

CASE NO.	1417
DATE OF H	IEARING 9/5/22

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 Justin & Christine Smyczynski Address 25 Roycroft Circle City East Aurora State NY ZIP 14052 Phone Email Email 1. Com
City East Aurora State NY ZIP 14052
Phone(Email Email L. Com
Interest i er/purchaser/developer) <u>O</u> <u>w</u>
III. PROPERTY OWNER INFORMATION (If different from applicant information.)
Property Owner(s) Name(s)
Address
City State ZIP Phone Fax Email
Phone Fax Email
III. PROPERTY INFORMATION
Property Address 25 Roycroft Circle SBL# 164.12-2-28.1
SBL# 164.12-2-28.1
Property size in acres Property Frontage in feet 238
Zoning District <u><u><u><u><u></u></u> <u><u><u><u></u></u> <u><u><u><u></u></u> <u><u><u><u></u></u> </u></u></u></u></u></u></u></u></u>
Current Use of Property Residential Home
IV. REQUEST DETAIL
(check all that apply)
Variance from Ordinance Section(s) # Zoning Chapter 116 116-284
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
Print name of Applicant/Petitioner
State of New York; County of Erie On the day of the year of a 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
MARTHA L. LIBROCK Notary Public, State of New York (Notary stamp) No. 01LI5028312 Qualified in Erie County My Commission Expires May 31, 20

Office Use Only:	Date received: 892022	CH 1003	Receipt #: <u>38</u> 5	5921 (XA
Application reviewed by	:			
ECDP ZR-1 form sent to	D EC:	Hearing publ	ication date:	
PREVIOUS APPEAL(S)):			
A previous appeal to the	e Zoning Board of Appeals()ha	as () has not b	een made with res	spect to this property.
Previous appeals:				
Date:	Type of Appeal:		Granted	Denied
Date:	Type of Appeal:		Granted	Denied

PETITIONER'S LETTER OF INTENT

appeg	ested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this al: (attach additional pages if needed)
<u> </u>	lease see Attached
	pulse propriet in the second of the second o
<u>TO B</u>	E COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:
	e Variance is requested because the applicable regulations and restrictions in the Zoning Code of the 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
(Attac	ch additional pages if needed)

Letter of Intent

Dear Members of the Zoning Board of Appeals:

I am seeking a fence variance for my single-family home at 25 Roycroft Circle residing in the town of Aurora. Current zoning rules state our backyard is an extension of our front yard because we reside on a corner lot. Due to this zoning rule the maximum allowable height is 3.5 feet along the street side of our backyard, I am respectfully requesting to install a fence that is 4.5 feet tall.

We are requesting this variance for a few different reasons and would be grateful if you can take them into consideration when making your decision.

- We recently moved from the village of East Aurora where we had a 4.5-foot fence which allowed our dog free range in the backyard. We have a larger dog and my concern is 3.5 feet would not provide adequate height to ensure our dog remained safe and secured in our yard at all times.
- We hope to one day put a pool in our backyard, the current fence requirements for a pool
 are minimum 4 feet. We would like to ensure if this came to fruition, we would already be
 compliant with the requirements as opposed to potentially having to put in a new fence at
 that time.
- We have a 2.5 year old daughter with another on the way in October. While we have found Roycroft circle to be a low traffic neighborhood, we would like our kids to be able to play freely in the backyard as they get older without the concern of them wandering into the street or easily jumping over a fence to do so.

The fence will not be along the portion of our property obstructing the bend in the road. The fence will be see through and also hidden behind a row of existing bushes that are currently 4.5 feet tall and will grow to 6+ feet, we feel this will prevent visual impact to the overall character of the neighborhood.

I hope you agree that my request would produce an aesthetically pleasing addition to our neighborhood that would provide purpose and functionality for our family without taking away from the natural beauty of our surroundings.

Sincerely Yours,

Justin and Christine Smyczynski

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

Charles D. Snyder

csnyder@townofaurora.com

August 9, 2022

Luke Wochensky lwochensky@townofaurora.com

Justin & Christine Smyczynski 25 Roycroft Circle

James F. Granville

East Aurora, NY 14052

jgranville@townofaurora.com

Dear Justin & Christine:

Joseph M. McCann jmccann@townofaurora.com

> SUPT. OF HIGHWAYS David M. Gunner

(716) 652-4050 highway@townofaurora.com

Section 116-28A

CODE ENFORCEMENT **OFFICER**

Elizabeth Cassidy (716) 652-7591

building@townofaurora.com

Required: The following structures shall be allowed within required yards: a wall

The Building Department has reviewed request to install a fence on your property

at 25 Roycroft Circle. The request has been denied because it fails to meet the

or fence not over 3.5' high in any front yard or side-street side yard Requested: approx. 205 linear ft of 4.5' high fence in front yard

Variance: 1' for 205 linear feet of fence

code requirements for fences in the Town.

ASSESSOR

Roger P. Pigeon assessor@townofaurora.com (716) 652-0011

DIR. OF RECREATION

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

TOWN ATTORNEY Brigid M. Maloney

Jeffrey P. Markello Anthony DiFilippo IV

TOWN JUSTICE

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

FAX: (716) 652-3507

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,

Elizabeth Cassidy

Code Enforcement Officer

This institution is an equal opportunity provider and employer.

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 239m(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 1 - nn A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

		Description	of P	roposed Action		
1. Name of Municipality:	Tov	vn of Aurora				
However, any county	If the rec	es that the county shall have 30 de county fails to reply within sueived after 30 days but 2 or morng body shall file a report of its	ch perio e days p	d, the referring body may take brior to final action by the refer	final action ring body s	1. Shall be subject to §239-m(5)
2. Hearing Schedule:	Da	Date 09/15/2022 Time 7:00 pm Location 575 Oakwood Ave., EA				
3. Action is before:		Legislative Body	V	Board of Appeals		Planning Board
4. Action consists of:		New Ordinance		Rezone/Map Change	. 🗆	Ordinance Amendment
☐ Site Plan	V	Variance		Special Use Permit		Other:
5. Location of Property:		Entire Municipality	V	Address: 25 Roycroft	t Circle	
5a. S.B.L. of Property:	164	.12-2-28.1	_	East Aurora	a, NY	
6. Referral required as site is within 500' of:		State or County Property/Institution		Municipal Boundary		n Operation located in an cultural District
□ Expressway	Z	County Road		State Highway	Pro	oosed State or County Road, perty, Building/Institution, inageway
7. Proposed change or use: (specify the action, such as the scope of variances or site plans) Fence height front yard or side street side yard higher than allowed by code.				n allowed by		
8. Other remarks:						
9. Submitted by: Martha	a L. I	_ibrock		Email: townclerk@	g)town	ofaurora.com
10. Return Address: 575	Oal	wood Avenue, E	East	Aurora NY 1405	52	
Receipt of the above-desc submits its review and re submitted with this referr	cribed ply un		cknov	vledged on		The Division herewith
1. The proposed a	ction i	s not subject to revie	w und	der the law.		
2. Comment on pro	opose	d action is attached h	ereto			
	-				sed Ac	etion is attached hereto.
<u></u>		proposed action has		•		
By the Division of Plannir	ng:					_Date:

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

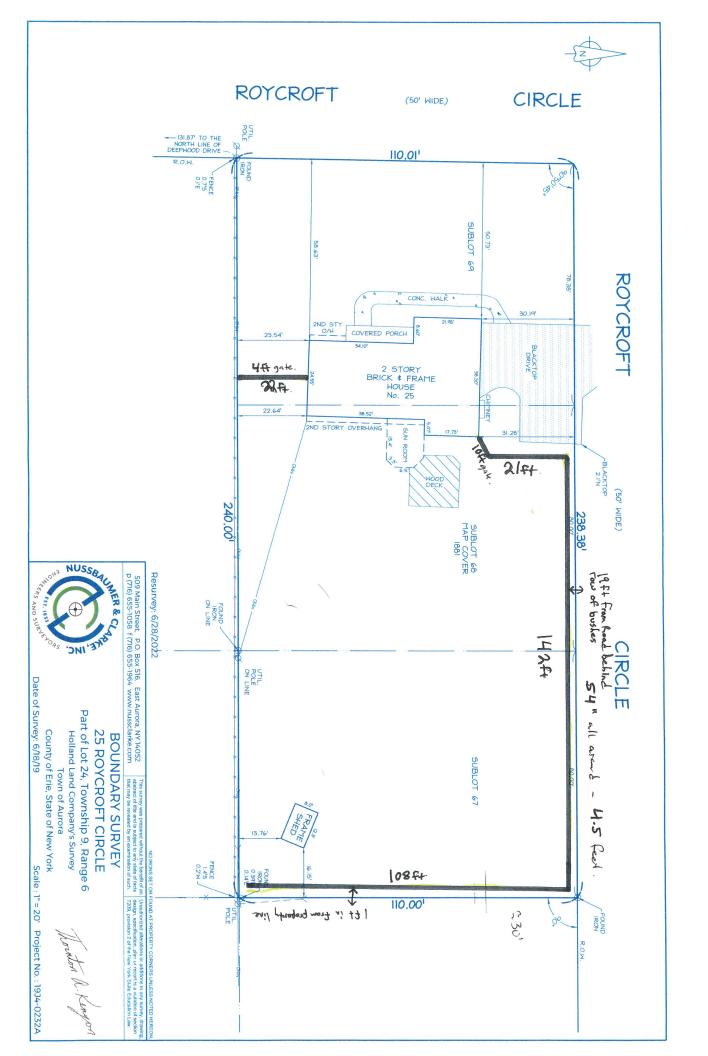
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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				
Name of Action or Project: Backyard Fence Project Location (describe, and attach a location map): 25 Roycroft Circle Brief Description of Proposed Action: We would like to put up a 4.5 Foot	black alumi	non Fer	ee	
in our backyard				
Name of Applicant or Sponsor:	Telephone:	2	2	
Justin Smyczynski Address:	E-Mail: J		L.Com	
25 Roycroft Circle City/PO: East Aurora	State: NY	Zip Code:	2	
1. Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?	l law, ordinance,	NO	YES	
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	er government Agency?	NO	YES	
If Yes, list agency(s) name and permit or approval:				
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?	acres acres acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: Urban Rural (non-agriculture) Industrial Commerci Forest Agriculture Aquatic Other(Spe	`	rban)		

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? NO YES If Yes, identify: 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? 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: If No, describe method for providing potable water: If No, describe method for providing wastewater utilities? If No, describe method for providing wastewater utilities? If No, describe method for providing wastewater treatment: A 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?	5. Is the proposed action,	0	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? 8. a. Will the proposed action result in a substantial increase in traffic above present levels? 8. a. Will the proposed action result in a substantial increase in traffic above present levels? 8. b. Are public transportation services available at or near the site of the proposed action? 9. Does the proposed action meet or exceed the state energy code requirements? 10. Will the proposed action will exceed requirements, describe design features and technologies: 11. Will the proposed action connect to an existing public/private water supply? 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? 12. a. Does any portion of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wellands or other waterbodies regulated by a federal, state or local agency? 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wellands or other waterbodies regulated by a federal, state or local agency? 13. b. Would the proposed action physically alter, or encroach into, any existing wetland or waterboddy?	a. A permitted use under the zoning regulations?		X	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	b. Consistent with the adopted comprehensive plan?			K
If Yes, identify: 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? 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: If No, describe method for providing potable water: If No, describe method for providing potable water: If No, describe method for providing wastewater utilities? If No, describe method for providing wastewater treatment: If No,	6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
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If No, describe method for providing potable water: Mo YES	The second secon	<u></u> ,	X	
If No, describe method for providing potable water: Mo YES	10. Will the proposed action connect to an existing public/private water supply?		NO	YES
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	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?		15-2-1	YES
	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 K Suburban				
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES		
Federal government as threatened or endangered?	X			
16. Is the project site located in the 100-year flood plan?	NO	YES		
	区			
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES		
If Yes,				
a. Will storm water discharges flow to adjacent properties?	X			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	X			
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)?	NO	YES		
If Yes, explain the purpose and size of the impoundment:	[Z]			
	X			
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES		
management facility? If Yes, describe:	- tt			
	<u>V</u>			
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			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE				
Applicant/sponsor/name: Justin Smycrynski Date: 8/2/2022 Signature: Title:				
Signature:Title:				





SPECS

Height: 54"

Colors: Black, Bronze

Material Type: Aluminum

Additional Photos

