

original



CASE NO. 1456

DATE OF HEARING 12.21.23

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 Christine + James Elvers
Address 1305 Jewett Holmwood Road
City Orchard Park State NY ZIP 14127
Phone 716-909-2786 Fax _____ Email cbj 2.com
Interest in the property (ex: owner/purchaser/developer) _____

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

Property Owner(s) Name(s) Christine Bosinski (Elvers) + James Elvers
Address same as above
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1305 Jewett Holmwood Rd.
SBL# 174.13-2-3
Property size in acres 0.69 Property Frontage in feet 0'
Zoning District R1 Surrounding Zoning R1
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 99-31A(6) & 116-8.1E(4)
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

See attached sheet

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).

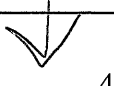
Financial Evidence Provided Yes No (financial evidence is required per NYS Town Law)

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)



In July of 2020 the property at 1305 Jewett Holmwood came on the market. We became aware of this property through the Zillow, a real estate application. My partner and I were taken with the pictures and description of the house so we contacted our realtor to get us an appointment. We loved the property and put in our bid. On July 16, 2020 we were notified that the homeowners accepted our bid and Jim and I scheduled the home inspection.

NOTE: I have included a photo from Zillow (45 of 49) showing the shed as it was pictured. Note that it is *permanent* structure which has been landscaped and has a metal roof to match the metal roof on the house. According to the previous homeowners the roof was installed approximately four years prior to going on the market in 2020, therefore about 2016.

While the shed does sit in a location that is in front of the structure of the house, we were unaware that the previous owners erected the shed without a permit. The home at 1305 Jewett Holmwood was previously owned by Mary Ann Munro (née Murray) and her husband. We have since learned that the shed was erected by the Munros several years after the house was built. They choose the location of the shed to lie adjacent to the driveway. Also, since the property sits back from the road approximately 640 feet, the current location of the shed poses no aesthetic issues for neighbors.

NOTE: I have included a photo from Zillow (44 of 49) showing the view from the front of the house looking toward the road. The land in front of our home is owned by Dan Murray and is approximately 1 acre in size and currently is used for agricultural purposes as a boxwood farm and other shrubs, trees, and grasses by The Murray Brothers Nurseries and Garden Center. You can see from this picture that our house at 1305 Jewett Holmwood Road is set far back from the road and is not visible from the road due to the trees and grasses growing in the boxwood farm as well as the naturally occurring trees forming a hardwood forest which surrounds the entire property.

- 1) I have included a printout of a shed that is the approximate size and style of the shed that we currently have. The cost listed is approximately \$6200.00 and that does not include delivery or installation. Additionally, there is no reasonable place to put it that would allow for access year round. We cannot place it to the west of the house because that area is where the leach field is for our septic system and the area beyond that is wooded.
- 2) Since our property is set so far back from the road our house and shed are not visible from the road. There has never been a complaint from a neighbor regarding the placement of the shed.
- 3) The shed has been in its current location since approximately the year 2000. In the 23 or so years since the shed was erected by the Munros, no one in the neighborhood has brought issue to the Town of Aurora with the location of the shed.
- 4) The need for a variance is not a result of our own actions nor has been self-created. As detailed in the statement above, we took possession of the property at 1305 Jewett Holmwood as was described and pictured in photos posted to Zillow in July 2020. The original homeowners never revealed that the shed was erected without a permit and was in violation of an existing Town of Aurora building code.

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Libroek
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

November 13, 2023

TOWN COUNCIL MEMBERS

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

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building@townofaurora.com

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assessor@townofaurora.com
(716) 652-0011

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

Christie and James Elvers
1305 Jewett Holmwood Road
Orchard Park, NY 14127

Mr. and Mrs. Elvers:

The Building Department has reviewed the request for *a shed in the front yard at 1305 Jewett Holmwood Road, Orchard Park, NY (SBL: 174.13-2-3)*. The request has been denied because it fails to meet the code requirements for no accessory building/structure to be erected in the front yard and side yard setback for accessory structures.

Sections: 99-14A and 116-8.1E(4)

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

Requested: Allow for accessory building/structure in the front yard.

Variance: Grant location designated in application.

Section 99-31A(1)

Required: Minimum lot size of 3 acres

Requested: .69 acres

Variance: 2.31 acres

Section 99-31A(6)

Required: Minimum of 50' side yard setback for the accessory structure

Requested: 9.88' side yard setback

Variance: 40.12'

Section 99-31A(5)

Required: Minimum of 200' front yard setback for the dwelling

Requested: 51.10' front yard set back

Variance: 148.9'

Section 99-31A(7)

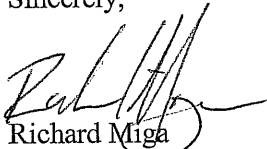
Required: Minimum of 50' rear yard setback for the dwelling

Requested: 15.29' rear yard set back

Variance: 34.71'

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 Village Clerk with the date and time of your hearing. If you have any questions, please contact us at: 652-7591.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Miga', written over a circular stamp.

Richard Miga
Assistant 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 - m. 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 12/21/2023 Time 7:00pm Location 575 Oakwood Ave., E. Aurora, NY

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: 1305 Jewett Holmwood Road, PO Orchard Park

5a. S.B.L. of Property: 174.13-2-3

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: A shed in the front yard on this ODA lot requires the following variances: front yard, lot size, and front, rear, side yard setbacks.
(specify the action, such as the scope of variances or site plans)

8. Other remarks: This lot has no direct frontage on a plotted roadway.

9. Submitted by: Martha Librock, Town Clerk Email: townclerk@townofaurora.com

10. Return Address: 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. 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

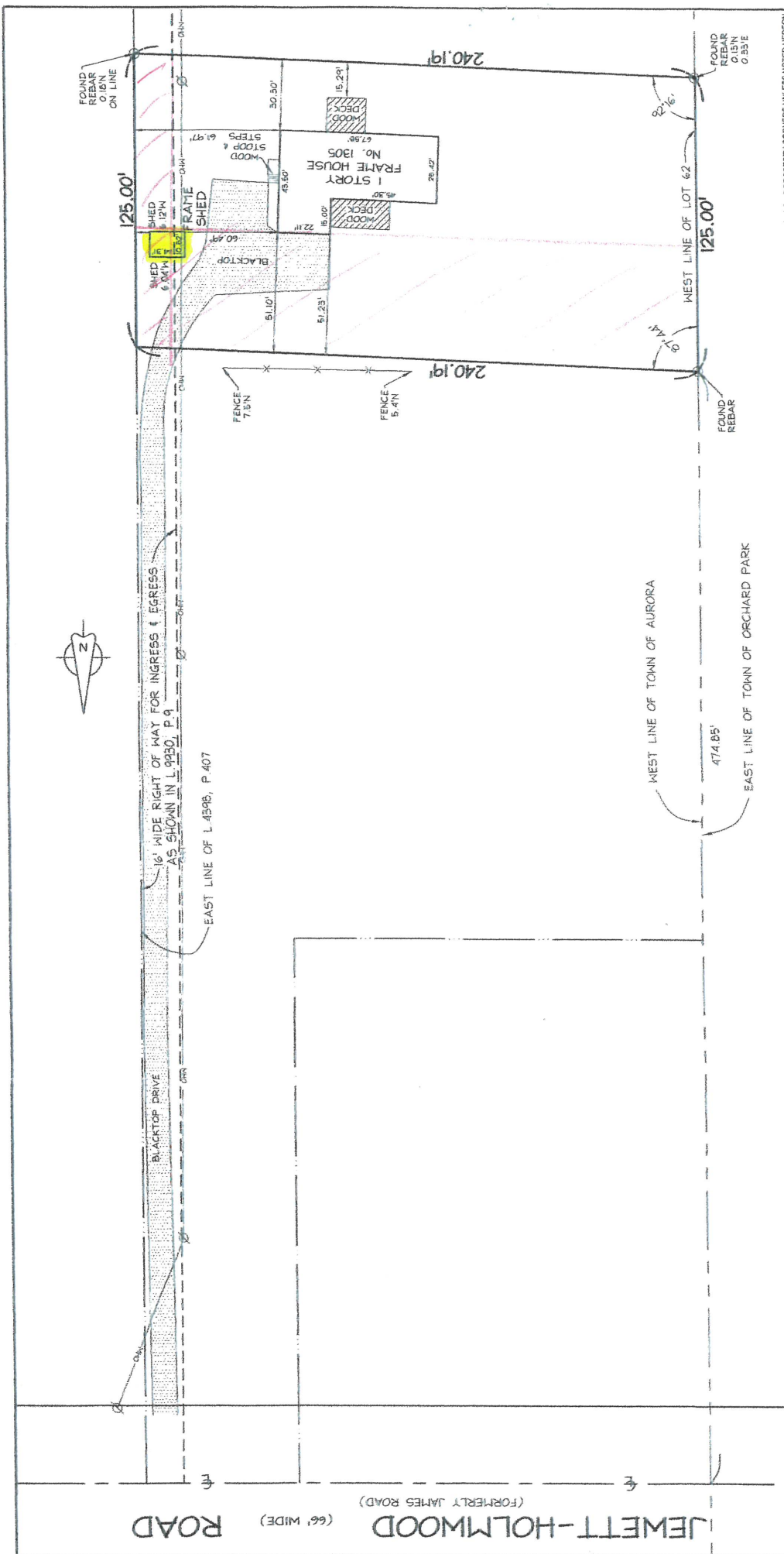
Instructions for Completing

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: <i>Variance to keep shed as is.</i>							
Project Location (describe, and attach a location map): <i>1305 Jewett Holmwood (See survey attached)</i>							
Brief Description of Proposed Action: <i>To keep the shed (permanent structure) as is; including placement and landscaping. Note: This shed was erected by original owners 33 years ago; we bought the property in October of 2020.</i>							
Name of Applicant or Sponsor: <i>Christine and James Elvers</i>		Tel: E-M:					
Address: <i>1305 Jewett Holmwood Rd.</i>							
City/PO: <i>Orchard Park</i>		State: <i>NY</i>	Zip Code: <i>14127</i>				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%; text-align: center;">NO</th> <th style="width: 50%; text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<i>0.69</i> acres					
b. Total acreage to be physically disturbed?		<i>0</i> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0</i> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" 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>Christine Bosnioti Elvers</u> Date: <u>11/7/23</u></p> <p>Signature: _____</p>		



NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.
 This survey was prepared without the benefit of an Unqualified alterations or additions to any survey, drawing, abstract of title and is subject to any title or fact design, specification, plan or report in a violation of section 7206, provision 2 of the New York State Education Law.

509 Main Street, P.O. Box 516, East Aurora, NY 14052
 P (716) 655-1058 F (716) 655-1964 WWW.NUSSBAUMER.COM

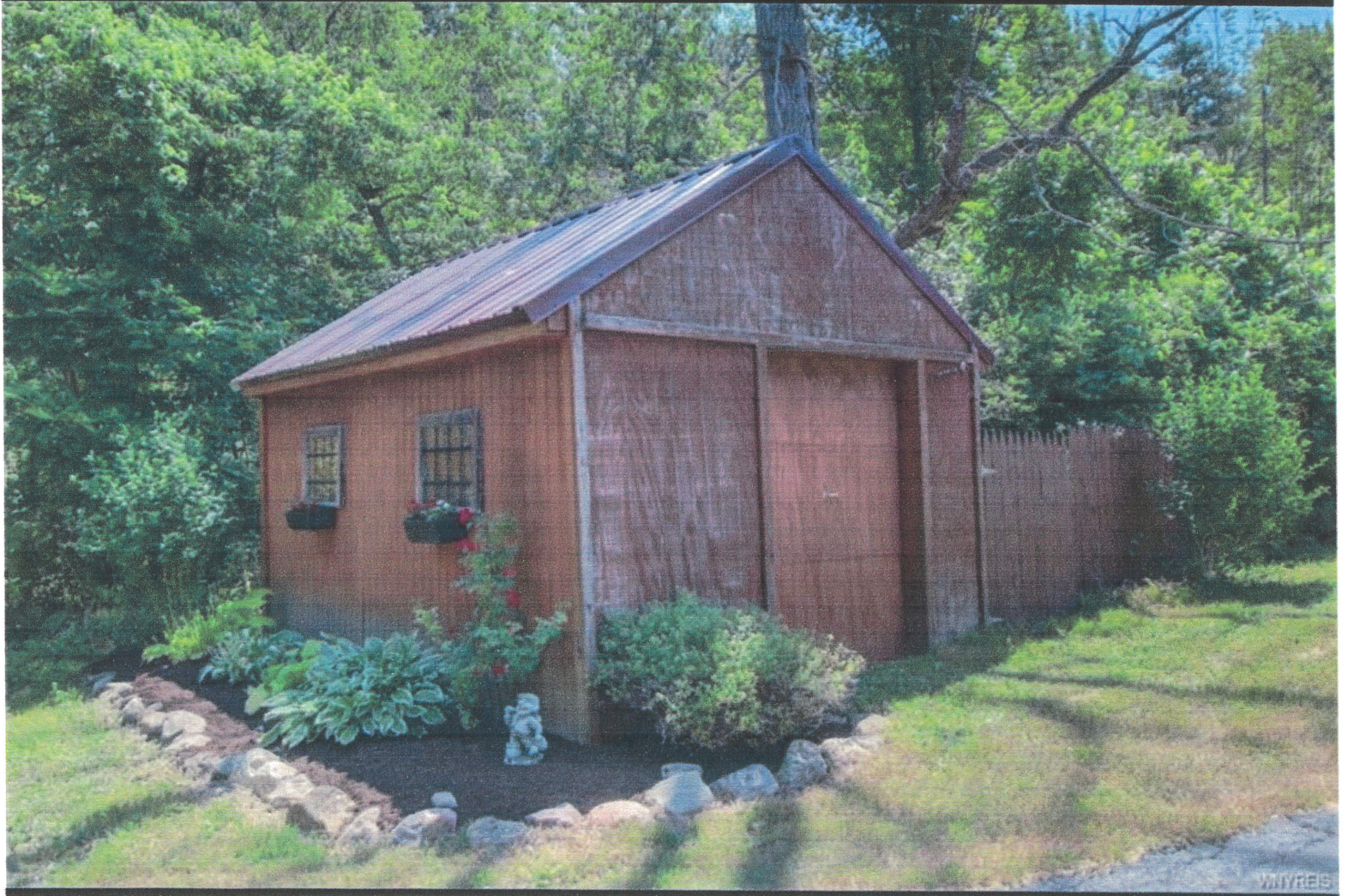


BOUNDARY SURVEY
1305 JEWETT-HOLMWOOD ROAD
 Part of Lot 62, Township 9, Range 6
 Holland Land Company's Survey
 Town of Aurora

Thornton A. Kopyov

County of Erie, State of New York
 Date of Survey: 8/4/2020
 Scale: 1" = 40'

Project No.: 2013-0369





Photos



44 of 49



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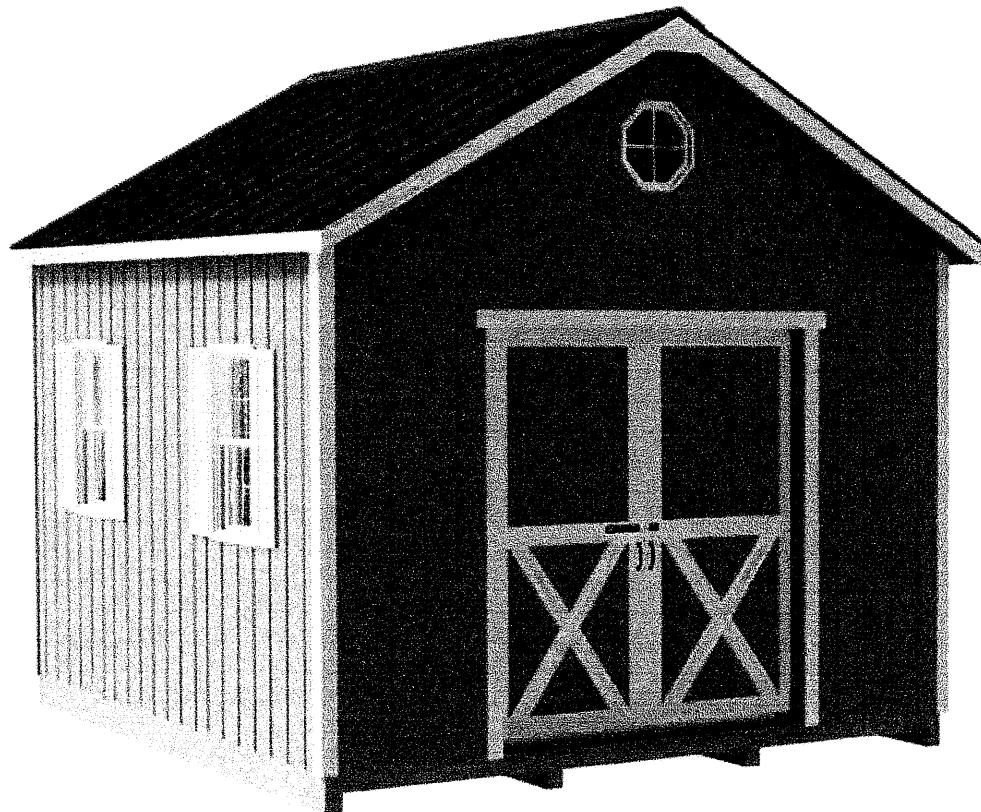
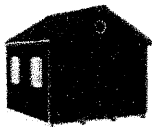
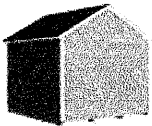
Internet # 203284644 Model # northdakota_1220df



Best Barns (Brand Rating: 3.9/5) ⓘ

North Dakota 12 ft. x 20 ft. Wood Storage Shed Kit with Floor Including 4 x 4 Runners

★★★★★ (1) Questions & Answers (8)



Live Chat

Feedback

Hover Image to Zoom



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\$519.00 /mo† suggested payments with 12 months† financing Apply Now

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25 available

FREE

Delivery

Nov 21 - Nov 27
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- 1 +

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Return this item within **90 days** of purchase. Read Return Policy

Product Details



Specifications

Dimensions: H 136 in, W 144 in, D 240 in



Live Chat

Feedback

Schedule A

PARCEL A

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 62, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the westerly line of Lot No. 62, distant 474.85 feet south of the center line of Jewett-Holmwood Road, formerly called James Road; thence southerly along the west line of Lot No. 62, a distance of 125 feet; thence easterly at an included angle of $92^{\circ} 16'$, a distance of 240.19 feet to a point in the easterly line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 4398 of Deeds at page 407; thence northerly along said east line of lands so conveyed a distance of 125 feet to a point; thence westerly a distance of 240.19 feet to the point of beginning.

PARCEL B

TOGETHER WITH THE BENEFITS AND SUBJECT TO THE BURDENS of a right of way for ingress and egress described as follows:

ALL THAT TRACT OR PAREL OF LAND situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 62, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the centerline of Jewett-Holmwood Road 240 feet east of the intersection of the Jewett-Holmwood Road and the west line of said Lot No. 62, being the northeast corner of lands conveyed to Jerome G. Murray and Florence B. Murray his wife by deed recorded in the Erie County Clerk's Office in Liber 4398 of Deeds at page 407; thence southerly along the easterly line of lands so conveyed to Murray, a distance of 609.35 feet more or less to a point at the southeast corner of lands conveyed to Gay in Liber 9930 of Deeds at page 9 thence westerly along the southerly line of lands so conveyed a distance of 16 feet to a point; thence northerly parallel to the east line of Murray to a point in the centerline of Jewett-Holmwood Road, said point being 16 feet west of the place of beginning; thence east along the centerline of Jewett-Holmwood Road 16 feet to the place of beginning.

Deed
Warranty with Lien Covenant
 (from an Individual)

From: DANIEL J. MURRAY
 S-4735 Transit Road
 Orchard Park, New York 14127

State of New York, ERIE County Clerk's Office
 Recorded in Liber 9930, Page 9 of 1111
 on 13 day of OCTOBER, at 11:41 o'clock A.M.

FILED
 1988 OCT 13 AM 11:41
 COUNTY CLERK'S OFFICE
 Clerk's Time Stamp

RECEIVED
 EXEMPT
 REAL ESTATE
 OCT 13 1988
 TRANSFER TAX
 ERIE COUNTY
 Transfer Tax Stamp

To: JEFFERY GAY and
 MARY ANN GAY, his wife
 5085 Thurston
 Blasdell, New York 14219

RETURN TO:
 JAMES BARROW, ESQ.
 P.O. BOX 94
 ORCHARD PARK, NY 14127

This Indenture, made the 12th day of October, 1988
 Witnesseth, that DANIEL J. MURRAY GRANTOR(S),
 residing at S-4735 Transit Road, Orchard Park, New York 14127
 in consideration of \$1.00 and no more received by GRANTOR(S) subject to the trust fund provisions of section thirteen
 of the lien law hereby grant(s) and release(s) unto JEFFERY GAY and MARY ANN GAY, his wife
 GRANTEE(S), residing at 5085 Thurston,
 Blasdell, New York 14219

All that Tract or Parcel of Land situate in the Town of Aurora, County of Erie and State of New York, being part of Lot 62, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the westerly line of Lot 62, distant 474.85 feet south of the center line of Jewett-Holmwood Road, formerly called James Road; thence southerly along the west line of Lot 62 a distance of 125 feet; thence easterly at an included angle of 92°16' a distance of 240.19 feet to a point in the easterly line of lands conveyed by deed recorded at Liber 4398 of Deeds at Page 407; thence northerly along said east line of lands so conveyed a distance of 125 feet to a point; thence westerly a distance of 240.19 feet to the point or place of beginning.

ALSO a right of ingress and egress over a driveway as shown on a survey attached hereto between the above described parcel and Jewett-Holmwood Road. The grantee agrees to pay one-third of the cost of maintenance and snow removal from the driveway over which the right is given which agreement shall be binding upon the parties hereto, their heirs, distributees and assigns as a covenant running with the lands conveyed hereunder and the portion of lands which were conveyed to the grantor by deed recorded in Liber 9203 of Deeds at Page 332.

This conveyance is made subject to easements and rights of way of record.

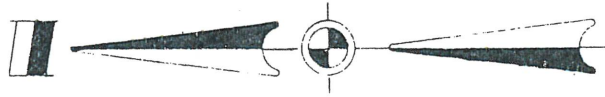
Together with the appurtenances to and all the estate and rights of GRANTOR(S) in said premises, To have and to hold unto the GRANTEE(S), their heirs and assigns forever.
 And GRANTOR(S) covenant(s) as follows: First, that GRANTEE(S) shall quietly enjoy the said premises, and Second, that GRANTOR(S) will forever warrant the title to the said premises.

In Witness Whereof, GRANTOR(S) has hereunto set his hand(s) and seal(s) the 12th day of October, 1988.
 Daniel J. Murray la
 DANIEL J. MURRAY

In Presence of
 State of New York }
 County of Erie } ss: On the 12th day of October, 1988, before me,
 the subscriber, personally appeared
 DANIEL J. MURRAY

known to me and known to me to be the same person(s) described in the foregoing Instrument and he acknowledged to me that he had executed the same.
 Dated: October 12, 1988

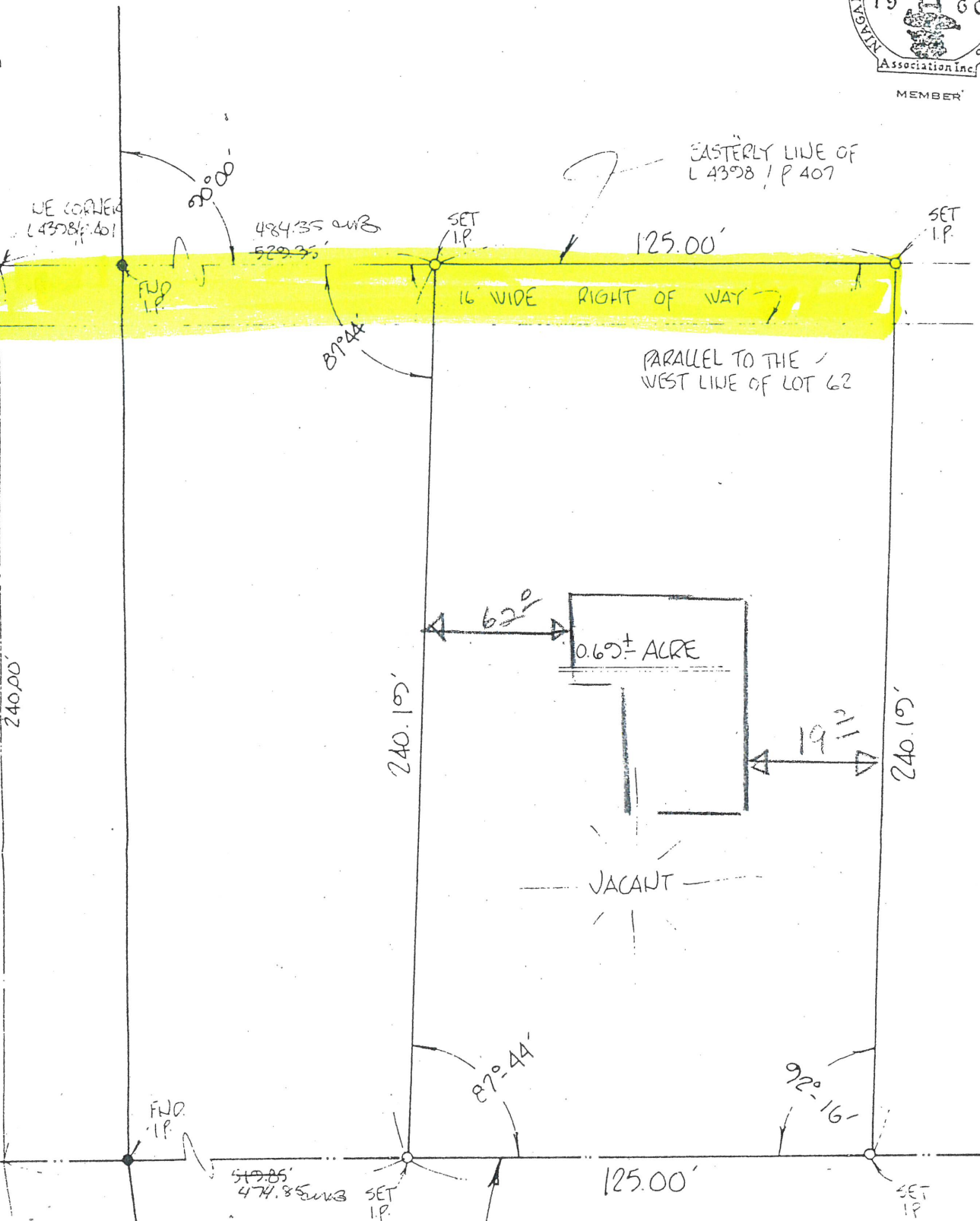
Sur 62 9/16



MEMBER

JEWETT-HOLMWOOD (66' WIDE) ROAD

(FORMERLY JAMES ROAD)



EASTERLY LINE OF L 4308 / P 407

WE CORNER L 4308 / P 407

484.35' SWB
520.35'

125.00'

SET I.P.

SET I.P.

16' WIDE RIGHT OF WAY

PARALLEL TO THE WEST LINE OF LOT 62

0.69± ACRE

VACANT

240.10'

240.10'

87°-44'

92°-16'

125.00'

FWO I.P.

519.85'
474.85' SWB

SET I.P.

SET I.P.

NOTE:
UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 3000 OF THE NEW YORK

ORIGINAL TRANSIT LINE
EAST LINE OF LOT 69, TOWN OF ORCHARD PARK
WEST LINE OF LOT 62, TOWN OF AURORA



MINUTES OF A PUBLIC HEARING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

January 19, 1989

The hearing was called to order by the Acting-Chairman, Peter Keenan, with the following board members present:

P. Keenan
J. Barrow
S. McCormick
E. Marquart
R. Harris

APPEAL # 460 - GAY, MARY ANN, 1305 Jewett Holmwood Road, Town of Aurora, NY

The Notice of Public Hearing was read by the Deputy Town Clerk. The Notice was duly published in the East Aurora Advertiser as evidenced by the Affidavit of Publication, marked as Exhibit 1, and the Affidavit of Posting by the Town Clerk was marked as Exhibit 2. A report from the Erie County Department of Planning of No Recommendation was marked as Exhibit 3.

At this time Mr. James Barrow excused himself from the hearing and any other proceedings pertaining to this case because he is performing legal services for the petitioner.

The Acting Chairman opened the hearing by stating the purpose and procedure of the hearing and said a meeting of the Board would be held to render a decision with respect to a request to obtain a front and rear yard variance in order to permit construction of a dwelling on premises at 1305 Jewett Holmwood Road, Town of Aurora, NY.

GAY - My name is Mary Ann Gay. I was told that the town requires 75 feet frontage in front of a building and 50 feet in the rear. We have 125 feet total. This doesn't give us enough room. If we moved the house it would end up in a gully.

KEENAN - Is this in an Agricultural zone?

GAY - I believe so.

MERGENHAGEN - No, it is an R (residential) zone according to the application.

MCCORMICK - Where are you on Jewett Holmwood Road?

GAY - Right near Transit on the south side.

MARQUART - What is the total acreage?

GAY - I'm not sure. The lot is 125 feet deep and 240 feet wide.

KEENAN - Is this your plot plan?

- GAY - Yes. We have a right of way to our property.
- KEENAN - The plot plan will be Exhibit 4. Mrs. Gay, you mentioned a right of way coming in from Jewett Holmwood Road.
- GAY - At the end of Old Transit there is a dirt road. I was told the Town of Aurora and the Town of Orchard Park line goes down the center of that road.
- MCCORMICK - The front and rear lots are empty and the Orchard Park side is empty. I believe Spencers live on the other side to the east.
- MERGENHAGEN - The lot sets back from the road.
- HARRIS - The lot is over 400 feet from Jewett Holmwood Road. Is it land locked?
- MCCORMICK - Is the dirt road that continues on where Old Transit ends your right of way?
- GAY - No, we have another right of way. We have a permanent easement or right of way to our property.
- KEENAN - Mr. Mergenhagen (Building Inspector), even though there is a piece of property between their property and Jewett Holmwood Road, is the interpretation that the front lot line is towards Jewett Holmwood Road?
- MERGENHAGEN - Their front lot line runs parallel to Jewett Holmwood Road.
- KEENAN - There is 62 feet from the front lot line to the front edge of the house and 19.2 feet from the house to the rear lot line, correct?
- GAY - Yes.
- KEENAN - It is necessary for you to have 75 feet front and 50 feet rear yard measurements according to the ordinance. There is no other way you could locate your house to comply with the code?
- GAY - Correct.
- MARQUART - You mentioned a gully.
- KEENAN - The gully really doesn't effect this situation. How much land do you have, again?
- GAY - I'm not sure acre wise.
- MERGENHAGEN - 5/8 of an acre.
- HARRIS - Are there any structures on the land to the north or south on adjacent properties?
- GAY - No.

- MCCORMICK - Did you recently purchase it?
- GAY - It was Dan Murray's property. It used to be a part of the nursery.
- KEENAN - The easement is not just for your property, but for all the properties behind yours?
- GAY - Yes.
- KEENAN - Have you started construction yet?
- GAY - They dug a hole.
- MCCORMICK - Mr. Mergenhagen, is there a regulation about how large or small a lot you can buy?
- MERGENHAGEN - It conforms to the minimum lot size for an R-1 zone.
- KEENAN - Does the size of the house conform to the amount of land there is?
- MERGENHAGEN - Yes.
- KEENAN - It's not using too much of the square footage of the property?
- MERGENHAGEN - No.
- HARRIS - What is the access route to the property called in the deed?
- GAY - I believe they have it worded as a permanent easement.
- KEENAN - Does anyone else wish to be heard on this particular case?
- The hearing is closed.

LIST OF EXHIBITS

APPEAL # 460 - GAY, MARY ANN 1305 Jewett Holmwood Road, Town of Aurora, NY

- Exhibit 1 - Affidavit of Publication
- Exhibit 2 - Affidavit of Posting
- Exhibit 3 - Erie County Department of Planning report of
No Recommendation
- Exhibit 4 - Plot plan

MINUTES OF A MEETING AS HELD BY THE
ZONING BOARD OF APPEALS
OF THE TOWN OF AURORA

January 19, 1989

The meeting was called to order by the Acting Chairman, Peter Keenan, with the following board members present:

P. Keenan
E. Marquart
S. McCormick
R. Harris

J. Barrow was excused from the meeting. (See Hearing minutes.)

APPEAL # 460 - GAY, MARY ANN, 1305 Jewett Holmwood Road, Town of Aurora, NY

KEENAN - Is there any discussion?

MCCORMICK - I'd like to read a sentence in the ordinance. It sounds to me like it is pertinent. **Section 5.09** Lot frontage on a street. No dwelling shall be erected on any lot which does not have immediate frontage on an existing or plated highway as provided in Section 280 A of the town law.

MERGENHAGEN - The Town Board has delegated me as the authority as the administrator to grant permits in relation to that town law section and in addition to the ordinance. It's really not pertinent to this case.

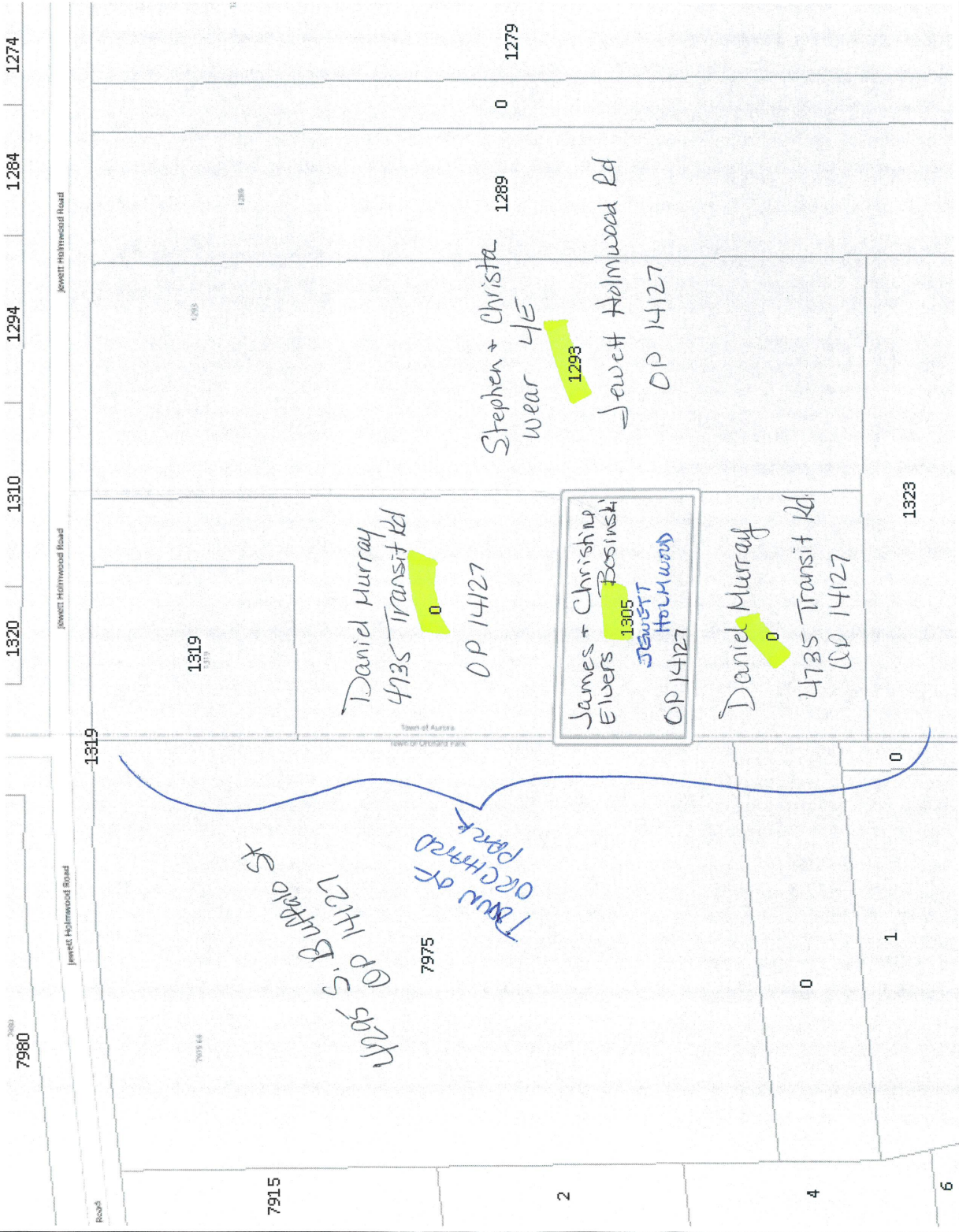
After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, the following motion was made by R. Harris and seconded by E. Marquart:

- 1) The Zoning Board of Appeals grant the rear yard variance of 30.10 feet and the front yard variance of 13.2 feet. The rear yard being 19.2 feet and the front yard being 61.8 feet and according to all Exhibits.

Keenan - aye
Marquart - aye
McCormick - aye
Harris - aye

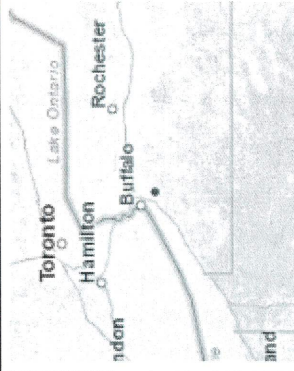


Erie County On-Line Mapping Application



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

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