



CASE NO. 1463

DATE OF HEARING 2/15/2024

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 DOUGLAS FRANCIS  
Address 2100 CENTER ST  
City EAST AURORA State NY ZIP 14052  
Phone 7 Fax N/A Email STC  
Interest i er/purchaser/developer) OWNER 101.COM

#### 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

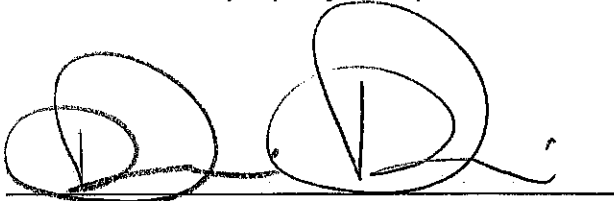
Property Address 2098 CENTER ST, EAST AURORA, NY 14052  
SBL# 200.00-3-1452  
Property size in acres 1.0 Property Frontage in feet 125.58  
Zoning District RR/A Surrounding Zoning RR/A  
Current Use of Property RESIDENTIAL

#### IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # FRONT YARD ACCESSORY STRUCTURE 116-2.4F(4)  
 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 )



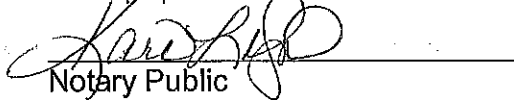
Signature of Applicant/Petitioner

Douglas Francis

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 8 day of January in the year 2024 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)

KARIN L. DOJNIK  
Notary Public, State of New York  
Reg. # 01DO6445148  
Qualified in Erie County  
Commission Expires December 12, 2024

Office Use Only: Date received: 1/9/2024 CK 11/64 \$100 Receipt #: 891075

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)

I propose to construct a single car, one story garage to be located in the front yard (as recently interpreted by the Bldg. Dept) of my new house at 209B Center Street.  
The proposed location is over 300 feet from Center Street, on an abandoned portion of "old" Center Street, and the physical constraints of my small lot (1 acre) don't allow another location. The proposed location is also the best orientation relative to the new house and driveway, as a site visit will confirm.

**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)

SUPERVISOR  
Charles D. Snyder  
(716) 652-7590  
[csnyder@townofaurora.com](mailto:csnyder@townofaurora.com)



TOWN CLERK  
Martha L. Librock  
(716) 652-3280  
[townclerk@townofaurora.com](mailto:townclerk@townofaurora.com)

## TOWN OF AURORA

Aurora Municipal Center  
575 Oakwood Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

### TOWN COUNCIL MEMBERS

January 9, 2024

Luke Wochensky  
[lwochensky@townofaurora.com](mailto:lwochensky@townofaurora.com)

James F. Granville  
[jgranville@townofaurora.com](mailto:jgranville@townofaurora.com)

Joseph M. McCann  
[jmccann@townofaurora.com](mailto:jmccann@townofaurora.com)

Raymond M. Wrazen  
[rwrazen@townofaurora.com](mailto:rwrazen@townofaurora.com)

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

CODE ENFORCEMENT  
OFFICER  
Elizabeth Cassidy  
(716) 652-7591  
[building@townofaurora.com](mailto:building@townofaurora.com)

ASSESSOR  
Stephen R. Pigeon  
[assessor@townofaurora.com](mailto:assessor@townofaurora.com)  
(716) 652-0011

DIR. OF RECREATION  
Christopher Musshafen  
(716) 652-8866  
[chris@townofaurora.com](mailto: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](mailto:historian@townofaurora.com)

FAX: (716) 652-3507

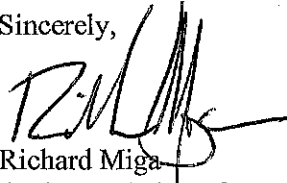
Douglas Francis  
2108 Center Street  
EAST AURORA NY 14052

Mr. Francis:

The Building Department has reviewed the request to have *an accessory structure (garage) in the front yard at 2098 Center Street, East Aurora, NY (SBL: 200.00-3-14.12)*. 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*.

*Section 116-8.4F(4)*  
*Required: No accessory building/structure shall be erected in the front yard.*  
*Requested: Allow for garage in the front yard.*  
*Variance: Grant location as designated in application.*

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,  
  
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 I - 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** 02/15/2024      **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: 209.8 Center Street, E. Aurora, NY

**5a. S.B.L. of Property:** 200.00-3-14.12

**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:**      Garage in the front yard of the residence not allowed by Town Code  
*(specify the action, such as the scope of variances or site plans)*

**8. Other remarks:** \_\_\_\_\_

**9. Submitted by:** Martha L. Libroek, Town Clerk Email: townclerk@townofaurora.com

**10. Return Address:** 575 Oakwood Ave., E. 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.

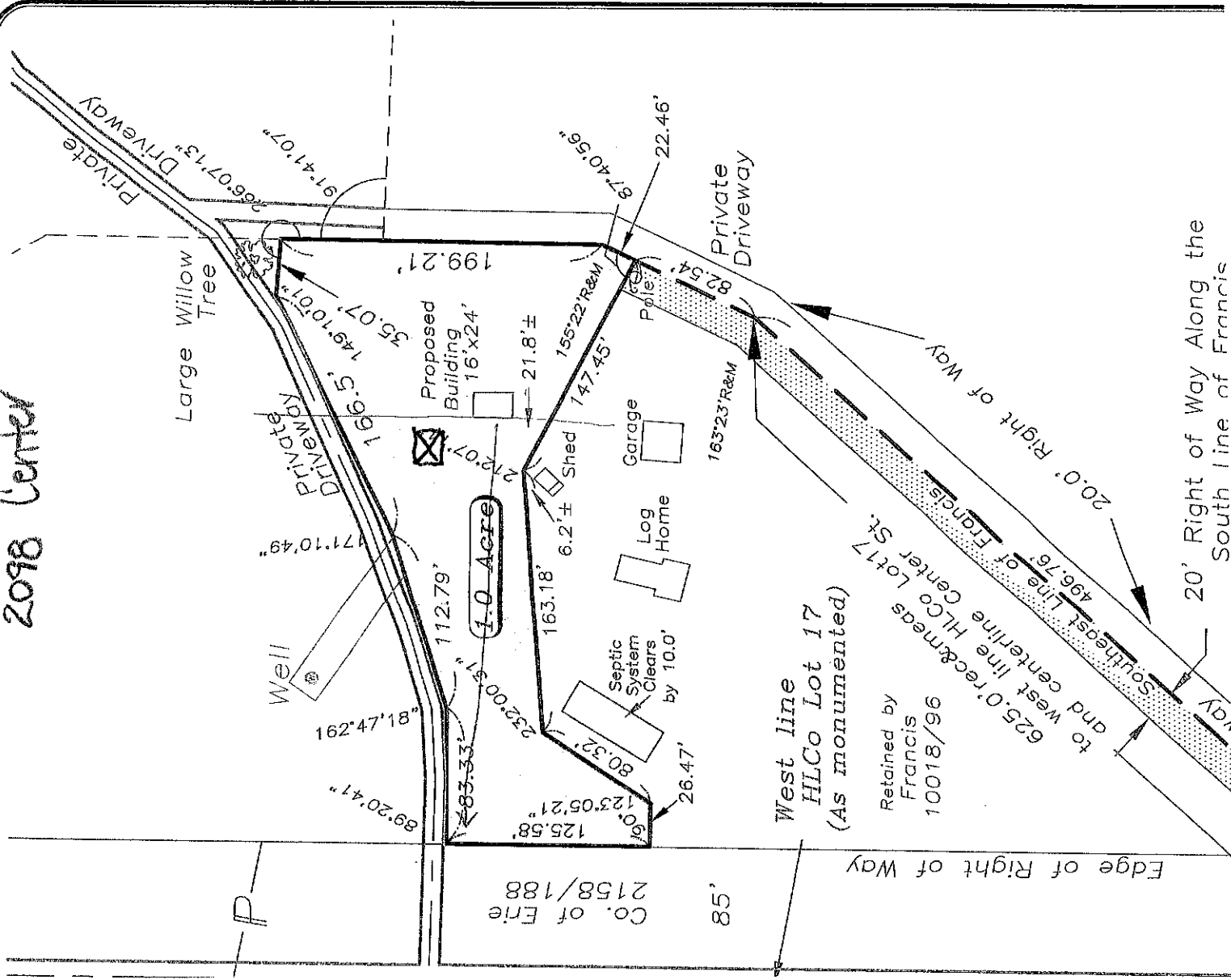
| Part 1 - Project and Sponsor Information   |  |   |                                 |
|--|--|---|---------------------------------|
| Name of Action or Project:<br><b>2098 CENTER ST</b>  |  |   |                                 |
| Project Location (describe, and attach a location map):<br><b>2098 CENTER ST, EAST AURORA, NY, 14052</b>   |  |   |                                 |
| Brief Description of Proposed Action:<br><b>A VARIANCE IS REQUESTED TO LOCATE A NEW, SINGLE CAR GARAGE IN THE FRONT YARD OF NEW HOUSE AT 2098 CENTER STREET.</b>   |  |   |                                 |
| Name of Applicant or Sponsor:<br><b>DOUGLAS FRANCIS</b>  |  | Telephone: _____<br>E-Mail: <b>ST</b> _____ |                                 |
| Address:<br><b>2108 CENTER ST</b>  |  |   |                                 |
| City/PO:<br><b>EAST AURORA</b>   |  | State:<br><b>NY</b>                         | Zip Code:<br><b>14052</b>       |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><input type="checkbox"/>  |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  |   | YES<br><input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action?   |  | <u>1.0</u> 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, 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  |  |   |                                 |

|  |                                     |                                     |                          |
|--|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?   | NO                                  | YES                                 | N/A                      |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   | NO                                  | YES                                 | N/A                      |
|  | <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?  | 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?<br>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?   | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Are public transportation service(s) available at or near the site of the proposed action?  | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?   | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>_____   | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____  | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____   | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?   | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Is the proposed action located in an archeological sensitive area?  | 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?   | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>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"/>            |                          |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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 plain?   | 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?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  | NO                                  | YES                                 |                          |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: _____   | NO                                  | YES                                 |                          |
|  | <input type="checkbox"/>            | <input type="checkbox"/>            |                          |

|   |  |  |
|---|--|--|
| <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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</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?</p> <p>If Yes, describe: _____</p> <p>_____</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?</p> <p>If Yes, describe: _____</p> <p>_____</p>   | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>DOUGLAS FRANCIS</u> Date: <u>1/8/24</u></p> <p>Signature: _____</p>                               |  |  |



2098 Center



**Miscellaneous Notes**

- (MN1) Some features shown on this plat may be shown out of scale for clarity.
- (MN2) Certain easements and/or utility lines, may or may not be shown hereon however, this shall not imply that all easements or utilities affecting premises are shown.
- (MN3) Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.
- (MN4) This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.
- (MN5) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

**Legend of Symbols & Abbreviations**

|                    |                           |                            |                           |
|--------------------|---------------------------|----------------------------|---------------------------|
| IP / Re/rod        | North                     | Enc.                       | Encroachment              |
| Light Pole         | South                     | R/W                        | Right-of-way              |
| Traffic Signal Box | East                      | Centerline                 | Centerline                |
| Gas Valve          | West                      | Z                          | Indicates Mutual Owner    |
| Storm Inlet        | Degrees                   | N/F                        | Now or Formerly           |
| Fire Hydrant       | PL or Min.                | One Chain = 66.0 Ft.       | One Meter = 3.2808333 Ft. |
| Water Valve        | h. or Sec.                | One Acre = 43,560.0 Sq.Ft. |                           |
| Sanitary Manhole   | Rec.                      |                            |                           |
| Valve              | Meas.                     |                            |                           |
| Sign               | Record                    |                            |                           |
|                    | Page                      |                            |                           |
|                    | Ex.                       |                            |                           |
|                    | Ext.                      |                            |                           |
|                    | Property Boundary         |                            |                           |
|                    | Line of Record            |                            |                           |
|                    | Edge of R.O.W.            |                            |                           |
|                    | Holland Land Co. Lot Line |                            |                           |
|                    | Road Centerline           |                            |                           |
|                    | Fence Along Line          |                            |                           |

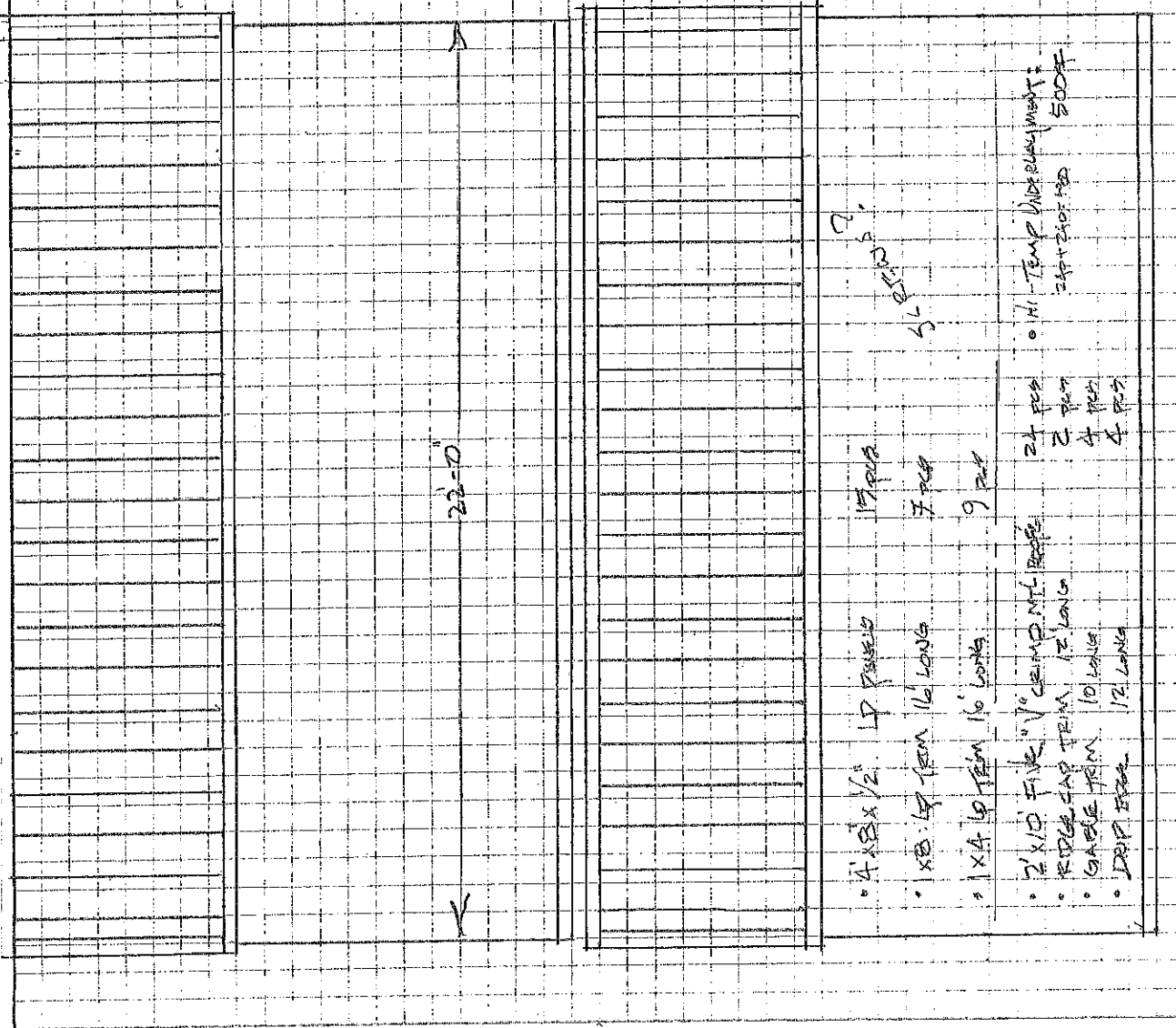
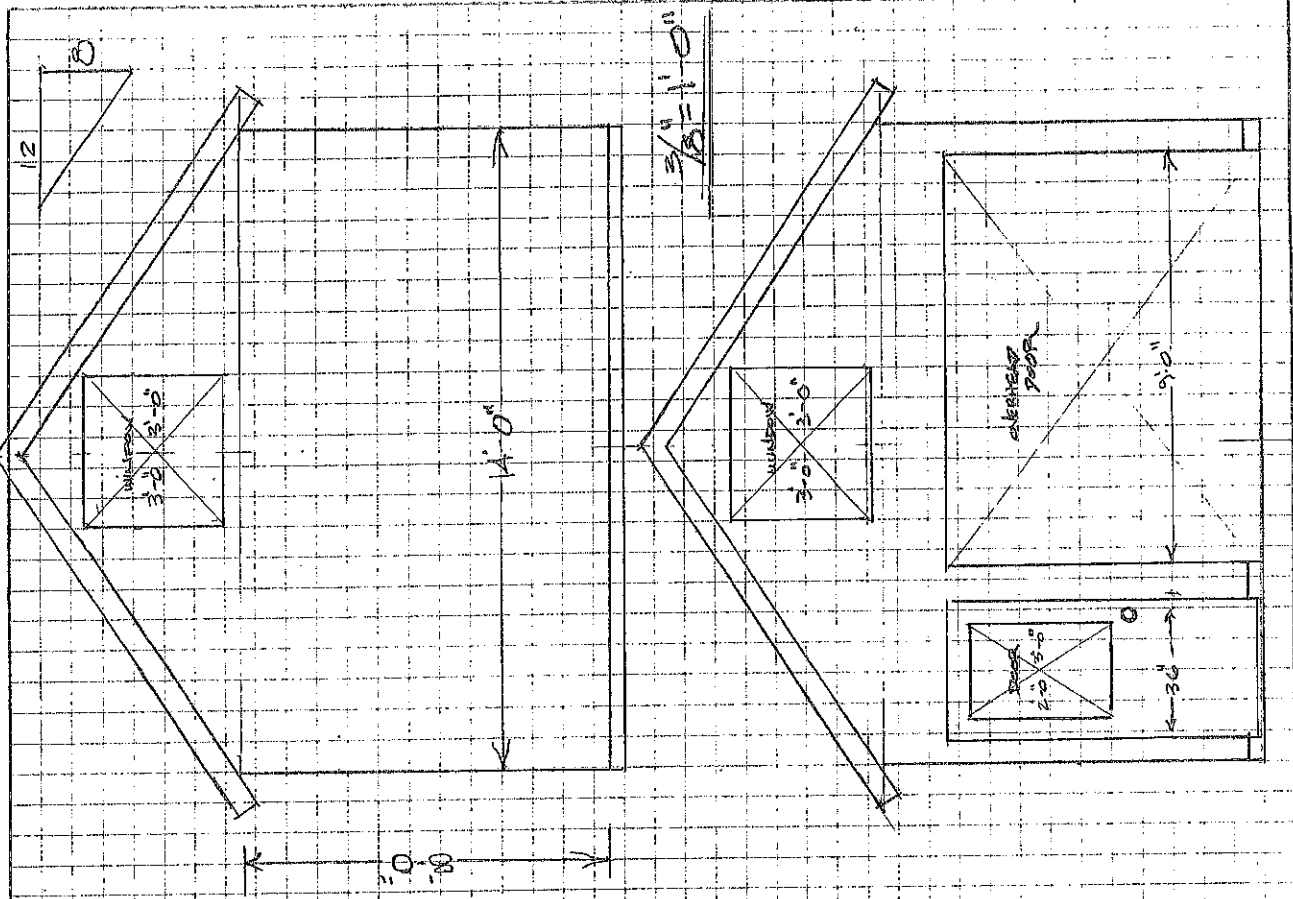
**Map**

Being Part of  
**Lot 17 Township 9 Range 6**  
**Holland Land Company Survey**  
**Town of Aurora**  
**Erie County, New York**

Surveyor's Certification  
 I hereby certify

that this survey was prepared in accordance with the current Code of Practices for Land Surveyors adopted by the New York State Association of Professional Land Surveyors and as amended by the Niagara Frontier Land Surveyors Association.

Holland Land Company for the 21st Century  
 40 - Glenwood, N.Y. 14069  
 Email: Survey@HollandLandSurveyors.com



- 4" x 8" x 1/2" 17 pieces
- 1 x 8" 1/2" trim 16' long
- 1 x 1/4" 1/2" trim 16' long
- 2" x 10" FIVE "V" CLAMP NAIL BRACE
- RIDGE CAP TRIM 12' LONG
- GABLE TRIM 10' LONG
- DRAIN EDGE 12' LONG
- 19 pieces
- 7 pieces
- 9 pieces
- 24 pieces
- 2 pieces
- 4 pieces
- 4 pieces

2  
11-TEMP UNDERLAYMENT  
3/4" x 24" x 120' BOOF

11-TEMP UNDERLAYMENT  
3/4" x 24" x 120' BOOF

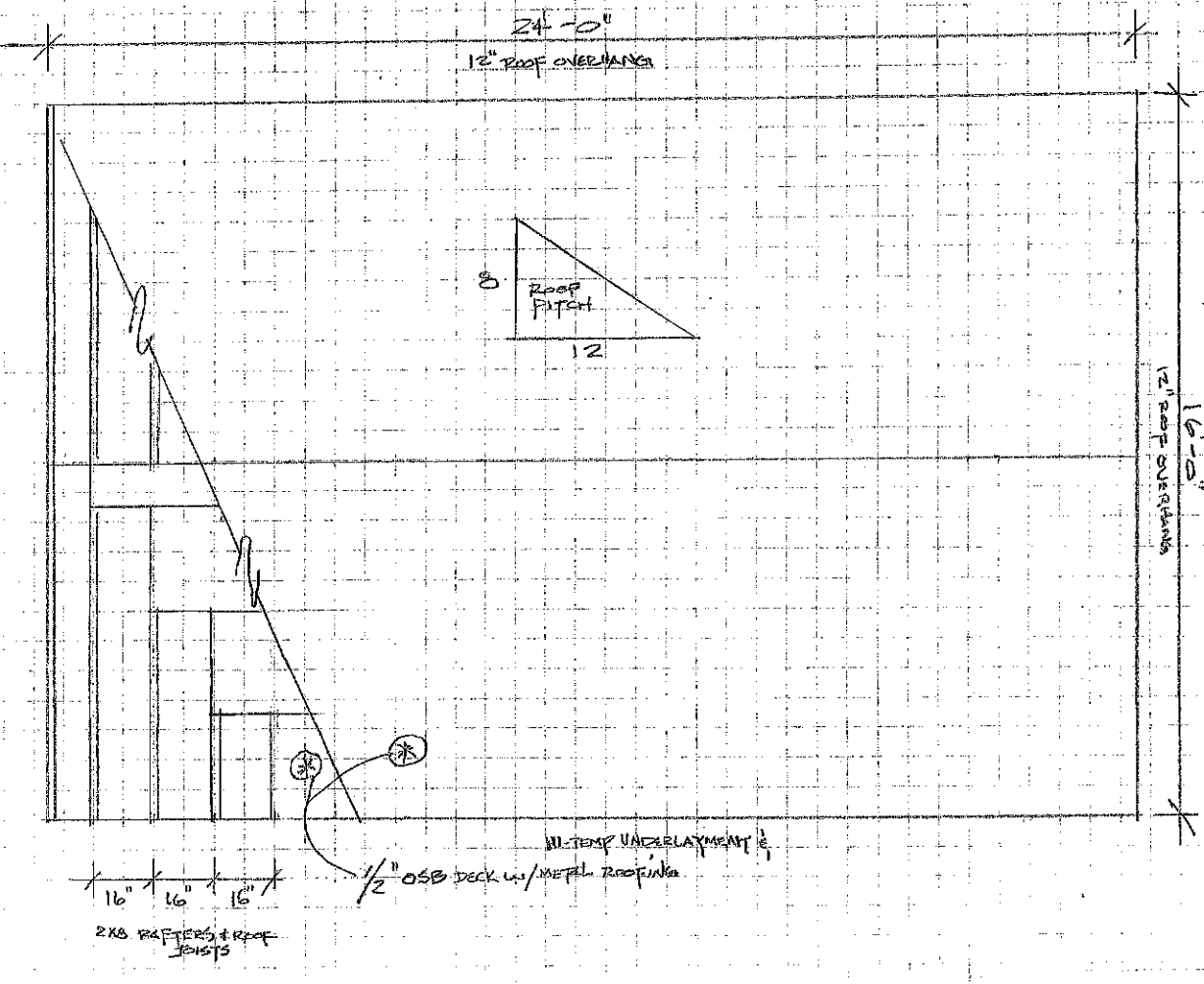
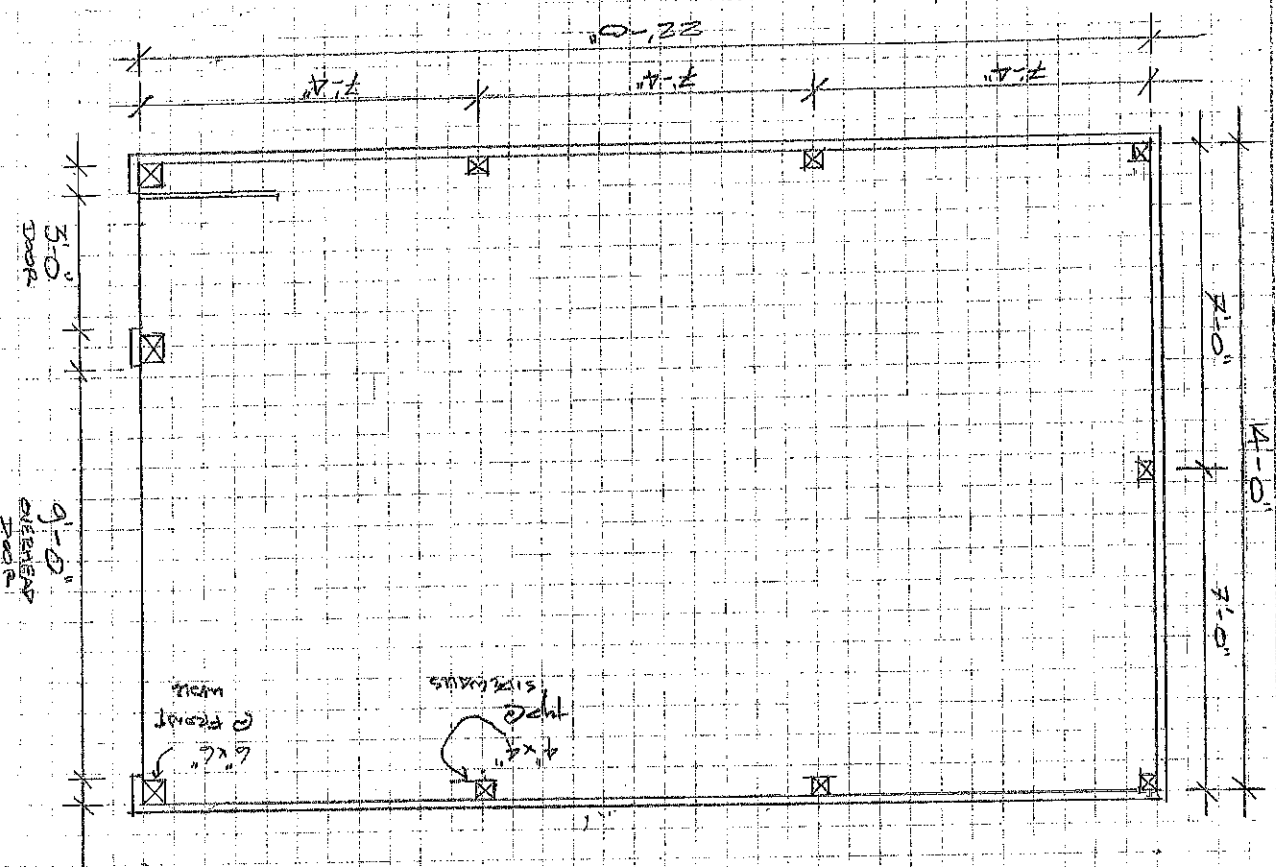
22'-0"

14'-0"

3/8" = 1'-0"

K-K

K



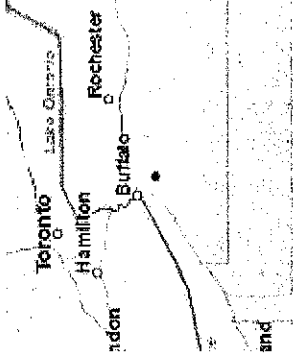
16" x 16" x 16"  
2x8 RAFTERS + ROOF JOISTS

1/2" OSB DECK W/ METAL ROOFING  
W/ TEMP UNDERLAYMENT

16'-0"  
12" ROOF OVERHANG



# Erie County On-Line Mapping Application

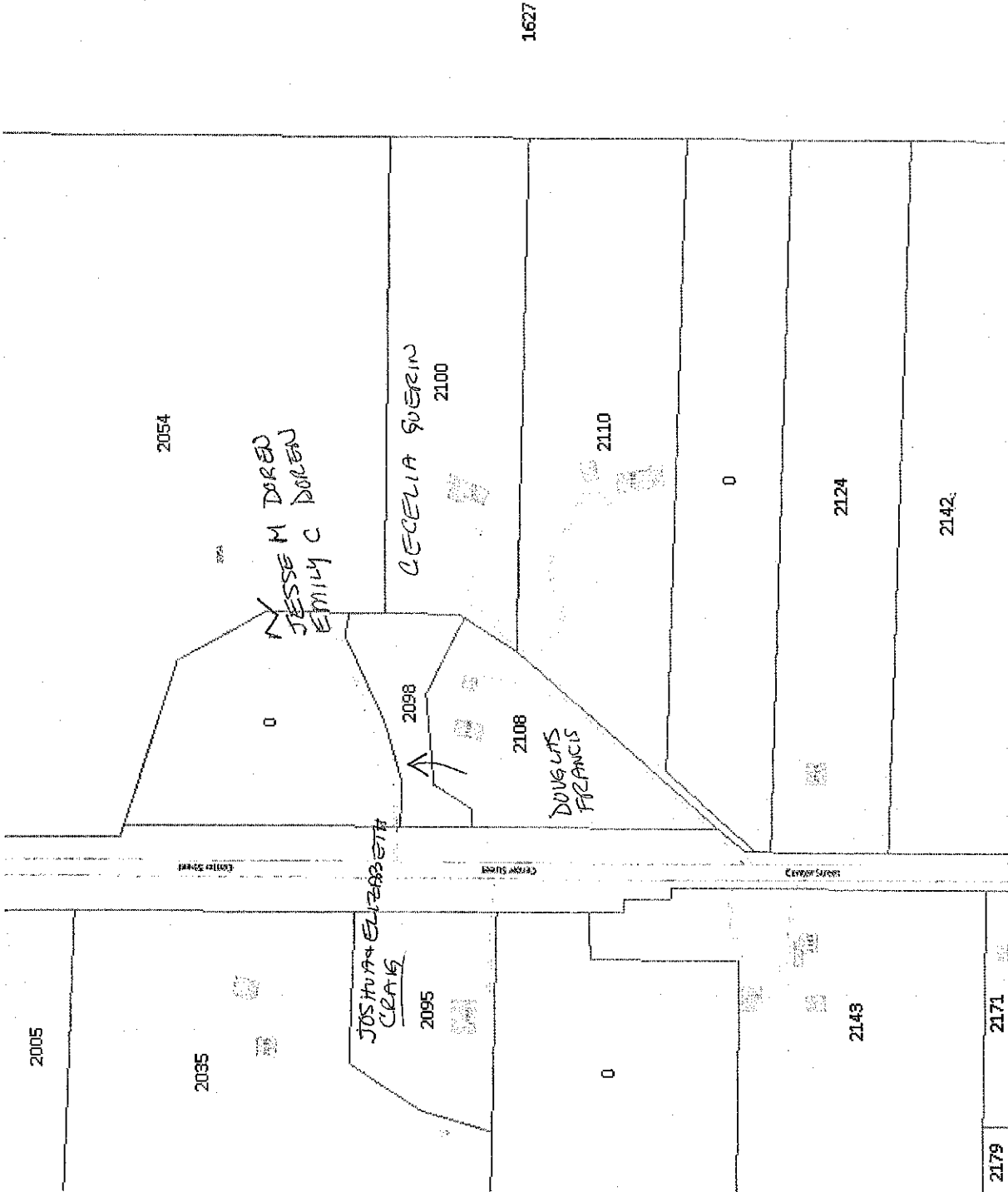


### Legend

□ Parcels



1: 4,514



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.

ERIE COUNTY  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GIS

0.1 Miles

0 0.07

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION