

DEMO:

- GARAGE WAS DEMO'D
- PFB
- 2 CAR
- SINGLE STORY - NO LOFT/STORAGE
- METAL SIDING
- HOUSE TO HOUSE
- PERSONAL USE



- POWER BUT NO WATER OR GAS
- OWNER SUBMITTED LETTER FROM WEST PROPERTY

APPROVED
5-0

CASE NO. 1512

DATE OF HEARING 8/21/25

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 PAUL SPAN II
Address 761 QUAKER RD
City EAST AURORA State NEW YORK ZIP 14052
Phone 716 796 7753 Fax — Email PSPAN2@GMAIL.COM
Interest in the property (ex: owner/purchaser/developer) OWNER

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

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

III. PROPERTY INFORMATION

Property Address 761 QUAKER RD EAST AURORA NY 14052
SBL# 175.09 1-4
Property size in acres 2.3931 Property Frontage in feet 50
Zoning District RR Surrounding Zoning RR
Current Use of Property RESIDENCE - Single Family

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 99-31A(1), 99-31A(2), 99-31A(5), 99-31A(6) & 99-31A(7)
☐ 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)

PAUL SPANZII

[Signature]

Signature of Applicant/Petitioner

PAUL SPANZII

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 3 day of July in the year 2025 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.

[Signature]
Notary Public

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: _____

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)

I WOULD LIKE TO HAVE A POLE BARN / GARAGE BUILT. THIS WOULD REPLACE A GARAGE THAT WAS DAMAGED AND TORN DOWN. THE NEW POLE BARN / GARAGE WOULD BE BUILT IN THE SAME SPOT AS THE PREVIOUS ONE.

I AM SEEKING A VARIANCE BECAUSE THE WEST FACING WALL IS CLOSER TO PROPERTY LINE THAN REQUIRED.

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)

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:

....., identified as Tax Map (SBL)#.....
(address)

hereby authorizes 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.

Owner (print)

Date

Owner (signature)

STATE OF NEW YORK)
 SS
COUNTY OF ERIE)

On this _____ day of _____, 20____, before me, the undersigned, a notary public in and for said state,
personally appeared _____, 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



ZONING BOARD OF APPEALS APPLICATION FORM AND INSTRUCTIONS

Please Read Carefully

The Zoning Board of Appeals (ZBA) has the power to issue interpretations of the Zoning Ordinance and to grant area variances, use variances and use permits.

Application requirements:

1. Prior to seeking a variance from the ZBA, the Applicant/Property Owner must receive a denial from the Building Department for a building permit, a decision from the Code Enforcement Officer, or a referral from the Planning Board or Town Board.
2. Completed applications must be submitted *by the second Monday of the month prior* to the next scheduled meeting of the ZBA. The ZBA meets the third Thursday of each month.
3. All applications must be accompanied by the proper application fee. ZBA application fee is \$100.00. Checks made payable to Town of Aurora.
4. If the applicant/petitioner is not the property owner, an owner authorization form must be submitted.
5. Submit one (1) original and ten (10) copies of the following information:
 1. ZBA application with all questions answered.
 2. Petitioner's letter of intent.
 3. Sketch, drawing, plan or brochure showing all dimensions of the structure that requires a variance and any other information as may be necessary (ex: photos of the property).
 4. Survey prepared by a licensed surveyor, licensed architect or professional engineer showing the property involved and the location of all existing structures and proposed structures. All setback measurements must be shown on the survey.
 5. A site plan showing the proposed structure and all dimensioning including distance from property lines and roadways, driveways, wells, septic, drainage ditches and any other features relevant to the variance being requested.
 6. Copy of property deed.
 7. Short Environmental Assessment Form (SEQRA) – Part I completed by applicant.

Incomplete applications will not be accepted for review.

Attendance at the Hearing:

The property owner, applicant, owner/applicant's attorney, engineer and/or architect or a duly authorized person must attend the public hearing.

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

July 10, 2025

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Jeffrey P. Markello
Anthony DiFilippo IV

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Robert L. Goller
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historian@townofaurora.com

FAX: (716) 652-3507

*This institution is an equal
opportunity provider and employer.*

Paul Spahn II
761 Quaker Road
East Aurora, NY 14052

Paul:

The Building Department has reviewed your request to construct a detached garage on your existing nonconforming Open Development Area (ODA) lot at 761 Quaker Road (SBL 175.09-1-4). The request has been denied because it fails to meet the requirement for minimum side yard setbacks from the east and west property lines.

Variance for the detached garage -

Section: 99-31A(6)

Required: Side yard setback: 50 feet

Requested: 4' from the west property line and 22' from the east property line.

Variance: 36' from the west property and 18' from the east property line.

Variances for the existing nonconforming lot -

- Section: 99-31A(1)

Required: Minimum lot size will be three acres exclusive of the "flagpole" portion of the property.

Requested: 2.44

Variance: .56

Section: 99-31A(2)

Required: The flagpole portion of the lot must have a minimum of 75 feet of frontage on an existing state, county, or Town road and maintain a minimum 75 feet wide right of way retained by the property owner.

Requested: 50'

Variance: 25'

Section: 99-31A(5)

Required: Front yard setback: 200 feet from the boundary line parallel to the street right-of-way.

Requested: 47.14'

Variance: 152.86'

- Section: 99-31A(8)

Required: Minimum lot width: 200 feet for boundary line parallel to the street right-of-way.

Requested: 98.03'

Variance: 101.97

Project Narrative – Pole Barn / Garage
761 Quaker Rd, East Aurora, NY 14052

I, Paul Spahn II, residing at 761 Quaker Rd, East Aurora, NY 14052, am submitting this application for a permit to construct a Pole Barn / Garage on my property. The new structure will replace a former garage that was previously located on the same site.

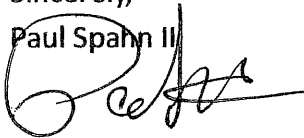
The proposed Pole Barn / Garage will measure 24 feet wide (front) by 32 feet deep (sides), with a height of less than 15 feet. It will include two standard garage doors, each measuring 7 feet by 9 feet.

I am also requesting a variance, as the new structure—like the previous one—will be approximately 4 feet from the property line of my western neighbor, Janet Ferber (765 Quaker Rd, East Aurora, NY 14052).

Thank you for your consideration.

Sincerely,

Paul Spahn II

A handwritten signature in black ink, appearing to read 'Paul Spahn II', written over the printed name.

1 SQ = 1 FT²

FRONT ABOVE

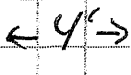
E



32'



24'

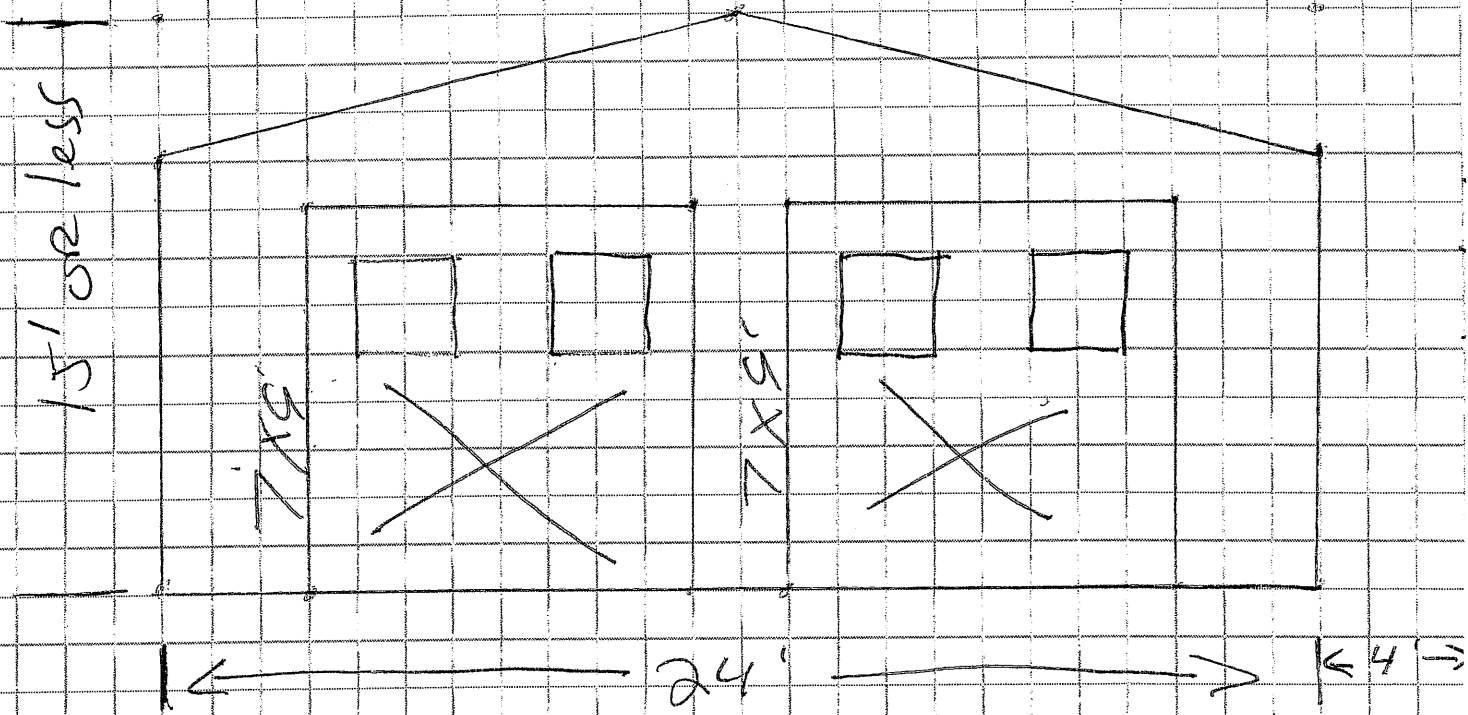


4'

PROPERTY LINE

1 SQ = 1 FT

Front View



ORCHARD PARK, EAST AURORA SH.



11905' REC, 1190.79' MEAS

[illegible]

STATE OF OHIO, 47, 1916 TOWN OF AURORA COUNTY OF ERIE

PGI BOX 511
NALT ALUMINIA 111 V. 10000 10000 5000 5000

DRAWN BY DMS
CHECKED BY JLS

SCALE 1" = 50'
DATE NOVEMBER 11, 1964

100 93701 SHRY C-201

James - 1842

ERIE COUNTY CLERKS OFFICE
County Clerk's Recording Page

Return To:

BOX 454

DEMARCO
ANTHONY
DEMARCO
SUSAN
SPAHN
PAUL

J JR
ELIZABETH
B II

COUNTY	\$	24.00
STATE	\$	25.00
COE	\$	5.00
TRANSFER	\$	376.00
	\$	.00
NFTA TT	\$	470.00
	\$	.00
	\$	.00
	\$	.00
Total:	\$	900.00

STATE OF NEW YORK
ERIE COUNTY CLERKS OFFICE

WARNING - THIS SHEET CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTIONS 319&316-a
(5) OF THE REAL PROPERTY LAW OF THE STATE OF
NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

DAVID J SWARTS
COUNTY CLERK

Index DEED LIBER
Book 10956 Page 4220
No. Pages 0003
Instrument DEED
Date : 8/27/1999
Time : 3:50:35
Control # 199908271417

TT# TT 1999 002293
Employee ID AMV

TRANSFER TAX

CONSIDERATN	\$	94,000.00
TRANSFER TAX	\$	846.00



D109564220

Short Environmental Assessment Form

Part 1 - Project Information

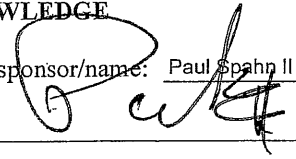
Instructions for Completing

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: Pole Barn / Garage build - 761 Quaker Rd			
Project Location (describe, and attach a location map): 761 Quaker Rd East Aurora NY 14052			
Brief Description of Proposed Action: Build a single story 2 car pole barn / garage to replace a garage previously on the same site			
Name of Applicant or Sponsor: Paul Spahn II		Telephone: 716-796-7753 E-Mail: pspahn2@gmail.com	
Address: 761 Quaker Rd			
City/PO: East Aurora		State: New York	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 ☒	YES ☐
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 ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		2.3931 acres	
b. Total acreage to be physically disturbed?		<1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.3931 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
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?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ No water connection required or sought	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ no waste water will be produced	☒	☐	
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?	NO	YES	
	☒	☐	
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?	☒	☐	
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?	NO	YES	
	☒	☐	
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: _____ _____ _____			

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
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
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
	☒	☐
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
	☒	☐
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
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Paul Spahr II</u> Date: <u>7/2/2025</u> Signature: <u></u> Title: <u>Property Owner</u>		

This Indenture

Made the 11 day of August Nineteen Hundred and Ninety-Nine

Between

Grantor(s): Anthony J. DeMarco, Jr. and Susan Elizabeth DeMarco,
Husband & Wife residing at
761 Quaker Road, East Aurora, New York 14052

Grantee(s): Paul P. Spahn II, residing at 1646 Boies Road,
East Aurora, New York 14052

Witnesseth that the grantor(s) in consideration of _____
_____ ONE AND MORE _____ Dollar(s) (\$1.00 & More)
lawful money of the United States, paid by the grantee(s) does hereby grant and release unto
the grantee(s) their 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 No. 47, Township 9, Range 6 of the Holland Company's
Survey, bounded and described as follows:

BEGINNING at the northwest corner of land conveyed to Henry Becker and Stella A.
Becker, his wife, by Bert Havens and Jennie E. Havens, his wife, by deed dated January 6, 1923
and recorded in the Erie County Clerk's Office in Liber 1627 of Deeds at page 539 and which
point of beginning is 1,164 feet westerly from the intersection of the center line of said highway
and the easterly line of said Lot No. 47 as measured along the center line of said highway; thence
southerly along the west line of lands so conveyed to said Becker 200 feet to the southwest corner
thereof; thence easterly along the south line of said Becker's land, 50 feet to the southeast corner
thereof; thence southerly along the east line of lands of Bert Havens and Jennie E. Havens, his
wife, 990.5 feet to the southeast corner thereof; thence westerly 98 feet on the south line of
lands of said Bert Havens and Jennie E. Havens to a point, so that a line drawn from such point
northerly to the highway shall be parallel to the east line of the front 200 feet of lands herein
described and to a point 50 feet on the highway distant from the point of beginning; thence
northerly along said last mentioned line 1,218 feet to the center line of said highway; thence
easterly along the north line of lands of said Bert Havens and Jennie E. Havens, his wife and said
highway 50 feet to the place of beginning, excepting therefrom that portion of premises conveyed
to the County of Erie by deed recorded in Liber 2667 of Deeds at Page 165.

6244
DMV
1417

dur

94,000

DNB-2

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).
their heirs and assigns forever.

And the said Grantor(s) does (do) 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) have (has) set their (his), (her) hand(s) and seal(s) the day and year first above written.

In Presence of

_____[L.S.]

Anthony J. DeMarco, Jr. [L.S.]
Anthony J. DeMarco, Jr.

_____[L.S.]

Susan Elizabeth DeMarco [L.S.]
Susan Elizabeth DeMarco

State of New York)
County of Erie)ss:

On this 14th day of August
Nineteen Hundred and Ninety-Nine

before me, the subscriber(s), personally appeared Anthony J. DeMarco, Jr., and Susan Elizabeth DeMarco

to me personally known and known to me to be the same person(s) described in and who executed the within instrument, and he-(she) (they) acknowledged to me that he-(she) (they) executed the same.

Sandra J. Kaminski
Notary Public

SANDRA J. KAMINSKI
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES JULY 15, 2001

Box 454