



CASE NO. 1484
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 JACOB FLITTON
Address P.O. BOX 80
City EAST AURORA State NY ZIP 14052
Phone 716 x _____ Email _____
Interest in the (purchaser/developer) ARCHITECT

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

Property Owner(s) Name(s) TOM & AMY KOTARSKI
Address 1234 CENTER STREET
City EAST AURORA State NY ZIP 14052
Phone 716 Email AMY K GMAIL.COM

III. PROPERTY INFORMATION

Property Address 1234 CENTER STREET
SBL# 187.00-3-61
Property size in acres 2.08 Property Frontage in feet 193.55
Zoning District RURAL RES. / A Surrounding Zoning RURAL RES. / A
Current Use of Property RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.4 C(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)



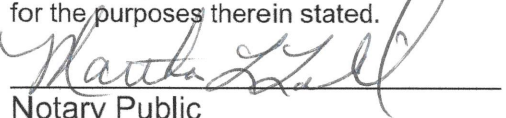
Signature of Applicant/Petitioner

JACOB E. FUTTON

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 21 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

(Notary stamp)
MARTHA L. LIBROCK
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2026

Office Use Only: Date received: 10/22/24 Receipt #: 114767 CR# 1578

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 email

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)

Elizabeth Cassidy

From: narchitecture.com>
Sent: 24 10:18 AM
To:
Subject: plication 1234 Center St

Hi Liz,

See below for the project narrative.

We are pursuing a variance for the sole purposes of providing a Mother-in-Law apartment for an aging parent. The homeowners 80 year old Mother is in process of selling her home, downsizing and moving somewhere nearer to family so that she may be better watched over as she ages in place. Current living requirements do not dictate the need for the existing home to fall under a two-family designation, as well as needing to meet the minimum square footage required by the two-family designation of 1,200 square feet. The Mother-in-Law apartment is simply a close location to a family that meets her aging needs.

The current codes create a difficult situation that does not allow for a zoning and construction situation which helps the homeowner and their family create a home for Mom. The current zoning codes will create financial difficulties requiring a larger and more robust dwelling than necessary for all involved. Please understand that this issue is not isolated to this current homeowner, the lack of Mother-in-Law situation for the current zoning would make it difficult for many future situations as well.

Hopefully that works! Thanks Liz.

Thank you,

Jake Flifton, AIA, NCARB

Owner & Principal Architect

Haven Architecture

East Aurora, NY

7

v www.narchitecture.com

Town of Aurora
575 Oakwood Avenue
East Aurora, NY 14052
www.townofaurora.com

**Zoning Board of Appeals
Application
Owner Authorization**

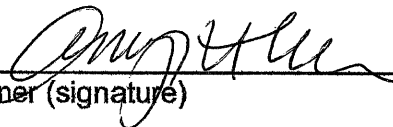
The undersigned, who is the owner of the premises know as:

1234 Center Street, E. Aurora, NY 14052, Identified as Tax Map (SBL)# 187.00-3-61
(address)

hereby authorizes Jake Fitton to bring an application for () area variance
() special use permit use variance () interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential approval. The undersigned further permits the Town or its authorized
representative(s) access to the property to review existing site conditions during the review process.

Amy Kotarski & Tom Kotarski
Owner (print)

10/22/24
Date


Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 21st day of October, 2024, before me, the undersigned, a notary public in and for said state,
personally appeared Amy Kotarski, personally known 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 he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument.


Notary Public SHERYL A. MILLER
 Reg. #01MI6128663
 Notary Public, State of New York
 Qualified In Erie County
 Commission Expires June 13, 2025

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



TOWN CLERK
Martha L. Librock
(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

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jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

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chris@townofaurora.com

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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

Jacob Flitton
PO Box 80
East Aurora, NY 14052

October 22, 2024

Jake:

The Building Department has reviewed your proposal for an in-law apartment at Tom and Amy Kotarski's residence at 1234 Center St. The request has been denied because it fails to meet the code requirements for a dwelling unit size in the Rural Residential (RR) district in which it is located.

Section 116-8.4C(1)
Required: Building size for a dwelling is 1200 sqft
Requested: Dwelling unit of 840 sqft
Variance: 360 sqft

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 - nm
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: 1234 Center St., East Aurora

5a. S.B.L. of Property: 187.00-3-61

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 in-law apartment (dwelling unit) is smaller than allowed by
(specify the action, such as the scope of variances or site plans) Town Code

8. Other remarks: _____

9. Submitted by: Martha Librock, 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:							
Project Location (describe, and attach a location map): 1234 CENTER STREET, EAST AURORA NY 14052							
Brief Description of Proposed Action: Small Mother-in-law application for addition. An 80 year old parent is selling her home and moving into this new addition - the addition provides separate independent living, while still nearby family.							
Name of Applicant or Sponsor: JACOB FITTON		Telephone: 51 E-Mail: JAF					
Address: P.O. BOX 80							
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		2.18 acres					
b. Total acreage to be physically disturbed?		0.02 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.18 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): RURAL RESIDENTIAL <input type="checkbox"/> Parkland							

5. Is the proposed action, 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? 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? b. Are public transportation service(s) available at or near the site of the proposed action? 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"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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: _____	NO	YES	
	<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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? 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? 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	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: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <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? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	ALL STORMWATER WILL BE DIRECTED TO EXISTING INFRASTRUCTURE		

<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>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>_____</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>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u><i>Jacob Flitton</i></u> Date: <u>10/21/2024</u></p> <p>Signature: <u>JACOB FLITTON</u></p>		

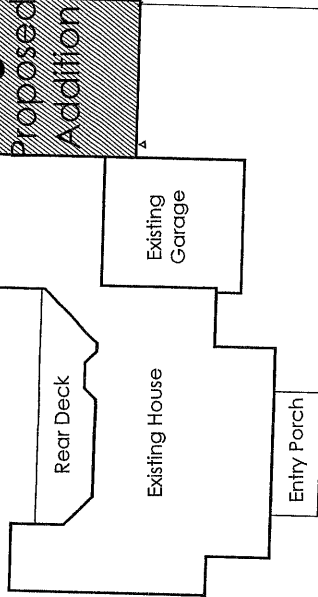
RURAL RESIDENTIAL (RR):

RESIDENTIAL USE: 103'-6"
FRONT YARD: 15'-0"
MINIMUM REAR YARD: 50'-0"
MINIMUM SIDE YARD: 20'-0"

PROPOSED: 103'-6"
FRONT YARD: 15'-0"
MINIMUM REAR YARD: 50'-0"
MINIMUM SIDE YARD: 20'-0"

ORIGINAL SURVEY COMPLETED OCTOBER 19, 2022 BY NISSENBAUMER & CLARK, INC. THIS DRAWING REFLECTS THE INFORMATION SHOWN THEREIN. PLEASE REFER TO ORIGINAL SURVEY FOR EXACT PROPERTY LINES, EASEMENTS, ETC.

Mother-in-Law Addition (840 Sq. Ft.)



PRELIMINARY

HAVEN

architecture

716.646.8251
www.havenarchitecture.com

DOCUMENT STATUS

- PRELIMINARY
- PERMITS
- BID SET
- PERMIT SET
- FINAL FOR CONSTRUCTION
- PREPARED FOR CONSTRUCTION

K9TARSKI RESIDENCE
1234 Center Road
East Aurora NY 14052

Job # 24-054

Revisions

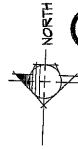
No.	Description

Date: 2024.08.21

This
Architectural Site Plan

Sheet:
A0.1

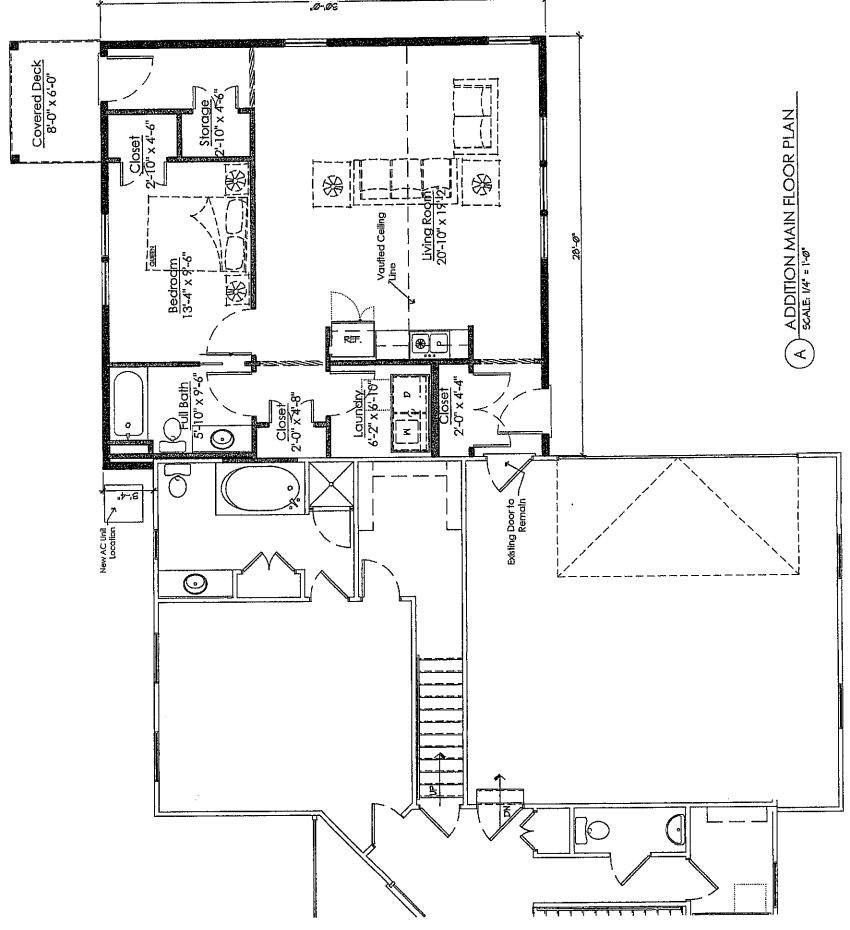
(A) ARCHITECTURAL SITE PLAN
SCALE: 3/32" = 1'-0"



CENTER STREET

R.O.W.

R.O.W.



(A) ADDITION MAIN FLOOR PLAN
SCALE 1/4" = 1'-0"

Main Floor	840 SF
Total	840 SF

NOT INCLUDED IN CALCULATIONS ABOVE:
Existing House
Existing Garage

PRELIMINARY

HAVEN
architecture

716.646.8251
www.havenarchitecture.com

PRELIMINARY
 PERMITS SET
 BID SET
 CONSTRUCTION DOCUMENTS

KOTARSKI RESIDENCE
 1234 Center Road
 East Aurora NY 14052

Job #	24-054
Revision	

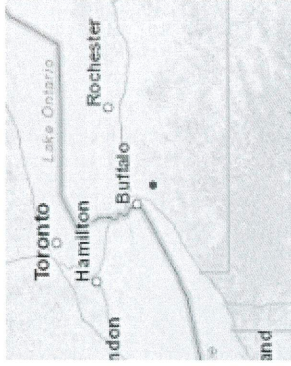
Date: 2/27/21
 Title: Floor Plan Addition

Sheet: **A2.0**

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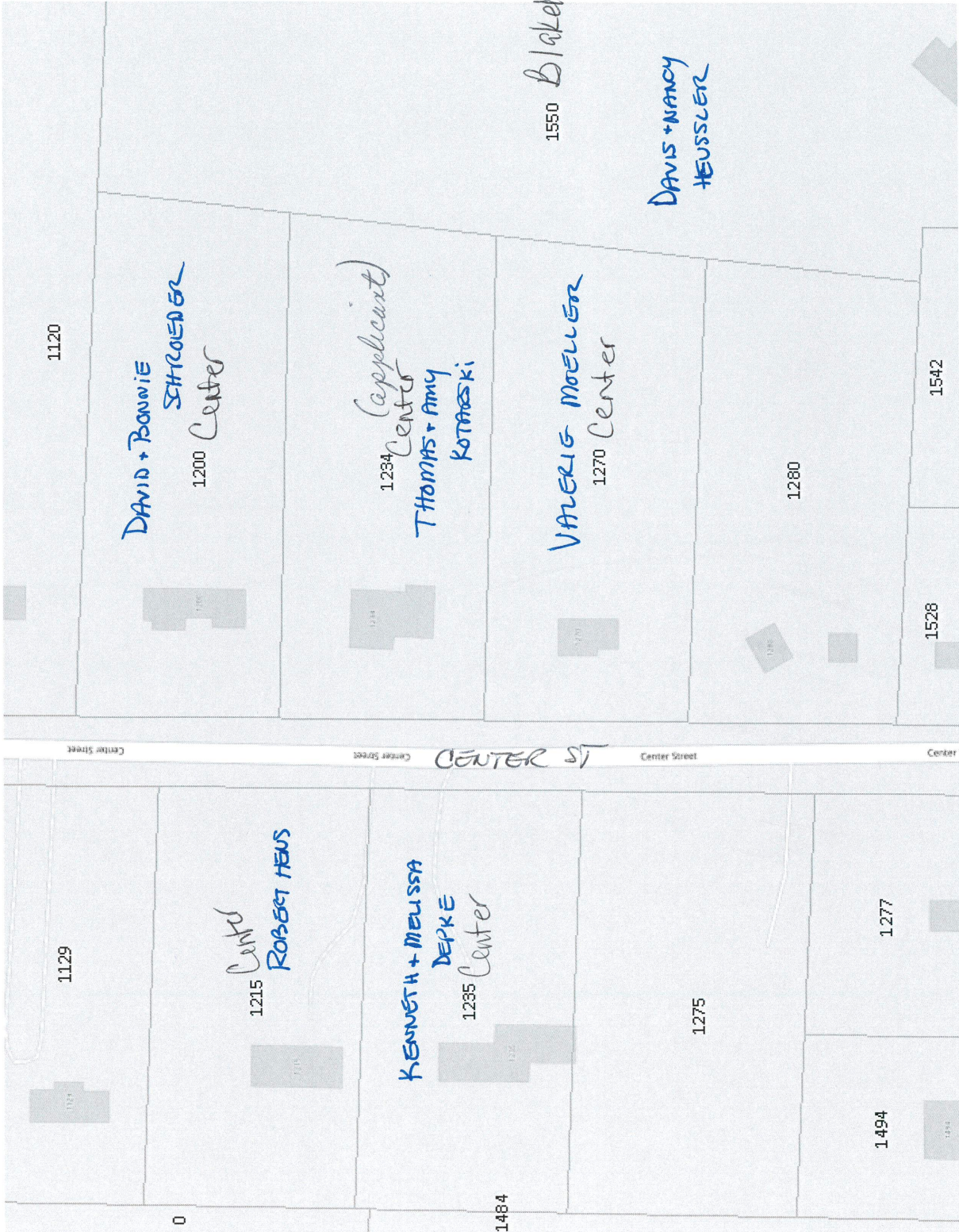
1484

Erie County On-Line Mapping Application



Legend

- Parcels



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 0.04 0.1 Miles
 WGS 1984 Web Mercator Auxiliary Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 2,257

