

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)

Mark Smith

Signature of Applicant/Petitioner

Mark Smith

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 6 day of Sept in the year 24 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.

Dorothy Bailey
Notary Public

(Notary stamp) **DOROTHY BAILEY**
Reg #01BA0023544
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 2028

Office Use Only: Date received: _____ Receipt #: _____

Application reviewed by: *Mark*

ECDP ZR-1 form sent to EC: 9/18/24 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: B 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)

It is our intention to Add A New Detached
Garage Structure to our Property. In an effort
to Preserve as many trees as possible Along our
North Property Line with a 15' side yard
setback. This has Resulted in a distinct separation
of 8' from the Less than 10' from the existing
Garage and 8' from our proposed House Addition

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

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)

**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** 10/17/2024 **Time** 7pm **Location** 575 Oakwood Ave., E. Aurora, NY 14052

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: 13 Victoria Heights, E. Aurora

5a. S.B.L. of Property: 176.10-3-43

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 accessory building closer to side lot line than allowed by Town
(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 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: _____

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
highway@townofaurora.com

CODE ENFORCEMENT
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

September 9, 2024

Mark Smith
13 Victoria Heights
East Aurora, NY 14052

Mark:

The Building Department has reviewed your request to construct *an accessory structure (detached garage) at 13 Victoria Heights (SBL 176.10-3-43)*. The request has been denied because it fails to meet the minimum separation requirement between your dwelling and proposed accessory building/structure (detached garage) for your R1 zoning district.

Section 116.18A(3)

Required: In any R District, no accessory building/structure shall be erected or altered so as to be nearer than 10 feet to any dwelling unless attached thereto.

Requested: 8'-0" separation between existing dwelling and new accessory building/structure (detached garage).

Variance: 2'-0"

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,

Richard Miga
Assistant Code Enforcement Officer

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: PROPOSED DETACHED GARAGE			
Project Location (describe, and attach a location map): 13 VICTORIA HEIGHTS, EAST AURORA, NY 14052			
Brief Description of Proposed Action: Our intention is to construct a new Detached Garage 15' off of our North Property Line Resulting in a distance separation from our Residence of less than 10'			
Name of Applicant or Sponsor: MARK E CATHERINE SMITH		Tele: E-M: @GMAIL.COM	
Address: 13 VICTORIA HEIGHTS			
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:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.76 acres	
b. Total acreage to be physically disturbed?		0.018 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.76 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	N/A <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 <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input 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: <p style="text-align: center;">N/A</p>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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:

- Shoreline
 Forest
 Agricultural/grasslands
 Early mid-successional
 Wetland
 Urban
 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?
If Yes,

NO	YES
<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. Will storm water discharges flow to adjacent properties?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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If Yes, briefly describe:

DRAIN TO DAY LIGHT ON OWNER PROPERTY

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)?
If Yes, explain the purpose and size of the impoundment:

NO	YES
<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?
If Yes, describe:

NO	YES
<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?
If Yes, describe:

NO	YES
<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: Gregory Schneider RA Date: Sept 6 24
 Signature: [Handwritten Signature] Title: Architect.

Richard Miga

From: Mark & Catherine Smith <m
Sent: Friday, September 6, 2024 4
To: Richard Miga
Subject: Re: 13 Victoria Heights - ZB.

@gmail.com>

Hi Rich,

We would like to build a garage with a larger door for our truck, a small shop space in back, and attic storage space. We would like the variance to place the garage slightly closer to our house to avoid cutting down existing mature maple and spruce trees between our property and our neighbors. Moving closer to the house also allows for better alignment to our existing driveway.

If you would like I can provide pictures of the trees we would like to save, or we can point them out if/when there is a site visit.

Thanks, and don't hesitate to contact me with any other questions.

Mark

On Fri, Sep 6, 2024 at 4:03 PM Richard Miga <rmiga@townofaurora.com> wrote:

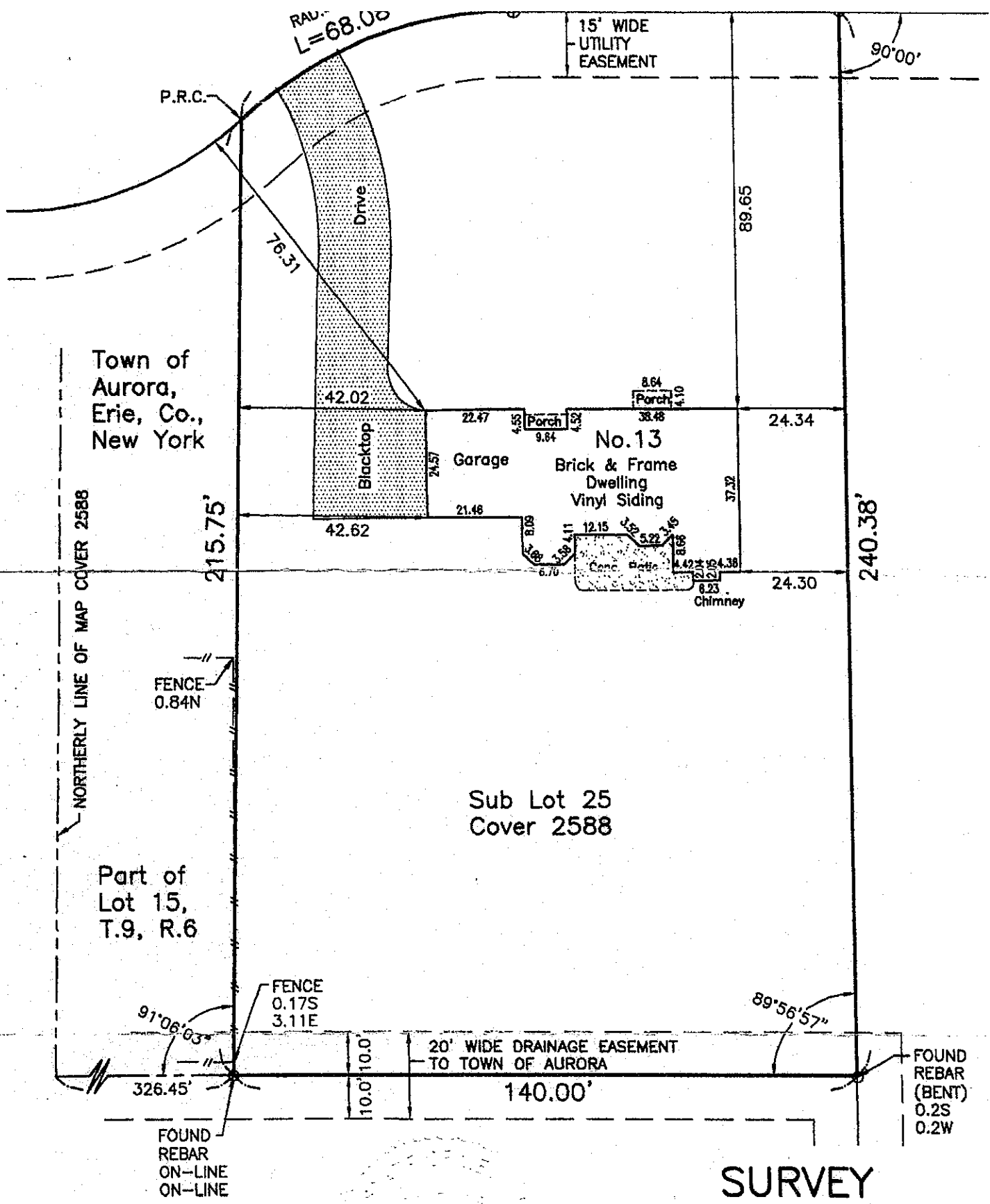
Afternoon,

In processing your application for variance, I request that you provide us a quick narrative that the board may have on record for the intent of the project and the request for variance. The narrative does not need to be extensive just a quick synopsis. This can be an email or a word document so if there are any questions, please feel free to reach out. If you can have this to me by Monday COB, that would be great.

Thanks, Rich

Richard Miga





SURVEY OF 13 VICTORIA HEIGHTS

Aurora, N.Y. Nov. 15, 2018
Job No. 04786 Scale-1"=30'

This Indenture made this 3rd day June, Two Thousand Twenty Four (2024)

Please record and return to:
Mark and Catherine Smith
13 Victoria Heights
East Aurora, NY 14051

Between: **MICHAEL S. BROPHY AND TARA BROPHY**
Residing at 13 Victoria Heights, East Aurora, NY 14052 Grantors,

and

MARK SMITH AND CATHERINE SMITH, husband & wife,
Residing at 4051 280th Avenue Southeast, Fall City, WA 98024 Grantee(s)

Witness to, that the said Grantors, in consideration of One and More dollars (\$1.00 & More) lawful money of the United States, paid by the Grantee(s), does hereby grant and release unto the Grantee(s), its successors, heirs, and assigns forever.

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 Number 15, Township 9 and Range 6 of the Holland Land Company's Survey and according to Map filed in the Erie County Clerk's Office under Cover Number 2588, is known as Subdivision Lot Number 25.

EXCEPTING THEREFROM that portion of Victoria Lane abutting the above described premises.

TOGETHER with the appurtenances and all the estate and rights of the Grantor(s) in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantee(s).

AND the said Grantor(s) does covenant with the said Grantee(s) as follows:

FIRST - That the Grantee(s) shall quietly enjoy the said premises.

SECOND - That the Grantor(s) will forever WARRANT the title to said premises.

THIRD - Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, the said Grantor(s) has hereunto set his hands and seals the day and year first above written.

IN THE PRESENCE OF



MICHAEL S. BROPHY



TARA BROPHY

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

On the 3rd day of June, in the year 2024, before me, the undersigned, a notary public in and for said state, personally appeared **MICHAEL S. BROPHY AND TARA BROPHY**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature(s) on the instrument, the individual(s), or person upon behalf of which the individual(s) acted, executed the instrument.

RACHEL E. ZIMMERMAN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01216080279
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES SEPTEMBER 9, 2026

NOTARY PUBLIC (affix stamp)

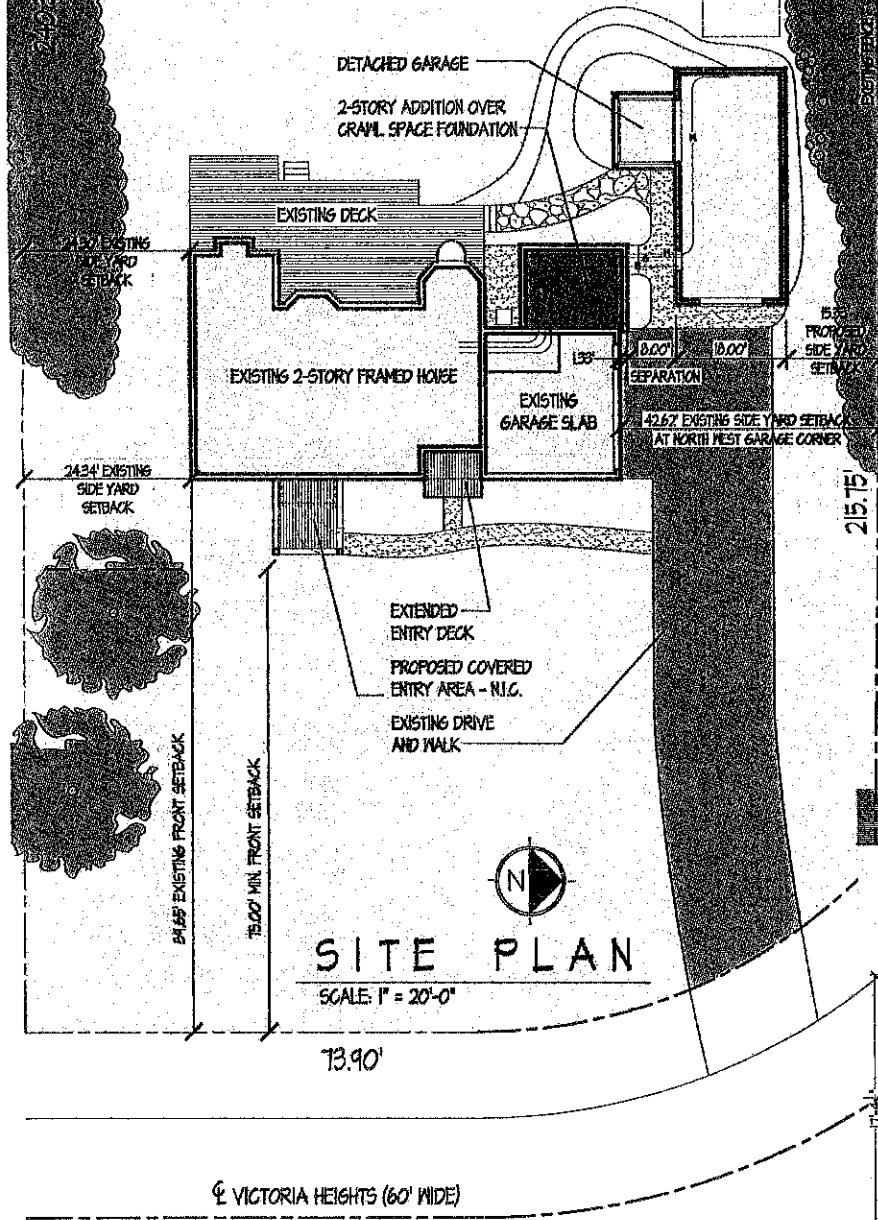
Aur
Deed - 1
99510

NOTE:

SITE PLAN DERIVED FROM BOUNDARY SURVEY
MAP AS SURVEYED BY MARK A. FENTER
LICENSED LAND SURVEYOR #49810
DATED NOVEMBER 16, 2018

TOWN OF AURORA
COUNTY ERIE, STATE OF NEW YORK
PART OF LOT 15, TOWNSHIP 9, RANGE 6

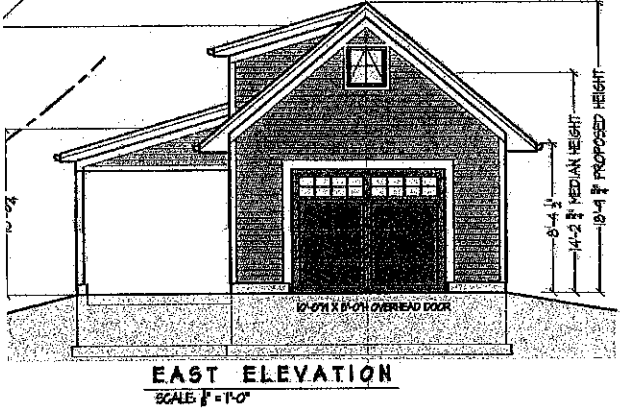
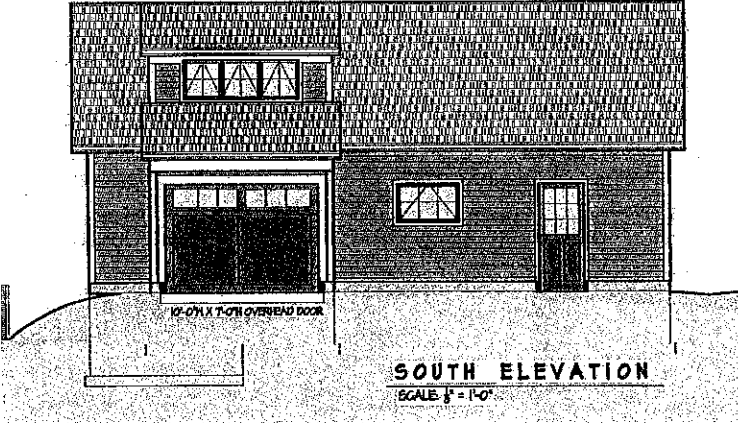
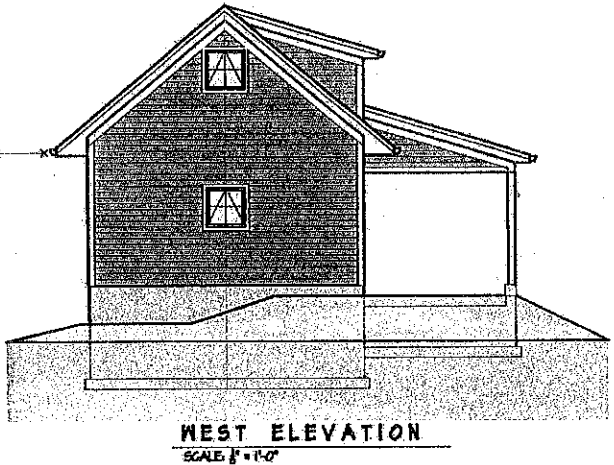
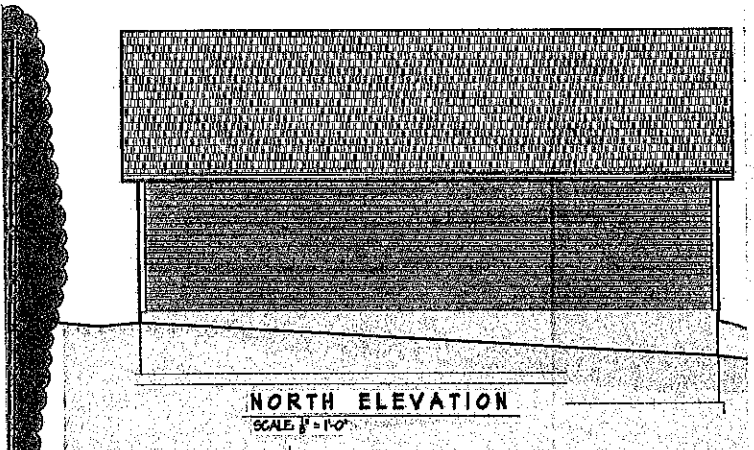
EXISTING
SHED



SITE PLAN

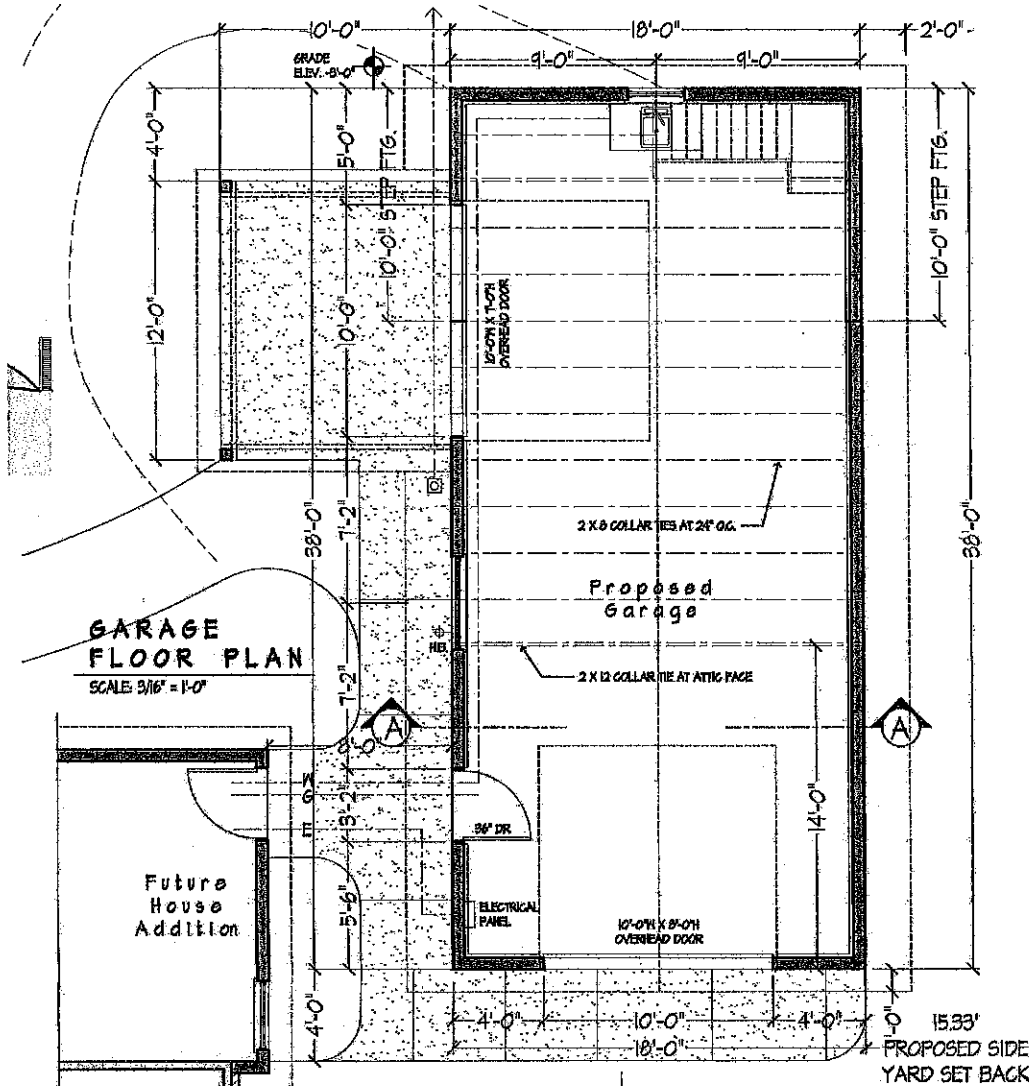
SCALE: 1" = 20'-0"

⊕ VICTORIA HEIGHTS (60' WIDE)



EAST ELEVATION
SCALE: 1/8" = 1'-0"

8'-4 1/2"
14'-2 1/2" MEDIAN HEIGHT
19'-4 1/2" PROPOSED HEIGHT

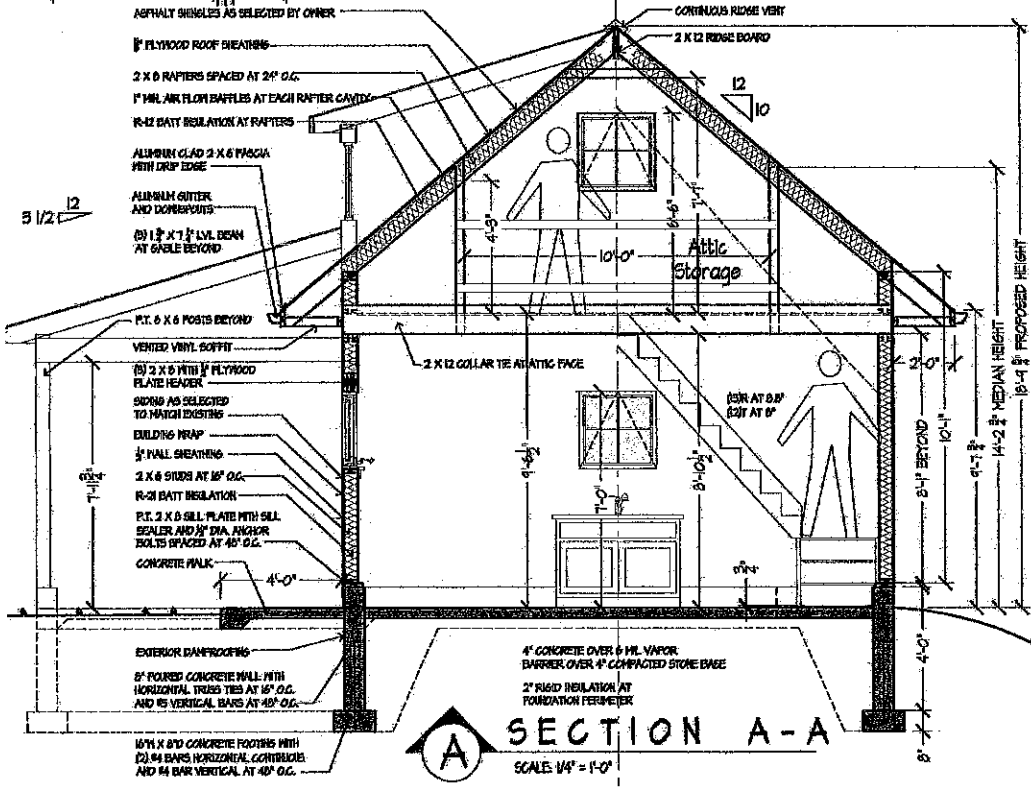


GARAGE FLOOR PLAN
SCALE: 3/16" = 1'-0"

Proposed Addition and Renovations
To The
Smith Residence
13 Victoria Heights, East Aurora, New York 14052

Variance
Application
Drawing

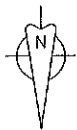
U R O R A
ARCHITECTURAL
(716) 846-3110
greg@aurorarch.com
898 Quaker Road
East Aurora, N.Y. 14052



SECTION A-A
SCALE: 1/4" = 1'-0"

DATE:	Sept 5, 2024
SCALE:	As Noted
JOB NO:	24.13
DRAWN BY:	
CHECKED:	GKS
REVISED:	

SHEET:
**SITE PLAN,
FLOOR PLAN,
EXTERIOR
ELEVATIONS
AND BUILDING
SECTIONS**
DRAWING NO:
V-1
IN SET OF: 1

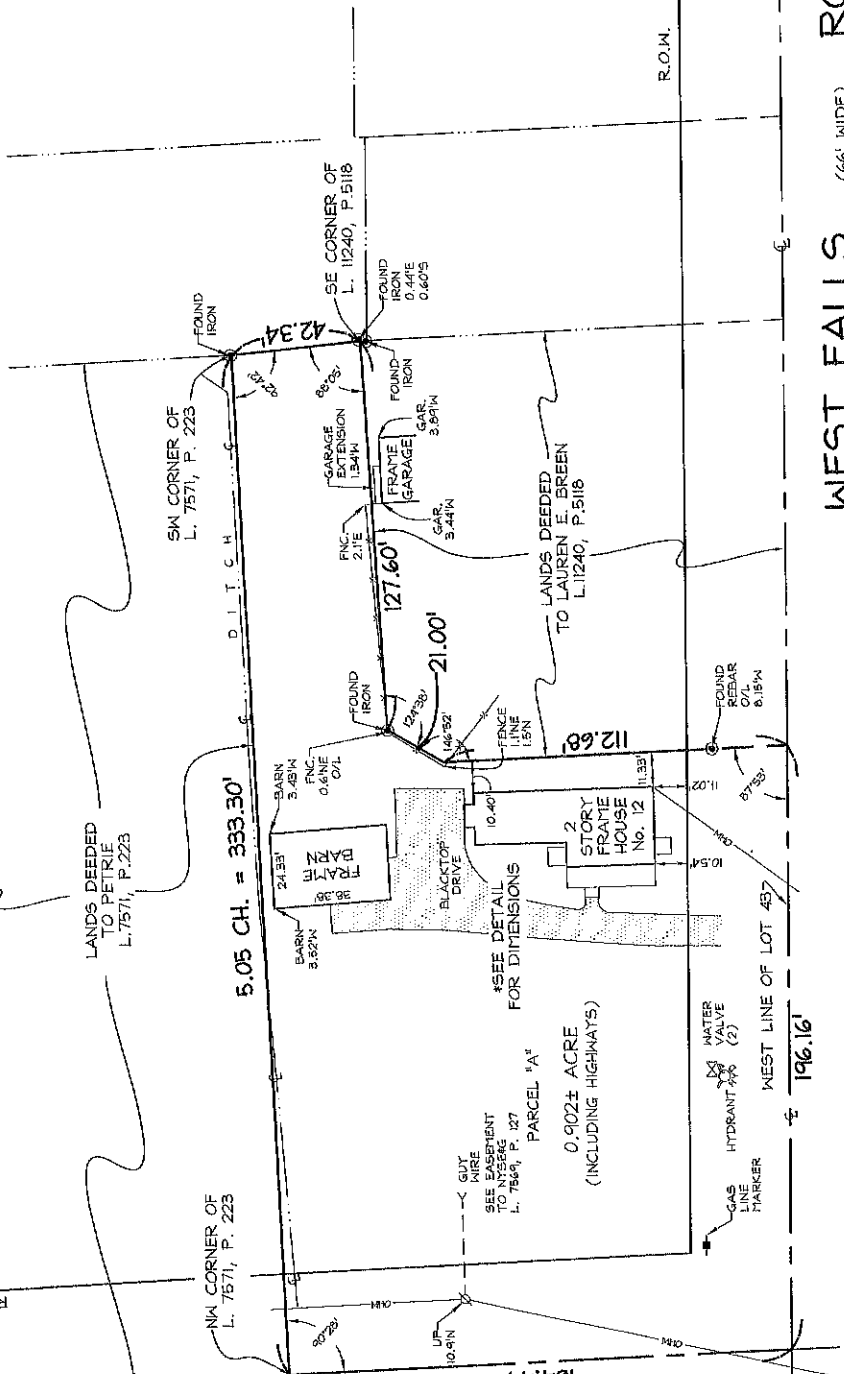
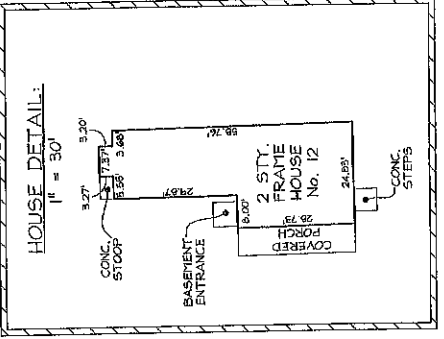


MILL ROAD (66' WIDE)

(FORMERLY SWEET ROAD)

164.44'

LEGEND:		APPROXIMATE		COVERED		HOUSE		PO.		P.		S.		TYP.	
AVE.	AVENUE	D.	DEED	IP.	IRON PIPE	UP.	UTILITY	M.	MET	PO.	POLE	MD.	WOOD	TD.	TRUNK
CB.	CATCH BASIN	E.	EAST	PH.	PHANHOLE	P.	PAGE	ND.	NORTH	SO.	SOUTH	DR.	DRAIN	J.	JUNCTION BOX
CH.	CHAIN	ESB.	ELECTRIC SERVICE	MP.	MANHOLE	SO.	SOOTY	TE.	TELEPHONE	WB.	WIRE	ON.	ON LINE		
CONC.	CONCRETE	ESB.	ELECTRIC SERVICE	MP.	MANHOLE	SO.	SOOTY	TE.	TELEPHONE	WB.	WIRE	ON.	ON LINE		
CTB.	CABLE TV BOX	ESB.	ELECTRIC SERVICE	MP.	MANHOLE	SO.	SOOTY	TE.	TELEPHONE	WB.	WIRE	ON.	ON LINE		



WEST FALLS ROAD (66' WIDE) ROAD
(ALSO KNOWN AS WESTFALL ROAD)

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HERON.
This survey was prepared without the benefit of an Unauthorised alterations or additions to any survey, drawing, abstract of title and is subject to any state of facts design, specification, plan or report is a violation of section 7265, provision 2 of the New York State Education Law.

BOUNDARY SURVEY
12 West Falls Road
Part of Lot 43, Township 9, Range 6
Holland Land Company's Survey
Town of Aurora
County of Erie, State of New York

SBL: 186.04-1-72
Scale: 1" = 40'
Date of Survey: 6/23/2015 Project Number: 15J3-0223a

Thornton R. Kopyan



Resurveyed: 10/6/2023

Barn Renovations
For The
Kelly O'Connor and David Azolo
12 West Falls Road, East Aurora, New York 14052

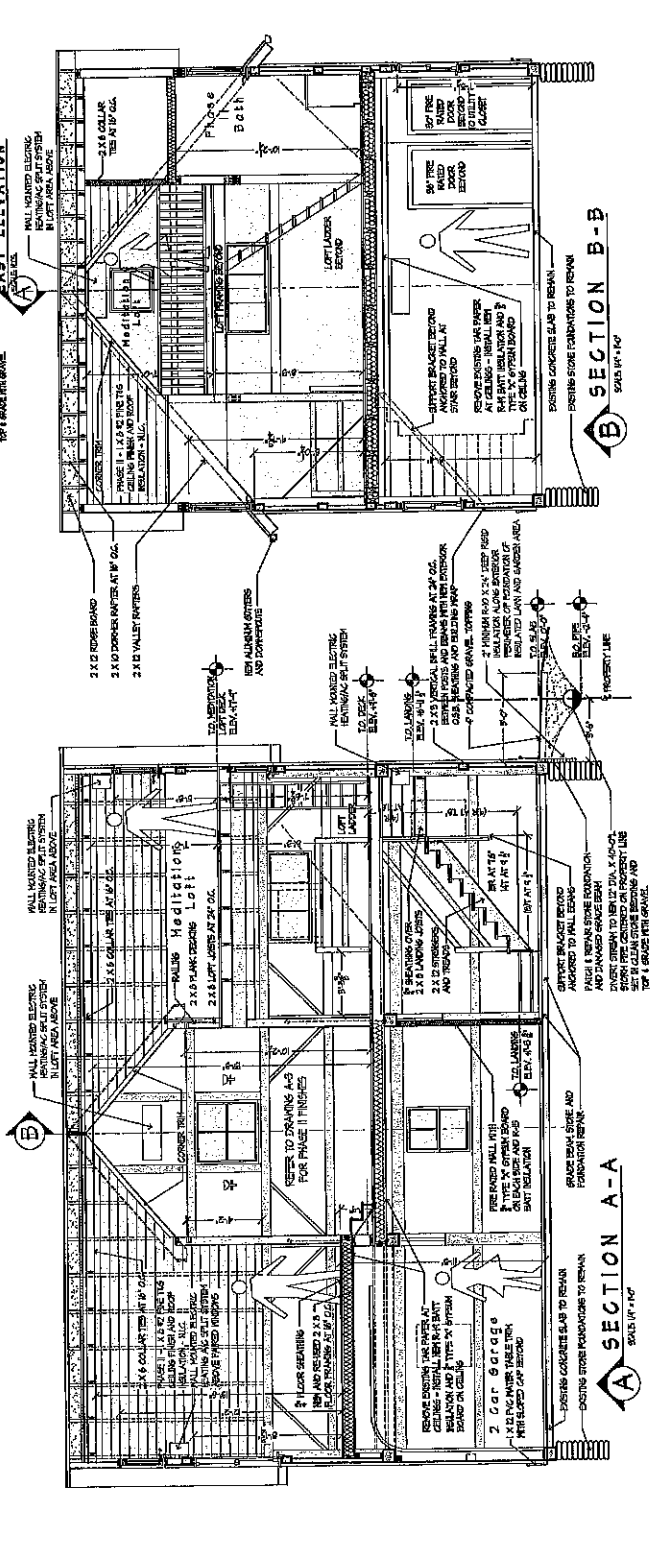
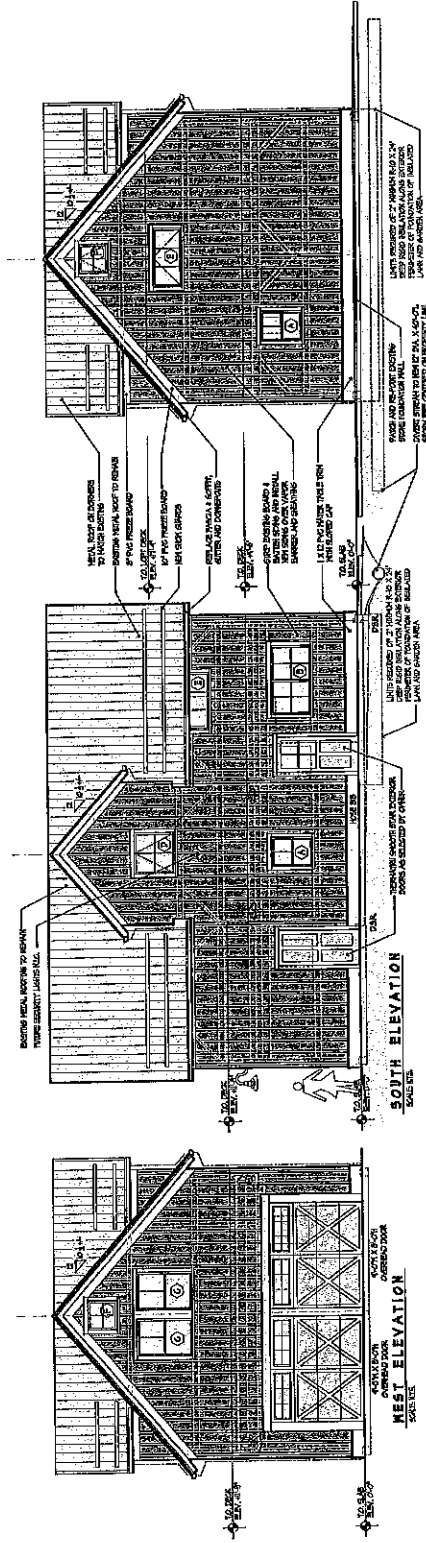
Phase I
Permit Set of
Construction
Drawings



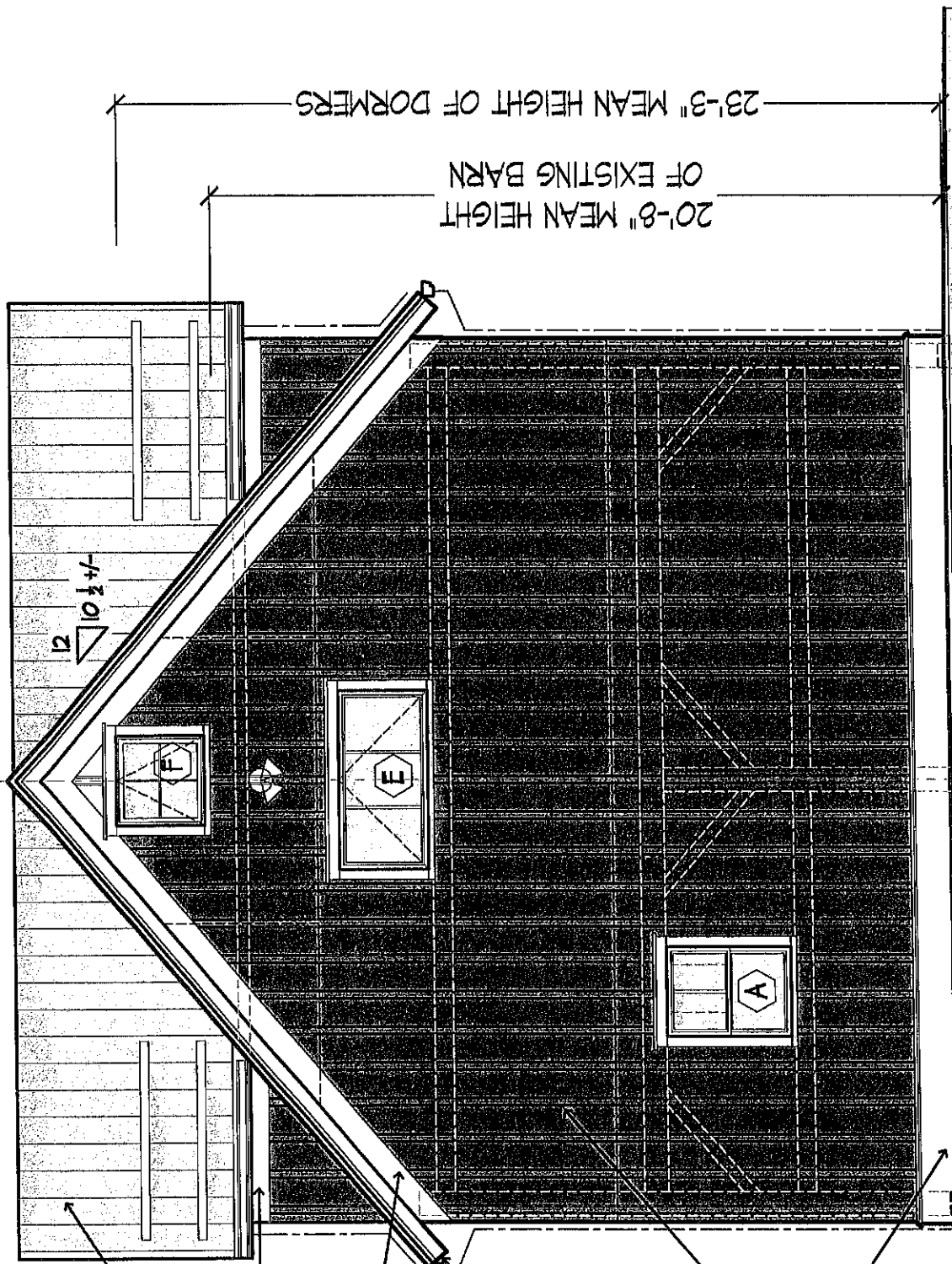
DATE: August 27, 2024
SCALE: As Noted
JOB: 24.05
DRAWN BY: AA
CHECKED BY: GKS
REVISIONS:



SHEET:
PHASE I
EXTERIOR
ELEVATIONS
AND
SECTIONS
DRAWING NO.
A-2
B. SET OF: 5



URORA ARCHITECTURAL
12 West Falls Road, East Aurora, New York 14052
DATE: August 27, 2024
SCALE: As Noted
JOB: 24.05
DRAWN BY: AA
CHECKED BY: GKS
REVISIONS:
SHEET:
PHASE I
EXTERIOR
ELEVATIONS
AND
SECTIONS
DRAWING NO.
A-2
B. SET OF: 5



20'-8" MEAN HEIGHT
OF EXISTING BARN

23'-3" MEAN HEIGHT OF DORMERS

12
10 1/2 +/-

DORMERS
15

ROOF TO REMAIN

2

3

4

5

6 SOFFIT,
7 SPOUTS

8 BARD &
9 ID INSTALL
10 VAPOR
11 BATHING

TABLE TRIM

LIMITS REQUIRED OF 2" MINIMUM R-10 X 24"
DEEP RIGID INSULATION ALONG EXTERIOR
PERIMETER OF FOUNDATION OF INSULATED
LAWN AND GARDEN AREA

PATCH AND RE-POINT EXISTING
STONE FOUNDATION WALL

DIVERT STREAM TO NEW 12" DIA. X 40'-0"
STORM PIPE CENTERED ON PROPERTY LINE
SET IN CLEAN STONE BEDDING AND
TOP & GRADE WITH GRAVEL

EAST ELEVATION

SCALE: 1/8" = 1'-0"

