



original

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 SPAHN II
Address 761 QUAKER RD
City EAST AURORA State NEW YORK ZIP 14052
Phone 716 Email PS
Interest in the (purchaser/developer) OW A.L.OW

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(8)
☐ 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:

7/14/25

Receipt #:

713216

Application reviewed by:

[Signature]

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)

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.

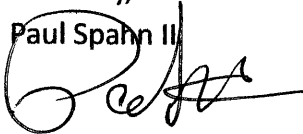
The proposed Pole Barn / Garage will measure 24 feet wide (front) by 32 feet deep (sides), with a height of less than 15 feet. It will include two standard garage doors, each measuring 7 feet by 9 feet.

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.

**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 - nn
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** 8/21/2025 **Time** 7:00pm **Location** 575 Oakwood Ave., E. Aurora

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: 761 Quaker Rd/aka: Rte. 20A, E. Aurora

5a. S.B.L. of Property: 175.09-1-4

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 accessory building (garage) closer to side lot lines than allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: This is an ODA (flag) lot where the existing house and proposed garage are on the flag pole portion of the lot.

9. Submitted by: Martha Librock, Town Clerk **Email:** townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., East 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: _____

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

July 10, 2025

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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

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		Telephon _____ E-Mail: _____	
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			

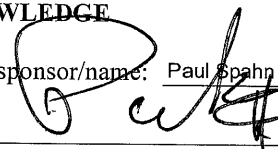
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☒	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed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

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,	NO	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:	☒	☐

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 Spahn II</u> Date: <u>7/2/2025</u>		
Signature: <u></u> Title: <u>Property Owner</u>		

ROUTE 20A

ORCHARD PARK - EAST AURORA SH

FORMER

LANDS CONVEYED
TO THE COUNTY OF
ERIE L. 1627, P. 539

ALSO KNOWN AS UNKNOWN TRACT
NW CORNER LAND CONVEYED
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ERIE L. 1627, P. 539

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TO THE COUNTY OF
ERIE L. 1627, P. 539

2.44 ACRES:
(TO ROW)

1218' REC.
1208.46' MEAS

1190.5' REC, 1190.78' MEAS

990.78' MEAS

E LINE OF BERT AND
JENNIE HAVENS
L. 1513, P. 485

98 REC
98.03 MEAS

T. 9 S. R. 6 E. TOWN OF AURORA COUNTY OF ERIE NEW

NOTE: Location and dimensions of adjacent property, including driveway, easement, plan or map, is a condition of Section 7709, Provision 2 of the New York State Education Law.

NOTE: This survey was prepared without reference to an existing survey of the land and is subject to any change of fact. It may be amended by an amendment of fact.

James L. Shisler

DATE	JOB	DESCRIPTION
7/11/98	980339	FOUND ALL REMAINS LIPS

JAMES L. SHISLER, L.S., P.C.
PROFESSIONAL LAND SURVEYOR

101 DOW AVE
EAST AURORA, N.Y. 14054-1476
716-653-1056

DRAWN BY DMS
CHECKED BY JLS
SCALE 1" = 50'
DATE NOVEMBER 11, 1998
JOB 980339 SHEET C-201

ROUTE

20A

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FORMERLY
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TO THE COUNTY OF
THE L.S. 2001, P. 185

5000'
R.M.

ALSO HAD
NEW COR OF LAND CONVEYED
TO HEIM AND STELLA A BECKER
L 1627, P 339 JENNIE E. HARRIS

TO THE
OF 107 SF AS MEAS
ALONG THE S E
THE HIGHWAY

NEW
GARAGE

4'

1218' REC.
1208.46 MEAS

2.44 ACRES
(1 TO ROW)

990.78' MEAS

1190.5' REC, 1190.78' MEAS

98' REC
96.03 MEAS

PART OF T. 47 S. T. 9 N. R. 6 E. TOWN OF AURORA

COUNTY OF ERIE

NEW

NOT
This survey was prepared under the belief of an
absence of title and is subject to exposure of facts
which may be removed by an action of law.

NOT
Unpublished alterations or additions to any
writing, drawing, diagram, map, plan or report
1.0. Version of Section 7/20, from Item 2 of the
New York State Education Law

JAMES L. SHISLER, L.S., P.C.

PROFESSIONAL LAND SURVEYOR

101 DORSET
EAST AURORA NEW YORK 14051-3005

718-655-1058

DRAWN BY DMS
CHECKED BY JLS

SCALE 1" = 50'
DATE NOVEMBER 11, 19

JOB 93751

SHEET C-2011

James L. Shisler

$1 \text{ SQ} = 1 \text{ FT}^2$

FROM ABOVE

E



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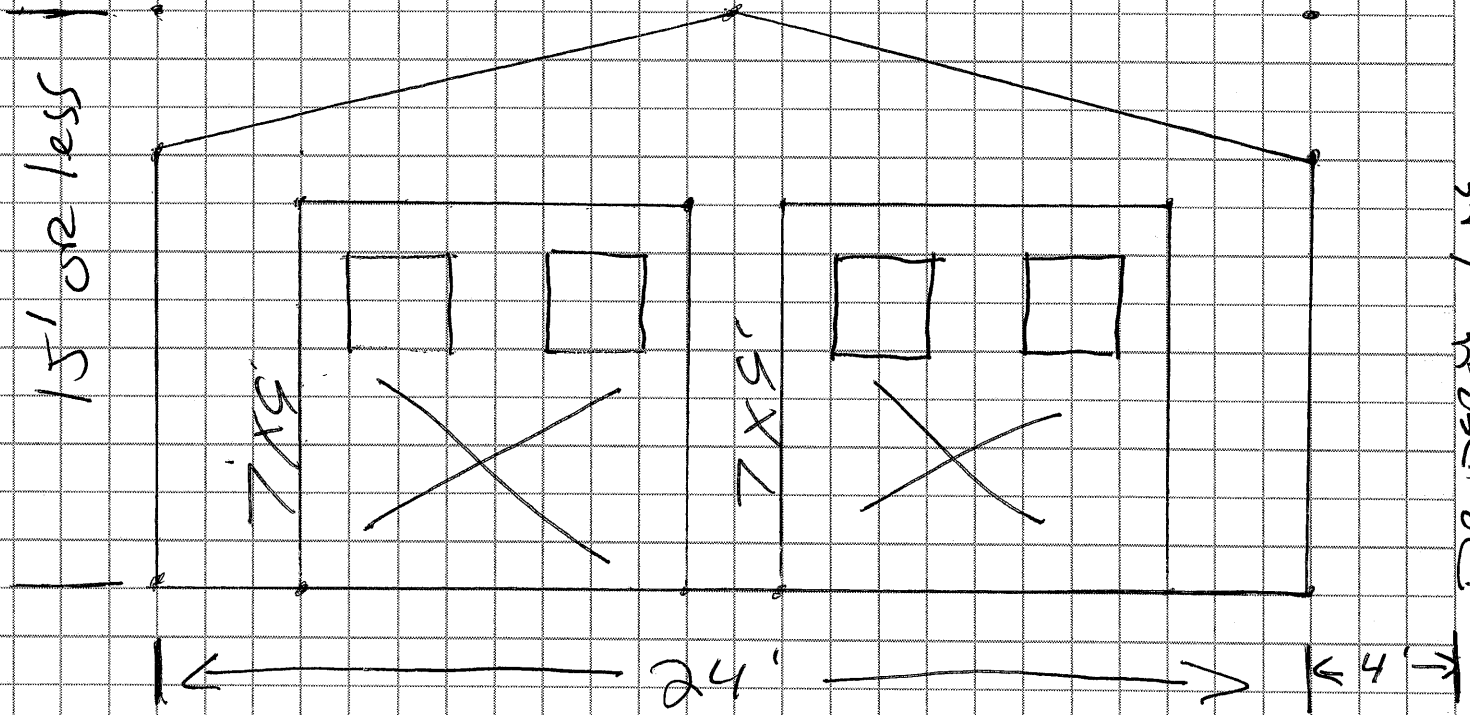
3m17 R293D291

24'

4'

1 SQ = 1 FT

FRONT VIEW





**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: 2,257



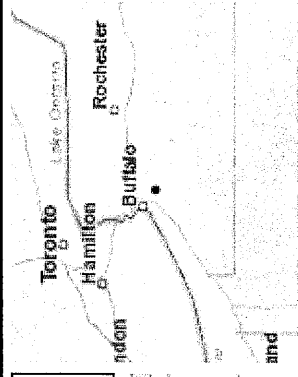


Erie County On-Line Mapping Application



Legend

□ Parcels



0 0.07 0.1 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: 4,514

