



CASE NO. 1388
DATE OF HEARING 7/15/2021

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 Aaron Root
Address 10508 Pratham Road
City Glenwood State NY ZIP 14069
Phone (716) Email rd@11.com
Interest in the: 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 1090 Jewett Holmwood Road
SBL# 174.03-1-15.1
Property size in acres .86 Property Frontage in feet 125'
Zoning District R1 Surrounding Zoning _____
Current Use of Property Rental

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: converting two unit rental to a three unit
 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)

[Handwritten Signature]

Signature of Applicant/Petitioner

AARON ROOT

Print name of Applicant/Petitioner

State of New York; County of Erie

On the _____ day of _____ in the year _____ 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.

[Handwritten Signature]
Notary Public

(Notary stamp)

RENAE J ZWOLINSKI
Notary Public, State of New York
No. 01ZW6070651
Qualified in Erie County
Commission Expires March 04, 2022

Office Use Only:

Date received:

6/15/2021

Receipt #:

804921

Application reviewed by

[Handwritten Initials]

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)

the property located at 1090 Jewett Holmwood Road has been in my possession for the past 20 years. Since I've owned the unit and when originally purchased, it has been a three unit building. It was sold as such 20 years ago.

Recent financial hardship has forced me to sell said property. It is listed as a two unit on the Aurora tax roll, but has been rented as a three unit.

In an effort to maximize my return, I am respectfully requesting the property be formally changed to a three unit.

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: _____

the property, in itself, will not change in appearance, therefore is not unique or will further impact the 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: _____

as mentioned in item 2, the property will remain 'as is' and will not change the character of neighborhood and its surroundings

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: no, I was unaware that the property was listed as a two family on the Aurora tax roll. When I listed the property as a three unit is when I was informed otherwise.

(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**

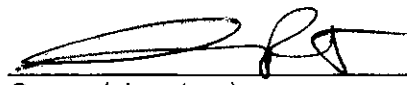
The undersigned, who is the owner of the premises know as:

....., identified as Tax Map (SBL)#.....
(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.

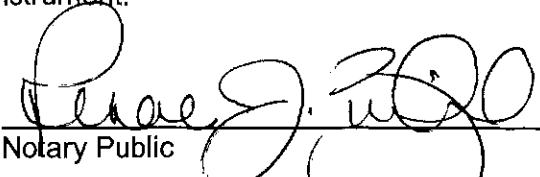
AARON Root
Owner (print)

7 JUN 2021
Date


Owner (signature)

STATE OF NEW YORK)
) SS.
COUNTY OF ERIE)

On this 7th day of June, 2021, before me, the undersigned, a notary public in and for said state, personally appeared Aaron Root, 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

RENAE J ZWOLINSKI
Notary Public, State of New York
No. 01ZW6070651
Qualified in Erie County 22
Commission Expires March 04, 2022

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

June 10, 2021

Susan A. Friess
sfriess@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

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lwochensky@townofaurora.com

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

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

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

DIR. OF RECREATION
Christopher Musshafen
(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:
(800) 662-1220

*This institution is
an equal opportunity
provider and
employer.*

Aaron Root
10508 Pratham Road
Glenwood, NY 14075

RE: 1090 Jewett Holmwood Road

The Building Department has reviewed the submittal for the dwelling at 1090 Jewett Holmwood Road. According to the Assessor's office, this dwelling has always been a legal non-conforming two-family dwelling. The request submitted is to convert the existing two-family dwelling to a three-family dwelling. The request has been denied because it fails to meet the requirements of the Town of Aurora Code for the Residential (R-1) zoning district in which it is located.

Section 116-8.1 A (1)

Required: One single family dwelling, with no other dwelling or principal building on the same lot.

Requested: Three-family dwelling

Variance: Use variance for three-family dwelling

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 hearing next month. If you have any questions, please contact our office at 652-7591.

Sincerely,

A handwritten signature in black ink that reads "Kevin Glover".

Kevin Glover
Asst. Code Enforcement Officer

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

2. Hearing Schedule: **Date** 7/15/2021 **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 Specific as follows 1090 Jewett Holmwood Rd

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

Use variance for a 3-unit dwelling in an R-1 district that allows 1 dwelling unit per parcel

7. Proposed change or use: (be specific) _____

8. Other remarks: (ID#, SBL#, etc.) SBL#174.03-1-15.1

9. Submitted by: Martha L. Libroek, Town Clerk 6/18/2021

575 Oakwood Ave., East 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: _____

Kevin Glover

From: Aaron Root <rooota19@gmail.com>
Sent: Tuesday, June 15, 2021 11:10 AM
To: Kevin Glover
Subject: Fwd: Pricing. 1090 Jewett

Kevin.

Hope this finds you well please confirm receipt

Thanks Aaron Root

----- Forwarded message -----

From: **Daneen M. Vincent** <dvincent@gurneyrealestate.com>
Date: Tue, Jun 15, 2021, 10:11 AM
Subject: Pricing
To: <rooota19@gmail.com>

Aaron,

We listed your (3) unit income property in April for \$199,900. This was actually slightly below market value for a 3 unit. During this timeframe, we were served notice that this is a legal 2-unit. We reduced the price to \$179,900 and received an offer of \$172,000. During this process, you were "forced" to ask a tenant to leave which caused that deal to fall apart, as the purchaser was intending to use as a 3-unit. As of today, we received a cash offer now of \$150,000 because of the 2-unit value vs 3-unit. Obviously, the value decreases tremendously when you no longer have the third income.

--
Daneen M. Vincent
Associate Broker
Gurney, Becker & Bourne Real Estate
716-698-4320



1090 Jewett Holmwood Sale

1 message

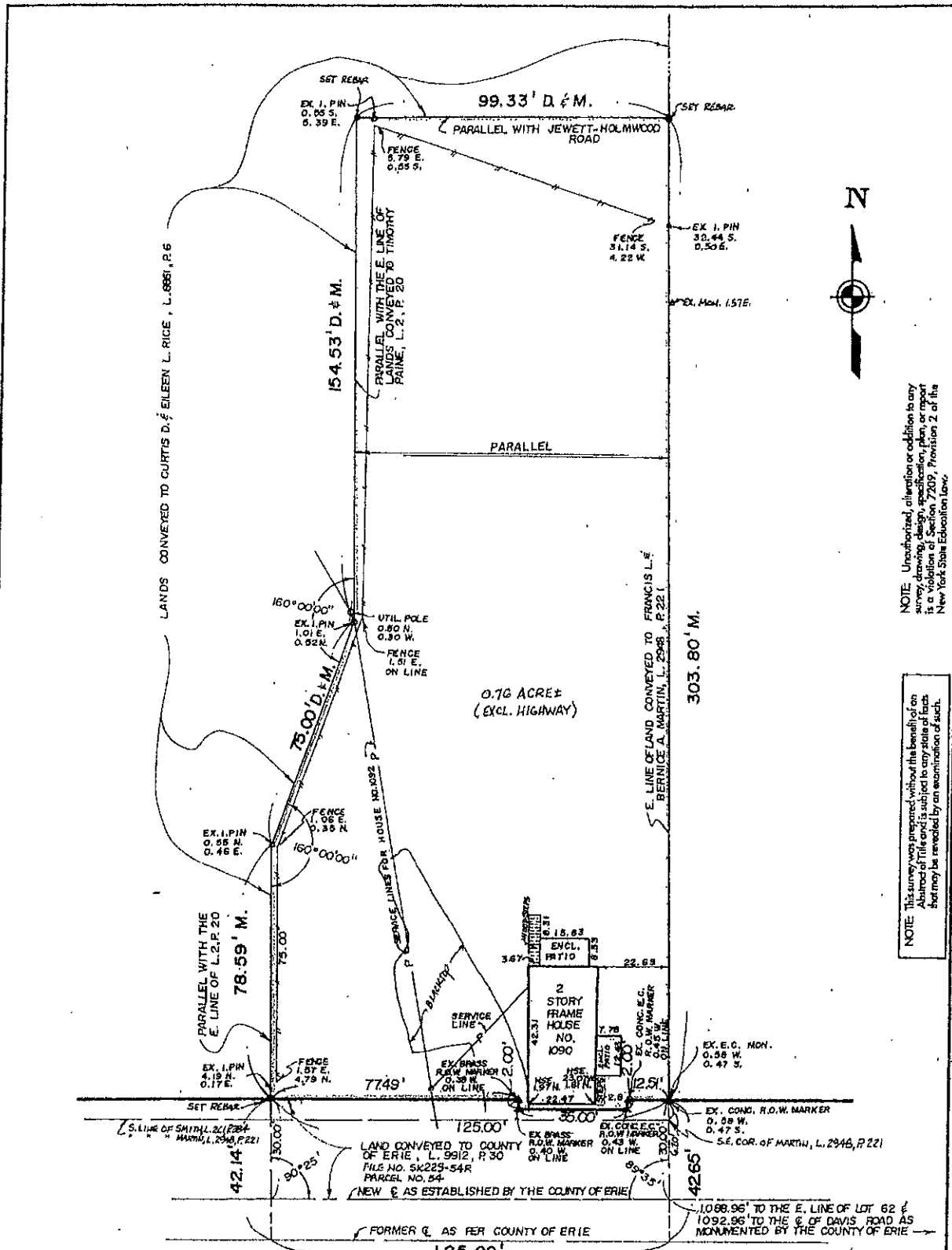
Daneen M. Vincent <dvincent@gurneyrealestate.com>

Tue, Jun 8, 2021 at 4:18 PM

To: rooota19@gmail.com

The asking price for 1090 Jewett Holmwood has had to be reduced, and likely further reduction will be necessary, due to the 3 unit vs 2 unit. Without the variance, the seller will sell the home for less money and income will be reduced as well because of the lack of rental income.

—
Daneen M. Vincent
Associate Broker
Gurney, Becker & Bourne Real Estate
716-698-4320



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.

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.

REVISED 3/28/01

JEWETT - HOLMWOOD ROAD (WIDTH VARIES)

REVISED 1/10/92: ADDED REFERENCE TO
S. LINE OF SHIRL L. 241, P. 384
S. LINE OF MARTIN, L. 2748, P. 221

PART OF L. 82 S. T. 9. R. 6, TOWN OF AURORA, COUNTY OF ERIE, NEW YORK

RESURVEY		
DATE	JOB	DESCRIPTION
11/20/91	91623	
3/2/01	01085	

JAMES L. SHISLER, L.S., P.C.
PROFESSIONAL LAND SURVEYOR
 P.O. BOX 518
 EAST AURORA, NEW YORK 14052-0518 716-665-1058

DRAWN BY DMS SCALE: 1" = 30'
 CHECKED BY JLB DATE JULY 6, 1989

JOB 89356 SHEET C-1423

James L. Shisler

REPRODUCTION PROHIBITED

Short Environmental Assessment Form

Part 1 - Project Information

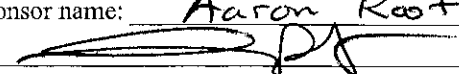
Instructions for Completing

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.

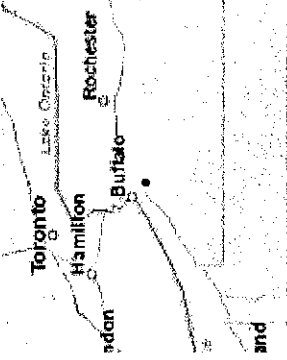
Part 1 - Project and Sponsor Information			
Name of Action or Project: <p style="text-align: center; font-size: 1.2em;">Use variance</p>			
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">1090 Jewett Holmwood Road, Aurora NY</p>			
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">convert two unit residence to a three unit.</p>			
Name of Applicant or Sponsor: <p style="text-align: center; font-size: 1.2em;">Aaron Root</p>		Telephone: 3 E-Mail: @all.com	
Address: <p style="text-align: center; font-size: 1.2em;">10508 Pratham Road</p>			
City/PO: <p style="text-align: center; font-size: 1.2em;">Glenwood</p>		State: <p style="text-align: center; font-size: 1.2em;">NY</p>	Zip Code: <p style="text-align: center; font-size: 1.2em;">14069</p>
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	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:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		186 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		186 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>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <input type="checkbox"/> <input type="checkbox"/>	<p>YES</p> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>N/A</p> <input type="checkbox"/> <input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input checked="" type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____</p>	<p>NO</p> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?</p>	<p>NO</p> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<p>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: _____</p>	<p>NO</p> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____</p>	<p>NO</p> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____</p>	<p>NO</p> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?</p>	<p>NO</p> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	
<p>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? 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: _____</p>	<p>NO</p> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/> <input type="checkbox"/>	
<p>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</p>			
<p>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?</p>	<p>NO</p> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>16. Is the project site located in the 100 year flood plain?</p>	<p>NO</p> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	
<p>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 type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____</p>	<p>NO</p> <input checked="" type="checkbox"/>	<p>YES</p> <input type="checkbox"/>	

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>Aaron Root</u>	Date: <u>7 JUN 2021</u>	
Signature: <u></u>		

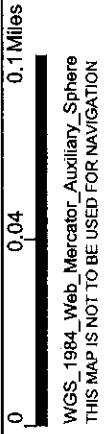
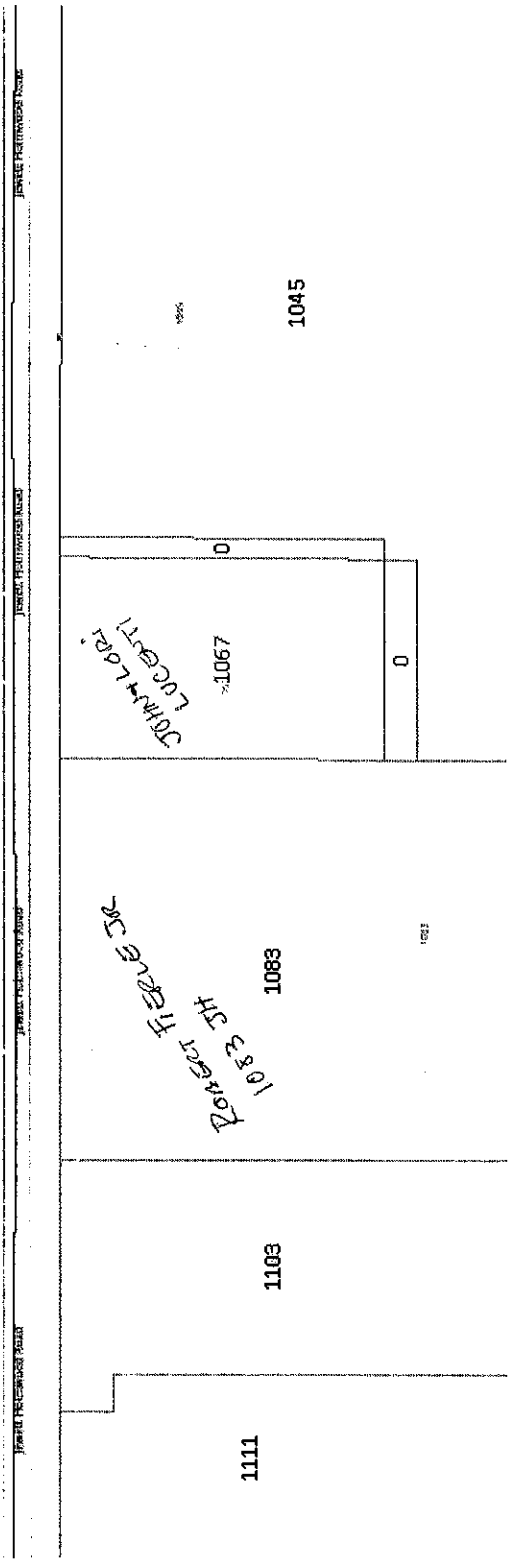
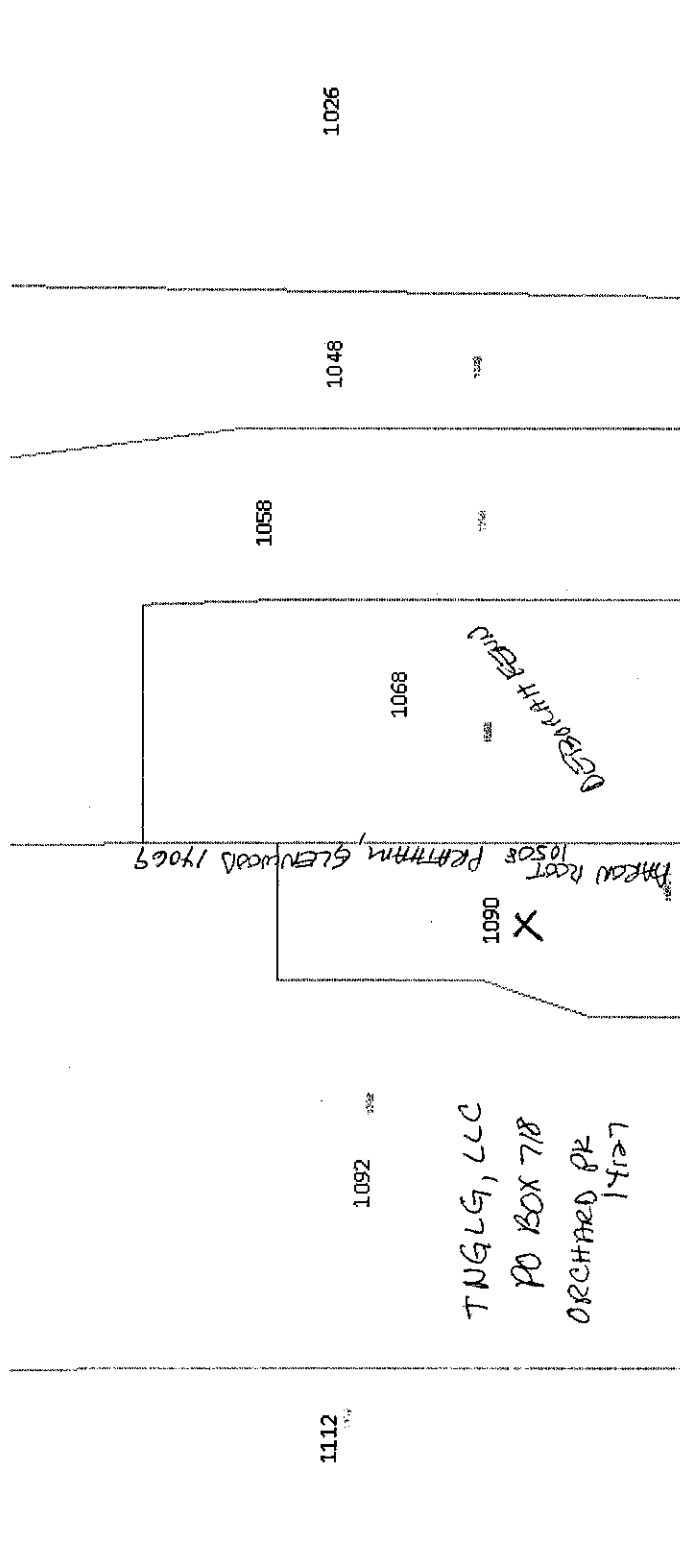


Erie County On-Line Mapping Application



Legend

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



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

