

original



CASE NO. 1472

DATE OF HEARING 6/20/24

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 DAVID AUGUSTYNIAK
Address 22 CANTERBURY LANE
City EAST AURORA State NY ZIP 14052
Phone 71 ix _____ Email DAUGUSTYNI R.COM
Interest in _____ (/purchaser/developer) OWNER

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

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

III. PROPERTY INFORMATION

Property Address 22 CANTERBURY LANE
SBL# 164.11-1-29
Property size in acres 1 Property Frontage in feet 66
Zoning District R-1 Surrounding Zoning R-1
Current Use of Property RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.1F(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)

Signature of Applicant/Petitioner

DAVID AUGUSTYNIAK

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 9th day of May 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) **TIFFANY M SPANICH**
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01-SP6034113
My Commission Expires Dec. 6, 2025

Office Use Only: Date received: 5/13/24 \$100 CLK 2203 Receipt #: 114462 (KAO)

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)

SEE ATTACHED LETTER

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED: N/A

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)

PETITIONER'S LETTER OF INTENT

May 6, 2024

I am the owner of the residence located at 22 Canterbury Lane, a ranch dwelling with a side-load garage measuring approximately 19 feet wide by 21 feet deep. When originally constructed, this may have been adequate space to park two vehicles and store additional items, currently however, we are unable to park two mid-size SUV's in the garage at the same time and leave any room to store other items such as a snowblower, garbage cans or lawnmower. I attached two pictures of the garage (#1 & # 2) showing one of our vehicles parked in it. We would very much like to add an additional garage to the property to provide a covered space for parking and extra storage.

I am requesting approval for the addition of an attached, single car garage that would be joined to the exterior west wall of the house, perpendicular to the existing garage and facing the street. A drawing (#3) is attached showing the layout along with a current picture of the house (#11) . We would convert the existing two car garage to a one car garage and use the newly created space for storage. We would then erect the second garage to provide covered parking for our second vehicle.

Building the additional garage would encroach into the required 20 foot of side setback by approximately 10 feet. This would leave approximately 10 feet between the west wall of the new building and the property line. I have attached photos #4 - #10 showing the area impacted from different vantage points. Please note the parked vehicle is representative of the area the new garage would occupy and shows the side lot remaining if this project were approved.

We have contacted our surrounding neighbors personally or by letter to make them all aware of our intentions and have received nothing but favorable responses back from all we have spoken to. I have attached letters documenting their approval where available, please feel free to reach out to them to confirm.

I greatly appreciate the time you've taken to review this request and should any questions arise or additional information be needed I can be reached at [REDACTED] mail at daugusty [REDACTED]

Thanks

Dave Augustyniak

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@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

TOWN COUNCIL MEMBERS

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

SUPT. OF HIGHWAYS
David M. Gunner
(716) 652-4050
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OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

ASSESSOR
Stephen R. Pigeon
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

David Augustyniak
22 Canterbury Ln
East Aurora, NY 14052

May 13, 2024

David:

The Building Department has reviewed your request to construct a garage addition at residence at 22 Canterbury Ln. The request has been denied because it fails to meet the code requirements for side yard setbacks in Residence 1 (R1) district the Town

Section 116-8.1F(1) garage side
Required: Side yard setback for principal building is 20'
Requested: Side yard setback of 9.57'
Variance: 10.43'

Section 116-8.1F(1)
Required: Side yard setback for principal building is 20'
Requested: Existing side yard setback of 19.45'
Variance: .55'

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 - mn
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 June 20, 2024 Time 7:00pm Location 575 Oakwood Ave., E. Aurora

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: 22 Canterbury Lane

5a. S.B.L. of Property: 164.11-1-29

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: Proposed garage addition and existing residence both closer to side lot
(specify the action, such as the lines than allowed by Town Code
scope of variances or site plans)

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: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

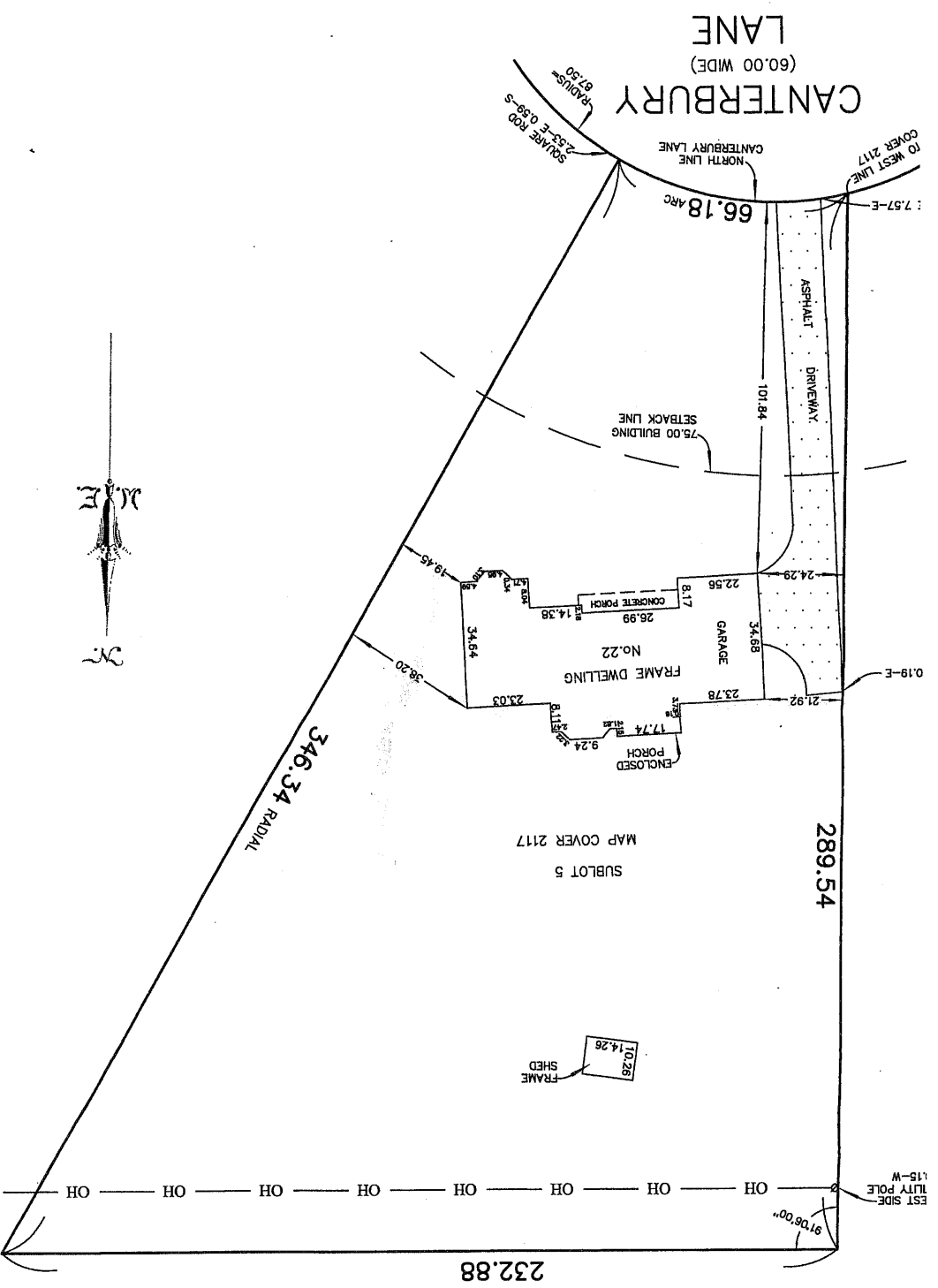
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
Augustyniak Residence			
Name of Action or Project: Addition to Augustyniak Residence			
Project Location (describe, and attach a location map): 22 Canterbury Circle			
Brief Description of Proposed Action: The project scope includes the addition of a 12'-4" x 22'-0" wood framed garage to the west end of the existing residence. The garage is to include a concrete foundation and slab on grade, wood framed walls and a preengineered wood truss roof. The foundation is to extend into the side yard setback (20'-0") and will be 9'-6" from the property line.			
Name of Applicant or Sponsor: David Augustyniak		Telephone: E-Mail: [REDACTED]	
Address: 22 Canterbury Circle			
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? 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <i>AURORA ZONING BOARD - VARIANCE</i>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.0 acres	
b. Total acreage to be physically disturbed?		.006 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.0 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			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
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"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Existing Residence with garage addition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Existing Residence with garage addition.	<input checked="" 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?	<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: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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:		
<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 checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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>William R. Ciszak</u> Date: <u>5-2-24</u> Signature: <u>William R. Ciszak</u> Title: <u>Registered Architect - NYS 029286</u>		



Part of Lot (Lots) 32 Section 9 Township 9 Range 6 of the HOLLAND LAND COMPANY'S SURVEY
 City (or) Village of ALBION Town of ALBION County of ERIE State of New York

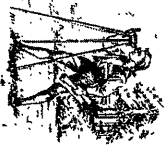
Drawing Scale: 1" = 30'

- Notes:
- 1) This Survey is VOID unless embossed with New York State Licensed Land Surveyors Seal #450182.
 - 2) Altering any item on this Survey is in violation of law, excepting as provided in Section 7209 Part 2 of the New York State Education Law.
 - 3) This Survey VOID if used with an Affidavit Of No Change.
 - 4) This Survey was prepared without the benefit of an Abstract of Title and is subject to any state of facts that may be revealed by an examination of the same.

Date of Survey, MARCH 25, 2021

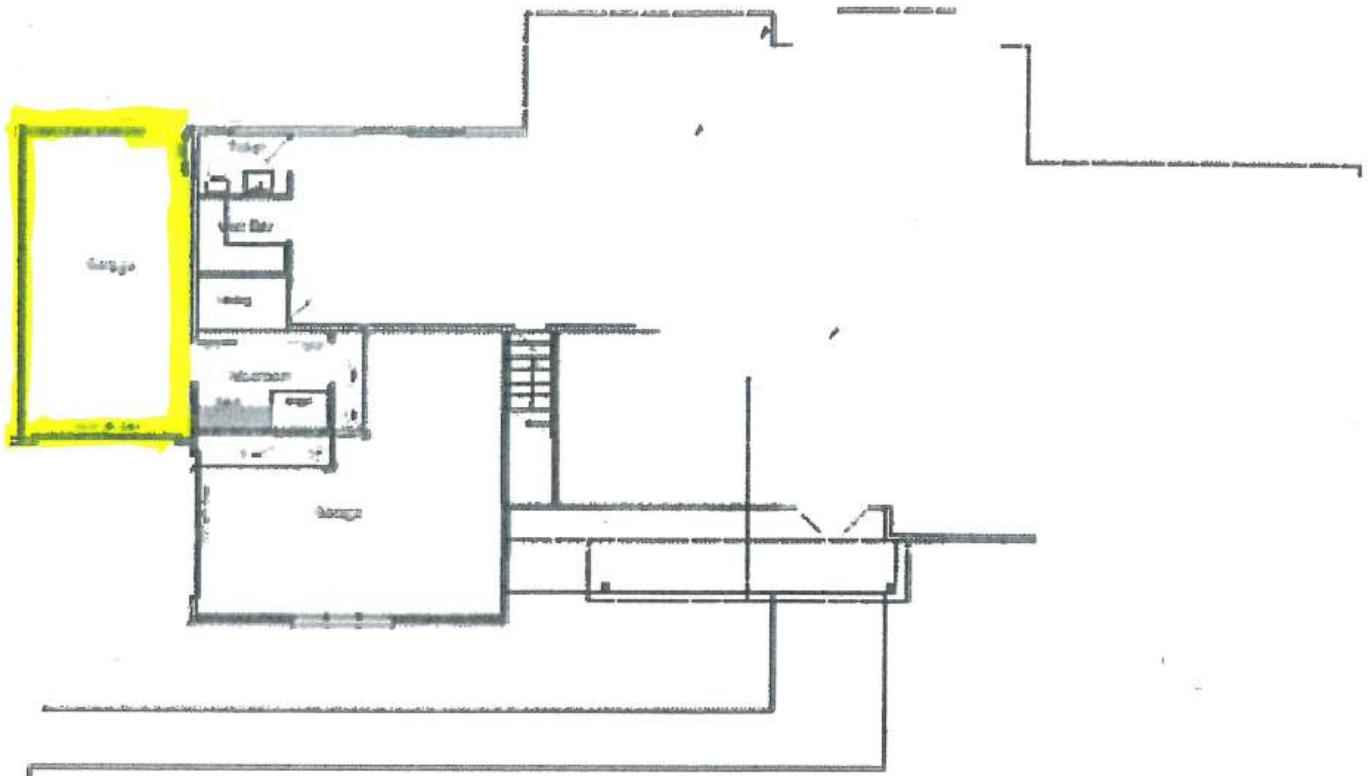
Signature Marshall L. Mill PLS

Marshall L. Mill PLS
Krause & Gantzer
Land Surveyors
13 Olean Street
East Aurora, New York 14052

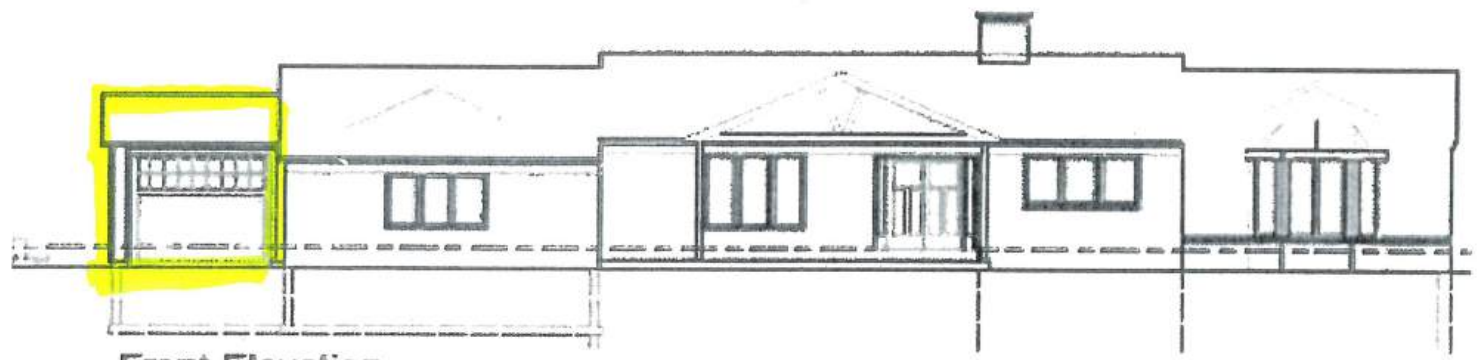


Feet	Inches	Fath	Inches
0.08	1 inch	0.56	7 inches
0.17	2 inches	0.67	8 inches
0.25	3 inches	0.75	9 inches
0.33	4 inches	0.83	10 inches
0.42	5 inches	0.92	11 inches
0.50	6 inches	1.00	12 inches

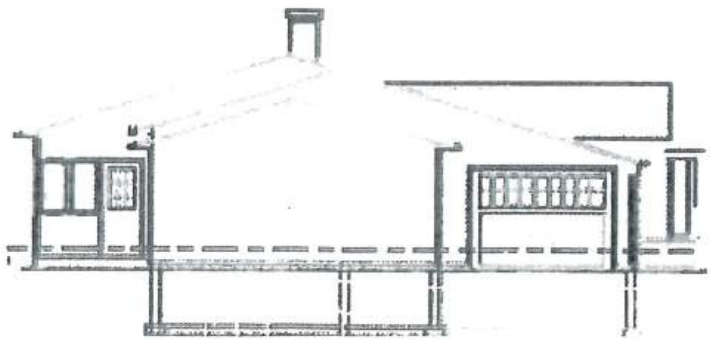
Job No. 171,390 LL 8710



Floor Plan



Front Elevation



3



①

2



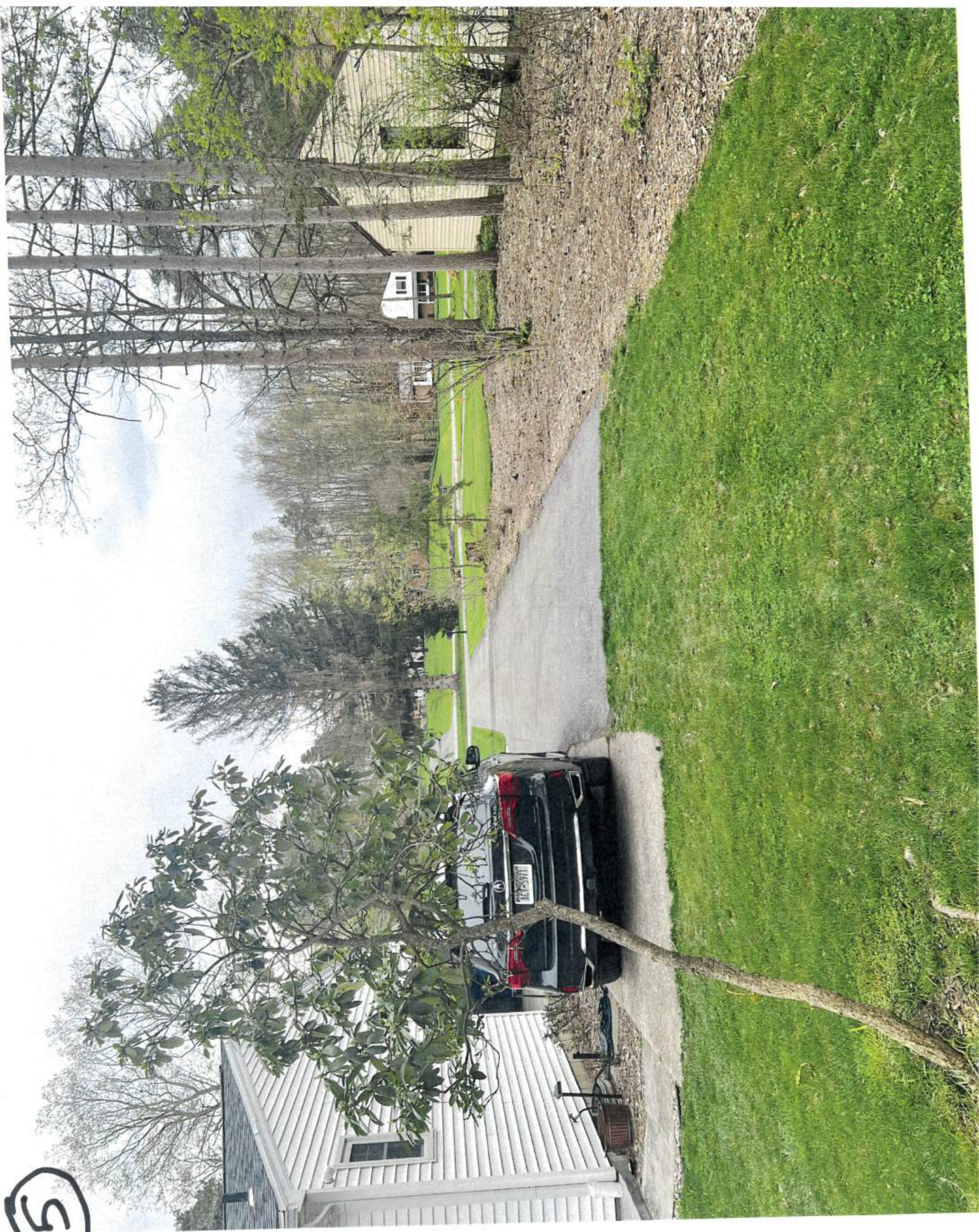


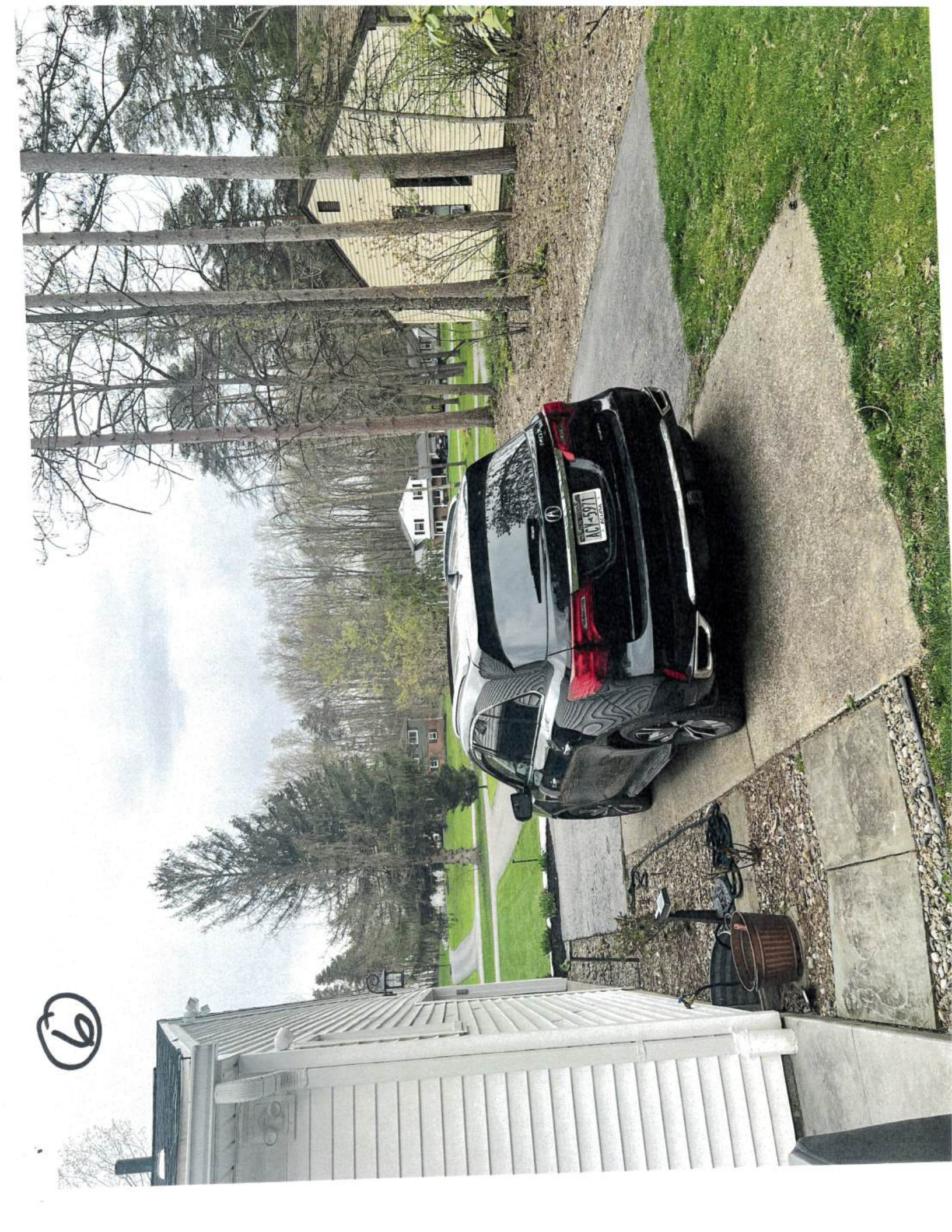
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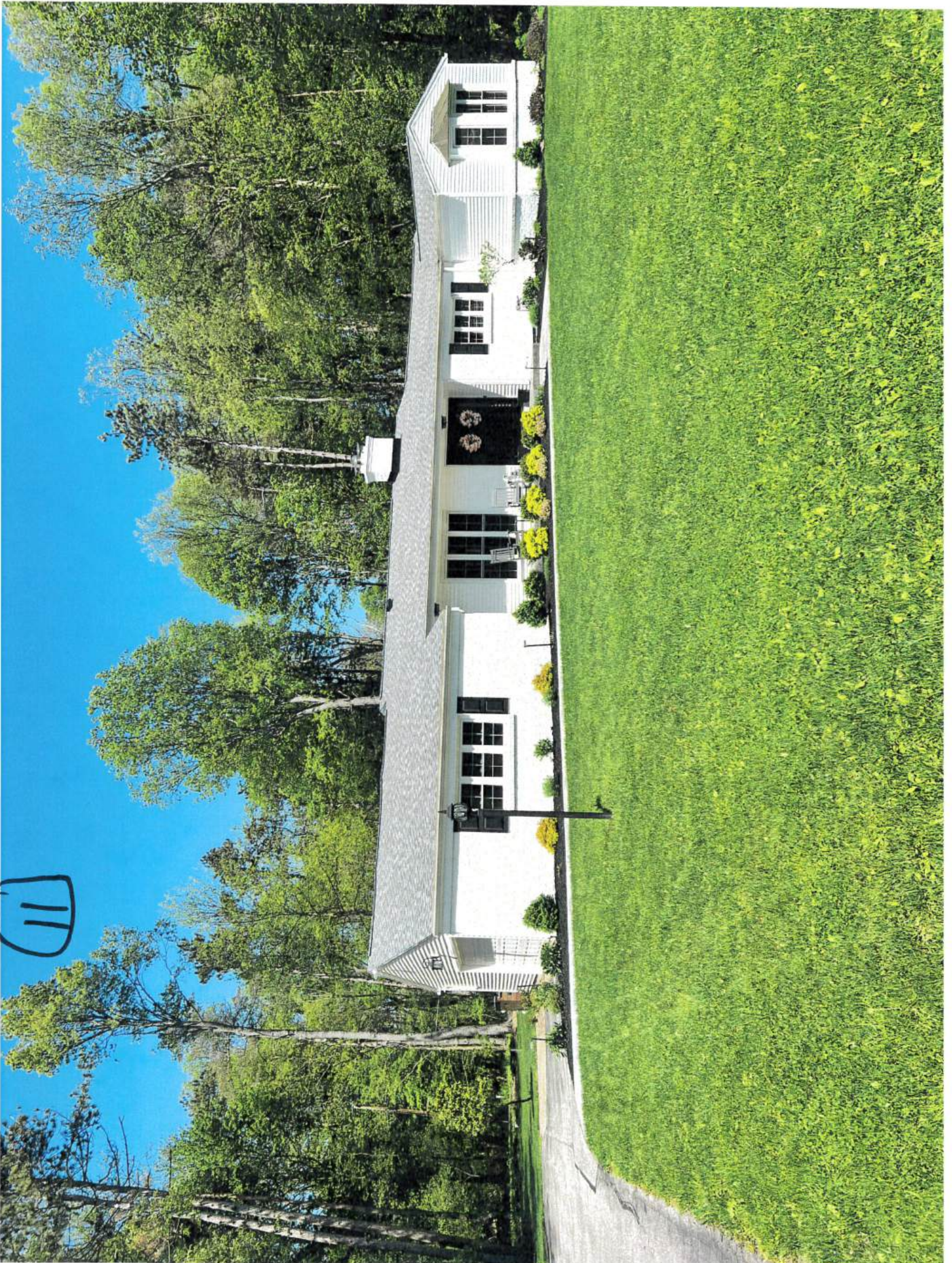




6







11

REQUEST FOR VARIANCE

May 6, 2024

Hello Neighbor

Jenn and I own 22 Canterbury Lane and it is our plan to request a variance to allow us to add an attached, single car garage joining the existing west wall of our house, facing the road and perpendicular to the existing garage.

The current garage may have been enough space in 1961, however, two mid-size SUV's are not able to be parked in the garage at the same time and leave any room to store other items such as a snowblower, garbage cans or lawnmower. We would very much like to add an additional garage to provide covered space for extra parking and to escape the winter. See the back of this for a drawing.

A variance is required since the new garage would encroach into the required 20 foot side setback. The garage would leave about 10 feet between the west wall of the new building and the property line instead of the 20 feet required by ordinance. The town will contact everyone within 300 feet (not sure where that ends) to make you aware of this so you can voice your thoughts and opinions. We wanted to approach you first.

We greatly appreciate you reviewing this request and should you have any please feel free to contact me at 717-242-1100 or at dave@haneesth.com. The application is due by Monday, May 13 to make the next hearing on June 20th, so if we could get a response back this week it would be a great help as I will include the responses w/ our application. Sorry for the short notice.

If you are OK with this plan we would appreciate you filling your names & address below and give us an autograph confirming your approval. Or if you prefer the Town said a brief email to the town inspector would also work. I was working with:

Rich Miga – building@townofaurora.com

Thanks in advance for your help!!

Dave & Jenn

We have been informed of the proposed building plan at 22 Canterbury Lane and have no exceptions to a variance being granted to accommodate these plans.

Theodore C. Haneesth 24 Canterbury Lane



Name

Address

Signature

REQUEST FOR VARIANCE

May 6, 2024

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Dave & Jenn

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Alan Larson

20 Canterbury Ln



Name

Address

Signature

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We greatly appreciate you reviewing this request and should you have any please feel free to contact me at 718-422-7222 or at [REDACTED]. The application is due by Monday, May 13 to make the next hearing on June 20th, so if we could get a response back this week it would be a great help as I will include the responses w/ our application. Sorry for the short notice.

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Dave & Jenn

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RYAN CHRISTIE 17 CANTERBURY LANE



Name

Address

Signature

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May 6, 2024

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[REDACTED]
[REDACTED]
15 Canterbury Ln.
EAST AURORA, NY.
EDWIN M. KACZMAREK
BARBARA KACZMAREK
Name Address

[REDACTED]
May 8, 2024
[REDACTED]
Signature

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If you are OK with this plan we would appreciate you filling your names & address below and give us an autograph confirming your approval. Or if you prefer the Town said a brief email to the town inspector would also work. I was working with:

Rich Miga – building@townofaurora.com

Thanks in advance for your help!!

Dave & Jenn

We have been informed of the proposed building plan at 22 Canterbury Lane and have no exceptions to a variance being granted to accommodate these plans.

Steve Surahn

Name

22 Canterbury Lane

Address

[REDACTED SIGNATURE]

Signature

REQUEST FOR VARIANCE

May 6, 2024

Hello Neighbor

Jenn and I own 22 Canterbury Lane and it is our plan to request a variance to allow us to add an attached, single car garage joining the existing west wall of our house, facing the road and perpendicular to the existing garage.

The current garage may have been enough space in 1961, however, two mid-size SUV's are not able to be parked in the garage at the same time and leave any room to store other items such as a snowblower, garbage cans or lawnmower. We would very much like to add an additional garage to provide covered space for extra parking and to escape the winter. See the back of this for a drawing.

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PETER Z CALLERI

Name

9 CANTERBURY LN

Address

[REDACTED SIGNATURE]

Signature

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Dave & Jenn

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Chris & Jennifer Fuller 30 Canterbury 

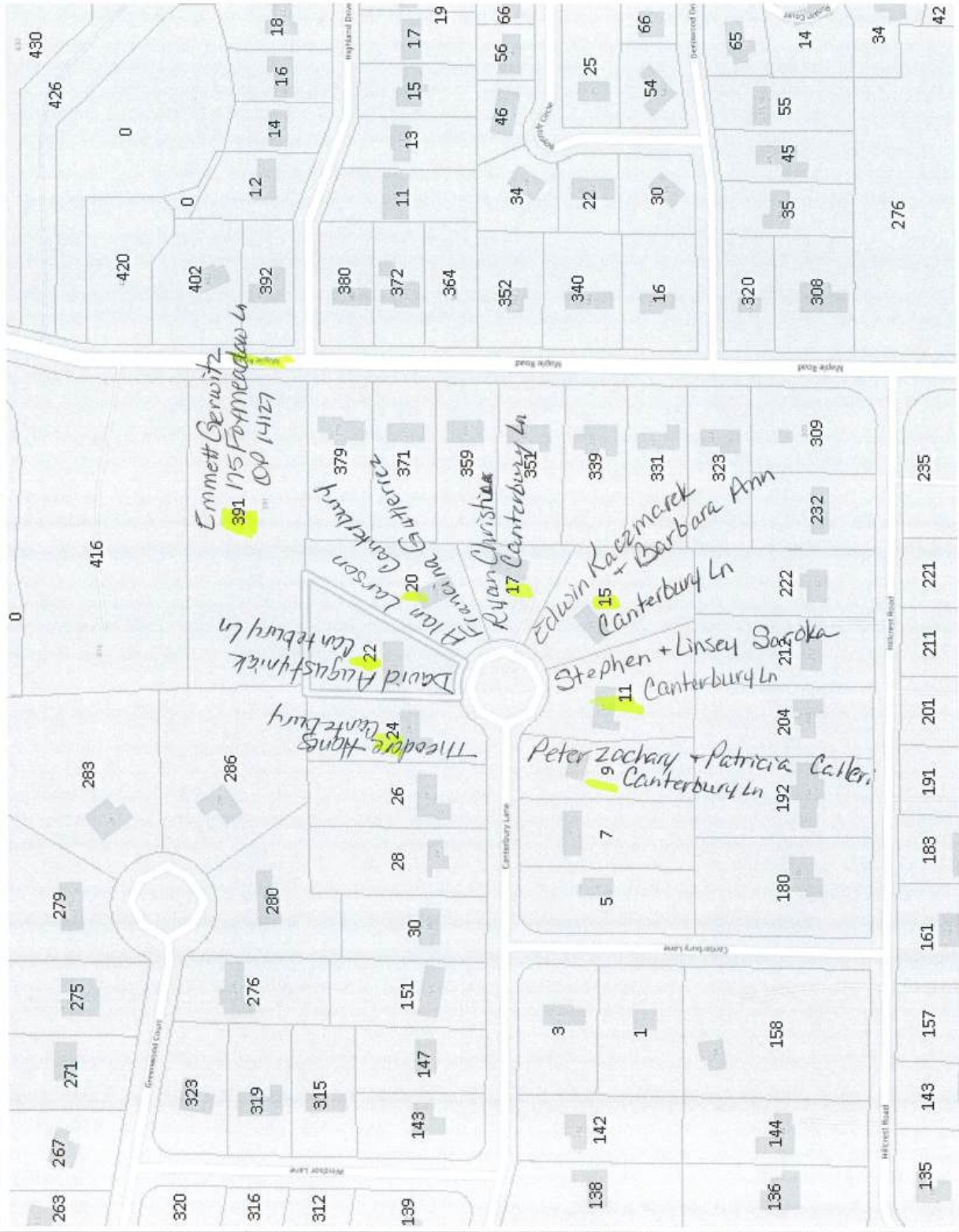
Name

Address

Signature



Erie County On-Line Mapping Application



Legend

- Parcels



0 0,07 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: 4,514

