

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

December 18, 2025

CASE #1531 – Michael Grandits
1112 Davis Road, West Falls, 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

The notice of the Public Hearing was read by the Town Clerk. The notice was duly published in the East Aurora Advertiser as evidenced by the Affidavit of Publication, marked as exhibit 1. The Affidavit of Posting was marked as exhibit 2. The ZBA Application, including petitioner's letter of intent was marked as exhibit 3. The Erie County Department of Planning referral and response of no recommendation was marked exhibit 4. The Building Department letter of determination/denial was marked exhibit 5. The SEQR short form was marked exhibit 6. A copy of the property survey was marked exhibit 7. Specification for the shed was exhibit 8. The property deed was marked exhibit 9. The List of Abutting Property Owners was marked as exhibit 10. A copy of an email dated 11/1/2022 from the Aurora Building Department stating that the shed was inspected, no issues, and the permit can be closed once an inspection waiver for the post holes was submitted.

The Chairman opened the hearing with the Pledge of Allegiance to the Flag and stated the purpose and procedure of the hearing. Following the hearing a meeting will be held to render a decision for a variance for the distance between an accessory building/structure and a dwelling at 1112 Davis Road, West Falls, NY. This is Type 2 for purposes of SEQR.

Grandits Mike Grandits, 1112 Davis Road. In 2022 I submitted an application for a building permit for this structure. The inspector came out and all was okay except for the post hole inspection. I signed a waiver for this. I have an email from Jen Calkins dated 11/1/2022 stating this. I was told that the records were lost so the permit had to be reopened. Just this year, 2025, I was told about the rule for the distance from a dwelling.

Ernst What is the use of the structure?

Grandits In the summer we use the open portion as a bar, with a TV, etc. The portion that is enclosed is used for storage of seasonal furniture.

Simeone When was the electric installed.

Grandits We gave the electricians approval to the Town in 2023.

Simeone Now it's down to the final inspection?

Grandits Back when Paul Kielich inspected it, the location was not in question.

Felton This doesn't appear to be self-created.

Burkhardt Does NYS Building Code require the distance?

Miga No, it does not. Town Code requires it.

Burkhardt What is your home made of ?

Grandits Brick.

Ernst We noticed that the shed on the side of the house is not in compliance.

Grandits That was there when we purchased the house. I'd like to amend my application to include the shed on the side of the house. We bought the house five years ago and will probably be getting rid of that shed in about two or three years. It is getting very run down.

Ernst Does anyone else wish to comment on Case 1531?

Hearing no one, Chairman Ernst closed the public hearing.

MINUTES OF A MEETING AS HELD BY THE
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Discussion:

- Heussler I do not believe this is self-created. We have indication of that in the email from the building department.
- Ernst For the original shed he has agreed to amend his application.
- Burkhardt The view of the new shed is obstructed by the house.

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 Rod Simeone and seconded by Brad Felton to grant the petitioner a distance between an accessory building and dwelling variance of five feet and an 8.5 feet variance for the shed on the side of the house at 1112 Davis Road, West Falls, NY, with the provision that the shed on the side of the house will be removed within three years from the date of this decision. This is a Type 2 action for purposes of SEQR.

Upon a vote being taken:

Ernst	Aye
Heussler	Aye
Simeone	Aye
Burkhardt	Aye
Felton	Aye

Ayes- five

Nays- none

Motion carried.

EXHIBITS

CASE #1531 – Michael Grandits
1112 Davis Road, West Falls, 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 | Shed specs |
| Exhibit 9 | Property deed |
| Exhibit 10 | Abutting property owners |
| Exhibit 11 | Email dated 11/1/2022 from building department re: inspection and permit closing |

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

RE: APPEAL NO. 1531

A public hearing on the Application of Michael Grandis (the "Petitioner"), for a front yard variance and a front yard setback variance for an accessory building (shed) at 1112 Davis Road, PO West Falls, 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 7:00 p.m., after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-9 (F) of the Code of the Town of Aurora.

Present were:

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

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

Absent : Stephanie Morgan - Alternate
Mandy Carl

The Secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein (Exhibits 1 and 2).

The Petitioner seeks a 5' distance from a dwelling variance for a newer accessory building (shed) at 1112 Davis Road, PO West Falls, New York (the "Premises"). It was noted at the ZBA site visit that there is another older existing shed within 1.5' of the dwelling also in violation of the distance code. The older shed would need an 8.5' variance to remain.

The Petitioner appeared. Mr. Grandis provided the Board a memo dated November 1, 2022 stating that the Town visited the site and everything looked fine. During the Town's site visit for final approval the Petitioner was told of the distance from a dwelling code requirement of 10'. The Shed has a concrete pier foundation and would be costly and difficult to move.

Regarding the second older shed, the Petitioner indicate that shed was there when they purchased the home and would remove it in the near future. The Board informed the Petitioner that they would consider approval if removed within three years.

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 made the following motion :

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 26, 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 variances requested will not create an undesirable change in character of the rural neighborhood. The benefit sought by the Petitioner cannot be achieved by some other method other than variance. Board members feel that the variance is not substantial, but would require the eventual removing the older shed. The board feels the request will have no adverse effect or impact on the physical or environmental condition of the surrounding rural neighborhood. The Board feels it is not self-created.

Davis Heussler made a motion to grant a 5' distance from a dwelling variance for the newer accessory building (shed) and an 8.5' distance from a dwelling variance for the older accessory building (shed) at 1112 Davis Road, PO West Falls, New York (the "Premises"), contingent upon the older shed being removed within three years.

Brad Felton seconded the motion.

On a roll call, the vote was:

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

The motion was carried.

Ayes : 5

Noes : 0

RESOLVED, that variances applied for by the Petitioners in Application No.1531 be and hereby is granted subject to any conditions set forth herein.

Dated: East Aurora, New York
December 18, 2025



Chairman