



CASE NO. 1417

DATE OF HEARING 9/15/22

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 Justin & Christine Smyczynski
Address 25 Roycroft Circle
City East Aurora State NY ZIP 14052
Phone (____) _____ Fax _____ Email _____@_____.com
Interest in _____er/purchaser/developer) Own

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 25 Roycroft Circle
SBL# 164.12-2-28.1
Property size in acres .6 Property Frontage in feet 238'
Zoning District R1 Surrounding Zoning R1
Current Use of Property Residential Home

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # Zoning Chapter 116 116-28A
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

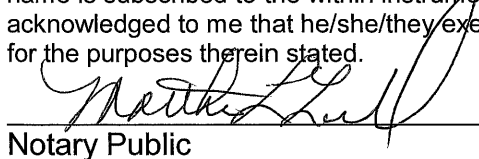
V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)


Signature of Applicant/Petitioner


Justin Smyczynski
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 8 day of August 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.


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: 8/9/2022 CH 1003 Receipt #: 385921 

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)

Please See Attached

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)

Letter of Intent

Dear Members of the Zoning Board of Appeals:

I am seeking a fence variance for my single-family home at 25 Roycroft Circle residing in the town of Aurora. Current zoning rules state our backyard is an extension of our front yard because we reside on a corner lot. Due to this zoning rule the maximum allowable height is 3.5 feet along the street side of our backyard, I am respectfully requesting to install a fence that is 4.5 feet tall.

We are requesting this variance for a few different reasons and would be grateful if you can take them into consideration when making your decision.

- We recently moved from the village of East Aurora where we had a 4.5-foot fence which allowed our dog free range in the backyard. We have a larger dog and my concern is 3.5 feet would not provide adequate height to ensure our dog remained safe and secured in our yard at all times.
- We hope to one day put a pool in our backyard, the current fence requirements for a pool are minimum 4 feet. We would like to ensure if this came to fruition, we would already be compliant with the requirements as opposed to potentially having to put in a new fence at that time.
- We have a 2.5 year old daughter with another on the way in October. While we have found Roycroft circle to be a low traffic neighborhood, we would like our kids to be able to play freely in the backyard as they get older without the concern of them wandering into the street or easily jumping over a fence to do so.

The fence will not be along the portion of our property obstructing the bend in the road. The fence will be see through and also hidden behind a row of existing bushes that are currently 4.5 feet tall and will grow to 6+ feet, we feel this will prevent visual impact to the overall character of the neighborhood.

I hope you agree that my request would produce an aesthetically pleasing addition to our neighborhood that would provide purpose and functionality for our family without taking away from the natural beauty of our surroundings.

Sincerely Yours,

Justin and Christine Smyczynski

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

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
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James F. Granville
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(716) 652-7591
building@townofaurora.com

ASSESSOR
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(716) 652-0011

DIR. OF RECREATION
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(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

August 9, 2022

Justin & Christine Smyczynski
25 Roycroft Circle
East Aurora, NY 14052

Dear Justin & Christine:

The Building Department has reviewed request to install a fence on your property at 25 Roycroft Circle. The request has been denied because it fails to meet the code requirements for fences in the Town.

Section 116-28A


Required: The following structures shall be allowed within required yards: a wall or fence not over 3.5' high in any front yard or side-street side yard

Requested: approx. 205 linear ft of 4.5' high fence in front yard

Variance: 1' for 205 linear feet of fence

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.

Sincerely,


Elizabeth Cassidy
Code Enforcement Officer

**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 09/15/2022 Time 7:00 pm Location 575 Oakwood Ave., EA

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: 25 Roycroft Circle

5a. S.B.L. of Property: 164.12-2-28.1 East Aurora, NY

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: Fence height front yard or side street side yard higher than allowed by
(specify the action, such as the scope of variances or site plans) _____
code. _____

8. Other remarks: _____

9. Submitted by: Martha L. Librock Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Avenue, 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. 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: _____

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>N/A</u>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>N/A</u>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



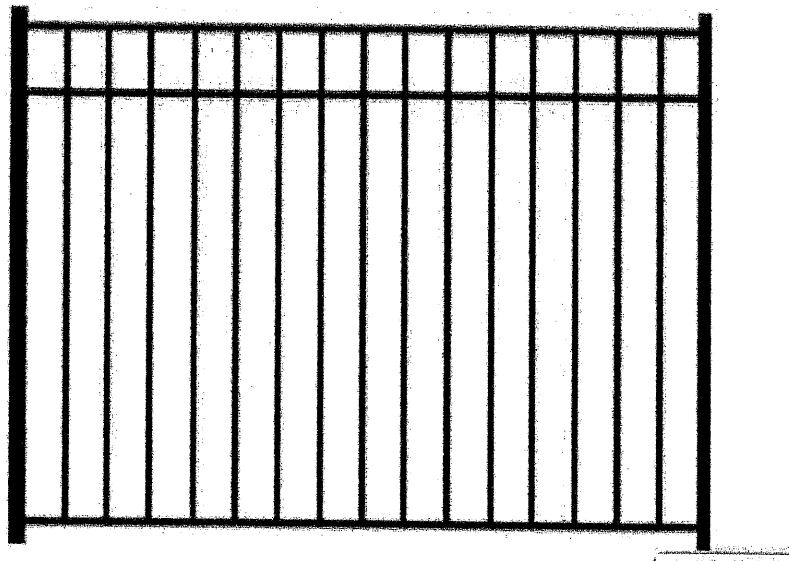
SPECS

Height: 54"

Colors: Black, Bronze

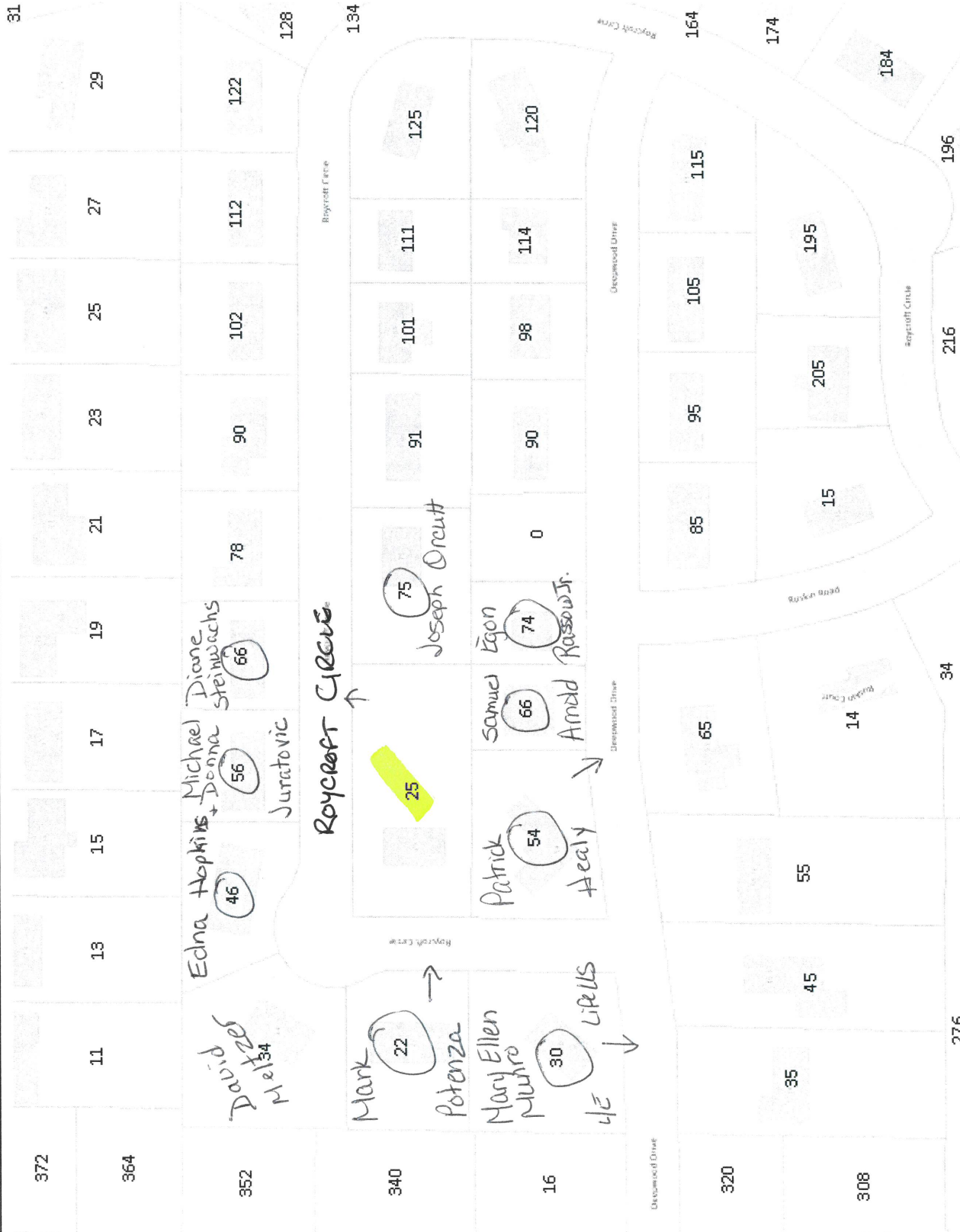
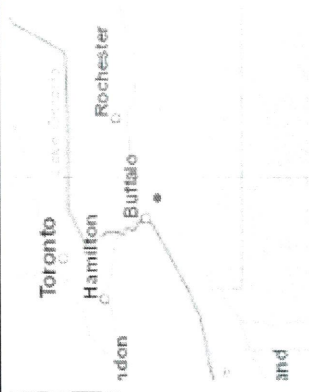
Material Type: Aluminum

Additional Photos





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

