



CASE NO. 1431

DATE OF HEARING 4/20/23

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 BAMMEL ARCHITECTS, P.C.
Address 6264 W. QUAKER ST
City ORCHARD PARK State NY ZIP 14127
Phone 716-662-2482 Fax 716-662-2487 Email ML@BAMMEL-ARCHITECTS.COM
Interest in the property (ex: owner/purchaser/developer) ARCHITECT

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

Property Owner(s) Name(s) 4050 Seneca Street LLC
Address 355 DAVIS ROAD
City _____ State NY ZIP 14052
Phone _____ Fax _____ Email _____


III. PROPERTY INFORMATION

Property Address 355 DAVIS
SBL# 174.03-2-20
Property size in acres 1.8 Property Frontage in feet 326.10'
Zoning District R1 Surrounding Zoning R1, R2, A
Current Use of Property RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # SIDE YARD SETBACK
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
James R. Bammel

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 13 day of MARCH 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
MARTHA L. LIBROCK
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2026
(Notary stamp)

Office Use Only: Date received: 3/14/23 Receipt #: 568183 CK# 3597


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 CONSTRUCT A SINGLE CAR ATTACHED GARAGE TO THE EXISTING HOME. NO GARAGE IS CURRENTLY AVAILABLE.

THE MATERIALS AND STYLE OF NEW CONSTRUCTION WILL MATCH EXISTING.

WE EXPLORED THE OPTION OF A DETACHED GARAGE BUT IT WAS NOT AESTHETICALLY PLEASING. IT WOULD ALSO BE DIFFICULT TO LOCATE IT BEHIND THE EXISTING HOUSE.

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
575 Oakwood 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:

355 Davis Road (address), identified as Tax Map (SBL)# 174.03-2-20

hereby authorizes Bammel Architects, P.C. 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.

Scott Bieler
Owner (print)

3/15/23
Date

[Signature]
Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 15th day of March, 2023, before me, the undersigned, a notary public in and for said state,
personally appeared Scott Bieler, 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.

[Signature]
Notary Public

Annette T. Smith
Notary Public, State of New York
No: 01SM8084785
Qualified in Erie County
My commission expires Dec. 16, 2026

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

March 13, 2023

Charles D. Snyder
csnyder@townofaurora.com

Bammel Architects, PC
6264 W. Quaker St
Orchard Park, NY 14127

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Mike:

The Building Department has reviewed your request to construct an attached garage at your client's property at 355 Davis Rd. The request has been denied because it fails to meet the requirements setbacks in the Residence-1 zoning district in which it is located.

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

Section 116-8.1F(1)

Required: Side yard setback for principal building is 20'

Requested: Addition of attached garage with 5' side yard setback

Variance: 15'

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

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

Sincerely,

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

Elizabeth Cassidy
Code Enforcement Officer

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

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

**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.: _____

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 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** 4/20/2023 **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: 355 Davis Rd

5a. S.B.L. of Property: 174.03-2-20

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: proposed attached garage closer to side lot line than allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Libroek, 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 _____. 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: _____ Date: _____

Short Environmental Assessment Form

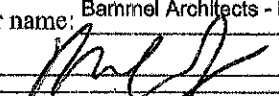
Part 1 - Project Information

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: 355 Davis Road - Garage addition			
Project Location (describe, and attach a location map): 355 Davis Road			
Brief Description of Proposed Action: Proposed single car garage addition and connecting breezeway			
Name of Applicant or Sponsor: Bammel Architects - Mike Lukaszewski RA		Telephone: 716-662-2482	
		E-Mail: ML@bammelarchitects.com	
Address: 6264 W. Quaker St			
City/PO: Orchard Park		State: NY	Zip Code: 14127
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 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 type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.80 acres	
b. Total acreage to be physically disturbed?		0.009 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.80 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)? If Yes, explain purpose and size: _____ _____</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? If Yes, describe: _____ _____</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? If Yes, describe: _____ _____</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>Bammel Architects - Mike Lukaszewski RA</u></p>	<p>Date: <u>3-13-2023</u></p>	
<p>Signature: <u></u></p>		

Miscellaneous Notes

(M1) Some features shown on this plat may be shown out of scale for clarity.

(M2) Certain easements and/or utility lines, may or may not be shown hereon, however this shall not imply that all easements or utility affecting premises are shown.

(M3) Unaffiliated Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.

(M4) This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.

(M5) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

North Arrow

Right-of-Way

Gravel Driveway

Encroachment

Right-of-Way

Gravel Driveway

Indicates Method of Survey

M/F New Economy

Day Chain = 64.0 FL

Day Meter = 3.262533 Ft.

Day Area = 43.5610 Sq.Ft.

P / Belled

No. Power Pole

Property Boundary

Line of Record

Edge of Road

Co. Lot, Co. Lot, Line

Road Centerline

Fence

Map

Being Part of
 Lot 62 Townships 9 Ranges 6
 Holland Land Company Survey
 Erie County, New York

Surveyor's Certification

I hereby certify

that this survey was prepared in accordance with the current Code of Practice for Land Surveyors.

This certification does not warrant or guarantee the accuracy or correctness of the survey, unless the survey has been accompanied by this statement by the surveyor. This statement shall not be construed as a warranty of the accuracy or correctness of the survey, and shall not void in any way the certification in this plat.

David Scott Freeman

Survey Prepared By:
 Licensed Surveyor: David Scott Freeman
 License No.: 50480
 in the State of New York
 Date of Survey: October 20, 2021
 Date of Last Revision:
 Drawing Scale: 1" = 80'
 Freeman & Freeman Job No. 10554

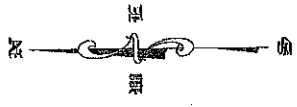
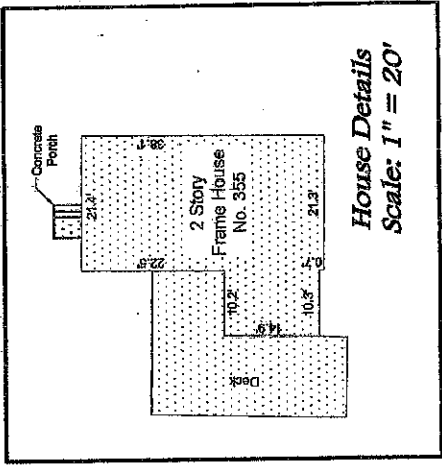
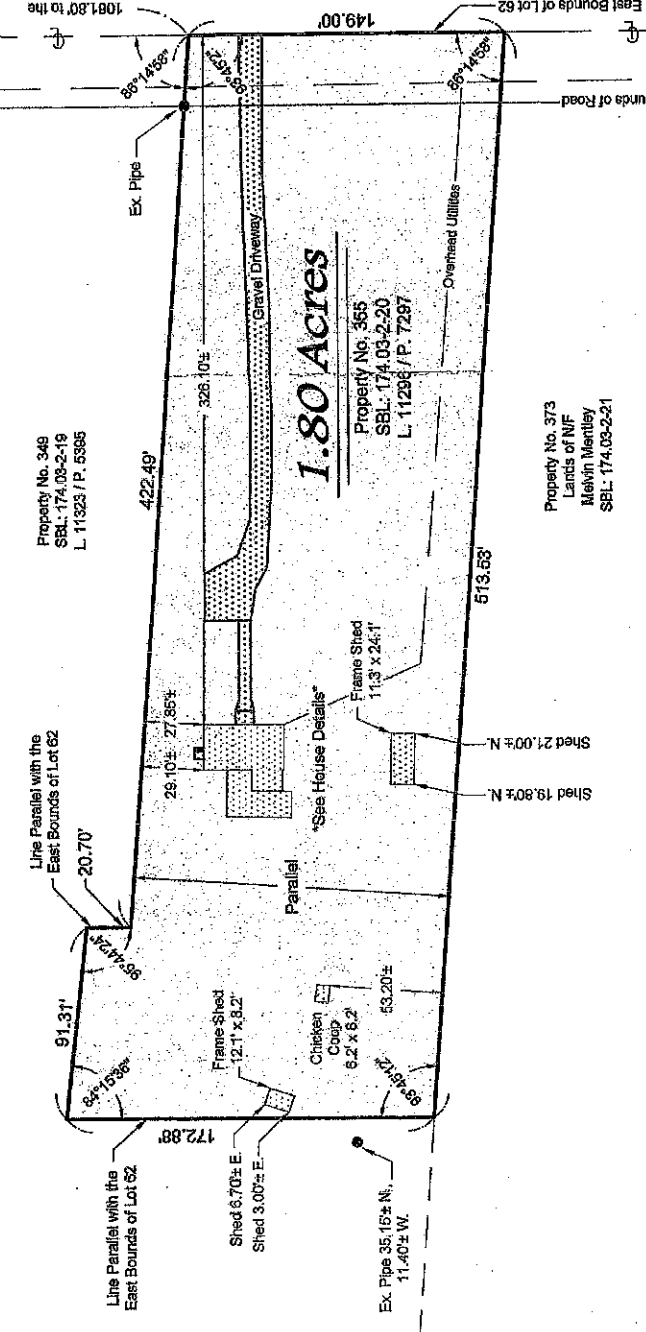
Freeman and Freeman Land Surveyors
 Resurveying the Holland Land Company for the 21st Century
 1633 Crisp Road - Oneonta, N.Y. 14859
 Phone (716) 862-7740, Email: Survey@FreemanSurveyors.com



DAVIS ROAD (66' ROW)

149.00'

1081.80' to the N.E. Corner of Lot 62



Copyright Information

1 This Survey is published in many different colors. Any black and white reproduction is not a re-creation from Freeman and Freeman Land Surveyors.

Reference Data

(R1) Maps and notes from the Holland Land Company Survey.

Statement of Encroachments

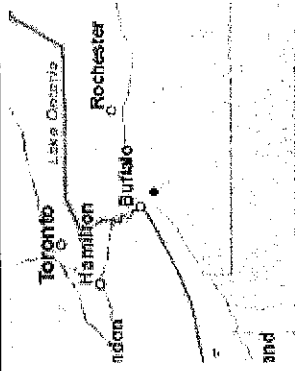
(A) No encroachments were noted or surveyed to in the original field survey.

Notes

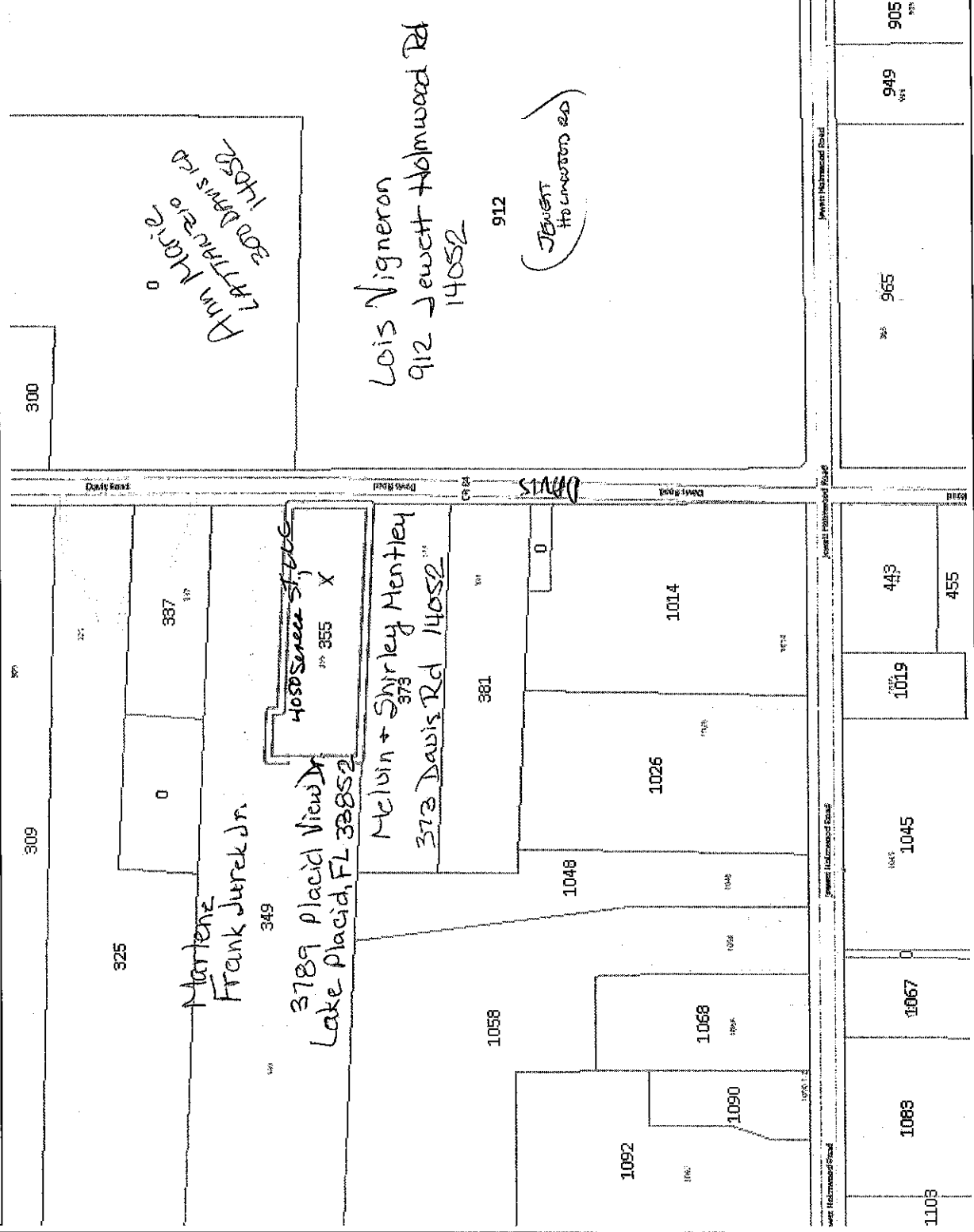
(N1) All dimensions are in the "U.S. Survey Foot" unless specified otherwise on the map.

#1431

Erie County On-Line Mapping Application



Legend
 Parcels



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 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 4,514