



original

CASE NO. 1353

DATE OF HEARING ~~5/17/2020~~ 6/24/2020

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 JASON + APRIL RODNICKI
Address 1110 UNDERHILL RD
City EAST AURORA State NY ZIP 14052
Phone _____ Fax N/A Email JA [redacted]@[redacted].COM
Interest in the property (ex. owner/purchaser/developer) OWNER

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

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1110 UNDERHILL RD E.A.
SBL# 188.00-1-18.1
Property size in acres 8.692 Property Frontage in feet 50
Zoning District A Surrounding Zoning RR/A
Current Use of Property RESIDENT

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

SEE ATTACHED

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)

February 11th 2020

Town of Aurora NY

300 Gleed Ave

East Aurora NY 14052

We are requesting a variance to allow for the construction of a detached garage with proximity closer to the road than the residence. Due to the nature of the property being 8.6 acres of land, it is necessary to own and maintain several pieces of equipment (lawn mower, tractor, plow, etc.) in order to care for the property. We are in need of storage space for said equipment. We are requesting the variance for a couple reasons.

Homeowner, April Rudnicki, is a high school teacher; she leaves for work at 6:30 each morning. Jason Rudnicki often travels for work and is not always available to remove snow from the steepest portion of the driveway to allow April to leave early. The detached garage would eliminate this hardship, as April would park her car in it to circumvent the most challenging part of the driveway in the winter months. Even when adequate plowing is completed, the portion of the driveway leading down to the house is very steep and ground water seeps through the gravel creating extremely icy conditions. See attached photo.

Placement of the detached garage in the desired location would create the least amount of disruption to the environment and wildlife in the area. The desired location is reasonably flat, has already been cleared of trees, and is currently being used for parking. Placement of the garage on any other portion of the property would require much more extensive construction, additional tree removal, and additional cost. The variance is requested due to circumstances unique to the property (steep sloping hill, wooded lot) not created by the landowner (Rudnicki). Granting the variance would not adversely affect the environmental quality of the area.

The construction of the detached garage would not alter the essential character of the locality. It is common for properties in the area to contain detached garages. There are several homes in the area that have garages closer to the road than the residence. Most recently 2000 Blakeley Rd detached garage built in 2019.

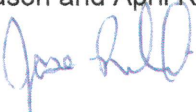
An additional garage will do little to change the essential character of the locality.

In addition, our property is a flag lot that is 50 feet wide for the first 1150 feet then opens up to the 8+ acres. It is not visible from the road. The detached garage will be designed to match the aesthetics of the neighborhood and current residence.

The placement of the detached garage in the proposed location will still allow for adequate space between the proposed structure and structures on adjacent lots. Tree lines between properties will keep the existing privacy. Adequate space will be maintained for driveway maintenance and parking. The structure will not impact utilities. The structure would not create any undue hardship for neighbors. It would not impact their view or sunlight.

The need for the variance is due to several factors in addition to economic considerations. The practical difficulty could not be alleviated by other feasible methods.

Jason and April Rudnicki



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

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(716) 652-0011

DIR. OF RECREATION

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chris@townofaurora.com

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Ronald P. Bennett

TOWN JUSTICE

Jeffrey P. Markello
Anthony DiFilippo IV

HISTORIAN

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

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

February 14, 2020

Jason & April Rudnicki
1110 Underhill Rd
East Aurora, NY 14052

The Building Department has reviewed your request construct a pole barn on your property at 1110 Underhill Rd. We have denied the request because it fails to meet the requirements of the Town of Aurora Code for the Agriculture (A) zoning district in which it is located.

Section 99-31A(1)

Required: Front Yard setback: 200 feet from the boundary line parallel to the street right-of-way
Requested: Front yard setback of 20 feet from line parallel to street right-of way
Variance: 180 feet

Section 99-31A(2)

Required: Side yard setback for driveway or ingress/egress side: 75 feet
Requested: Side yard setback of 20 feet
Variance: 55 feet

Section 116-8.5F(2)

Required: No accessory building shall be erected in the front yard
Requested: Accessory building in front yard
Variance: Accessory building in 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 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

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
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.: ZR-20-216

Postmark/Delivery Date: 5/18/20

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, replay is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

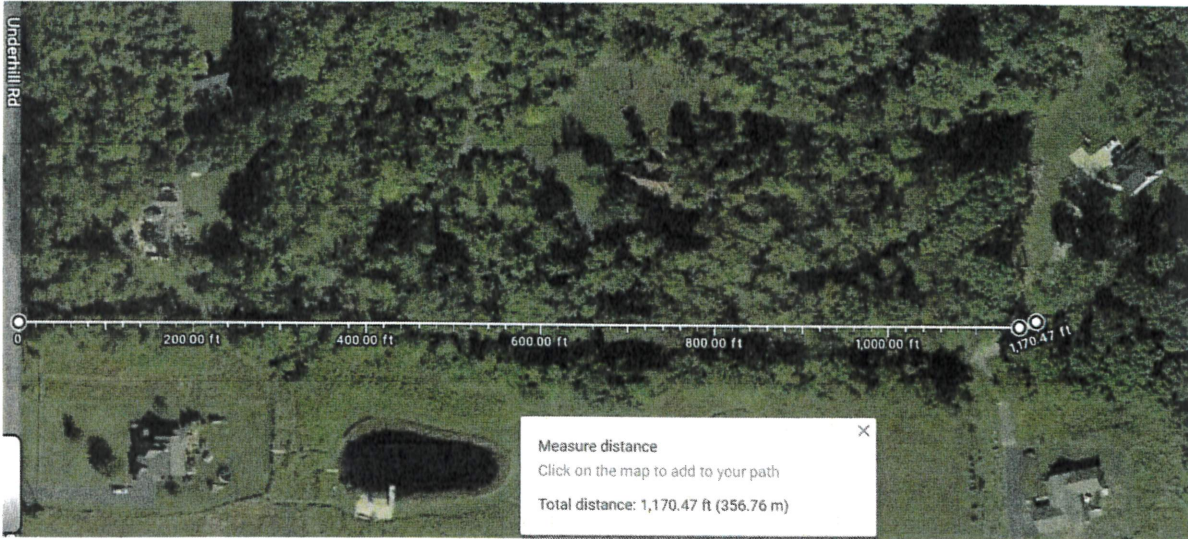
- 1. Name of Municipality: Town of Aurora
- 2. Hearing Schedule: **Date** 6/18/2020 **Time** 7pm **Location** 300 Glead Ave., E. Aurora, NY
- 3. Action is before: Legislative Body Board of Appeals Planning Board
- 4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment
 Site Plan Variance Special Use Permit Other
- 5. Location of Property: Entire Municipality Specific as follows 1110 Underhill Road, E. Aurora
- 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): Accessory building (garage) closed to front and side lot lines than allowed by code; accessory building (garage) in front yard of residence not allowed by code
- 8. Other remarks (SBL#, etc.): SBL#188.00-1-18.1
- 9. Submitted by: Martha L. Librock, Town Clerk
- 10. Return Address: 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 5/18/20. 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: Sarah E. Gatti - signed electronically Date: 5/19/20



Approx distance from road 1170 feet, 20+ feet off front property line and 20+ feet off south side property line.

Colors to match house (gray siding, black roof, white accents).





Just Barns Quotation Package



QUOTATION FOR:

Jason Rudnicki
1110 Underhill Road
East Aurora, 14052
716-685-3891

CONTACT:

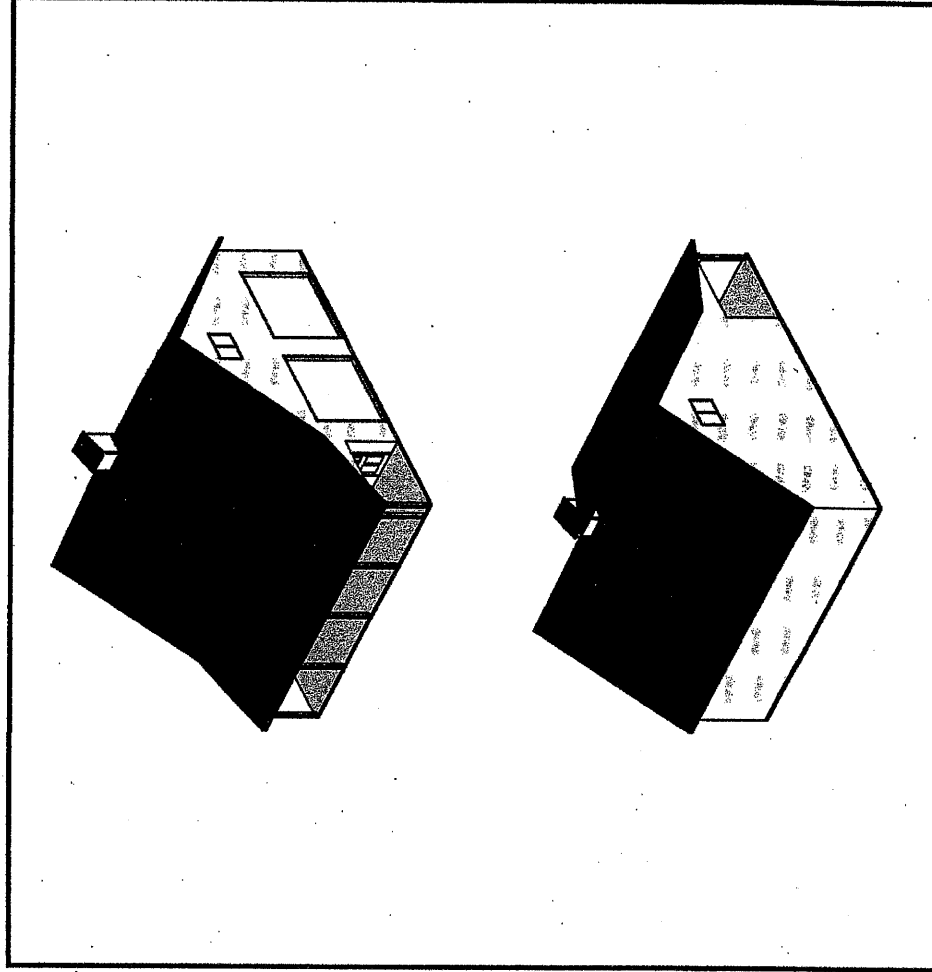
Salesperson Name Not Available
1676 Rt. 78
Java Center, NY 14082
585-457-3300

CONSTRUCTION:
DIMENSIONS:
EAVE1 PORCH

Post Frame
30' X 34' X 10'
10' X 34' X 6' 9"

SPECIFICATIONS FOR 30' X 34' X 10' POST FRAME PACKAGE:

- **MATERIAL PACKAGE**
 - Pre-Engineered Wood Trusses (10/12 Pitch, 2' O/C)
 - 4.5 x 5.5 barn store 3 Ply Eave Posts (8' O/C)
 - 4.5 x 5.5 barn store 3 Ply Gable Posts (8' O/C)
 - 2 x 8 Treated Skirt Boards (1 Row)
 - 2 x 4 Wall Girts (24" O/C) and Roof Purlins (24" O/C)
 - 2 x 12 Double Top Girt Truss Carrier
 - 1/16" Drip Stop Insulation on Roof
 - 3/4" 5-Ply CDX on Walls
 - Black Best Steel Roof w/ 40 -Year Paint Warranty
 - Two Bags of Concrete Mix per Post Hole
- **DOORS & WINDOWS**
 - Two 10' X 9' General Openings
 - One 3' 9" Life Entry Door
 - Four Hos 4' x 3' Slider Windows
- **10' X 6' 9" X 34' DUAL PITCH PORCH, EAVE 1**
- **12" OVERHANG ON ALL SIDES VINYL SOFFIT**
- **ACCESSORIES**
 - 1 36 X 36 Louvered Cupola 44" x 36" Cupola
- **FASTENERS**
 - 5/16 In. 5010C Staples for Wall Wrap
 - 1 In. Sliding Screws S S for Steel Roof Panel
 - Paslode 3.5" 16D Galv Nails for Truss Carrier
 - Paslode 3.5" 16D Galv Nails for Skirt Board
 - Galvanized Steel Framing Nails
- **DETAILED BUILDING PLANS**



QUOTATION DATE: 12/4/2019

ESTIMATE NUMBER: 2161

GRAND TOTAL - INSTALLED

\$43,052.98

Prices are good for 60 days, until 2/2/2020

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			
DETACHED TWO CAR GARAGE @ 1110 UNDERHILL RD			
Name of Action or Project:			
ALONG DRIVEWAY CLOSER TO ROAD THAN RESIDENCE, 1170 FEET FROM RD			
Project Location (describe, and attach a location map):			
BOTTLED			
Brief Description of Proposed Action:			
BUILD DETACHED GARAGE			
Name of Applicant or Sponsor:		Telephone: 708-255-3091	
JASON RUDNICKI		E-Mail: JAYRUD@AURORA.IL.GOV	
Address:			
1110 UNDERHILL RD			
City/PO:		State:	Zip Code:
EAST AURORA		NY	14052
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.023 acres	
b. Total acreage to be physically disturbed?		0.03 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.692 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <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: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>JASON RUDNICKI</u>		Date: <u>2/11/20</u>
Signature: <u><i>[Handwritten Signature]</i></u>		

1104 Underhill Road
John G Nussbaumer III

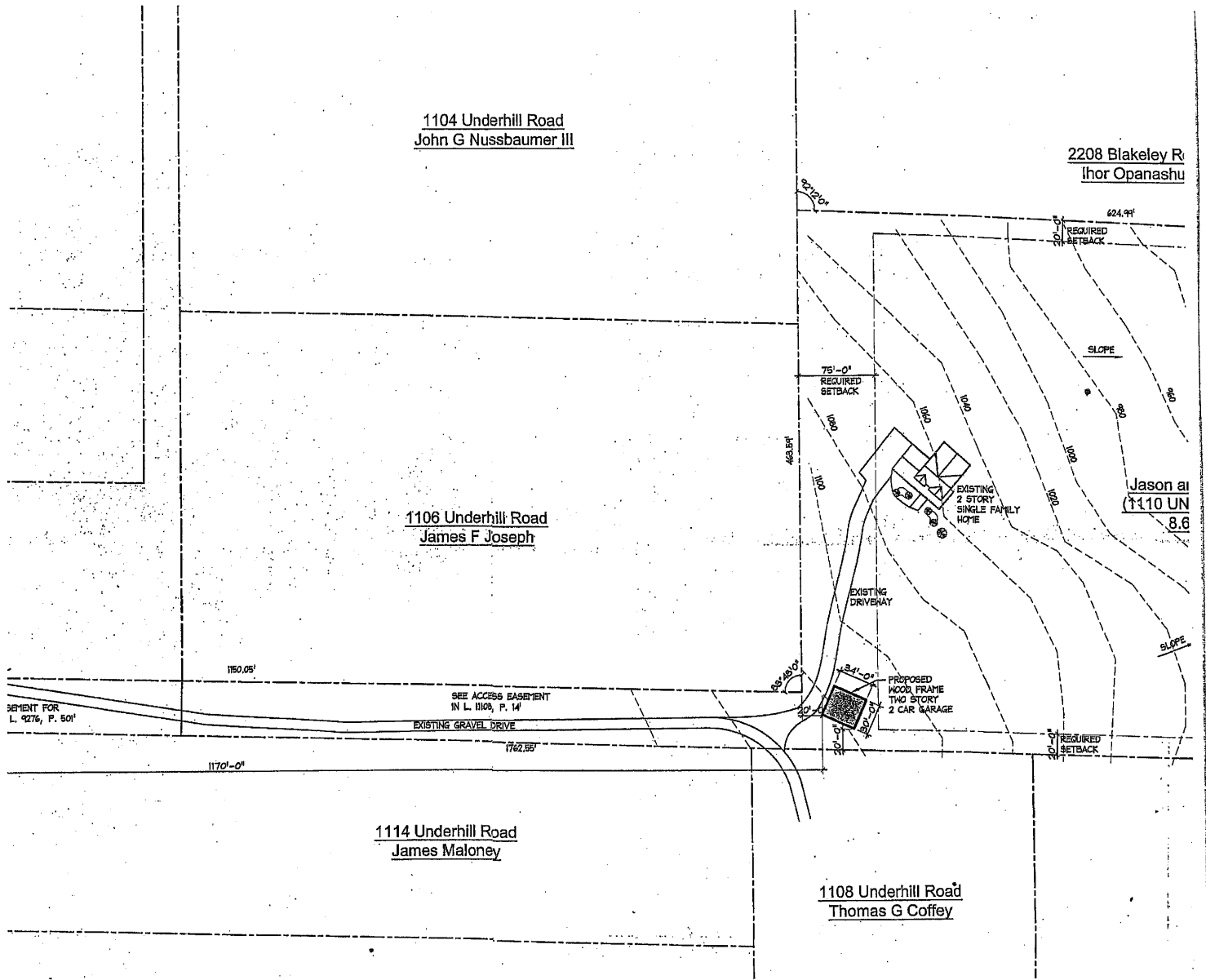
2208 Blakeley R
Ihor Opanashu

1106 Underhill Road
James F Joseph

Jason ai
1110 UN
8.6

1114 Underhill Road
James Maloney

1108 Underhill Road
Thomas G Coffey



**OPEN DEVELOPMENT AREA
SBL#188.00-1-18.1 UNDERHILL ROAD
(AKA: 1110 UNDERHILL ROAD)**

WHEREAS, Chapter 79 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks required public road frontage for standard lot development (known as “open development area”); and

WHEREAS, the Applicant, Jason Rudnicki, has filed an Open Development Area application for SBL# 188.00-1-18.1, located along the east side of Underhill Road, an 8.60 acre± parcel lacking required public road frontage; and

WHEREAS, the Town of Aurora Zoning Board of Appeals has granted a four (4) feet variance to allow the driveway width to be sixteen feet instead of twenty feet as required by Town Code Chapter 79 – Open Development Areas; and

WHEREAS, the East Aurora Fire Department affirms that the plans for a sixteen feet wide driveway with three feet of clear space on either side meets the requirements of the East Aurora Fire Department; and

WHEREAS, the East Aurora Fire Department recommends a two-inch diameter water supply line to support a residential sprinkler system; and

WHEREAS, the Town of Aurora Planning Board has reviewed the proposed Open Development Area plan and has filed a recommendation of support of the application, and

WHEREAS, the Town Board has reviewed the SEQRA Environmental Assessment Form, submitted as part of the application, determining that the proposed use will not have a significant impact on the environment, and

WHEREAS, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 79 of the Code of the Town of Aurora; and

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora approves the Open Development Area application for SBL# 188.00-1-18.1 Underhill Road, an 8.60 acre± parcel lacking required public road frontage, with the following conditions: (1) the proposed residential home shall be equipped with a residential sprinkler system; and (2) the sixteen (16) feet width of driveway hard surface will conform with the Zoning Board of Appeals variance granted on June 18, 2015.

RESOLVED, that approval by the Town Board of the Town of Aurora is expressly for SBL#188.00-1-18.1, located along the east side of Underhill Road; and

RESOLVED, that any future development on the parcel will be subject to the standards and requirements of Chapter 79 of the Code of the Town of Aurora without modification, variance or waiver.