
EA

SBL: 174.01 - 2-5.2



OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request



Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1284
Date 9/15/16

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) Larry Ljungberg of 2060 Lapham Road
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING
INSPECTOR on APPLICATION NO. _____ WHEREBY THE BUILDING INSPECTOR DID DENY

TO Larry Ljungberg (LAWRENCE LJUNGBERG)
Name of Applicant

OF 2060 Lapham Rd, East Aurora, NY 14052
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY 2060 Lapham Road
SBL# 176-00-1-23 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

3. TYPE OF APPEAL. Appeal is made herewith for:
 An interpretation A variance - to the Zoning Ordinance
 An exception A temporary permit

4. A PREVIOUS APPEAL has has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:
See attached list marked as an exhibit.

(No close neighbors)

STATE OF NEW YORK
COUNTY OF ERIE
_____ of _____

Laf
Signature(s)

Mailing Address

Lawrence Ljungberg, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

8/24/16 Batt
228479

Sworn to before me this 24th
day of August, 2016

Sheryla A. Miller
NOTARY PUBLIC

SHERYL A. MILLER
Reg. #01MI6128663
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 13, 2017



Town of Aurora
 300 Glead Avenue
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name Larry Ljungberg
 Address 2060 Lapham Road
 Telephone 716-
 Address of appeal 2060 Lapham Road
 Zoning District _____
 Zoning Code Section _____

Type of Appeal:

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

Wood Shed - 8x8'

GROUND FOR VARIANCE: (may continue on separate sheet)

Located partially in front of House
Wall screened by woods
Location near front entrance of house is necessary
No environmental impact

ACKNOWLEDGMENT:

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 Town of 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

Petitioners Signature [Signature] Date 8/24/10
 Owners Signature _____ Date _____

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



TOWN CLERK
Martha L. Libroek
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

TOWN COUNCIL MEMBERS

Susan A. Friess
sfriess@townofaurora.com

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jharris@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

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assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Peggy M. Cooke
(716) 652-8866
peggy@townofaurora.com

TOWN ATTORNEY
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TOWN JUSTICE
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Robert L. Goller
(716) 652-7944
historian@townofaurora.com

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

Lawrence Ljungberg
2060 Lapham Rd.
East Aurora, NY 14052

8/24/2016

Re; Accessory building in front yard

Larry,

The Building Department has reviewed your application to erect an accessory structure on your property. We have denied your application because it fails to meet the requirements as stipulated by Aurora Town Code section 116-4 (Definitions).

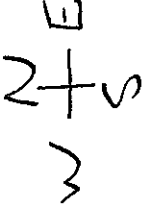
Required: no buildings shall be erected in any front yard.
Request: an accessory building between the street and the main building.
Variance: an accessory building in the front yard.

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, application fee and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

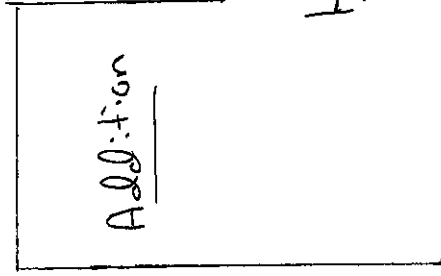
William R. Kramer

Code Enforcement Officer

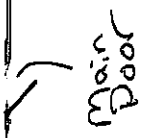
Woods



Driveway

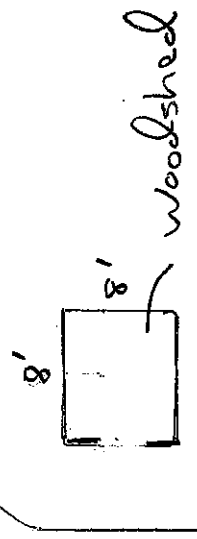


House



Lawn

Woods



Lawn

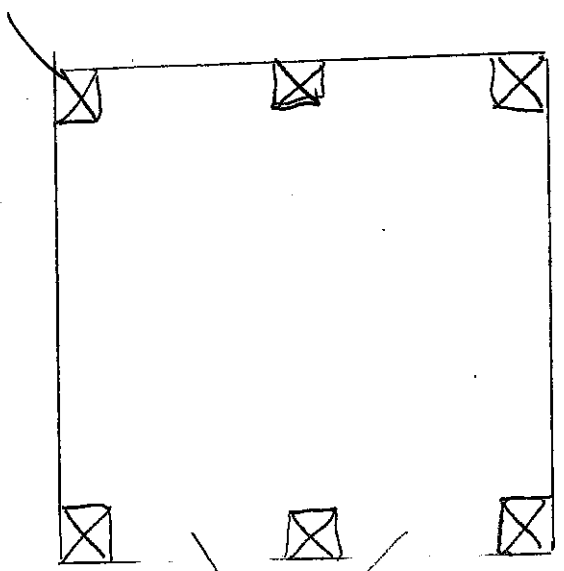
Thruway - 400

Larry + Chris Ljungberg
2060 Lapham Road
East Aurora, NY 14052
716-341-1642

Lapham Road

N
W E
S

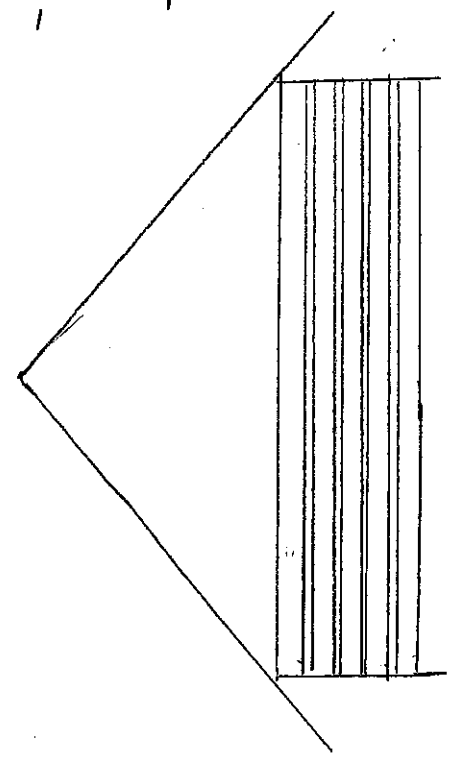
4x4's
Depth 42-48"
Concrete



- 2x6x8' Siding Spaced 3/4" - 1" apart for Ventilation
- Stone Floor

- Double 2x6x8 for Header w 1/2" Plywood for Spacing (3 1/2" total width)

- Conventional Roof / Truss
- 1' Overhang



Petitioner: Larry Ljungberg *LAWRENCE + CHRISTINE LJUNGBERG*
2060 Lapham Rd
East Aurora, NY 14052

SBL#: 176.00-1-23
=====

Abutting Properties: Mailing Address (if different)

SBL: 176.00-4-3.11
Walter & Martha McLaughlin
1913 Lapham Rd
East Aurora, NY 14052

SBL: 176.00-4-12
Edna Stoll L/E
Cynthia Anne Stoll*
2013 Lapham Rd
East Aurora, NY 14052

*337 Spruce St
Niagara Falls, NY 14301

SBL: 176.00-1-24.2
John & Claudia Newton
2030 Lapham Rd
East Aurora, NY 14052

SBL: 176.00-4-14.1
Elaine McLaughlin
2095 Lapham Rd
East Aurora, NY 14052

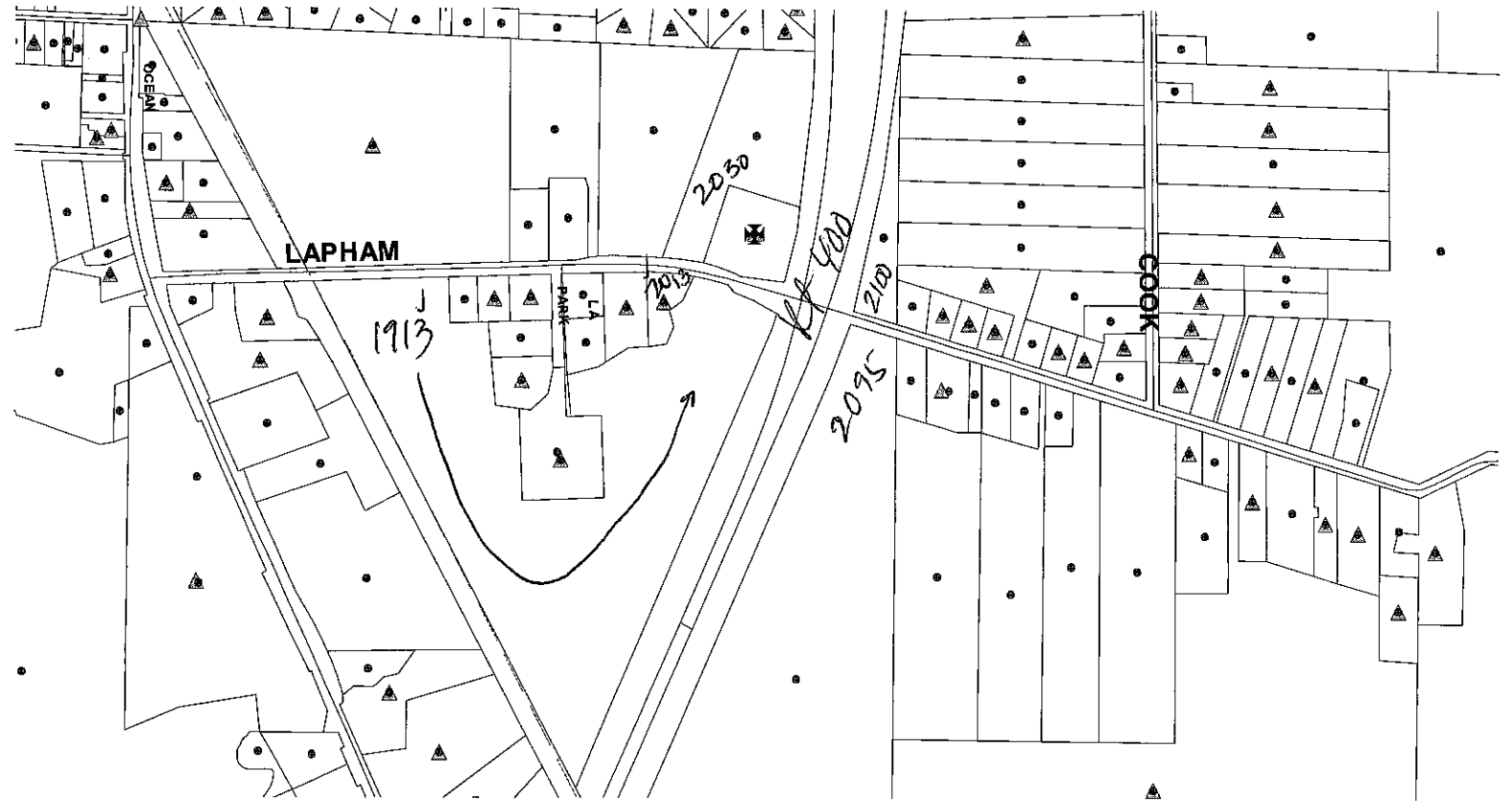
SBL: 176.00-1-32
Rosemary Ivery
2100 Lapham Rd
East Aurora, NY 14052

NYS DOT
Rt 400

*NYS DOT
100 Seneca St.
Buffalo, NY 14203*

Larry Lyungberg
2060 Lapham Rd
9A

SBL: 176.00-1-23



PAID
\$75.00

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request

Building Application # _____

Zoning Appeal Case No. 1285

Building Permit # _____

Date 8/30/2016

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) HARRY O'MALLEY of 136 OLEAN ST. E. AURORA
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR on APPLICATION NO. _____ WHEREBY THE BUILDING INSPECTOR DID DENY

RECEIVED

AUG 30 2016

TO HARRY O'MALLEY

Name of Applicant

TOWN OF AURORA
TOWN CLERKS OFFICE
paid \$75.00 sam

OF 136 OLEAN ST. E. AURORA NY

(Street & Number)

(Municipality)

(State)

A PERMIT FOR USE

A CERTIFICATE OF EXISTING USE

A VARIANCE FROM ZONING ORDINANCE

A PERMIT FOR OCCUPANCY

A TEMPORARY PERMIT OR EXTENSION THEREOF

1. LOCATION OF THE PROPERTY v/j Grover Rd
SBL # part of 186-00-218 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

3. TYPE OF APPEAL. Appeal is made herewith for:

An interpretation

A variance - to the Zoning Ordinance

An exception

A temporary permit

4. A PREVIOUS APPEAL has has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:

See attached list marked as an exhibit.

STATE OF NEW YORK

THOMAS J WELSH AGENT FOR HARRY O'MALLEY
Thomas J. Welsh

COUNTY OF ERIE

Signature(s)

_____ of _____

299 MAIN ST. E. AURORA, NY 14052

Mailing Address

Thomas J. Welsh, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the

knowledge of deponent.

Sworn to before me this 30th
day of August, 2016



NOTARY PUBLIC

CATHERINE E. GAZDA
Notary Public, State of New York
Reg. No. 01GA6272695
Qualified in Erie County
Commission Expires 11-19-20 16

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

DO NOT WRITE IN THIS SPACE

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

Case No.: _____
Received: _____

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

2. Hearing Schedule: **Date** 9/15/2016 **Time** 7pm **Location** 300 Glead Ave., E. Aurora, NY

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 Specific as follows VL Grover Road - part of
SBL#186.00-2-18

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: (be specific) 1-family residence proposed to be built closer to rear lot line than allowed by code

8. Other remarks: (ID#, SBL#, etc.) part of SBL#186.00-2-18

9. Submitted by: Martha L. Librock, Town Clerk 8/30/2016

300 Glead Avenue, E. 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. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: _____ Date: _____

SUPERVISOR
JAMES BACH
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
MARTHA L. LIBROCK
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
5 South Grove Street, East Aurora, NY 14052
www.townofaurora.com

Harry O'Malley
136 Olean St.
East Aurora, N.Y. 14052

8/30/2016

Re: rear yard variance at proposed division of SBL 186.00-2-18

Harry,

The Building Dept has reviewed your plan for a new home on a lot to be separated from SBL 186.00-2-18. We have advised you to seek a rear yard variance for this building.

District Regulations-

Required: The rear yard of any main building at least 50'.

Requested rear yard: 35'

Variance required: 15'

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, application fee, a letter to the ZBA members explaining your difficulty, and any information to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

TOWN OF AURORA
300 GLEED AVENUE, EAST AURORA, NY 14052

BUILDING DEPARTMENT
(716) 652-7591
FAX (716) 652-3507

MEMO

TO: Chairman Whitcomb and the Zoning Board of Appeals
FROM: Patrick Blizniak, Superintendent of Buildings
DATE: August 31, 2016
RE: O'Malley ZBA request

=====

The 45' Front Yard setback requested by Mr. O'Malley is allowable without a variance due to Town Code §116-41 which states:

§ 116-41 Variation in yard requirements.

A.

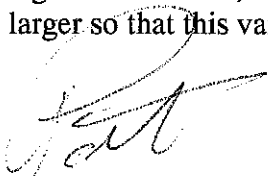
In any R or A District where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted either to permit a front yard depth of less than 60% or to require a front yard depth of more than 120% of that specified in the Table of District Regulations.

The properties on the same side of the road within 1000' are:

- 1375 Grover Rd – Front yard setback of approximately 24'
- 1309 Grover Rd – less than 40' (no survey on file, but based on Erie Co GIS Map)
- 1271 Grover Rd – approximately 40' (based on GIS Map information)
- 1261 Grover Rd – approximately 39' (ZBA #789)

With these existing setbacks, the requested 45' front yard setback would be acceptable.

*After reviewing this case, it is my opinion that this is a self-created hardship. This is not a legal lot of record, as it is a split from a larger parcel and there is the opportunity to make this lot larger so that this variance would not be needed.



REQUEST:

We are seeking to build a home on the lot described as the “G Hunt Course” lot on the attached map. The lot is on the portion of Grover Road north of Mill Road and is of a thin, triangular shape. A survey of the lot with the proposed building plan is attached. Also attached is a photo of the proposed build.

The lot is located in an area of the town of Aurora zoned as “Agricultural” and is subject to the zoning laws of that region type.

We are requesting that our minimum required front yard depth be set to 45 feet and our minimum required rear yard depth be set to 35 feet.

MAIN REASON FOR REQUEST:

A reasonably sized home (greater than 15 feet deep) cannot be built on the lot while meeting both the standard front yard and back yard minimum requirements simultaneously.

BENEFIT TO THE APPLICANT IF VARIANCE IS GRANTED:

We will be able to build our home on the lot. Without the variance we will not be able to. This particular lot is desirable, when compared to other possible building sites, because:

1. it is treed on all sides with heavy woods on 2 of the three sides;
2. no other homes can be seen from this home site, granting a highly desirable feeling of privacy;
3. this private nature will continue into the future since

the land on all three sides of the lot is very unlikely to be built on;

4. it is already cleared for building, eliminating the deforesting cost associated with building on most wooded lots;
5. it is on a nicely paved road very close to Mill Road, the latter of which is heavily maintained and plowed in the winter;
6. Our kids will be able to grow up with access to woods

AFFECT ON NEIGHBORHOOD:

In general, building the home we plan to build on this lot will have a positive effect on the neighborhood and community in the following ways:

1. We will be building a 2,000 square foot craftsman home that will be valued at over \$400,000. The style fits in well with the East Aurora aesthetic and the newness, quality of builder and price tag will increase the value of nearby homes.
2. The lot we are proposing to build on, up to this point, has been used as a horse practice area for Long Acres horse farm and includes structures, such as horse jumps, that facilitate this use. As of this year the lot will no longer be used for this purpose and therefore will be vacant and abandoned. Building a high quality home on the site is a great way to keep the area fresh and well maintained.

ACHIEVABILITY BY OTHER METHODS

As stated, it is impossible to build a house deeper than 15 feet on the lot while meeting both the minimum front yard and back yard requirements, so alternatives are impossible on the current

lot. The only alternative, then, would be to increase the size of the lot. This is neither desirable for the community nor possible.

Reasons Increasing the Size of the Lot is Not Desirable and/or Possible

1. The portion of the land we propose to buy and build on has already been cleared and has a natural, defining perimeter of woods. Increasing the size of the lot would require deforesting a lot more of the surrounding land to make way for building the home which would present a detriment to the surrounding home owners and community.
2. There is a gas line owned by National Fuel running diagonally through the middle of the adjacent land where the proposed lot size increase would have to be. This gas line has a 50-foot easement surrounding it and cannot be built near. This means that the amount of additional land that would need to be bought in order to find a place for a home that meets all of the zoning requirements would be so significant and so far from the original intended site, its feasibility as an alternative is unreasonable.
3. The adjacent land where the proposed lot size increase would have to be is much more difficult and costly to build on due to its steep and varied gradients. The lot we are proposing to build on is flat. The adjacent land is very hilly, with cliff-like drop-offs in some places. It is not nearly as suitable for building.

ADDRESSING HOW SUBSTANTIAL THE VARIANCE IS

In short, the variance request is not very substantial for the following reasons:

1. The request for a minimum front yard requirement of 45 feet may not even be a request for a variance at all,

since the zoning likely falls under code 116-41 , which states:

*In any R or A District where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted either to permit a front yard depth of less than 60% or to require a front yard depth of more than 120% of that specified in the **Table of District Regulations**.^{III}*

Within 1,000 feet of the proposed building site on the same block on the same side of the street there are three lots.

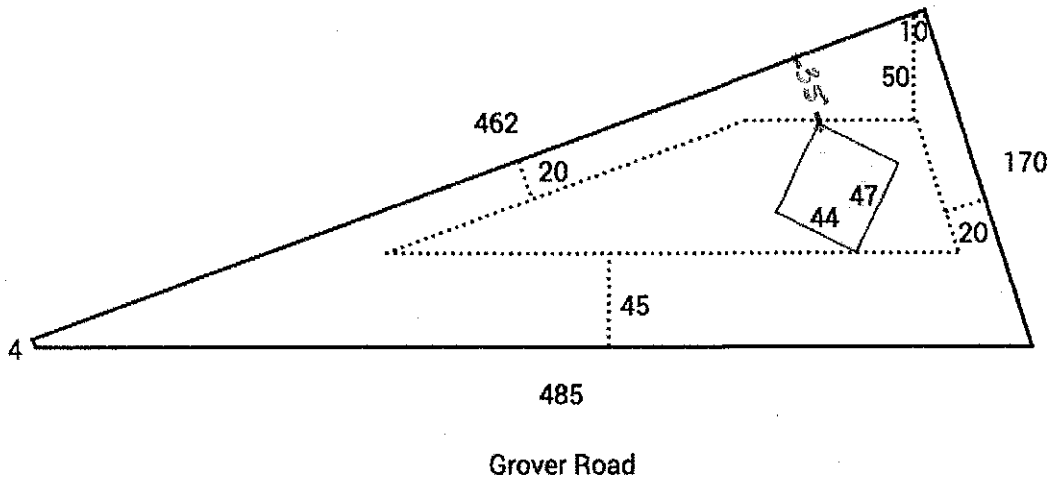
Two of them have homes, which makes the percentage of lots improved with homes 67%, which is greater than 20%, so this provision appears to apply. Both of the homes have front yard set-backs less than 45 feet. Since both homes have set-backs less than 45 feet, the average of their set-backs must be less than 45 feet. The code states that the required minimum setback for our proposed building space should be the average of the setbacks of those two surrounding homes, but not less than 60% of what the basic code requires. The main code requires 75 feet of frontage. 60% of 75 is 45 feet. So, it appears as though 45 feet might be the actual required frontage for our proposed building lot. And even if it is not due to a technicality, it seems to fit within the spirit of the code.

2. The request for a minimum back yard requirement of 35 feet is only a variance of 15 feet and there is nothing but woods to disturb or impose upon in that direction as far as the eye can see.

SUMMARY

In short, our proposed variance request seems to be reasonable. It's effect cannot be achieved by any other reasonable method and will have a positive effect on the applicant as well as the local neighborhood and community.

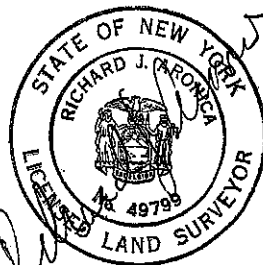
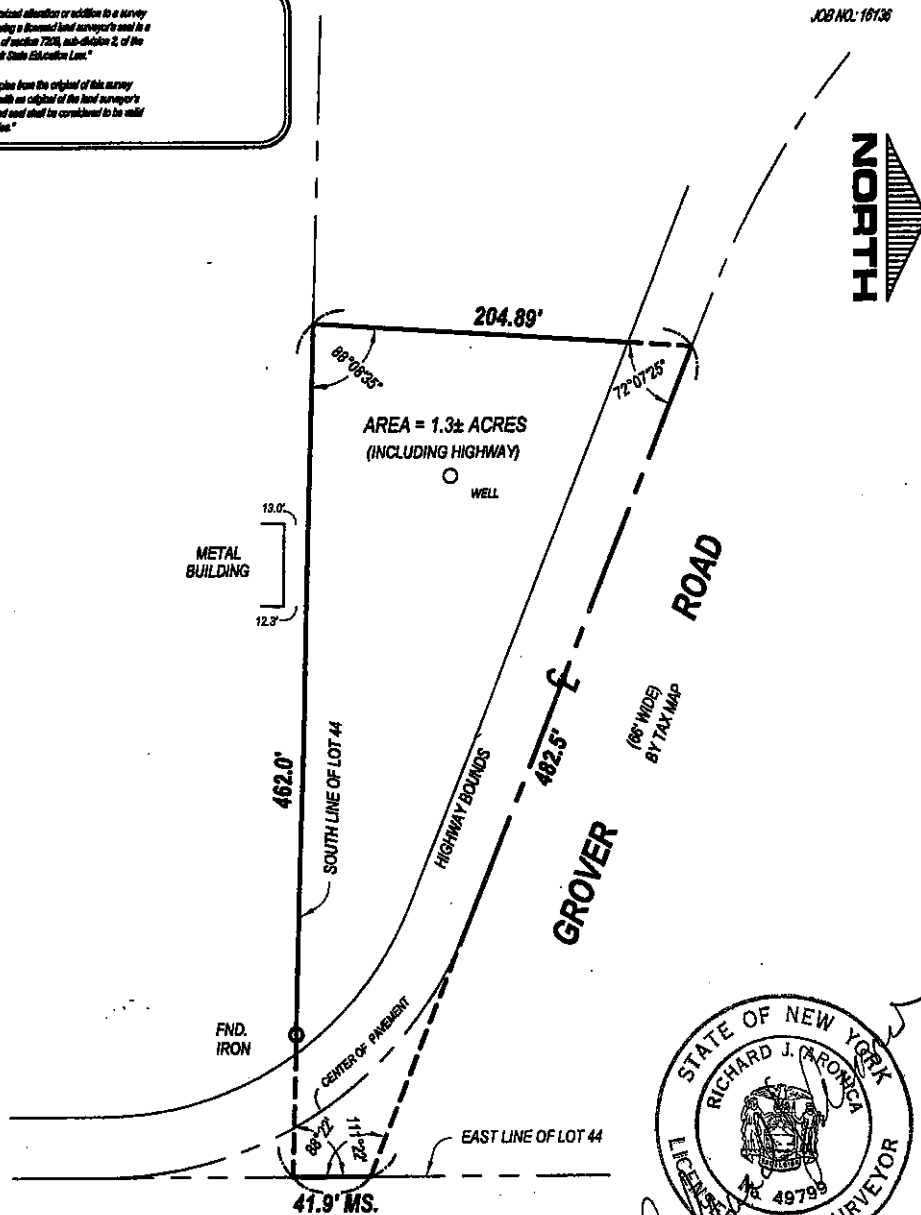
Proposed House Stamp With Setbacks Drawn In



"Unauthorized alteration or addition to a survey may render a licensed land surveyor's seal in a violation of section 7205, sub-section 2, of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's endorsement shall be considered to be valid true copies."

JOB NO: 16136



SURVEY OF:
PART OF LOT 44, T.9-R.6, H.L.C.S.
TOWN OF AURORA, ERIE COUNTY, N.Y.

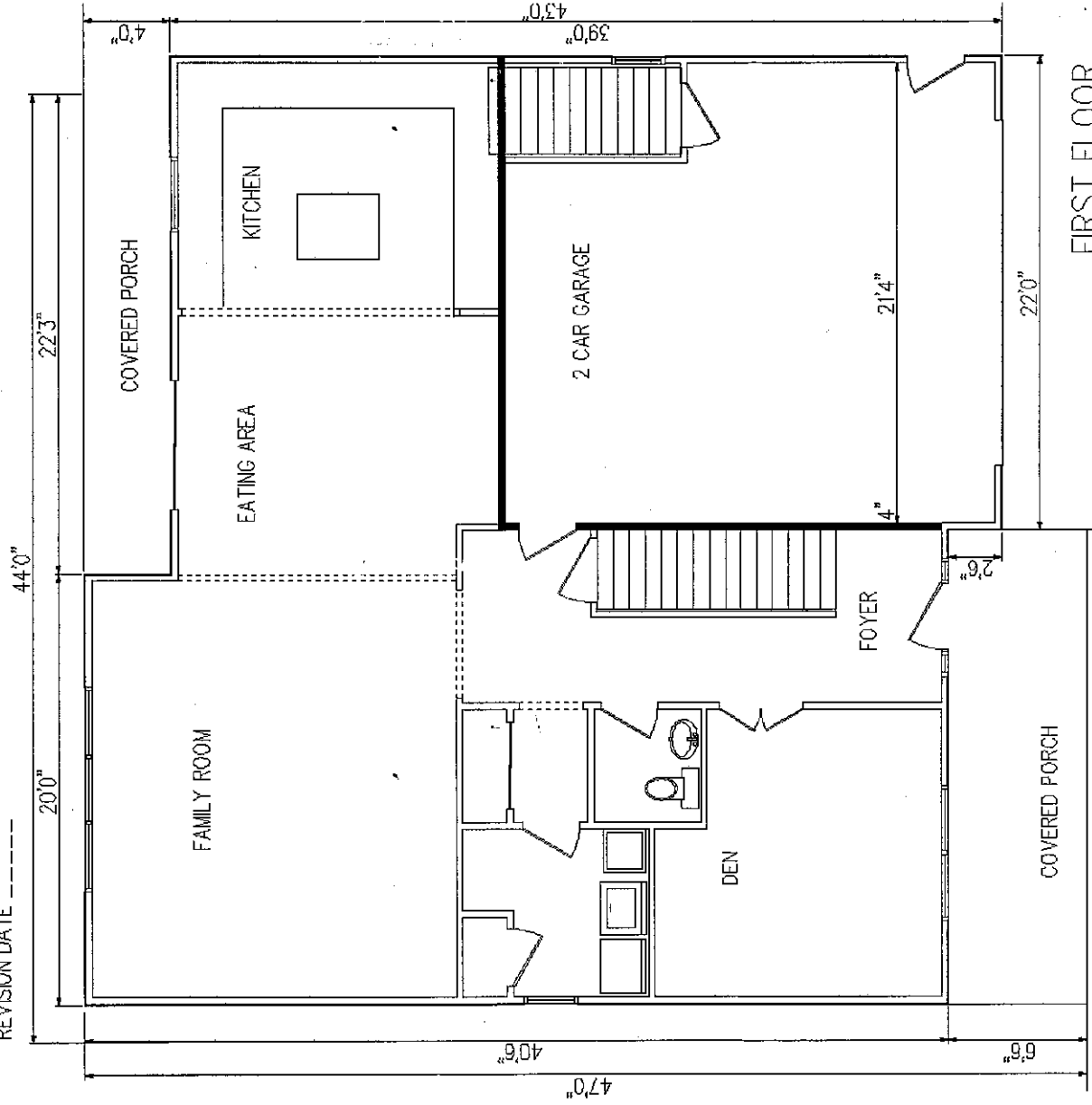
SCALE: 1" = 80'

DATE: AUGUST 26, 2016

PREPARED FOR:
TJW CUSTOM HOMES
299 MAIN STREET
EAST AURORA, NEW YORK

RICHARD J. ARONICA
LAND SURVEYOR NYS 49799
10569 ROCKY MOUNTAIN ROAD
P.O. BOX 339
NORTH COLLINS, NEW YORK 14111
PHONE: 716-337-3420

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TJW CUSTOM HOMES
REVISION DATE _____



FIRST FLOOR
SCALE 1/8"=1'

Petitioner: ~~Henry~~ ^{Henry} O'Malley (purchaser)
Camp Longacres, Inc (1529 Mill Rd East Aurora, NY 14052)
V/L Grover

SBL#: part of 186.00-2-18

=====

Abutting Properties: Mailing Address (if different)

SBL: 186.00-2-40.111
Ralph & Laura Vanner
V/L Luther Rd

1240 Luther Rd
East Aurora, NY 14052

SBL: 186.00-2-29.1
Thomas Kranz
V/L Mill Rd

1529 Mill Rd
East Aurora, NY 14052

SBL: 186.00-2-27
James & Elizabeth Koszuta
1693 Mill Rd
East Aurora, NY 14052

SBL: 186.00-2-24
Camp Longacres, Inc
V/L Grover Rd

1529 Mill Rd
East Aurora, NY 14052

SBL: 187.03-1-13
Thomas Kranz
1529 Mill Rd
East Aurora, NY 14052

SBL: 187.00-4-2
Paul Juhre
1532 Mill Rd
East Aurora, NY 14052

SBL: 187.00-4-3
Stephen & Gretchen Oubre
1514 Mill Rd
East Aurora, NY 14052

SBL: 187.03-1-14
Jude & Marlane Jacobs
V/L Mill

1376 Grover Rd
East Aurora, NY 14052

SBL: 187.03-1-15
Jude & Marlane Jacobs
1376 Grover Rd
East Aurora, NY 14052

SBL: 186.00-2-20
Adam & Erin Schifferli
1375 Grover Rd
East Aurora, NY 14052

SBL: 187.03-1-16
Allen & Susan Ott
V/L Grover Rd

1360 Grover Rd
East Aurora, NY 14052

SBL: 187.00-1-18
Allen & Susan Ott
1360 Grover Rd
East Aurora, NY 14052

SBL: 187.00-1-20
Janie Bochen
1332 Grover Rd

3823 N Buffalo St
Orchard Park, NY 14127

SBL: 187.00-1-19
David & Laurie Clark
V/L Grover Rd

4409 S Park Ave
Blasdell, NY 14219

SBL: 186.00-2-19
Thomas Kranz
1309 Grover Rd

1529 Mill Rd
East Aurora, NY 14052

SBL: 187.00-1-21
Milton & Sally Ketterer
1308 Grover Rd
East Aurora, NY 14052

SBL: 187.00-1-22
Milton & Sally Ketterer
V/L Grover Rd

1308 Grover Rd
East Aurora, NY 14052

SBL: 187.00-1-24.2
Mark & Lisa Belz
1280 Grover Rd
East Aurora, NY 14052

SBL: 186.00-2-17
John Vickard II & John Vickard
1271 Grover Rd
East Aurora, NY 14052

Henry O'Malley (purchaser)
aaf Camplongares Inc
(1529 Mill Rd 2A)

V/L Grover Rd
part of
SBL: 186-00-2-18

