

**ZONING BOARD OF APPEALS
TOWN OF AURORA
DECISION**

RE: APPEAL NO. 1525 ADJOURNED

A public hearing on the Application of Jason Warnke (the "Petitioner"), for a front yard variance for an accessory building (shed) at 1234 Grover Road, East Aurora, New York (the "Premises") having been called before the Zoning Board of Appeals in the Aurora Municipal Center, 575 Oakwood Avenue, on Thursday, the 18th day of December, 2025 at 7:15 p.m.

Present were:

Paul Ernst – Chairman
Rodney Simeone
Davis Heussler
Nancy Burkhardt
Brad Felton - Alternate

Also Present : Rich Miga – Assist. Code Enforcement Officer
Martha Librock – Acting Secretary

Absent : Mandy Carl
Stephanie Morgan

The Petitioner had previously requested a front yard variance and a front yard setback variance of approximately 52' from the R.O.W. for an accessory building (shed) at 1234 Grover Road, East Aurora, New York (the "Premises"). The request was Tabled at the November 20th meeting and the Board asked the Petitioner to consider moving the shed further into his property and returning to the Board.

The Chairman called the Petitioner to address the board.

The Petitioner appeared. He submitted a new sketch revising his request to an accessory structure in the front yard located approximately 157' from the R.O.W. along with a min. of (9) trees added to screen the shed from the road. This new location eliminates the front yard setback variance.

The Chairman told the Board the Town had received no letters of support or concerns regarding the variance request.

The Chairman opened the hearing to the public. No one appeared.

At a duly convened public meeting held on the 18th day of December, 2025, after said public meeting, the Zoning Board of Appeals finds as follows :

Findings

1. This is a Type II Action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated thereunder, Part 617 of the NYS Code of Rules and Regulations (SEQR). This Petition was referred to the Erie County Division of Planning and it was advised on November 6, 2025, that it had no recommendation on the proposed action and that it was a matter of local concern (Exhibit 4).

2. After further discussion, the Board feels the variance requested will not create an undesirable change in character of this rural neighborhood. The benefit sought by the Petitioner cannot be achieved by some other method other than by variance. Board members feel that the variance is not substantial for a rural lot. The board feels the request will have no adverse effect or impact on the physical or environmental condition of the surrounding rural neighborhood. There is an existing large barn on the neighbor's adjacent property in the front yard. The Board feels it is self-created.

Davis Heussler made a motion to grant the variance requested for an accessory building (shed) in the front yard at 1234 Grover Road, East Aurora, New York (the "Premises"), contingent upon adding a min. of (9) trees for screening per the Petitioner's sketch (Exhibit 13).

Rodney Simeone seconded the motion.

On a roll call, the vote was:

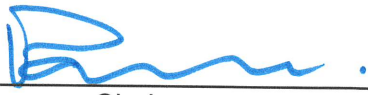
Paul Ernst	Aye
Rodney Simeone	Aye
Davis Heussler	Aye
Brad Felton	Aye
Nancy Burkhardt	Recused

The motion was carried.

Ayes : 4 Noes : 0 Recused : 1

RESOLVED, that variances applied for by the Petitioners in Application No.1525 be and hereby is granted subject to any conditions set forth herein.

Dated: East Aurora, New York
December 18, 2025


Chairman

MINUTES OF AN ADJOURNED HEARING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

December 18, 2025

CASE #1525 – Warnke, Jason
1234 Grover Road, East Aurora, NY

The hearing was called to order by the Chairman Paul Ernst with the following Board members present:

Davis Heussler
Rod Simeone
Nancy Burkhardt
Brad Felton, Alternate

Absent/Excused: Mandy Carl

Others Present: Rich Miga, Asst. Code Enforcement Officer
Joseph McCann, Town Councilmember
Doug Crow, Planning Board Chairman

Ernst Case 1525 was originally heard on November 19, 2025. At that time we tabled the case and asked the petitioner to consider relocating the shed and come back with a new plot plan. A revised plan was submitted and a revised letter of determination/denial is marked exhibit 12, the revised plot plan and survey were marked exhibit 13 and 14. A copy of the mailing of the adjourned hearing to Mr. Warnke was marked exhibit 15. Based on the new exhibits, only a front yard variance is needed.

Warnke I submitted a revised drawing. The front of my shed will now be lined up with the rear of the neighbor's barn. I will be planting douglas fir and maple trees in front of the shed. Probably around nine trees of the various species. Now the shed will be about 190 feet from the center of the road and about one thousand feet from my house.

Miga The shed will be 157 feet from the right-of-way. The road width is 66 feet – 33 feet in each direction.

Warnke I staked out the area where I will move the shed to.

Simeone The original proposal was to have the shed 52 feet from the right-of-way and in the front yard.

Miga With the new plan, the front yard setback variance goes away.

Simeone I think this is a reasonable compromise. With the house back 1200 feet from the road it's difficult not to have it in the front yard.

Ernst The barn next door is quite big.

Felton The petitioner did act on our suggestions.

Burkhardt I will recuse myself from voting since I was not here for the original meeting.

Ernst Does anyone else wish to comment on Case 1520?

Hearing no one, Chairman Ernst closed the adjourned hearing.

MINUTES OF A MEETING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

CASE #1525 – Warnke, Jason
1234 Grover Road, East Aurora, NY

Decision:

After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, County of Erie and State of New York, the following motion was made by Davis Heussler and seconded by Rod Simeone to grant the petitioner a front yard variance for a shed at 1234 Grover Road, East Aurora, NY, which will be 157 feet from the right-of-way. The petitioner will plant a minimum of nine (9) trees of various species in front of the shed. This is granted in accordance with the testimony and exhibits presented. This is a Type 2 action for purposes of SEQR.

Upon a vote being taken:

Ernst	Aye
Heussler	Aye
Simeone	Aye
Burkhardt	Recuse
Felton	Aye

Ayes-four	Nays- none	Recuse - one	Motion carried.
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EXHIBITS

CASE #1525 – Warnke, Jason
1234 Grover Road, East Aurora, NY

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| Exhibit 1 | Affidavit of Publication |
| Exhibit 2 | Affidavit of Posting |
| Exhibit 3 | ZBA Application, including petitioner's letter of intent |
| Exhibit 4 | Erie County Department of Planning referral & response of no recommendation |
| Exhibit 5 | Building Department letter of determination/denial |
| Exhibit 6 | SEQR Short Environmental Assessment Form |
| Exhibit 7 | Property survey |
| Exhibit 8 | Sketch of property and buildings (not to scale) |
| Exhibit 9 | Photos of shed |
| Exhibit 10 | Property deed |
| Exhibit 11 | Abutting property owners |
| Exhibit 12 | Amended Building Department letter of determination/denial |
| Exhibit 13 | Revised plot plan with new location for shed |
| Exhibit 14 | Copy of property survey showing new location of shed |
| Exhibit 15 | Copy of mailing to Mr. Warnke of adjourned hearing |