



CASE NO. 1351

DATE OF HEARING 2/20/20

Town of Aurora Zoning Board of Appeals  
300 Gleed 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 Stephen Zagrobelny  
Address 230 N Willow St  
City East Aurora State NY ZIP 14052  
Phone [REDACTED] Fax \_\_\_\_\_ Email st [REDACTED]  
Interest in the property (ex: owner/purchaser/developer) owner [REDACTED]

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

Property Owner(s) Name(s) Stephen Zagrobelny  
Address 230 N Willow St  
City East Aurora State NY ZIP 14052  
Phone [REDACTED] Fax \_\_\_\_\_ Email [REDACTED]

#### III. PROPERTY INFORMATION

Property Address 230 N Willow St, East Aurora, NY 14052  
SBL# 164.15-3-14.12  
Property size in acres 0.69 Property Frontage in feet 141'  
Zoning District R1 Surrounding Zoning R1  
Current Use of Property Single Family Residential

#### IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # \_\_\_\_\_  
 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 )

AS [Signature]  
Signature of Applicant/Petitioner

Stephen Zagobelay  
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 17<sup>th</sup> day of January in the year 2020 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.

[Signature]  
Notary Public

**SHERYL A. MILLER**  
Reg. #01MI6128663  
Notary Public, State of New York  
(Notary stamp) Qualified In Erie County  
Commission Expires June 13, 2021

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Office Use Only:      Date received: 1/21/2020      Receipt #: 121923

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)

Constructing a 24' x 24' pole barn for additional storage space, woodworking, mowers, tractor, etc. Intent is for an aesthetically pleasing, traditional frame, cedar shingle clad barn to match the house. Requesting variance to both rear and side setbacks from 15' to 10' to provide ample room for established oak tree to the left, and appropriate setback from an incline in the grade in the front of the proposed structure. Requesting variance in mean roof height from 15' to 16' in order to allow for a 9' door opening and a more aesthetically pleasing dimension of the lower portion of the pole barn.

Proposed building location is in the back corner of the lot with trees and shrubbery in the adjoining lots suggesting no adverse impact with the slightly reduced setback and slightly higher mean roof height.

**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)

Town of Aurora  
300 Gleed Avenue  
East Aurora, NY 14052  
www.townofaurora.com

**Zoning Board of Appeals  
Application  
Owner Authorization**

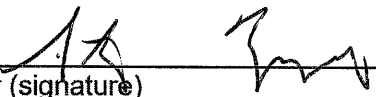
The undersigned, who is the owner of the premises know as:

230 N Willow St, East Aurora, NY 14052, identified as Tax Map (SBL)# 164.15-3-14.12  
(address)

hereby authorizes Stephen Zagrobelny to bring an application for ( ) area variance  
( ) special use permit ( ) use variance ( ) interpretation before the Town of Aurora Zoning Board of  
Appeals for review and potential approval. The undersigned further permits the Town or its authorized  
representative(s) access to the property to review existing site conditions during the review process.

Stephen Zagrobelny  
Owner (print)

1/17/20  
Date

  
Owner (signature)

STATE OF NEW YORK     )  
  SS  
COUNTY OF ERIE         )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a notary public in and for said state,  
personally appeared \_\_\_\_\_, personally known to me on the basis of  
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their  
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,  
executed the instrument.

\_\_\_\_\_  
Notary Public

## 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.: \_\_\_\_\_

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

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**2. Hearing Schedule:**      **Date** 2/20/2020      **Time** 7:00pm      **Location** 300 Glead Ave., E. Aurora, NY

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**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 230 North Willow Street

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**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)**      Proposed pole barn exceeds height allowed by code and is closer to rear and side lot lines than allowed by code.

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**8. Other remarks: (ID#, SBL#, etc.)**      SBL#164.15-3-14.12

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**9. Submitted by:**      Martha Librock, Town Clerk      1/22/2020

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 \_\_\_\_\_. 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 J. Bach  
(716) 652-7590  
[jbach@townofaurora.com](mailto:jbach@townofaurora.com)



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

**TOWN OF AURORA**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

TOWN COUNCIL MEMBERS

Susan A. Friess  
[sfriess@townofaurora.com](mailto:sfriess@townofaurora.com)

Jeffrey T. Harris  
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TOWN ATTORNEY

Ronald P. Bennett

TOWN JUSTICE

Jeffrey P. Markello  
Anthony DiFilippo IV

HISTORIAN

Robert L. Goller  
(716) 652-7944  
[historian@townofaurora.com](mailto:historian@townofaurora.com)

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

January 21, 2020

Stephen Zagrobelny  
230 N Willow St  
East Aurora, NY 14052

The Building Department has reviewed your request construct a pole barn on your property at 230 N Willow St. We have denied the request because it fails to meet the requirements of the Town of Aurora Code for the side and rear yard setbacks, and the mean height for an accessory building in the Residence 1 (R1) zoning district in which it is located.

Section 116-8.1F(2)

Required: Side yard for Accessory building: a distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

Requested: Side yard setback of 10 feet

Variance: 6 feet

Section 116-8.1G(2)

Required: Depth of rear yard for accessory building: a distance equal to the mean height of the proposed accessory building, but not less than 10 feet.

Requested: Rear yard setback of 10 feet

Variance: 6 feet

Section 116-18B

Required: Accessory building not over 15 feet in mean height.

Requested: Mean height of approximately 16 feet

Variance: 1 foot

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

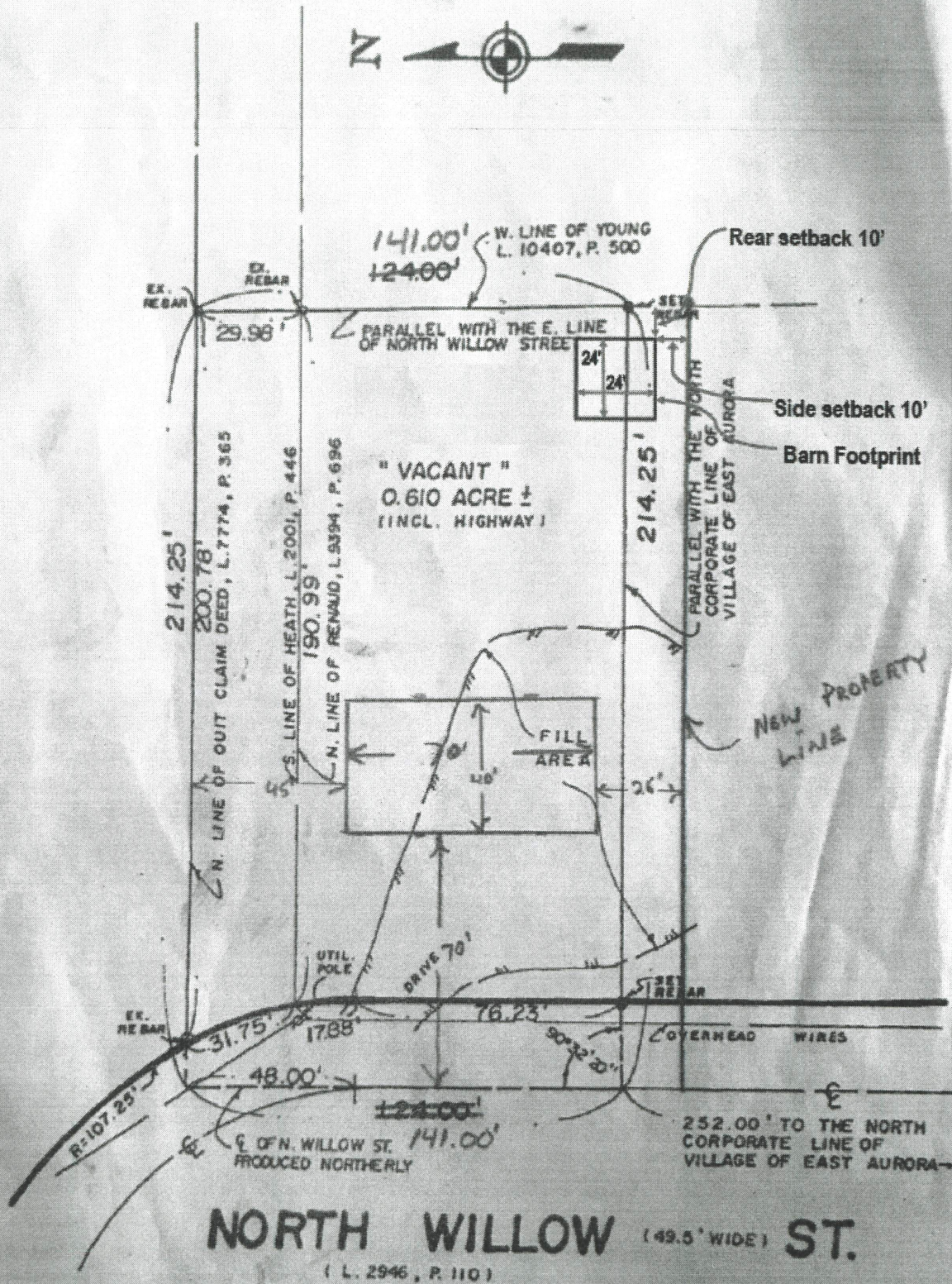
Sincerely,

Elizabeth Cassidy  
Asst. Code Enforcement Officer



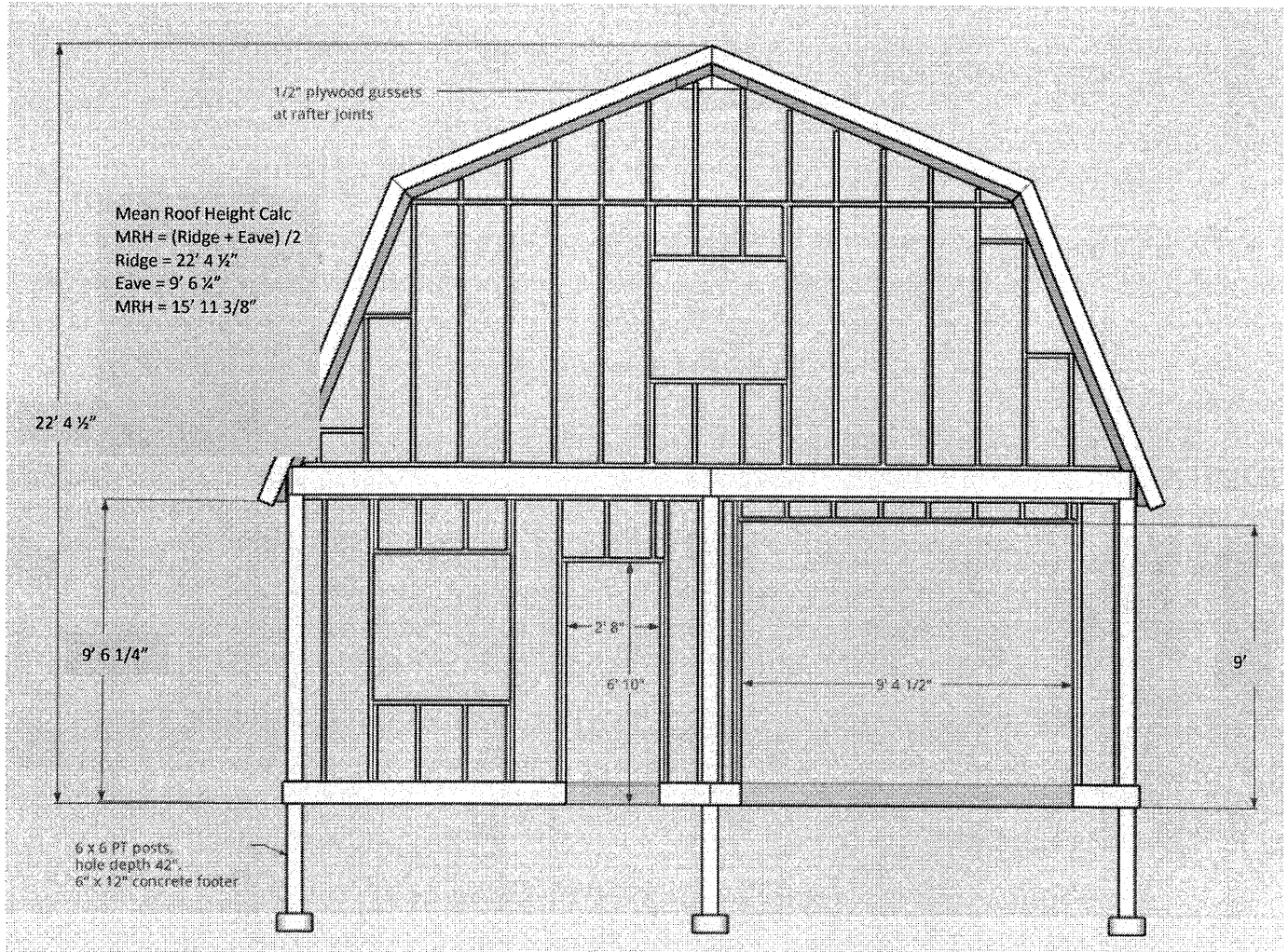
NOTE: Unauthorized, alteration or addition to any survey, drawing, design, specification, plan, or report is a violation of Section 7209, Provision 2 of the New York State Education Law.

NOTE: 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.



L 10953 P 414

SBL 164.153-14.12



**Front View**

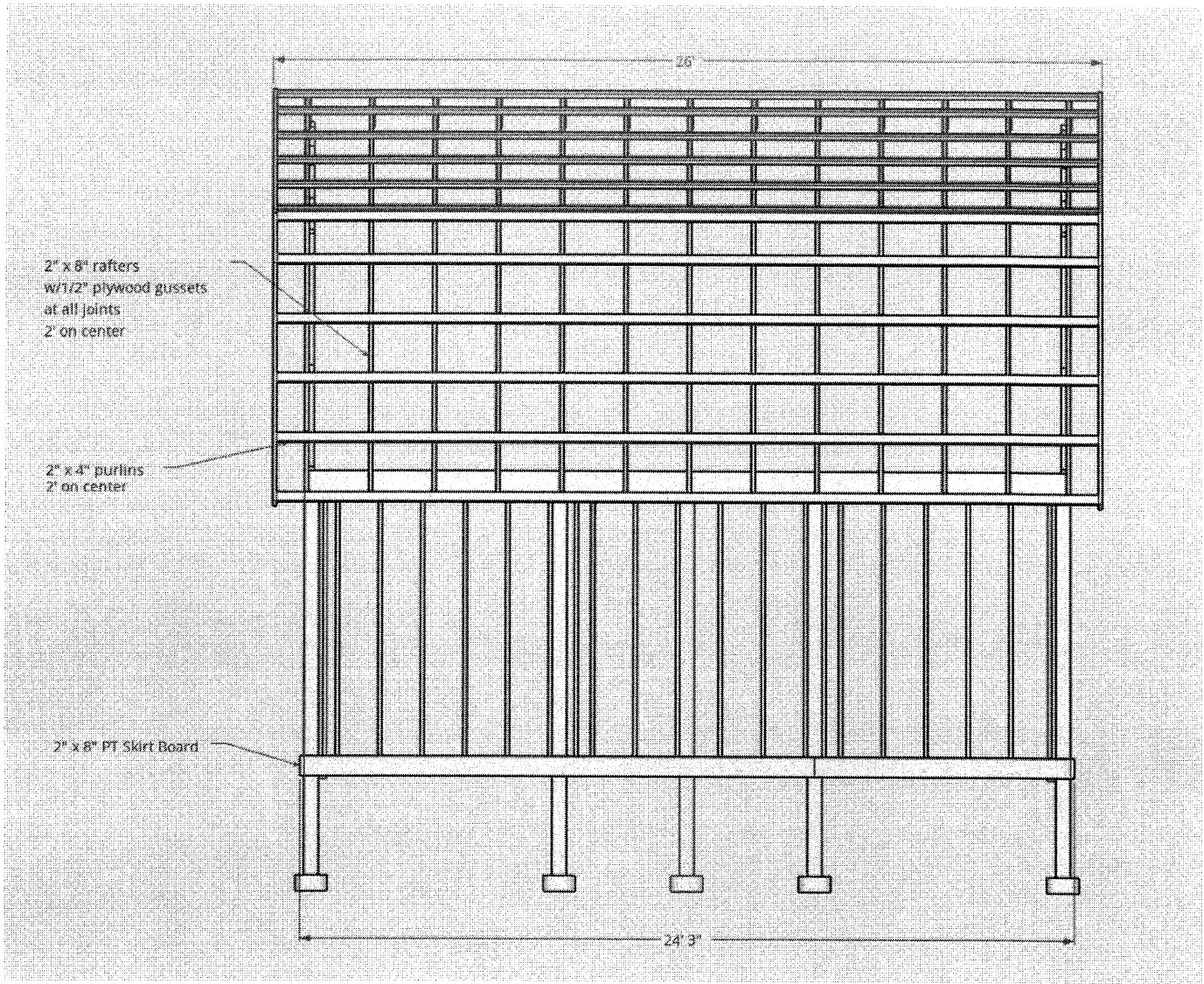
Siding: Cedar singles over 1/2 inch plywood sheathing

Roof: 29 gauge rib steel roof panels

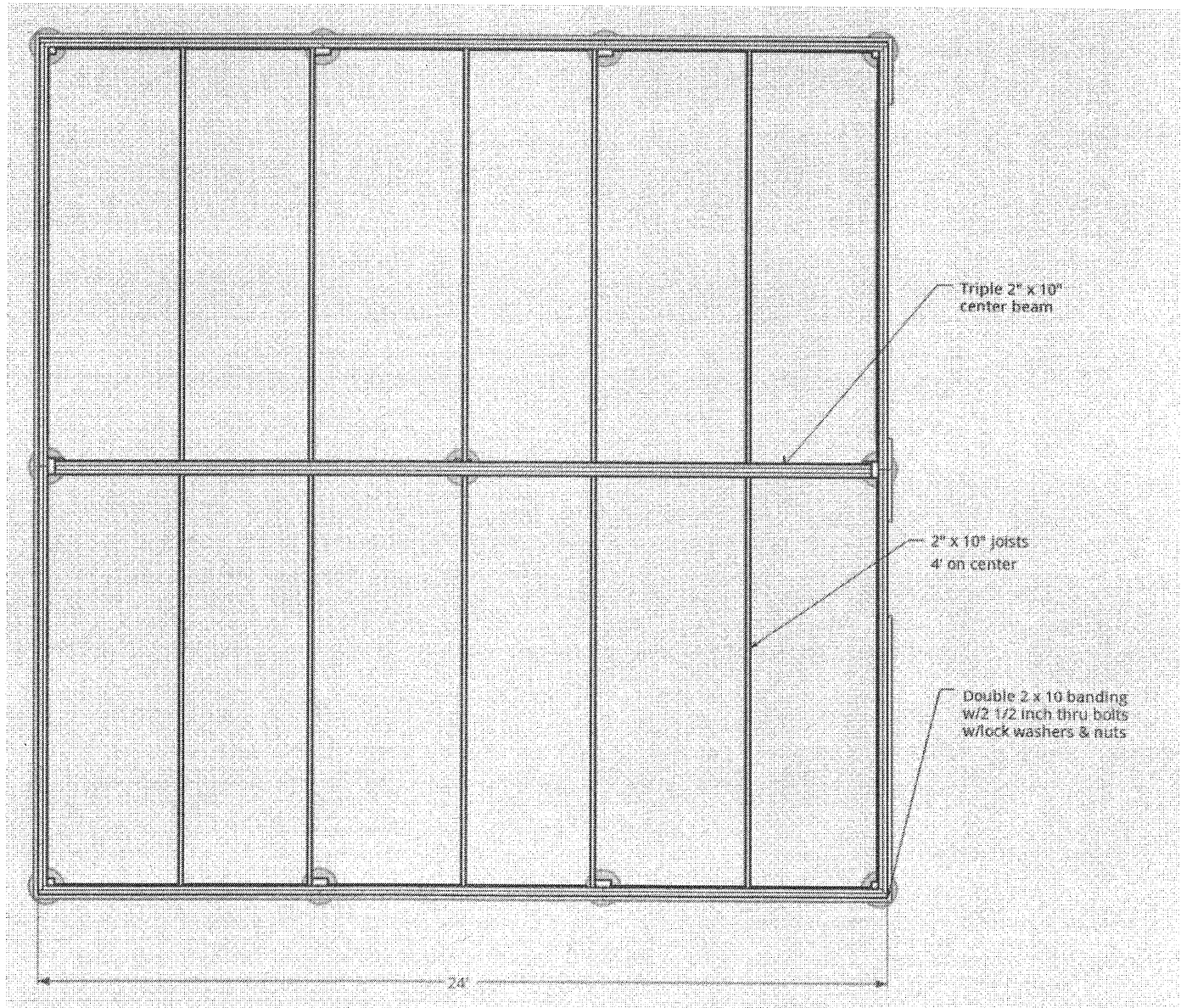
Floor: poured concrete (4500 psi), 4" thick

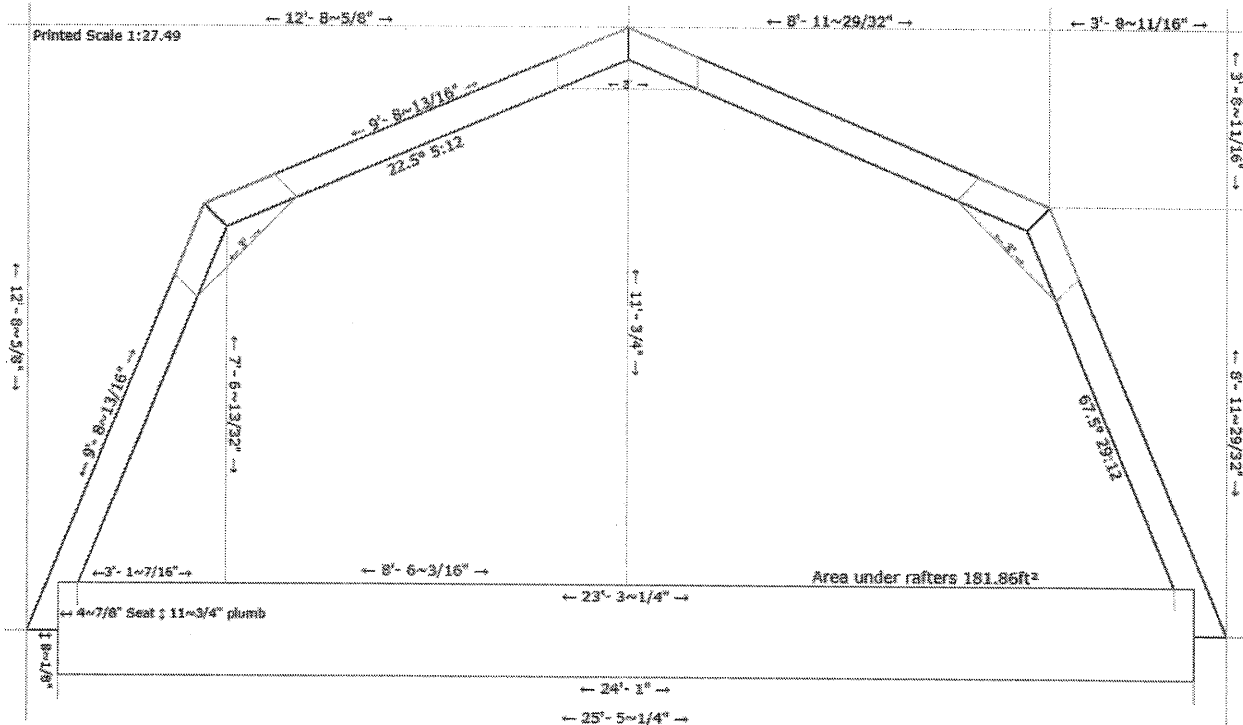
Doors: rolling barn door and man-door on front, swing out equipment door on left side



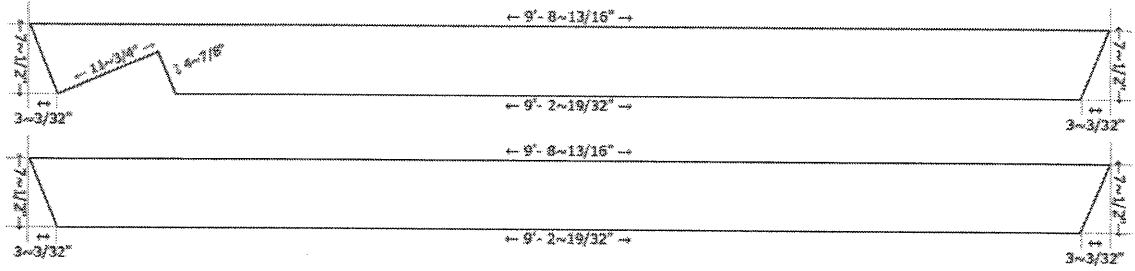


Side View

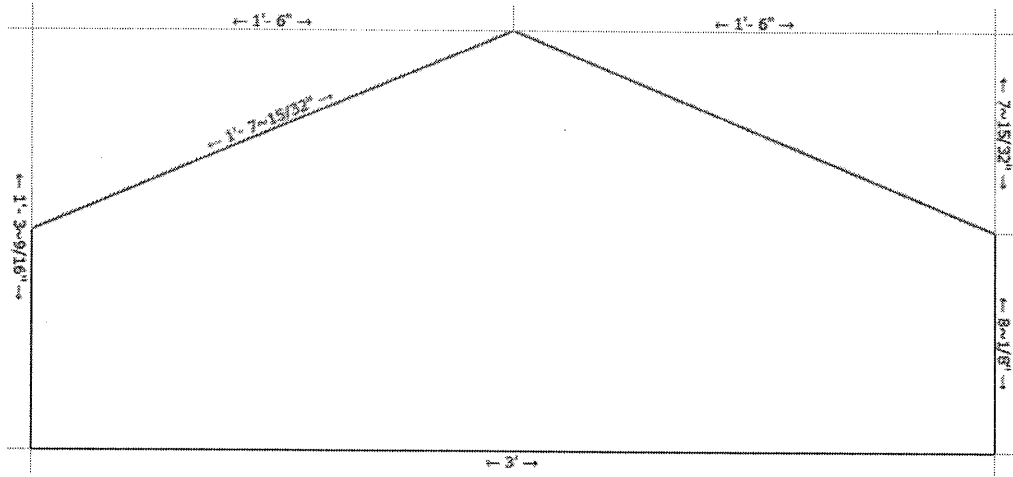




Total Roof Area at 26' Length = 1012.3ft<sup>2</sup> - 32 Bundles Shingles + 52 ft Starter Course



**Rafter Framing**



**Gusset**

# 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.

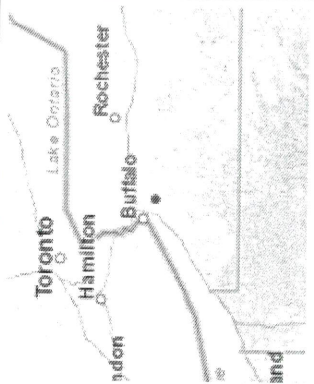
<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: Construct Pole Barn				
Project Location (describe, and attach a location map): 230 N Willow St, Town of Aurora				
Brief Description of Proposed Action: Construct a pole barn, 24' x 24'				
Name of Applicant or Sponsor: Stephen Zagrobelny	Telepho			
	E-Mail:			
Address: 230 N Willow St				
City/PO: East Aurora	State: NY	Zip Code: 14052		
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.			<b>NO</b>	<b>YES</b>
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:			<b>NO</b>	<b>YES</b>
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? <span style="float: right;">0.69 acres</span>				
b. Total acreage to be physically disturbed? <span style="float: right;">0.0137 acres</span>				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">.69 acres</span>				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				



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: _____ _____ _____	<b>NO</b>  <input checked="" type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
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: _____ _____ _____	<b>NO</b>  <input checked="" type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
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: _____ _____ _____	<b>NO</b>  <input checked="" type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Stephen Zagorski</u> Date: <u>1/17/20</u> Signature: <u>[Signature]</u>		



# Erie County On-Line Mapping Application



### Legend

- Parcels
- Streets and Highways
  - Interstate
  - Primary State Road
  - Secondary State Road
  - County Road
  - Local Road



1: 4,514



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.

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

0.1 Miles

0.07

WGS 1984 Web\_Mercator\_Auxiliary\_Sphere  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION