



CASE NO. 1483

DATE OF HEARING 11/21/24

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 Erica Gregoire  
Address 794 Luther Road  
City East Aurora State NY ZIP 14052  
Phone 716-255-1111 Fax NA Email ericagregoire@gmail.com  
Interest owner/purchaser/developer co-owner/renter

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

Property Owner(s) Name(s) Diane Driggs  
Address 200 Pomander Sq  
City East Aurora State NY ZIP 14052  
Phone 716-255-1111 Fax NA Email ve

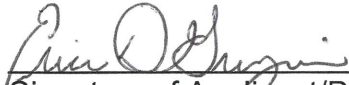
#### III. PROPERTY INFORMATION

Property Address 200 Pomander Sq. East Aurora, NY 14052  
SBL# 165.14-4-13  
Property size in acres 0.57 Property Frontage in feet 194  
Zoning District R1 Surrounding Zoning R1  
Current Use of Property Primary Residence

#### IV. REQUEST DETAIL

(check all that apply)  
 Variance from Ordinance Section(s) # 116-8.1E(2)  
 Special Use Permit for: \_\_\_\_\_  
 Use Variance for: \_\_\_\_\_  
 Interpretation of \_\_\_\_\_

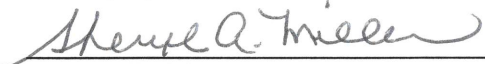
**V. SIGNATURES** (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5 )

  
Signature of Applicant/Petitioner


Erica D. Gregoire  
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 11<sup>th</sup> day of October 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  
SHERYLA. MILLER  
Reg. #01MI6128663  
Notary Public, State of New York  
Qualified In Erie County  
Commission Expires June 13, 2025  
(Notary stamp)

-----  
Office Use Only:            Date received: 10/16/2024            Receipt #: 114771

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)

My mother has been a lifelong resident of East Aurora, last residing in her custom built home on Reiter Rd. for over 35 years. That home sat on nearly 2 acres of land and my family enjoyed all that property had to offer. Last Fall, my mother made the difficult decision to downsize, and purchased the home at 200 Pomander Sq. This property provides her with proximity to the village, along with a quiet community feel. She has enjoyed meeting and connecting with her new neighbors when spending time outdoors, however the home lacks any real outdoor living space, and does not provide any ample coverage from the elements. Given the home's location on a corner lot, and the set back, there is very limited options for outdoor living at the rear of the property. Therefore, the addition of a front porch not only improves the curb appeal, but provides her an outdoor living space that she desires.

**TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED: NOT APPLICABLE**

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. Libroek  
(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

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  
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(716) 652-4050  
[highway@townofaurora.com](mailto:highway@townofaurora.com)

CODE ENFORCEMENT  
OFFICER  
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(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

October 16, 2024

Erica Gregoire  
794 Luther Road  
East Aurora, NY 14052

Erica:

The Building Department has reviewed your request to construct a covered front porch at 200 Pomander Sq. (SBL 165.14-4-13). The request has been denied because it fails to meet the minimum front yard setback requirement for your R1 zoning district.

#### *Section 116.8.1E(2)*

*Required: Where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted to permit a front yard depth of less than 45 feet. Approximate average front yard setback based on available records for the three dwellings adjacent to this property is 58.94'.*

*Requested: 45.01' front yard set back (Existing dwelling front yard setback is approximately 54.01')*

*Variance: 13.93'*

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.

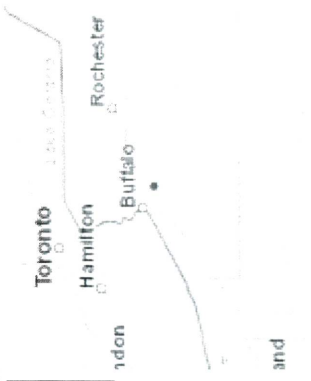
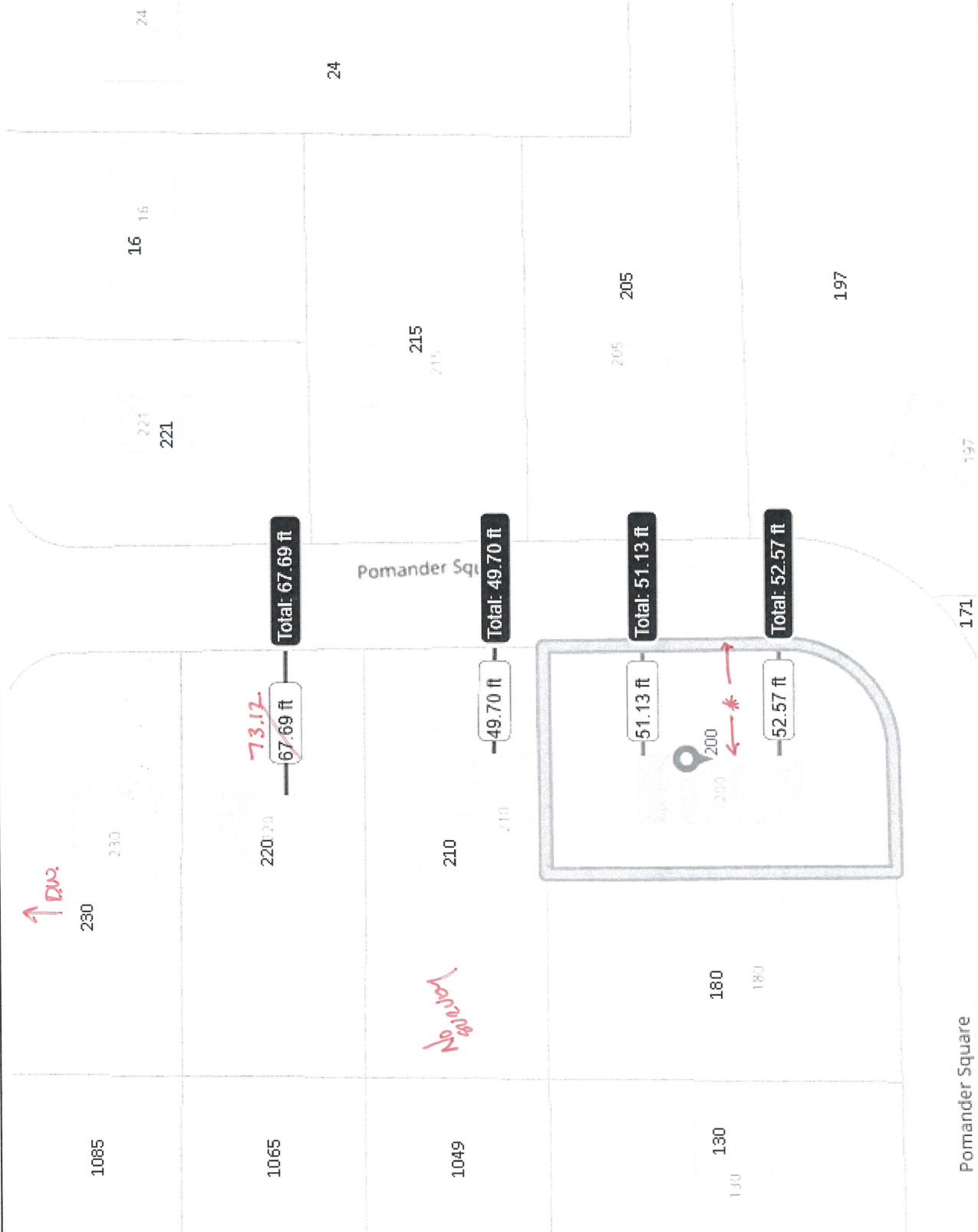
Sincerely,

A handwritten signature in black ink that reads "Richard Miga".

Richard Miga  
Assistant Code Enforcement Officer



# Erie County On-Line Mapping Application



### Legend

□ Parcels

Street is 50'  
 ROW = 25'  
 24.75 per  
 way

AVG. Fy = 58.94

\* 69.76 - 24.75 \* 9 =  
 54.01 Fy

D.W. = DRIVEWAY

0 0.02 0.0 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: 1,128



**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.: ZR-24-571

Postmark/Delivery Date: 10/24/24

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** 11/21/2024 **Time** 7:00p.m. **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: 200 Pomander Sq., East Aurora

**5a. S.B.L. of Property:** 165.14-4-13

**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:** Addition of porch to front of residence is closer to R.O.W. than allowed by Town Code  
(specify the action, such as the scope of variances or site plans)

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

**9. Submitted by:** Martha 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 10/25/24. 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: Sarah E. Gatti Date: 10/25/24

# 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.

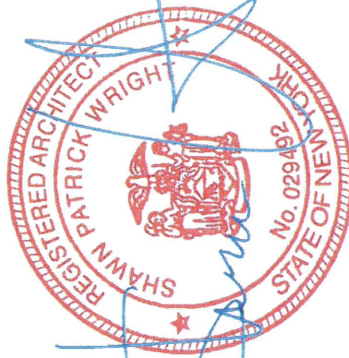
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <b>Front Porch Addition - 200 Pomander Sq</b>			
Project Location (describe, and attach a location map): <b>FRONT OF HOME, NEXT TO DRIVEWAY.</b>			
Brief Description of Proposed Action: <b>BUILD A ROOF STRUCTURE AND LOW DECK ON FRONT OF HOME.</b>			
Name of Applicant or Sponsor: <b>Erica Gregoire</b>		Telephone: _____	
Address: <b>794 Luther Rd</b>		E-Mail: <b>er _____ @gmail.com</b>	
City/PO: <b>East Aurora</b>		State: <b>NY</b>	Zip Code: <b>14052</b>
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  YES
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:  <b>EAST AURORA TOWN BUILDING DEPARTMENT</b>			NO  YES
3.a. Total acreage of the site of the proposed action?		<u>  .39  </u> acres	
b. Total acreage to be physically disturbed?		<u>  .004  </u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>  .39  </u> 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			





<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>_____</p>	<p><b>NO</b></p> <p>X</p>	<p><b>YES</b></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>_____</p>	<p><b>NO</b></p> <p>✓</p>	<p><b>YES</b></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>_____</p>	<p><b>NO</b></p> <p>0</p>	<p><b>YES</b></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>Erica Gregoire</u></p>		<p>Date: <u>10/14/24</u></p>
<p>Signature: <u>[Handwritten Signature]</u></p>		



PROJECT NO: 200 ROMANDER  
 PROJECT: EAST AORDIA, NY 14052  
 BY: MATTHEW CUMMINGS

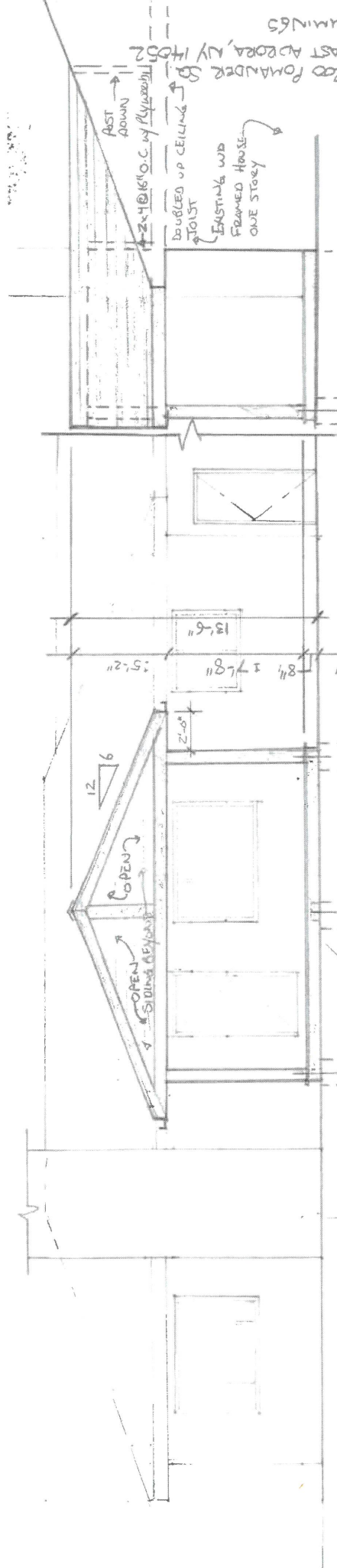
**3 EXTERIOR ELEVATION - EAST**  
 SCALE: 1/8" = 1'-0"

- POST DOWN TO DOUBLE NEW CEILING JOIST
- SHINGLE RIDGE CAP
- ICE + WATER SHIELD
- CHANNEL - TYP BOTH SIDES
- MODIFY EXIST SHINGLES
- 2x4 @ 16" O.C. w/ BUILDING WRAP
- ALUM GUTTER + D.S.
- ALUM FASCIA TO MATCH EXIST - TYP.
- LVL w/ TRIM BOTH SIDES
- ASPHALT SHINGLES @ 1/2 FEET + 3/4" DECK - TYP.

**4 EXTERIOR ELEVATION - NORTH**  
 SCALE: 1/8" = 1'-0"

- DESIGN CRITERIA: 2020 RESIDENTIAL CODE of NY
- TABLE: 507.3.1 MIN FOOTING SIZE
- 507.5 DECK SPAN LENGTH - BEAM
- 607.6 DECK JOIST SPAN.
- 602.7 HEADER SPAN 50 GRAVITY SNOW LOAD (PSF)
- 802.4.1 (16) RAFTER 50 G.S.L. (PSF) SPAN 20 DEAD LOAD (PSF)

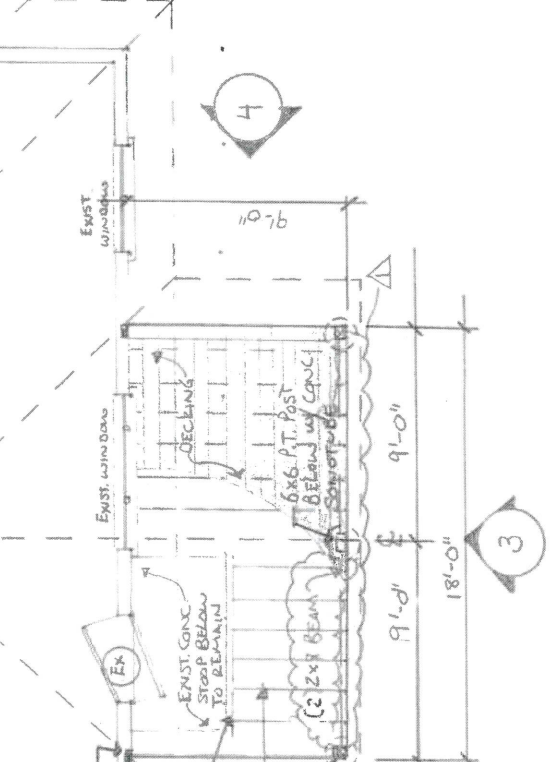
- \* POST TO BEAM CONNECTION: ROOF
- SIMPSON H6US 5.25/10 HANGER
- \* JOIST HANGERS:
- SIMPSON LU28
- \* POST TO BEAM CONNECTION: DECK
- SIMPSON HUS28-Z



**2 ROOF FRAMING PLAN**  
 SCALE: 1/8" = 1'-0"

- (2) 2x6 POST FROM LVL ABOVE TO FOUNDATION BELOW - TYP of 2
- EXIST. GING STAIR BELOW TO REMAIN
- CONT. LEADER BOARD ANCHORED TO CONC. w/ FASTENERS @ 12" O.C.
- 2x8 P.T. W/D JOISTS @ 16" O.C.
- 6x6 P.T. Post
- 16" DIA CONCRETE SONOTUBE w/ SIMPSON BASE PLATE (1482) EACH - TYP OF THREE

**1 FLOOR FRAMING PLAN**  
 SCALE: 1/8" = 1'-0"







**CURRENT FRONT VIEW**

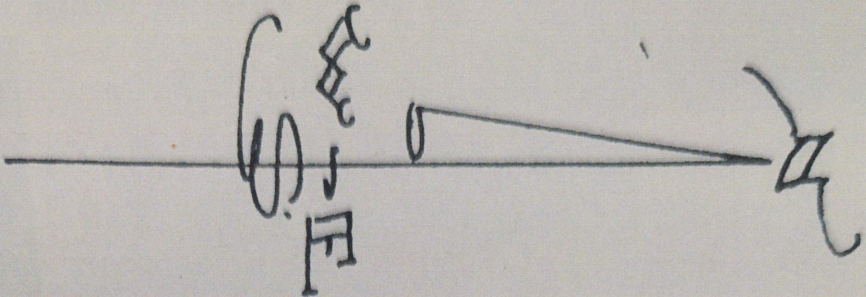


**INSPIRATION**



**MOCK-UP of NEW PORCH ADDITION**





SOUTH  
**POMANDER**

327'62

FENCE  
0.30 WEST

194'75

170'0

20.67

20.15

72.30

FRAME  
HOUSE

GARAGE

28.20

22.30

23.0

90°

90°

90°

90°

50.20

6

182'00

127'63

127'63

129'75

45.01

69.710

Row.

**SQUARE**

194'75

24'15

90°

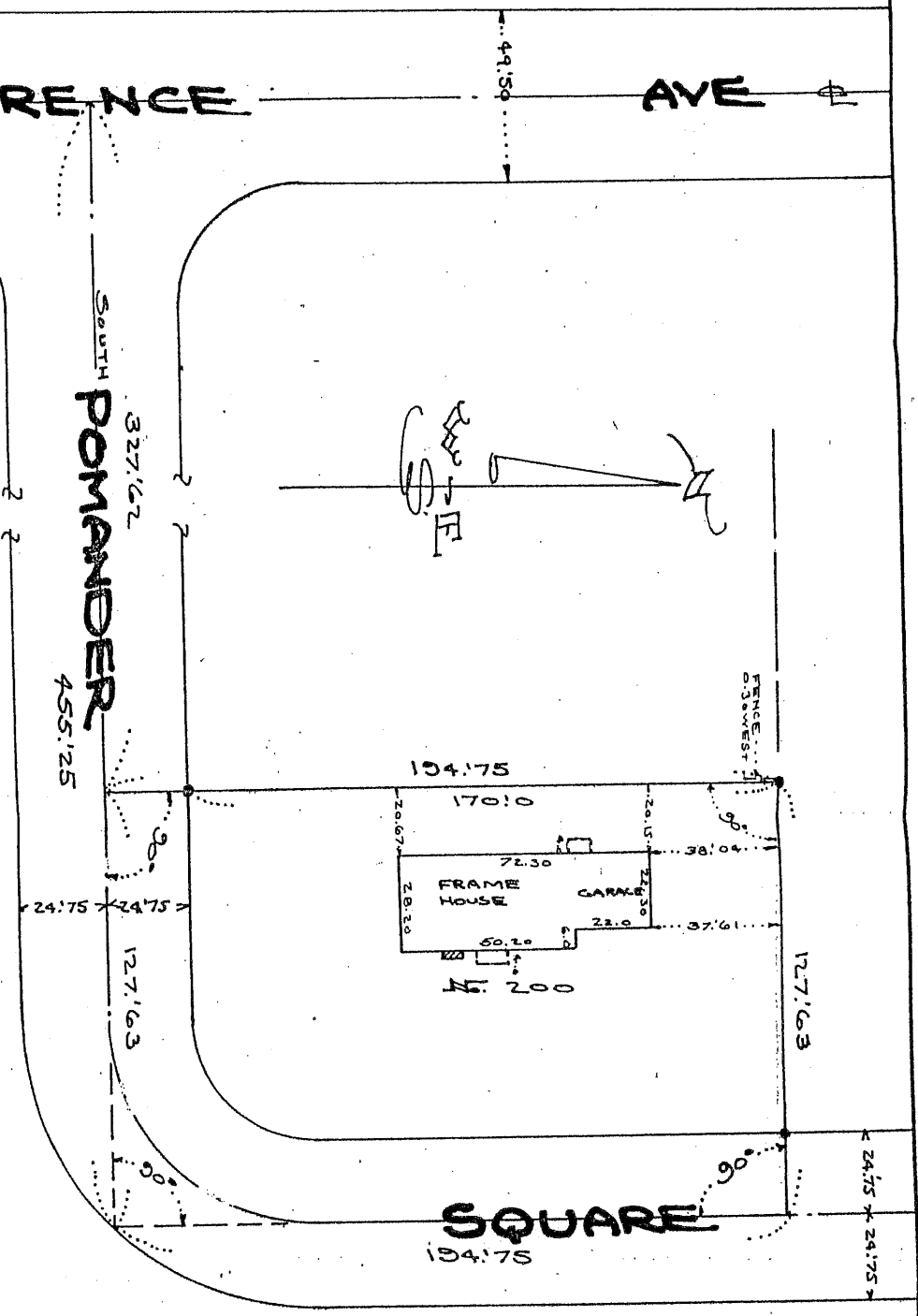
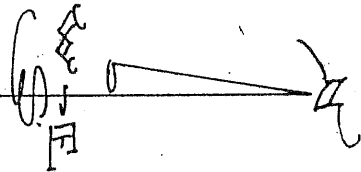
90°



LAWRENCE

AVE

SOUTH  
POMANDER



PART OF LOT 16, T. 9. R. 6  
TOWN OF AURORA  
ERIE COUNTY, N. Y.

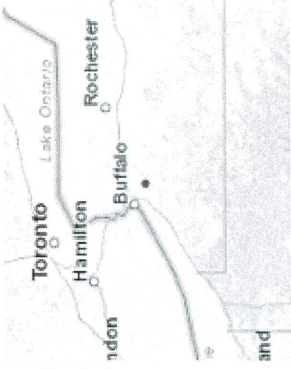
WILLIAM J. NEWTON LICENSED LAND SURVEYOR 25 HAMBURG ST. EAST AURORA, N. Y.	
SCALE: 1/4" = 40 FT.	DATE: JULY 16, 1987
SHEET 7226	No. 72-26

*William J. Newton*

165.14-4-13

1483

# Erie County On-Line Mapping Application

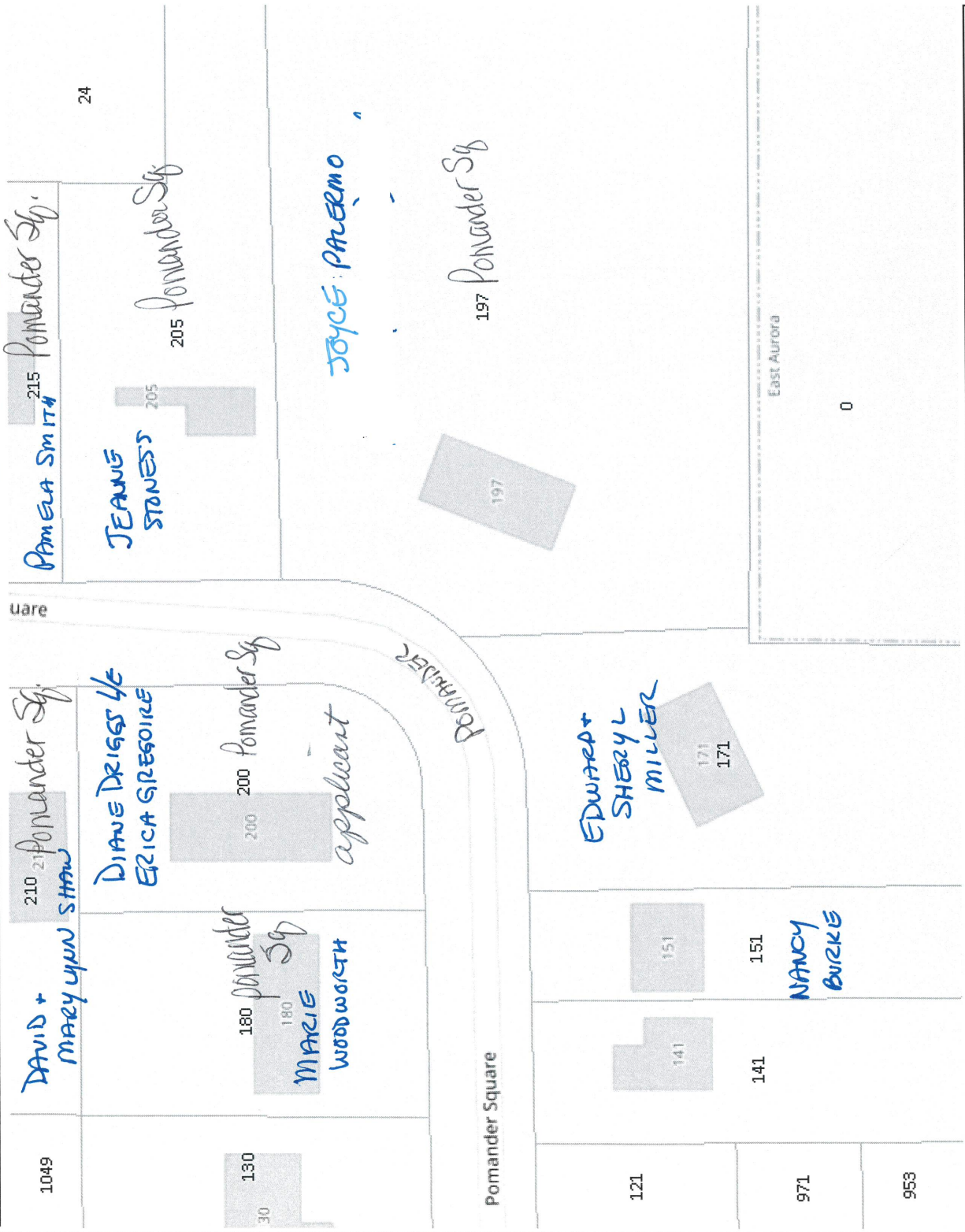


## Legend

□ Parcels



1: 1,128



0 0.02 0.0 Miles

WGSS 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.