

SUPERVISOR

James J. Bach
(716) 652-7590

jbach@townofaurora.com



TOWN CLERK

Martha L. Librock
(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

Susan A. Friess

sfriess@townofaurora.com

Jeffrey T. Harris

jharris@townofaurora.com

Jolene M. Jeffe

jjeffe@townofaurora.com

Charles D. Snyder

csnyder@townofaurora.com

SUPT. OF HIGHWAYS

David M. Gunner

(716) 652-4050

highway@townofaurora.com

SUPT. OF BUILDING

Patrick J. Blizniak

(716) 652-7591

building@townofaurora.com

ASSESSOR

Richard L. Dean

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:

1(800) 662-1220

Supervisor and Board Members,

3/07/2019

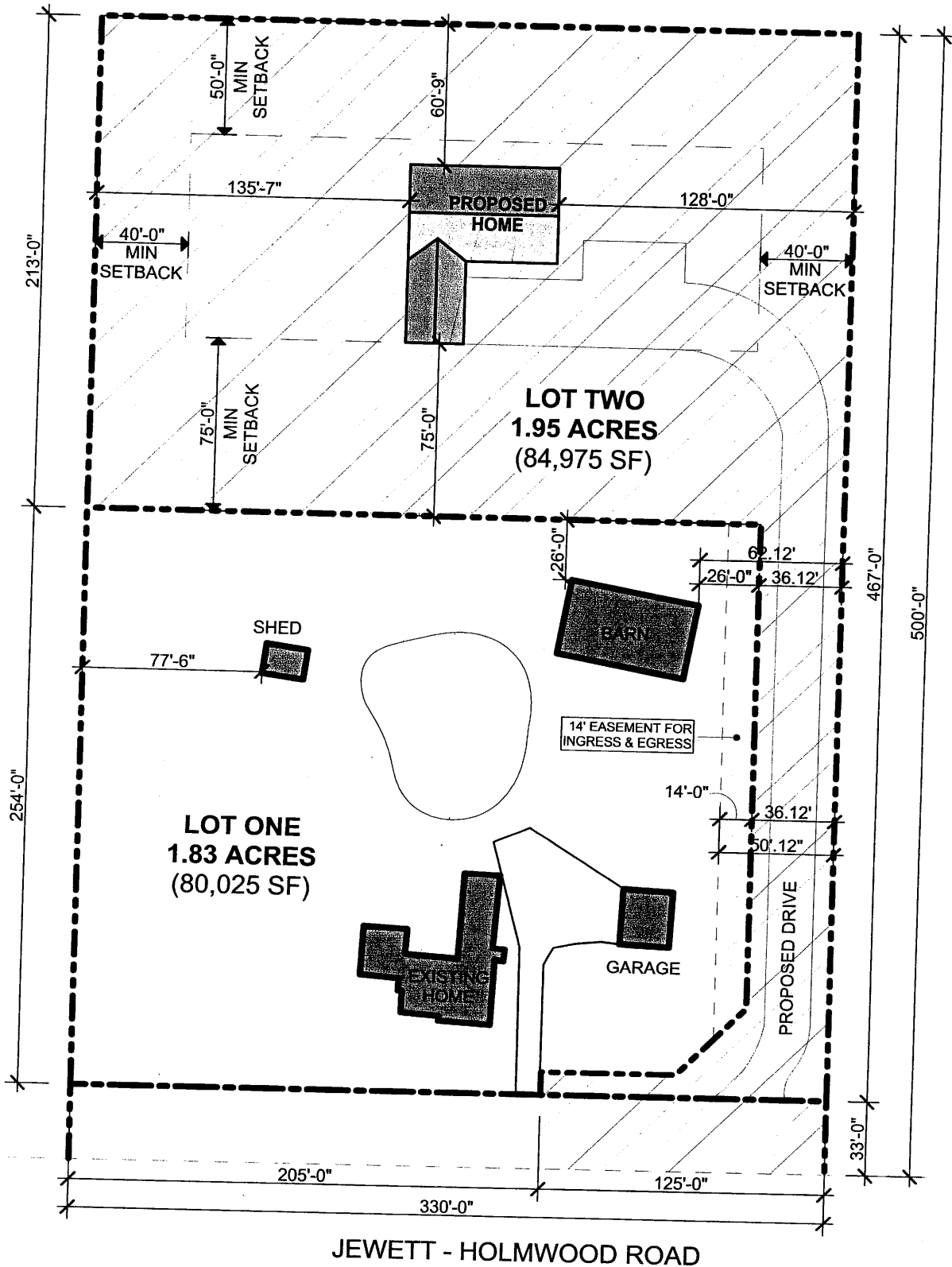
Another situation has arisen which clearly circumvents the Boards attempt to maintain the rural character of the Town through the establishment of the ODA Code.

The survey provided illustrates the creative use of the inadequacies of the ODA code to create buildable backlots without going through the ODA process. The prospective purchaser of this property has carved out the 125' of frontage to create a buildable lot without going through the ODA process. The 125 ft. is in an RR District and through the exception to the A District minimum lot size found in section 116-25 the RR lot size and setbacks are allowable for the rear lot which is mostly in an A District.

Without the 125 ft. frontage this lot would have had to go through the ODA process. It would have had to have been three acres in area exclusive of the flag pole area, any home would need 200 ft. front yard setback, 50 ft. rear yard setback and would be unbuildable without a few variances.

I have not done any research on how often this could happen in the town, nor do I have an immediate suggested code change to solve the problem, but this is a clear attempt to get around the spirit and intent of the Town Code. If the Town Board is in agreement I would suggest reviewing the current code and making changes to close this loop-hole without creating any other adverse situations.

Bill Kramer



THIS SITE PLAN DIAGRAM MEETS ALL ZONING REQUIREMENTS OF THE TOWN OF AURORA, NY TO BUILD THE PROPOSED HOME

TOWN OF AURORA, NY BUILDING DEPARTMENT

718 Jewett Holmwood Roa
East Aurora, NY 14052

jsb
architects

JSB Architects
8750 Main Street
Williamsville, NY 14221
716 818 9168

Project No.: 201903
Scale:
Date: 3/08/2019
Drawn by:
Checked by:
Stage:

Sketch Number:
G-001

*Town of Aurora, NY
Monday, March 11, 2019*

Chapter 116. Zoning

Article II. Supplementary Regulations

§ 116-25. Lots in two districts.

- A. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for the less-restricted portion of such lot shall extend not more than 50 feet into the more-restricted portion, provided that the lot has frontage on a street or highway in the less-restricted portion.
- B. A single lot having street frontage in the RR District and which lot extends into the A District shall follow the minimum lot size requirements and setback regulations for the RR District for the construction of a single-family or two-family dwelling in the A-zoned portion of the lot.

Every district has a minimum lot size. Part one of the minimum lot size includes the required frontage along or parallel to the street right of way. Part two of the minimum lot size specifies the required area and currently states "32,670 square feet (3/4 of an acre, not including the right of way)". If part two were changed to read " 32,670 square feet (3/4 of an acre) contiguous to but not including the right of way.", that would alleviate the situation we looked at on the proposed Jewett-Holmwood Rd. split.

Section 116-25B states; A single lot having street frontage in the RR District and which lot extends into the A District shall follow the minimum lot size requirements and setback regulations for the RR District for the construction of a single family home or two family dwelling in the A zoned portion of the lot."

Proposed change; A single lot in the RR District with road frontage of at least 125 feet which maintains that lot width into the A District may follow the minimum lot size requirements and setback regulations of the RR District for the construction of single family or two family dwelling on that lot.

Discussion from the 3/25/19 Town Board Work Session:

6) Town Zoning Code – proposed changes:

A proposal to split a Jewett Holmwood Road parcel was presented to the Building Department and Town Board. The proposed split resulted in a lot with 125' of frontage that is approximately 3' deep, narrows to 36' for a distance of approximately 250' and then opens up to a 1.95-acre area measuring 330' wide by 213' deep. The Code Enforcement Officer and the Town Board believe this to be more of an Open Development Area (ODA) situation and that this split circumvents the intent of the Code. One suggestion for rewording the Code was: "...the 125' minimum width requirement must extend back from the right-of-way and include the area of the parcel where a primary and/or accessory structure would be constructed/erected. Lots not fitting this description are considered to fall under the Open Development Area Code."

Attorney Bennett stated there could be a minimum frontage and minimum depth. Example: minimum 125' frontage and 250' depth.

In a memo to the Board, Code Enforcement Officer Kramer states:

- 1) Every district has a minimum lot size. Part one of the minimum lot size includes the required frontage along or parallel to the street right of way. Part two of the minimum lot size specifies the required area and currently states, "32,670 square feet (3/4 acre), not including the right of way". If part two were changed to read "32,670 sf (3/4 acre) contiguous to, but not including the right of way", that would alleviate the situation of the Jewett Holmwood Road lot split.
- 2) Section 116-25B of the Code states – A single lot having street frontage in the RR District and which lot extends into the A District shall follow the minimum lot size requirements and setback regulations for the RR District for the construction of a single family home or two-family dwelling in the A zoned portion of the lot." Proposed change: A single lot in the RR District with road frontage of at least 125', which maintains that lot width into the A District, may follow the minimum lot size requirements and setback regulations of the RR District for the construction of a single family or two family dwelling on that lot.