



CASE NO. 1359
DATE OF HEARING 6/25/20

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 Rory Root
Address 220 Hamlin Ave
City East Aurora State NY ZIP 14052
Phone 716 712-0000 Fax _____ Email rory.root@aurora.com
Interest in the property (as 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 220 Hamlin Ave East Aurora, NY 14052
SBL# 164.15-3-20
Property size in acres 1 Acre Property Frontage in feet 125'
Zoning District Town R1 Surrounding Zoning Residential R1
Current Use of Property 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)



Signature of Applicant/Petitioner

Rory Reast

Print name of Applicant/Petitioner

State of New York; County of Erie

On the ^{2nd} day of May 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.

Wendy K Francis

Notary Public

(Notary stamp) Wendy K. Francis
Notary Public, State of New York
County of Erie
My commission expires 12/22/2020

Office Use Only: Date received: 5/18/2020 Batt Receipt #: 122015

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)

We would like to extend our garage to the north ~~of the property~~. Preliminary plans ~~have~~ show an extension of 20' onto the current structure. This will put the garage approx 10' away from the property line with my neighbor to the north. The lot to the north is vacant, with no permanent structures on it.

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:

220 Hamlin Ave......, identified as Tax Map (SBL)# 164.15-3-20
(address)

hereby authorizes 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.

Rory Root
Owner (print)

4/14/2020
Date

[Signature]
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

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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sfriess@townofaurora.com

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jharris@townofaurora.com

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(716) 652-0011

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(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
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

May 18, 2020

Rory Root
220 Hamlin Ave
East Aurora, NY 14052

The Building Department has reviewed your request to construct an attached two car garage at your property. We have denied the request because it fails to meet the requirements of the Town of Aurora Code for the Residence 1 (R1) zoning district in which it is located.

Section 116-8.1F(1)
Required: Principal building: each side yard a minimum of 20 feet
Requested: Side yard setback of 9.94 feet
Variance: 10.06 feet

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-20-221

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 220 Hamlin Ave.

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 attached garage closer to property line than allowed by code.

8. Other remarks (SBL#, etc.): SBL#16415-3-20

9. Submitted by: Martha L. Librock, Town Clerk

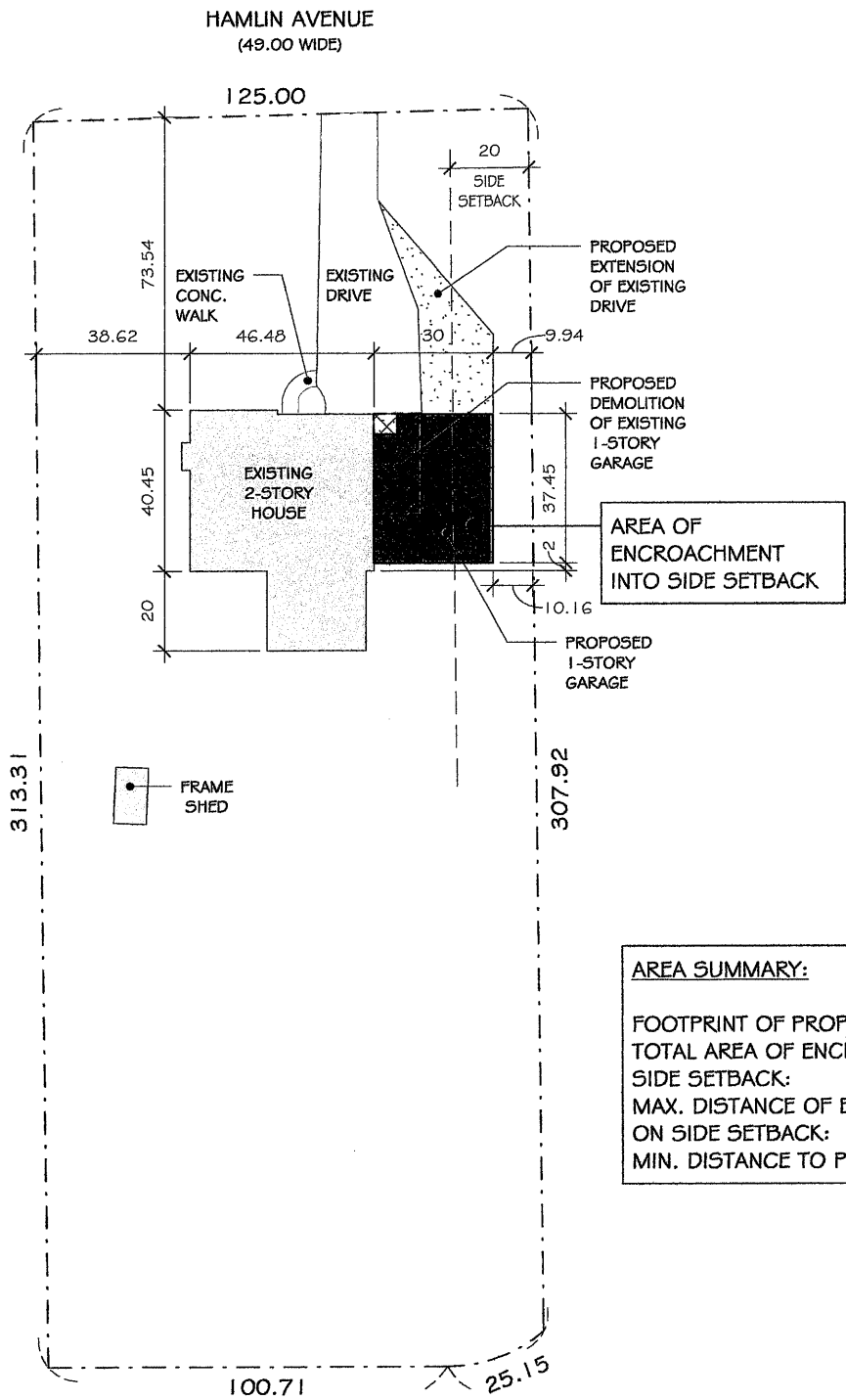
10. Return Address: 300 Glead Avenue, E. Aurora, NY 14052

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



AREA OF ENCROACHMENT INTO SIDE SETBACK

AREA SUMMARY:

FOOTPRINT OF PROPOSED ADDITION:	1,090 SF
TOTAL AREA OF ENCROACHMENT ON SIDE SETBACK:	368 SF
MAX. DISTANCE OF ENCROACHMENT ON SIDE SETBACK:	10.06 FT
MIN. DISTANCE TO PROPERTY LINE:	9.94 FT

① PROPOSED SITE PLAN
1" = 30'-0"



NOTE: THIS SITE PLAN DIAGRAM WAS PREPARED FROM THE ORIGINAL SITE PLAN AND SURVEY OF PART OF LOT 32, TOWNSHIP 9, RANGE 6, TOWN OF AURORA, ERIE COUNTY, NEW YORK
 PREPARED BY:
 NUSSBAUMER & CLARK
 ENGINEERS & SURVEYORS
 84 SWEENEY STREET, SUITE C-13
 NORTH TONAWANDA, NEW YORK 14120
 ORIGINAL SURVEY DATE: 05/23/2013

ROOT RESIDENCE
 220 HAMLIN AVE
 EAST AURORA, NY 14052

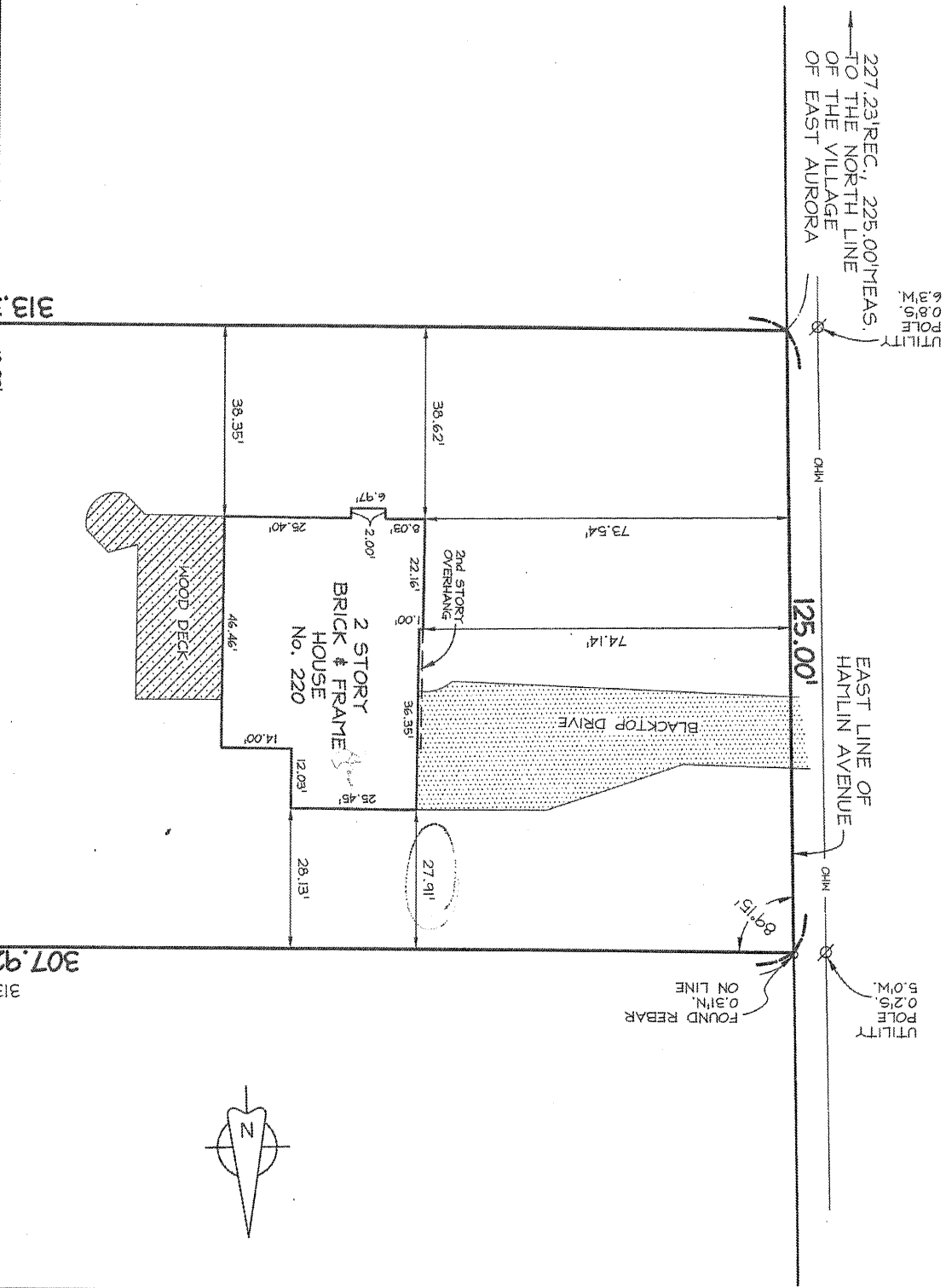
SITE PLAN		A-1
Date	04/10/20	
Checked by	KWD	
Scale	1" = 30'-0"	

Robert A. Kenyon

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 a drawing, design, specification, plan or violation of section 7209, provision 2 of New York State Education Law.

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



HAMLIN AVENUE (49' WIDE)

227.23' REC., 225.00' MEAS.
TO THE NORTH LINE
OF THE VILLAGE
OF EAST AURORA

EAST LINE OF
HAMLIN AVENUE

OHM

OHM

UTILITY
POLE
0.8' P.
6.3' W.

UTILITY
POLE
0.2' P.
5.0' W.

FOUND REBAR
0.31' N.
ON LINE

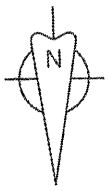
89°15'

2ND STORY
OVERHANG

BLACKTOP DRIVE

WOOD DECK

2 STORY
BRICK & FRAME
HOUSE
No. 220



313

307.9'

31E

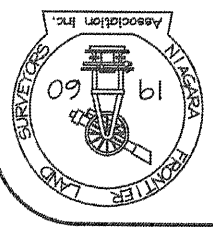
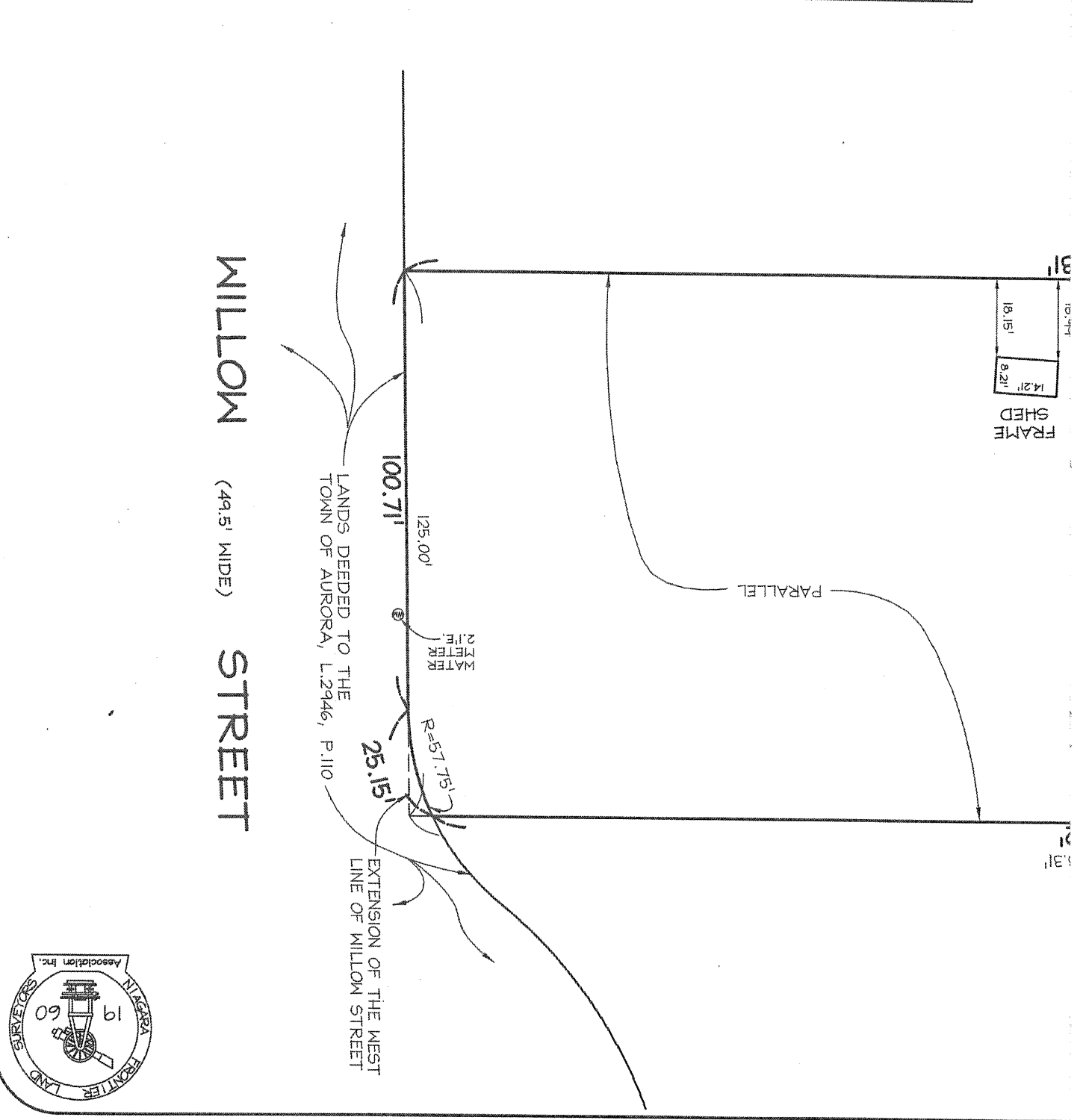
the survey, report is a



84 Sweeney Street, Suite C-13
North Tonawanda, New York 14120
(716) 692-0800

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

PART OF LOT(S) : 32		SECTION :		TOWNSHIP : 9		RANGE : 6	
LOCATION : TOWN OF AURORA				COUNTY OF ERIE			
STATE OF NEW YORK		SCALE: 1" = 30'		JOB NO.		REQUESTED BY	
KIND		DATE		SURVEY		LOUIS M. CACCIATO, ESQ.	
13.14-0176		5/23/13		13.14-0176			



Short Environmental Assessment Form

Part 1 - Project Information

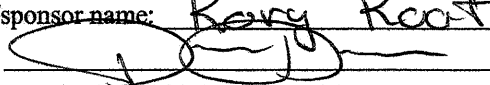
Instructions for Completing

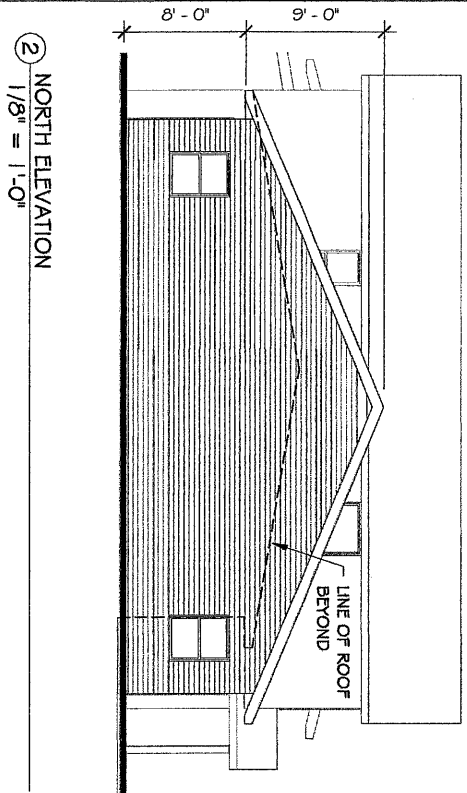
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

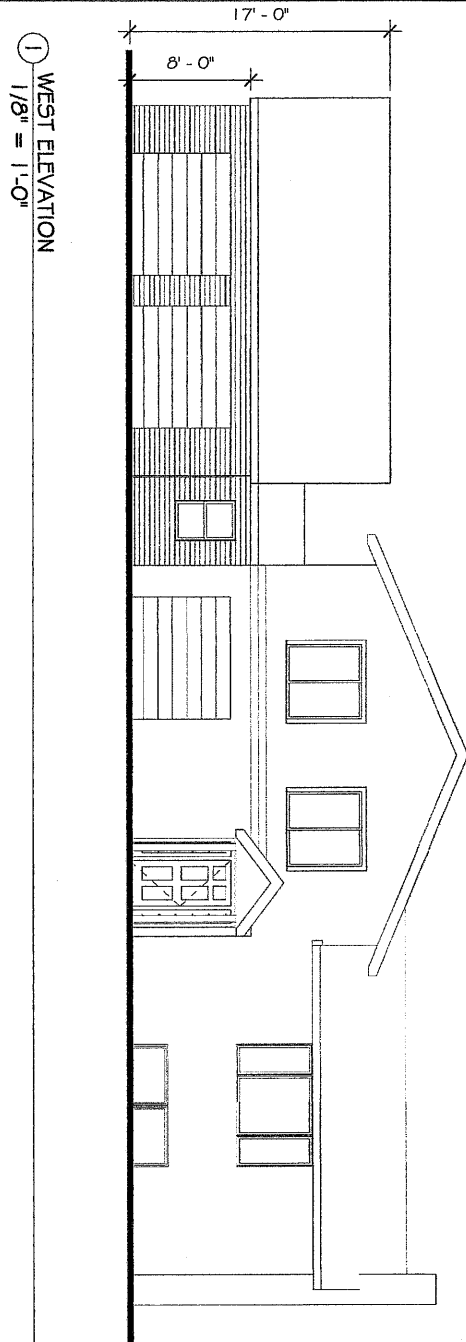
Part 1 - Project and Sponsor Information			
Name of Action or Project: <u>Root Residence garage addition</u>			
Project Location (describe, and attach a location map): <u>220 Hamlin Ave - Extend garage on north side of house</u>			
Brief Description of Proposed Action: <u>We would like to extend the existing external garage north adding approx. 16". Also extend the back wall of the garage to the east approx 12'.</u>			
Name of Applicant or Sponsor: <u>Rory Root</u>		Telephone: <u>716-715-0005</u>	
Address: <u>220 Hamlin Ave.</u>		E-Mail: <u>rory@rory.com</u>	
City/PO: <u>East Curara</u>		State: <u>NY</u>	Zip Code: <u>14052</u>
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.			NO <input type="checkbox"/> YES <input checked="" 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:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>.9</u> acres	
b. Total acreage to be physically disturbed?		<u>.08</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>.9</u> acres	
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 checked="" type="checkbox"/> Other (specify): <u>Empty lot to the north</u> <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Garage space - water not needed</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Garage space - no waste water</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

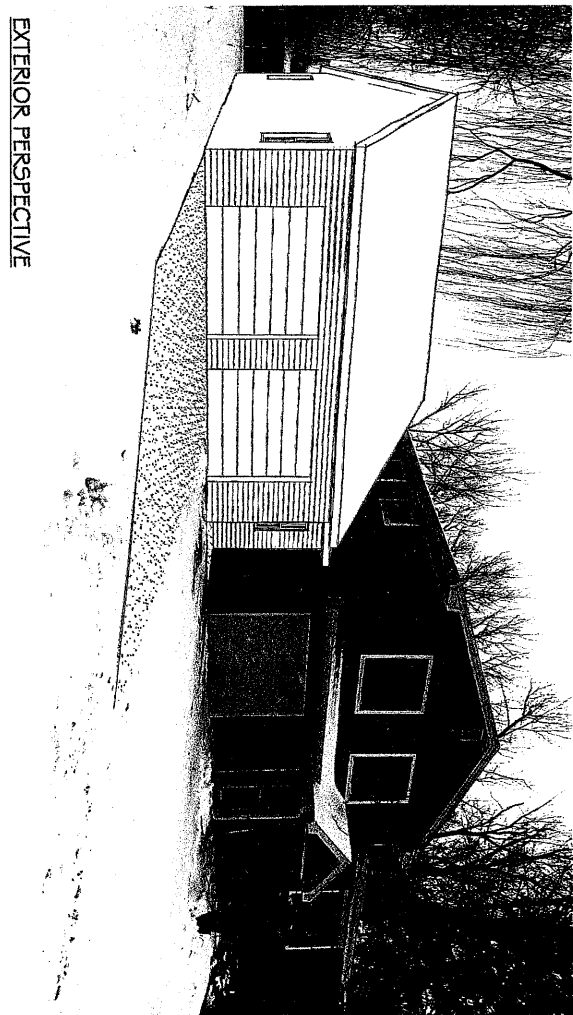
<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Berry Root</u> Date: <u>4/19/2020</u></p> <p>Signature: <u></u></p>		



② NORTH ELEVATION
1/8" = 1'-0"



① WEST ELEVATION
1/8" = 1'-0"



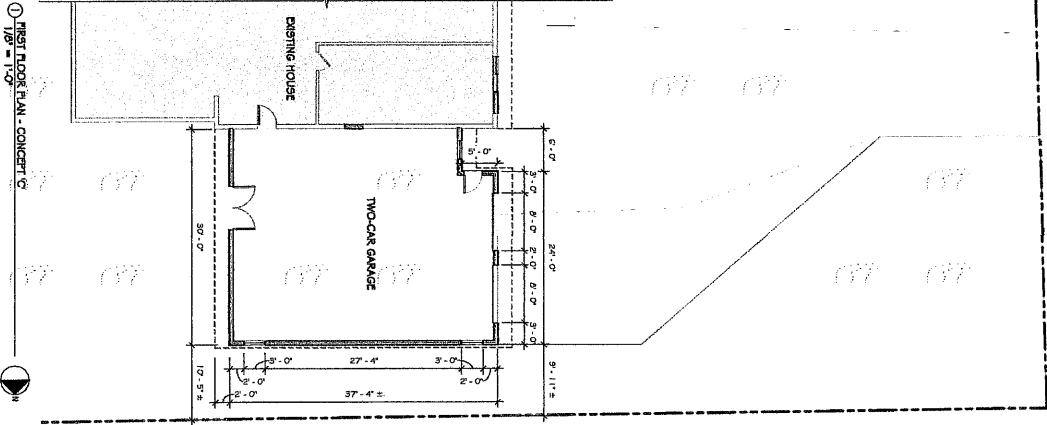
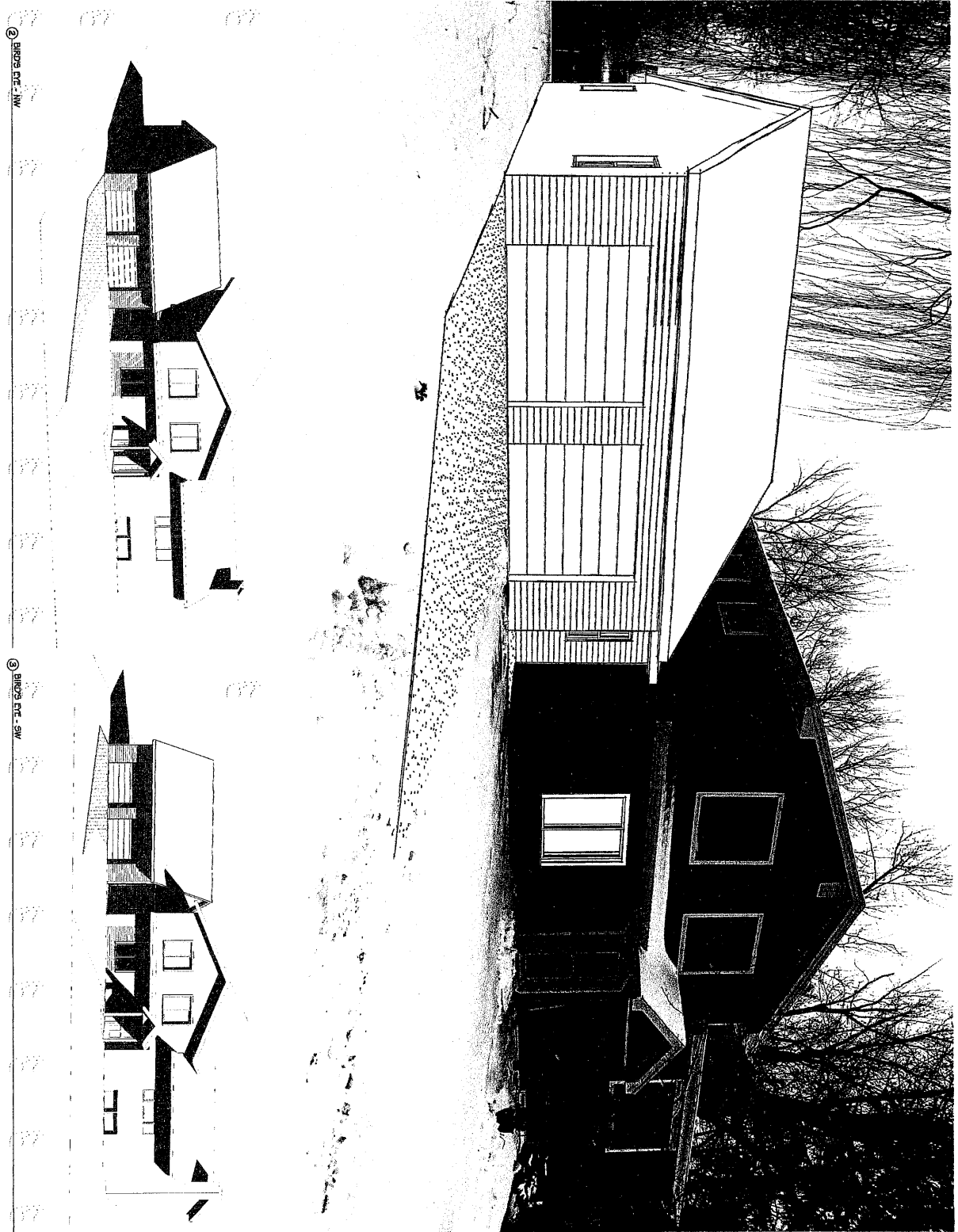
EXTERIOR PERSPECTIVE

ROOT RESIDENCE

220 HAMLIN AVE
EAST AURORA, NY 14052

ELEVATIONS & PERSPECTIVE

Date	04/10/20	A-2
Drawn by	KWD	
Checked by	KWD	
		Scale 1/8" = 1'-0"



② BIRD'S EYE - NW

③ BIRD'S EYE - SW

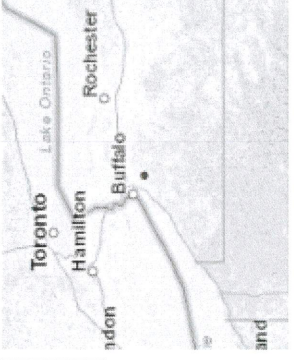
ROOT RESIDENCE
 220 HAMLIN AVENUE

CONCEPT 1
 APRIL 10, 2020

Case # 1359



Erie County On-Line Mapping Application



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



0 0.04 0.1 Miles

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: 2,257