



CASE NO. 1427
DATE OF HEARING 2/16/2023

Town of Aurora Zoning Board of Appeals
300 Glead 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 Daniel FAES
Address 5164 CHATHAM LANE
City CLARENCE CENTER State NY ZIP 14032
Phone _____ Fax _____ Email [redacted]@com
Interest _____ (owner/purchaser/developer) _____

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

Property Owner(s) Name(s) EDITH DUSTY MARSH
Address 139 CASTLE HILL
City EAST AURORA State NY ZIP 14052
Phone _____ Fax _____ Email _____


III. PROPERTY INFORMATION

Property Address 139 CASTLE HILL, EAST AURORA NY 14052
SBL# 176-06-1-32
Property size in acres 1/2 Property Frontage in feet 100
Zoning District R1 Surrounding Zoning R1
Current Use of Property RESIDENCE

IV. REQUEST DETAIL

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

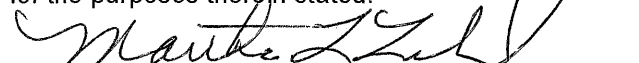
V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)


Signature of Applicant/Petitioner

DANIEL FAES
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 5 day of June in the year 2023 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

(Notary stamp) MARTHA L. LIBROCK
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2026

Office Use Only: Date received: 1/6/23 Mrs. Muller Receipt #: 568118

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)

SEE ATTACHED WORD DOC.

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)

Petitioner's Letter of Intent

The proposed project is to demo the existing home and foundations and re-build a larger two-story home. See attached Architectural concept drawings.

At this time two of the bedrooms are in the basement, the new build will be a two story with bedrooms on the second floor.

A large brick chimney is located in the middle of the structure not allowing for an open floor plan if we were to do a renovation. We actually had our Architect draw renovation drawings, we ended up with the same original structure with a new bedroom and extended basement. It didn't meet our expectations or our needs and wants.

Reason for variance:

The existing home was built in the 1950's and does not meet the Towns current zoning requirements whether we decide to renovate with additions or demo and re-build.

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 January 10, 2023

Charles D. Snyder
csnyder@townofaurora.com

Daniel Faes
5164 Chatham Ln
Clarence Center, NY 14032

Luke Wochensky
lwochensky@townofaurora.com

Daniel:

James F. Granville
jgranville@townofaurora.com

The Building Department has reviewed your request to demolish the existing single-family dwelling and rebuild a new single-family dwelling at 139 Castle Hill Rd. The request has been denied because it fails to meet the code requirements for the R1 Zoning District in which it is located.

Joseph M. McCann
jmccann@townofaurora.com

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

Section 116-8.1D(1) & (3)
Required: Minimum lot frontage and width of 125'
Requested: Existing lot frontage and width of 100'
Variance: 25'

CODE ENFORCEMENT
OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

Section 116-8.1D(2)
Required: Minimum lot area of .75 Ac
Requested: Existing lot area of .51Ac
Variance: .24 Ac

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

Section 116-8.1E(2)
Required: Where 20% or more of the lots in the same block on the same side of the street and within 1,000' of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. Castle Hill Average front yard setback is 54.1'
Requested: Front yard setback of 48.685'
Variance: 5.415'

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

Section 116-8.1D(1)
Required: Side yard setback for the Principal Building is 20'
Requested: Side yard setback of 19.292' from the North lot line
Variance: .7'

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

Section 116-8.1D(1)
Required: Side yard setback for the Principal Building is 20'
Requested: Side yard setback of 12.124' from the South lot line
Variance: 7.876'

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

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.

FAX: (716) 652-3507

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Cassidy".

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 239-m(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.: ZR-23-89

Postmark/Delivery Date: 1/19/23

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 2/16/2023 **Time** 7:00pm **Location** 575 Oakwood Ave, E. Aurora

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 Address: 139 Castle Hill Rd

5a. S.B.L. of Property: 176.06-1-32

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: Demolish existing residence and build a new single-family dwelling requiring five area variances (lot width, lot area, front and side yard setbacks)
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Librock, Town Clerk Email: townclerk@townofaurora.com

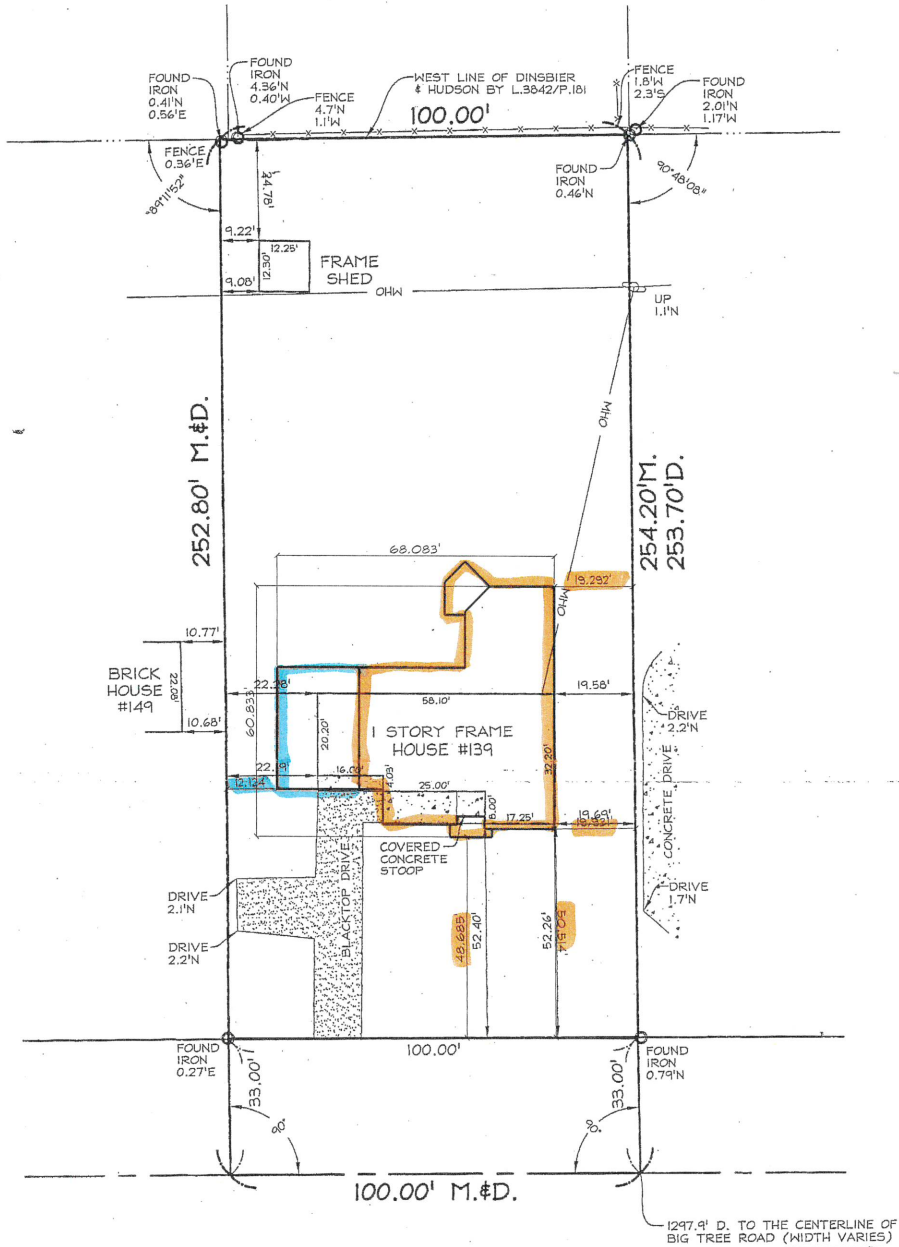
10. Return Address: 575 Oakwood Ave., E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 1/23/23. 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 Date: 1/30/23



CASTLE HILL (66' WIDE) ROAD

Michael L. [Signature]

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 Department.

PART OF LOT(S) 15 SECTION 1 TOWNSHIP 9 RANGE 6		STATE OF NEW YORK		SCALE: 1"=30'
LOCATION: TOWN OF AURORA		COUNTY OF ERIE		JOB NO.
<p>3556 Lake Shore Road Buffalo, New York 14219-1494 (716) 827-8000</p>	KIND	DATE	FOR	
	SURVEY	6/07/05	DIFILIPPO & FLAHERTY- ATTY'S	05J2-0362

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

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: <i>New Build</i>							
Project Location (describe, and attach a location map): <i>139 Castle Hill, East Aurora</i>							
Brief Description of Proposed Action: <i>Demo Existing Structure AND Foundations. Re-build New 2-Story Home.</i>							
Name of Applicant or Sponsor: <i>EDITH DUSTY MARSH</i>		Telephone: <i>716 570-0647</i>					
Address: <i>139 Castle Hill</i>		E-Mail: <i>[Redacted]@earthweb.com</i>					
City/PO: <i>EAST AURORA</i>		State: <i>NY</i>	Zip Code: <i>14052</i>				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<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: <i>Building permit</i>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<i>1/2</i> acres					
b. Total acreage to be physically disturbed?		<i>.1</i> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1/2</i> 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 type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

<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>Edyth Rusty Marsh</u></p> <p>Signature: <u>E. D. Marsh</u></p>	<p>Date: <u>1/2/2023</u></p>	



Map navigation controls including a globe icon, a compass icon, and a '3D' button.

Weather information: 54° with a cloud icon and AQI 54 with a yellow circle icon.

Search Maps



FILLMORE AVE

AIN ST



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ELMWOOD AVE

GLENRIDGE RD

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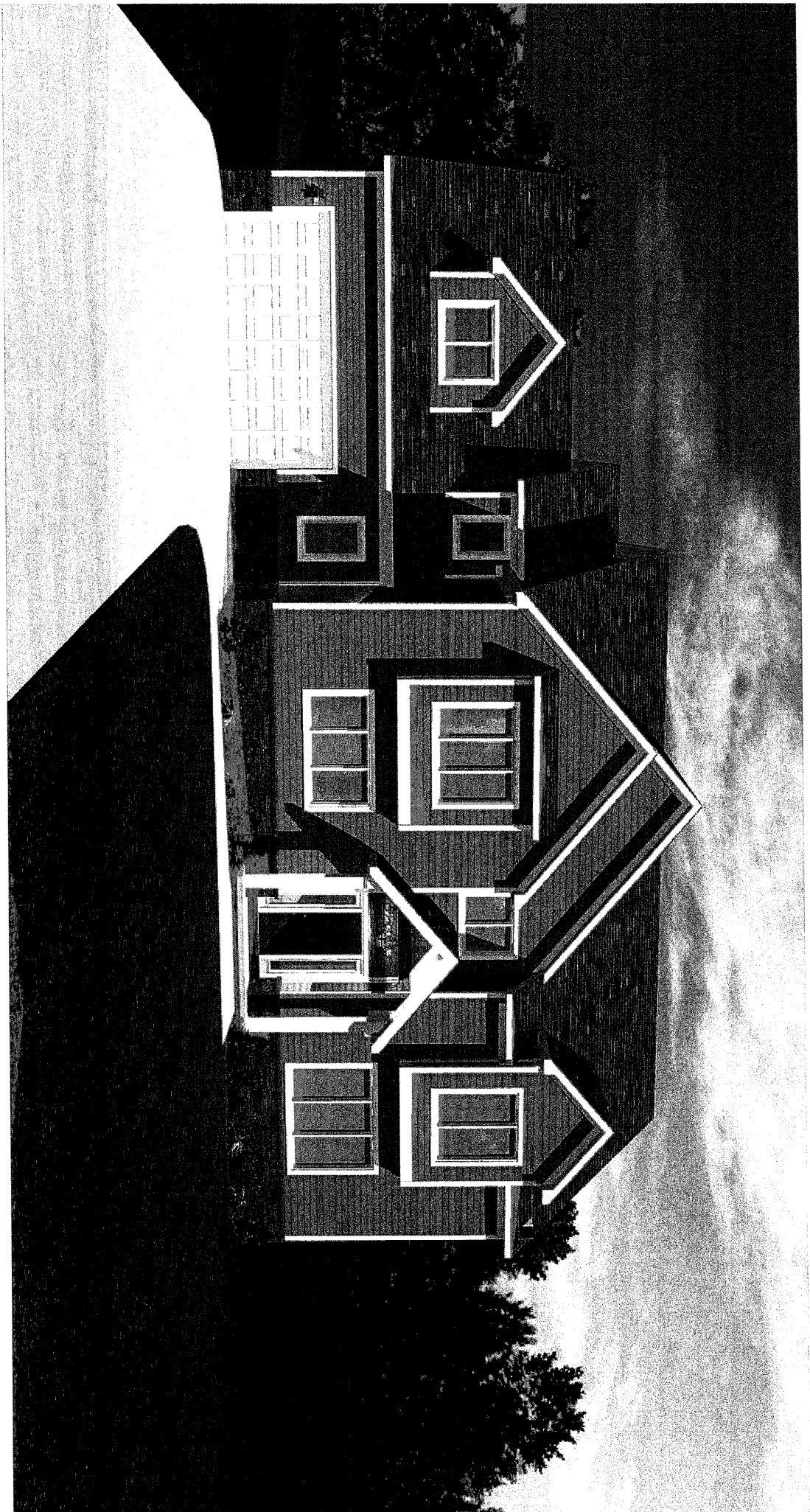
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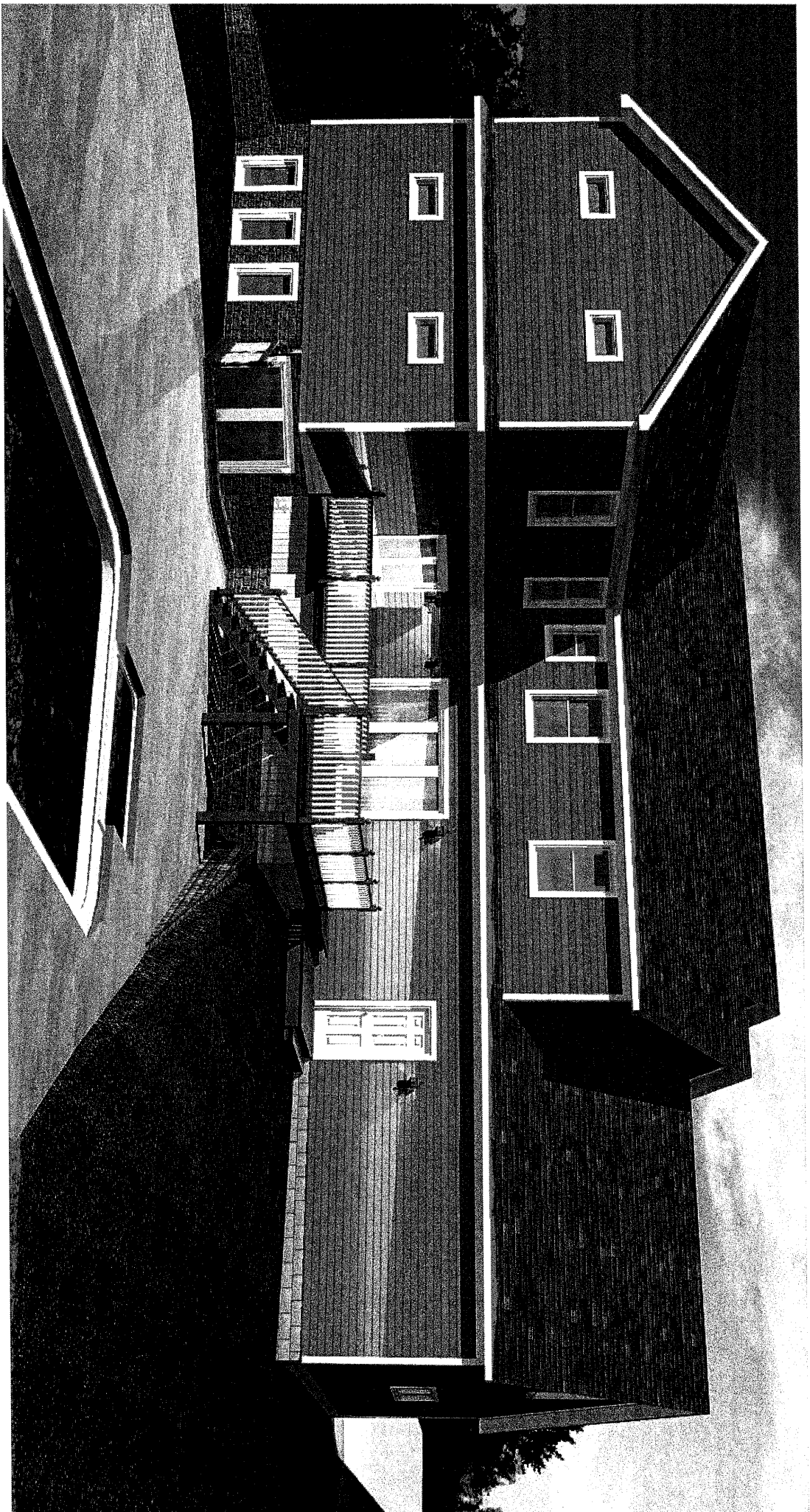
54°

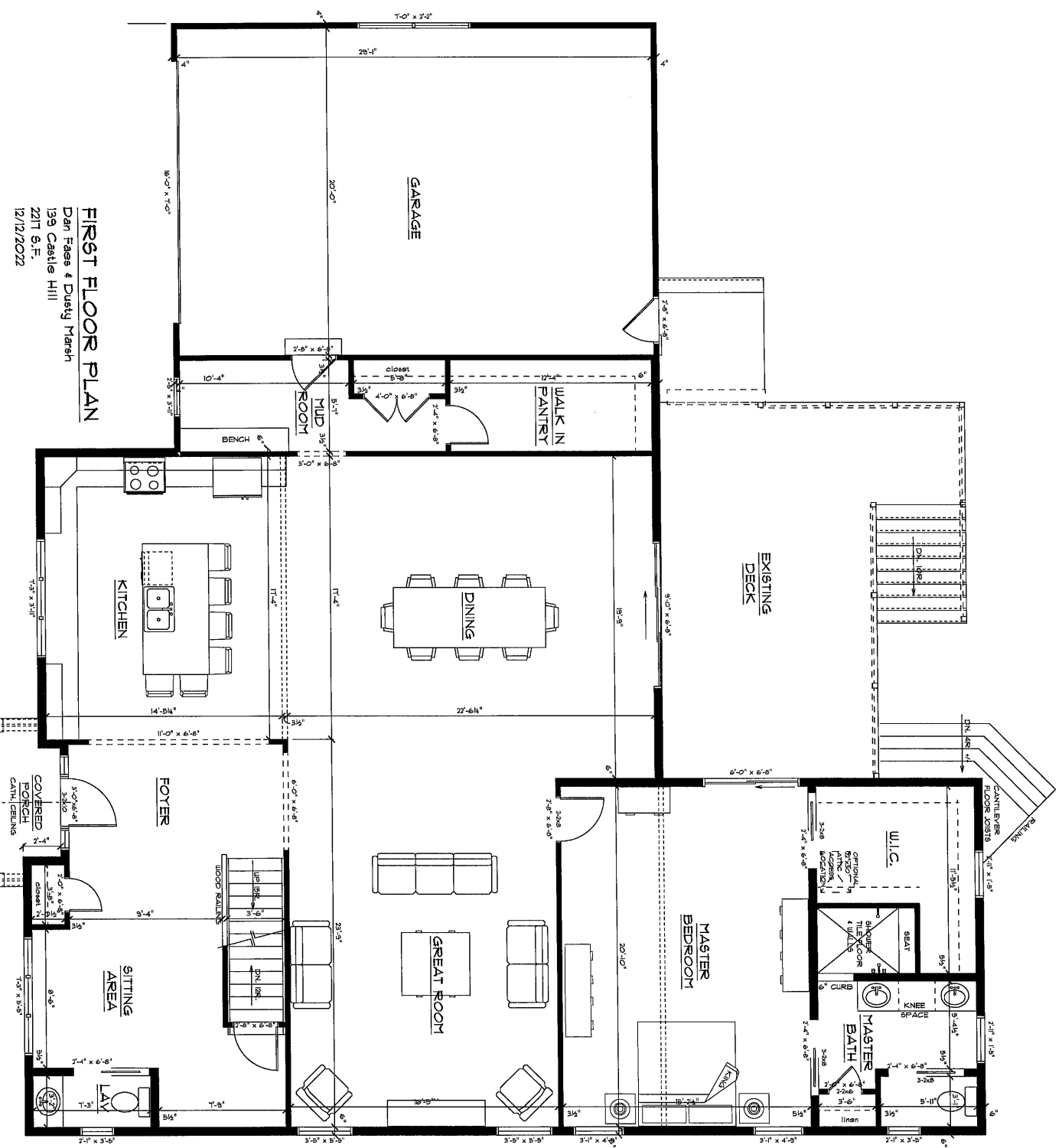
AQI 56

Search Maps



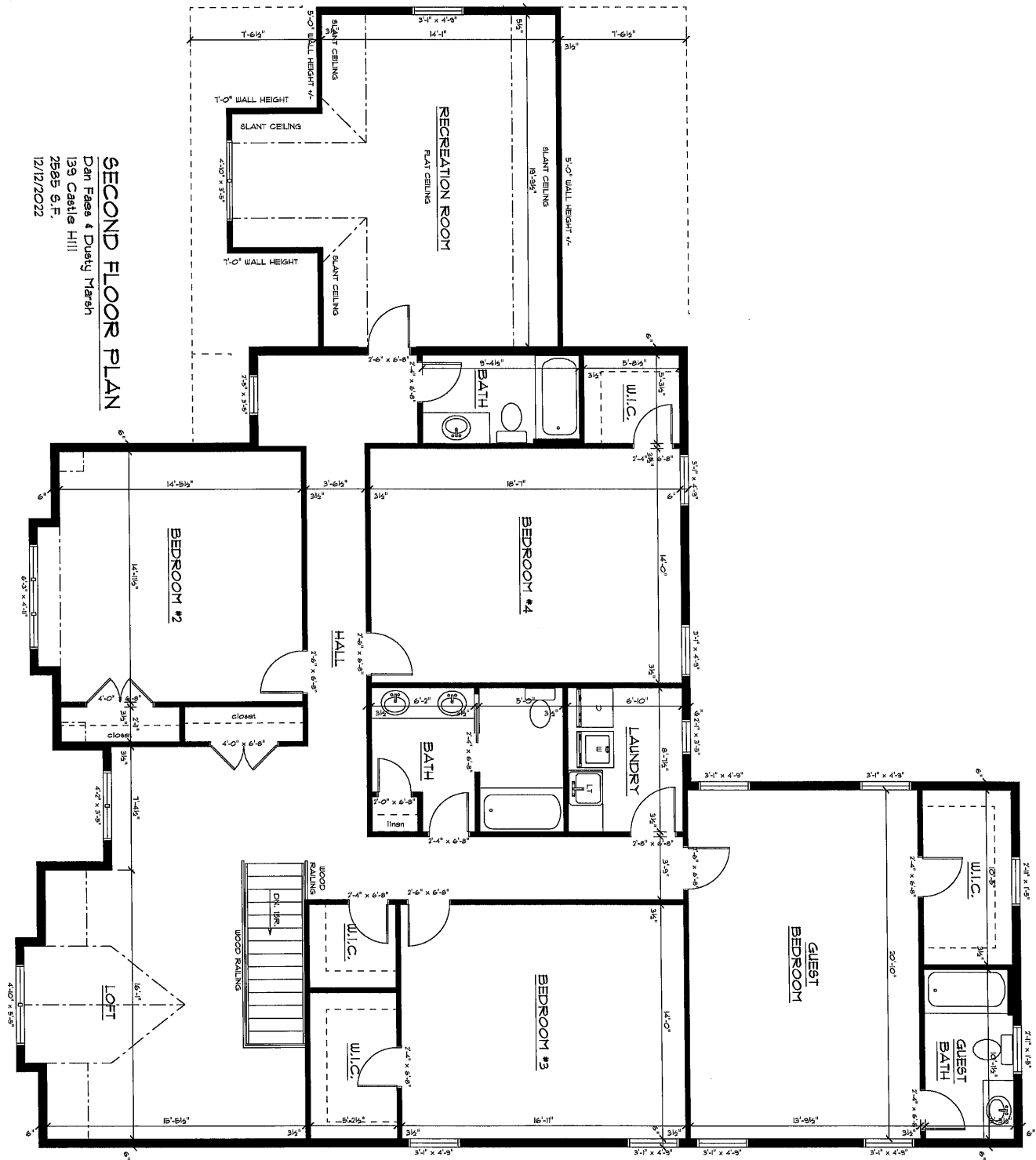






FIRST FLOOR PLAN

Dan Fages & Dusty Marsh
 139 Castle Hill
 2211 S.F.
 12/12/2022



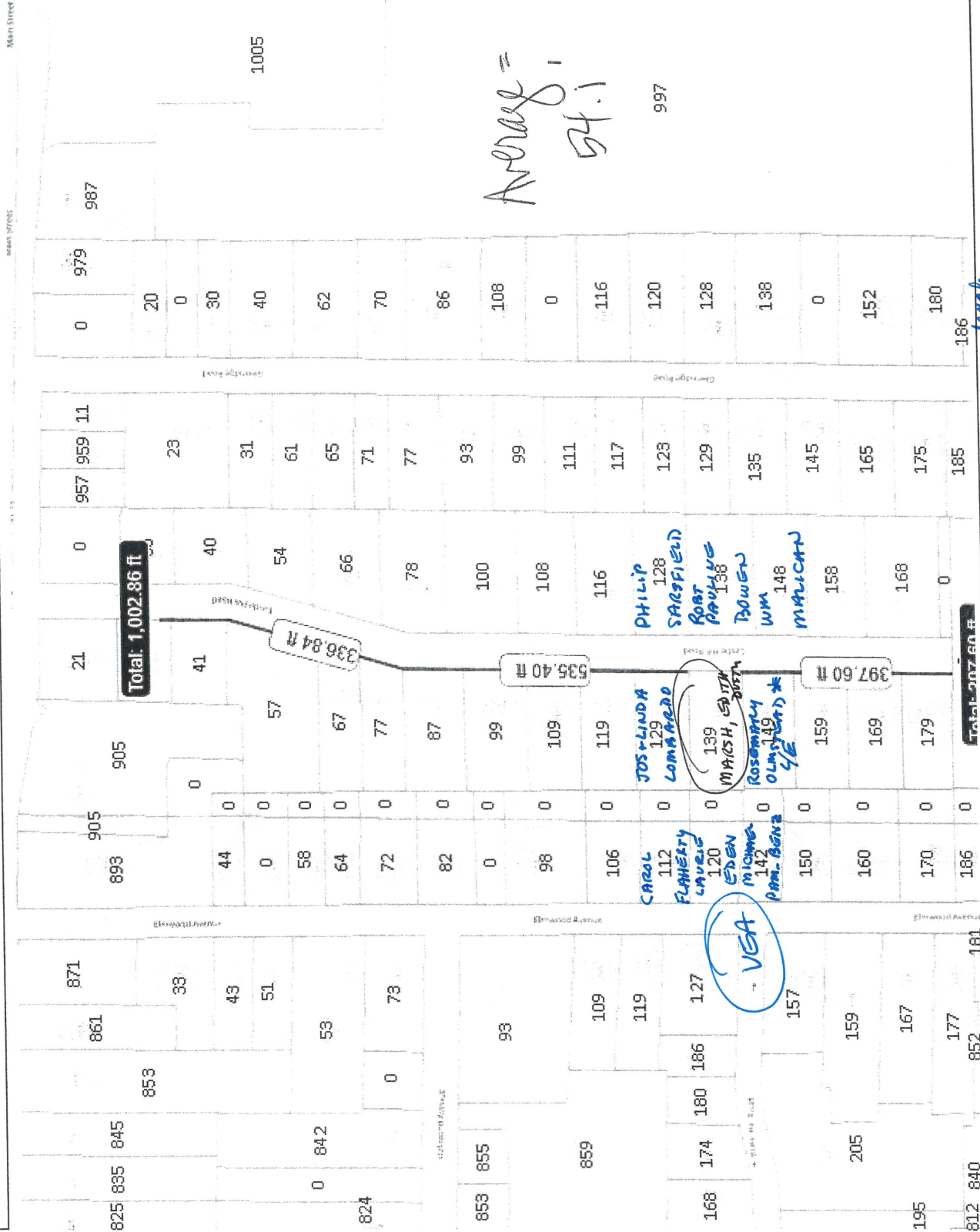
SECOND FLOOR PLAN

Dan Fales & Dusty Marsh
 139 Castle Hill
 2585 S.F.
 12/12/2022

Coal 1427



Erie County On-Line Mapping Application



Legend

Parcels

Frontyard setbacks
within 1000' on same
side of street

- 31 59.5'
- 41 61.5'
- 51 ~52'
- 67 60'
- 77 ~56'
- 87 ~54'
- 99 55.8'
- 109 ~58'
- 119 51'
- 129 ~45'
- 149 ~55'
- 159 ~56'
- 169 ~52'
- 179 52.7'

0 0.07 0.1 Miles

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: 4,514

