

original



CASE NO. 1407

DATE OF HEARING 7/21/2022

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 Jennifer Gemerek
Address 129 Manchester Rd.
City East Aurora State NY ZIP 14052
Phone 716 716 6 n/a Email J incnursing.com
Interest in tl purchaser/developer own

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

Property Owner(s) Name(s) 'same'
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 129 Manchester Rd. East Aurora, NY 14052
SBL# 186.01-1-1
Property size in acres 1.152 Property Frontage in feet 250'
Zoning District R2 Surrounding Zoning R2/A
Current Use of Property Home

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.2E(4) & 116-18A(1)
 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)

Jennifer Gemerek
Signature of Applicant/Petitioner

Jennifer Gemerek
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 13 day of JUNE in the year 2022 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.

Linda M Mank
Notary Public

(Notary stamp)

LINDA M MANK
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01MA6048262
COMM. EXP. 9-25-23

Office Use Only:

Date received: 6/16/22

Receipt #: 385812 Sam

Application reviewed by: _____

ECDP ZR-1 form sent to EC: _____

Hearing publication date: _____

PREVIOUS APPEAL(S): 2020

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)

Please see enclosed letter for further detail.

Intention to build 24' x 24' metal shed in side yard beyond end of dead-end road. The shed will be built on concrete pad. The variance is being requested because the proposed placement will be closer to the front edge of the property than the house is. The metal shed will be much greater than 10' from the property line in each direction.

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 location of the property beyond the end of the road makes this a unique situation. There will be minimal to no impact to neighbors and the environment. The space surrounding this side yard is mostly trees and shrubs.

- 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: The building will be consistent with the existing character of the neighborhood. Current neighbors have no objection.

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: In order to make the best use of our property and to increase the value of the property this action is necessary. Thank you for your consideration.

(Attach additional pages if needed)

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

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csnyder@townofaurora.com

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Jeffrey P. Markello
Anthony DiFilippo IV

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(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

June 16, 2022

Jennifer Gemerek
129 Manchester Rd
East Aurora, NY 14052

Dear Jennifer:

The Building Department has reviewed request to construct a metal shed on your property at 129 Manchester Rd. The request has been denied because it fails to meet the code requirements for an accessory building in the Residence-2 (R2) Zoning District in which it is located.

Section 116-8.2E(4) & 116-18A(1)

Required: No accessory building shall be erected in the front yard.

Requested: Accessory building in front yard located 50' from ROW

Variance: Accessory building in front yard

The minimum front yard setback for the R2 Zoning District is 50', so an additional variance is not necessary.

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,


Elizabeth Cassidy
Code Enforcement Officer

June 13, 2022

Petitioner's Letter of Intent/Request for Area Variance for 129 Manchester Road, East Aurora, NY 14052

To Whom it may Concern,

This Letter of Intent is in support of my request for an area variance to the side yard setback requirement for an additional structure/metal shed. The intention is to build a 24' x 24' metal shed in my side yard which is beyond the end of the dead-end road, Manchester Rd. My property is currently in Zoning District R-2, with surrounding zones R2/A. The intention is to build the building on a concrete pad and to extend the existing driveway to meet the new building. My building permit has been submitted simultaneously with this Variance application. Please find enclosed land survey, drawings of proposed plans, and other necessary information.

I have been referred to apply for a variance since the shed will be closer to the front edge of the property than the house. The structure is intended to be built just in-front of the existing home and to the side. Once built, there would still be 50 feet between the metal shed and the front edge of our property. Please keep in mind, that there is no road in the "front" of this portion of my side yard since it is located beyond the dead-end road. I am requesting approval for a variance to permit the location of the metal shed to be built as reflected on the attached drawing. Please also find enclosed photos of the property as well as neighbor statements.

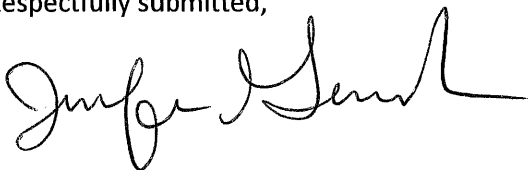
Please be advised that the metal shed will be well over 10 feet, as required, further from the property line in each direction. The placement of the metal shed in the area indicated will help to provide better use of the property and yard. The metal shed would not displace the natural beauty of the land and property which is surrounded by mostly trees and shrubs. In addition, the landscape and character of the neighborhood/community will not be changed, and there would be minimal to no impact on our neighbors. There will also be minimal impact on the natural environment.

The request is unique to my property since it is beyond the end of the road. The shape of the property is such that the area behind and directly beside the home is used for open area. There is a small fire pit and garden area on the side yard and it is most feasible to have the metal shed in that area as well. This will provide the best use of the area in our yard and is sustainable over time.

Please consider my request for a variance while keeping in mind that the proposed style and structure of the metal shed is in step with the existing neighborhood; and the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvement.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jennifer Gemerek', written in a cursive style.

Jennifer Gemerek

Short Environmental Assessment Form

Part 1 - Project Information

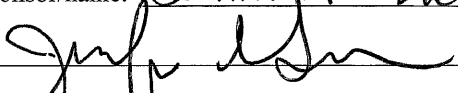
Instructions for Completing

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: Metal shed and driveway			
Project Location (describe, and attach a location map): Built on side yard beyond end of dead end road.			
Brief Description of Proposed Action: 24' x 24' metal shed			
Name of Applicant or Sponsor: Jennifer Gemerek		Telephone: [REDACTED] 609-666-1000	
		E-Mail: Jngemerek@att.net	
Address: 129 Manchester Rd.			
City/PO: EAST Aurora		State: NY	Zip Code: 14052
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: Town of East Aurora		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or 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			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>No water needed.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>No wastewater utilities needed.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 plan?	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?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: <u>All discharges would be directed to</u> <u>established conveyance systems as needed.</u>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<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?	NO	YES
If Yes, describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jennifer Cremerek</u> Date: <u>6-13-2022</u> Signature: <u></u> Title: <u>owner</u>		

129 MANCHESTER RD.

25' x 25' HAUNCH CONCRETE PAD

Jeanifer Gremereck

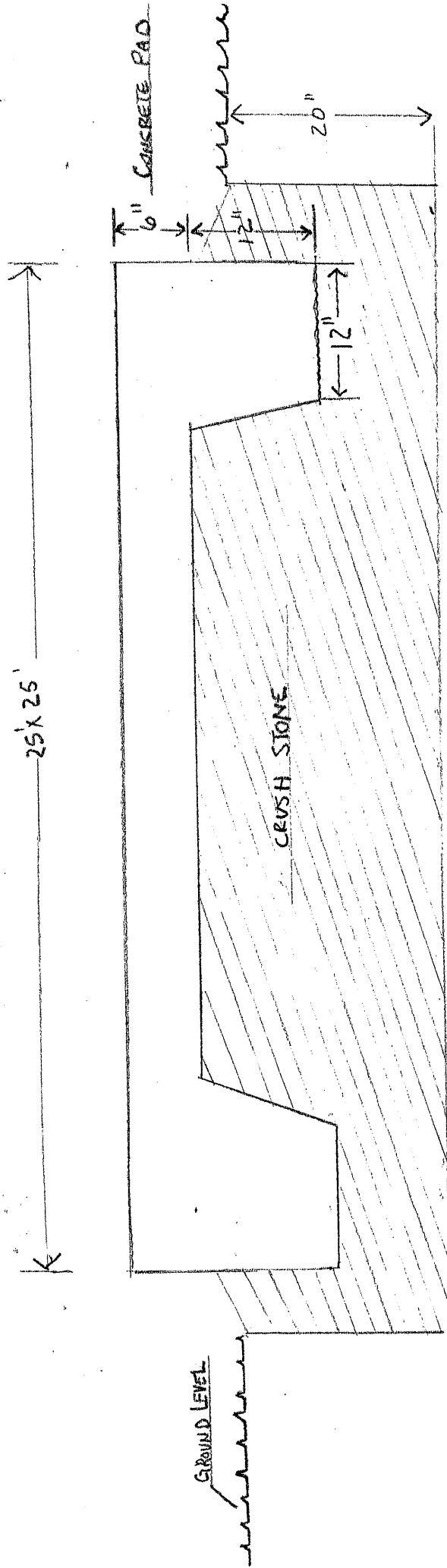
ELEVATION VIEW

Materials Include

- Concrete
- #4 rebar
- Stone
- moisture barrier paper

Detail of Concrete Pad

- Concrete Pad will have a haunch pour along perimeter.
- It will be at least 1 ft. wide and 1-ft deep.
- It will angle up to interior of building.
- Concrete will be continuously poured.
- Monolithic pour with 2 #4 rebar in bottom of footer.





VersaTube Building Systems
50 Eastley Street
Collierville, TN 38017

Questions?
Contact Josh Guild
480-232-8867

Custom Structure Technical Specification

Wednesday, July 31st 2019, 03:37 PM

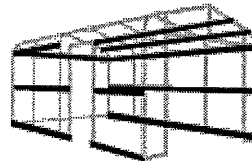
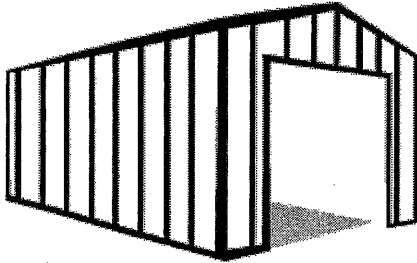
Design ID: 363969

PRICE
\$7,876

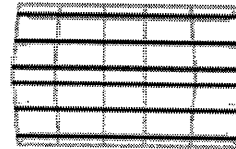
STRUCTURE TYPE

***ASK ABOUT AVAILABLE DISCOUNTS AT TIME OF PURCHASE**

Summit - Fully Enclosed



With Side Hat Channel (Girts)

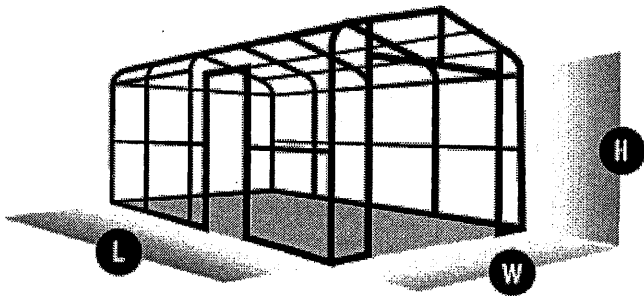


With Roof Hat Channel (Purlins)

Description:

24'x24'x13' Summit Fully Enclosed, 6' on center, (1) 12'x12' garage door opening, (1) walk door opening

FRAME SPECS



WIDTH
24'

LENGTH
24'

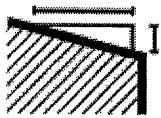
HEIGHT
(SIDEWALL)
13'

This structure is engineered to meet or exceed your local building code requirements of:

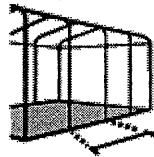
 57lbs GROUND SNOW LOAD	 40lbs ROOF SNOW (LIVE) LOAD	 90MPH WIND LOAD 115MPH V-ult
--------------------------------------	---	--

Structure will be anchored to:

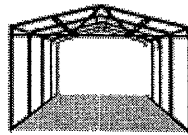
Concrete



ROOF PITCH
3:12



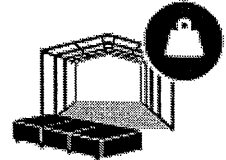
ON CENTER SPACING
6'



TRUSS BRACE TYPE
Type 7R

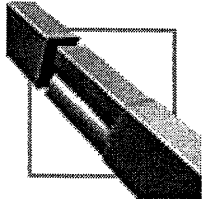


GROUND-TO-TRUSS CLEARANCE
12' 11 1/4"

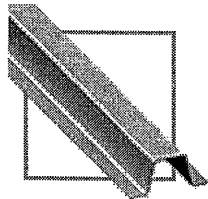


FRAME WEIGHT
1979 lbs

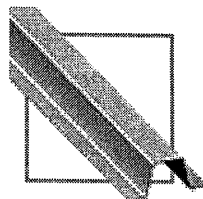
Steel Specifications



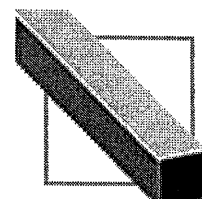
FRAME
2" x 3"
14 Gauge Galvanized Tube
Domestic Steel - 67% Recycled



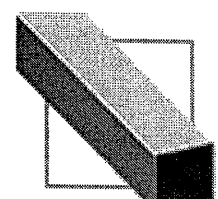
ROOF PURLINS
18 Gauge Galvanized Roof Purlins
2' 9 5/8" On Center Spacing



SIDEWALL GIRTS
18 Gauge Galvanized Roof Purlins
3' 11 3/4" On Center Spacing



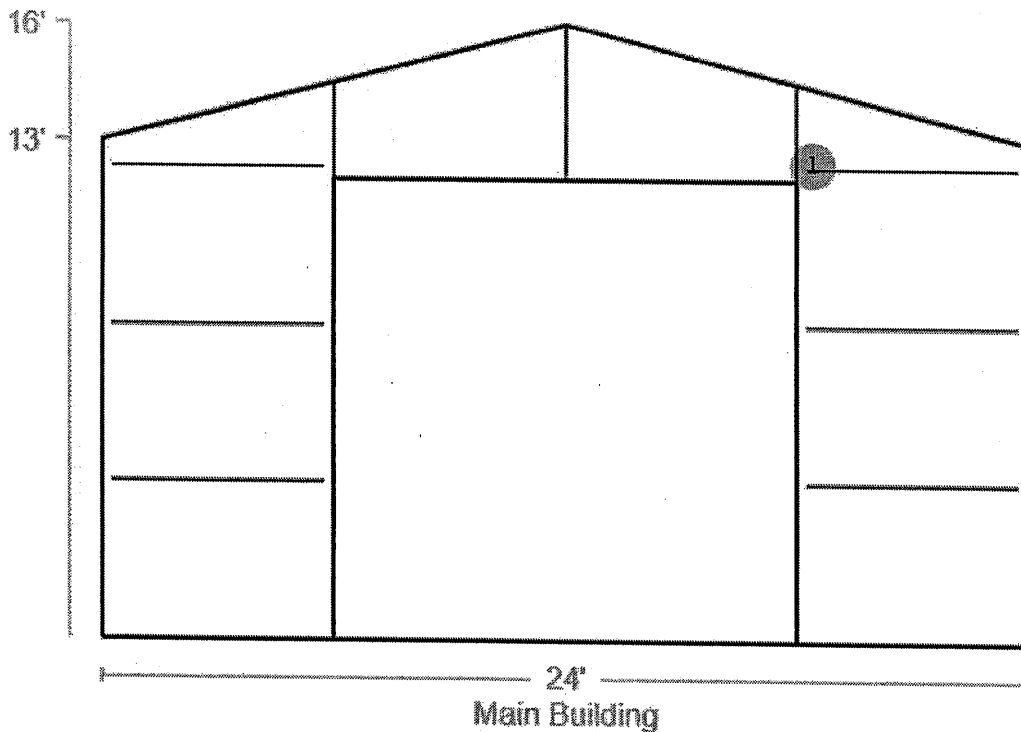
FRONT/BACK WALL GIRTS
1.5" Square 18 Gauge Galvanized Flush Mount Girts
4' 1 1/4" On Center Spacing



FRONT/BACK WALL VERTICALS
2" Square 15 Gauge Galvanized Front / Back Wall Verticals

BUILDING OPENINGS

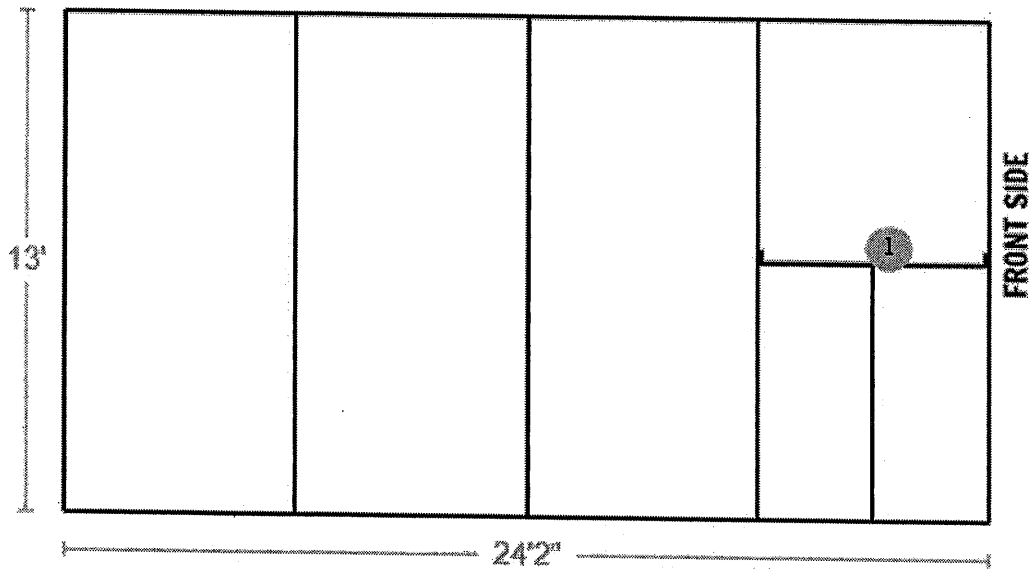
Front



① Garage Door Frame

12' x 12'
DIMS 6' FROM LEFT 6' FROM RIGHT

Left



① Walk Door Frame

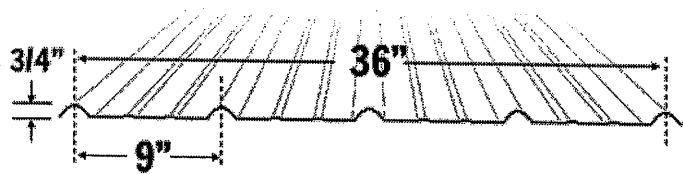
3' x 6'8"
DIMS

18'1"
FROM
LEFT

3'1"
FROM
RIGHT

SHEET METAL SPECS

29 Gauge Sheet Metal



RIB
SPACING
9"
with 5 major ribs
& minor ribs

RIB
HEIGHT
3/4"
with 36" coverage

Anti-siphon
feature

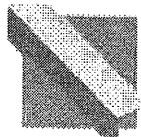
Durable,
baked-on paint
finish

Selected Sheet Metal & Trim



Roof Sheet Metal

WHITE



Eave Trim

WHITE



Gable Trim

WHITE



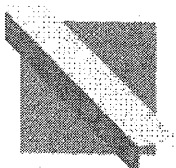
Ridge Cap

WHITE



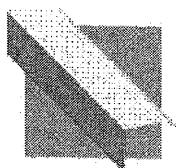
Side Sheet Metal

GREY



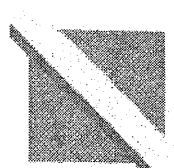
Door Trim

WHITE



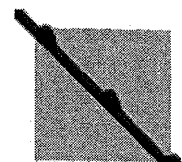
Corner Trim

WHITE

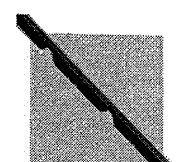


J-Channel Trim

WHITE

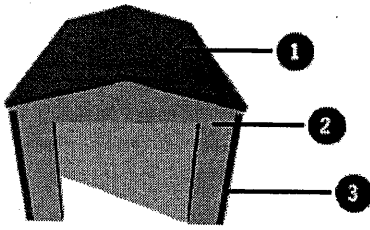


Inside Closure Strip

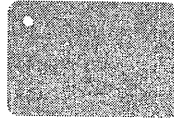


Outside Closure Strip

SHEET METAL COLORS

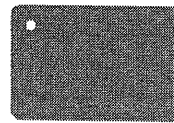


① ROOF COLOR



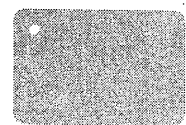
White

② WALL COLOR



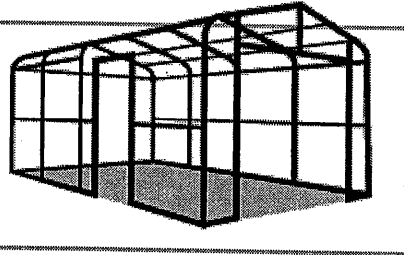
Grey

③ TRIM COLOR



White

WARRANTY DETAILS



The VersaTube Product Pledge

Pledge is our way of showing that we're proud of our products and the level of quality that they represent. Your structure will go through an extensive inspection process prior to leaving our plant, but if any component should not meet your expectations, we'll be glad to replace the part at no charge within 30 days of purchase.

The only criteria that must be met is that you bought the structure from VersaTube, the damage wasn't caused by customer modifications or mishandling, and that the structure was erected within 30 days of purchase.

The second part of the VersaTube Product Pledge provides a 20 year structural warranty on all framing components of our structures from the date of purchase. Of course, the defect can't be caused by customer modifications or negligence, an unanticipated Act of God or nature, an accident, or any type of internal or external impact. Improper assembly or installation may also void the warranty.

The customer is responsible for performing standard structure maintenance and inspections on a regular basis. We reserve the right to repair or replace any part that might not meet expectations.

VersaTube is proud to put our name on the structures we manufacture for our customers and stand behind their quality with our industry leading Product Pledge.

DELIVERY OPTIONS



Standard Delivery
(Customer Unloads)

\$0
(Included in total price)

Custom Structure Technical Specification

Wednesday, July 31th 2019, 03:37 PM

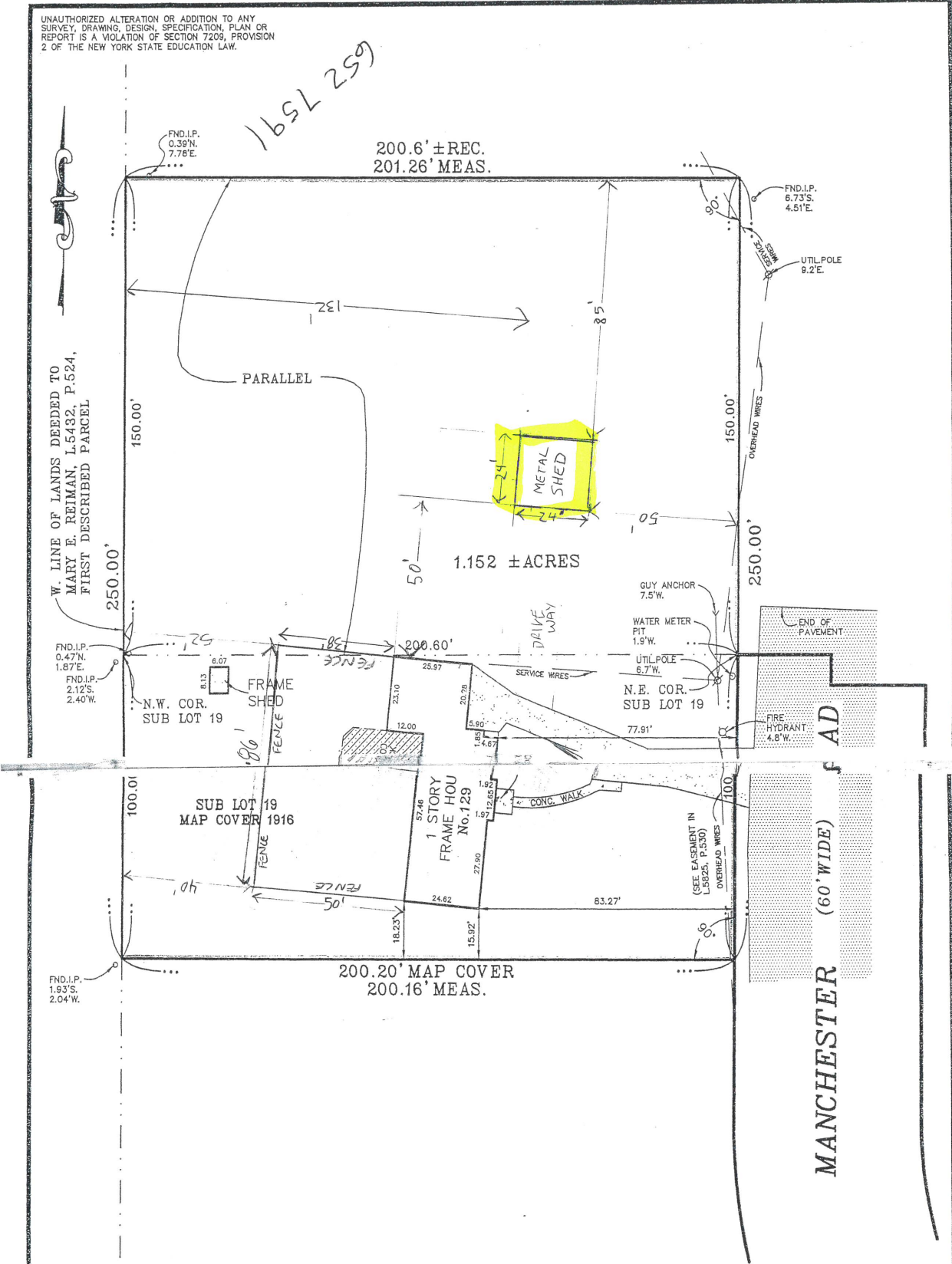
Design ID: 363969

VersaTube Building Systems
50 Eastley Street
Collierville, TN 38017

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165L 259



W. LINE OF LANDS DEEDED TO MARY E. REIMAN, L5432, P.524, FIRST DESCRIBED PARCEL

FND.I.P. 0.47'N. 1.87'E. 2.12'S. 2.40'W.

FND.I.P. 1.93'S. 2.04'W.

FND.I.P. 6.73'S. 4.51'E.

UTIL. POLE 9.2'E.

GUY ANCHOR 7.5'W.

WATER METER PIT 1.9'W.

UTIL. POLE 6.7'W.

N.E. COR. SUB LOT 19

FIRE HYDRANT 4.8'W.

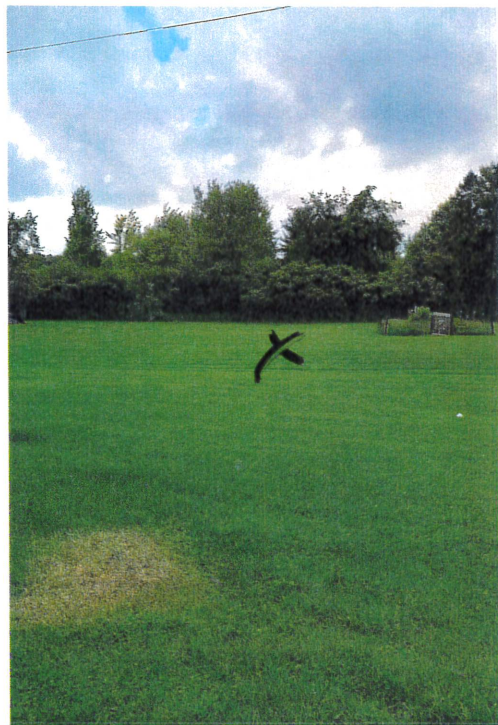
(SEE EASEMENT IN L5825, P.530)

PART OF LOT 60, TOWNSHIP 9, RANGE 6, HOLLAND LAND COMPANY'S SURVEY TOWN OF AURORA, COUNTY OF ERIE, STATE OF NEW YORK

RESURVEY		
DATE	JOB	DESCRIPTION

JAMES L. SHISLER, L.S., P.C.
 PROFESSIONAL LAND SURVEYORS
 WWW.SHISLERSURVEYORS.COM
 P.O. BOX 516 EAST AURORA, NEW YORK 14052-0516
 PHONE: (716) 655-1058 FAX: (716) 655-1964
 DRAWN BY: DMS SCALE: 1" = 30'
 CHECKED BY: JLS DATE: 10/21/10
 JOB NO.: 10512 SHEET: C-4641

James L. Shisler



Monday, June 13, 2022

To Whom it may concern,

I, Donald Skotnicki, residing at 140 Manchester Rd. East Aurora have no objections to my neighbor, Jennifer Gemerek, residing at 129 Manchester Rd. East Aurora, building a metal shed.

Donald Skotnicki

June 13, 2022

To whom it may concern,

I, Tammy Kin (Brannon), residing at 113 Manchester Rd. East Aurora NY
14052
have no objections to a granted variance for my neighbor, Jennifer Gemerek, residing at 129
Manchester Road, to build a metal shed in her side yard.

Please feel free to contact me with any questions at 716  _____.

Sincerely,

Brannon & Tammy Kin

Name

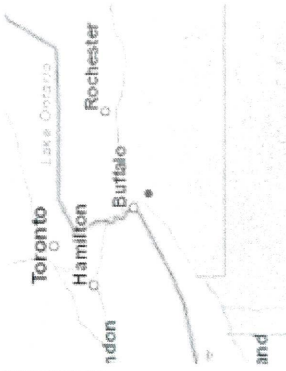
Tammy Kin

Signature

1407



Erie County On-Line Mapping Application



Legend

Parcels



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

