

original



CASE NO. 1525

DATE OF HEARING 11/19/2025

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 JASON WARNKE
Address 1234 GROVER RD
City EAST AURORA State NY ZIP 14052
Phone 716-316-4748 Fax Email JP
Interest in the property (ex: owner/purchaser/developer) OW YAHOO.COM

III. PROPERTY OWNER IN

(different from applicant information.)

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

III. PROPERTY INFORMATION

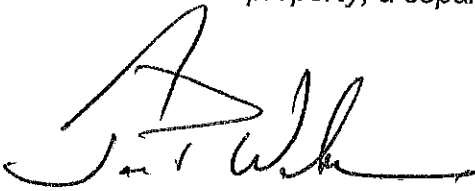
Property Address 1234 GROVER RD EAST AURORA, NY 14052
SBL# 187.00-1-48.1
Property size in acres 8.96 Property Frontage in feet 163.19
Zoning District RR/A Surrounding Zoning RR / RI / A
Current Use of Property Residential - SFD

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-8.4F(4) & 116-18A(1), & 116-8.4F(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)



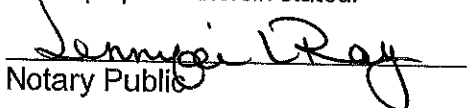
Signature of Applicant/Petitioner

JASON P. WARNKE

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 26 day of September 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.


Notary Public

(Notary stamp)

JENNIFER L. RAY
Notary Public, State of New York
Qualified in Erie County
No. 01RA6075421
Commission Expires June 10, 2026

Office Use Only:

Date received: 10/2/25

Receipt #: 713395

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)

PLACE A SHED 85' FROM ROAD ALONG SIDE OF DRIVEWAY. MAIN
REASON IS MY WIFE IS DISABLED AND IT IS A LOCATION FOR
ALL DELIVERY CARRIERS TO PICKUP AND LEAVE PACKAGES AND OTHER
DELIVERIES SO IT DOES NOT CAUSE WORRYING WHEN SHE IS
OUTSIDE WITH DOGS. ALSO DELIVERY EMPLOYEES APPRECIATE IT
AS WELL AS OUR DRIVEWAY IS VERY LONG AND SOME UPHILL
WHICH CAN BE TOUGH DURING WINTER MONTHS. ALSO GREAT
STORAGE FOR GARBAGE CANS. JUST WORKS OUT VERY WELL

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)

**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.: 638-ZR-25

Postmark/Delivery Date: 10/20/25

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 11/19/2025 Time 7:00pm 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 Grover Rd, East Aurora, NY

5a. S.B.L. of Property: 187.00-1-48.1

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: Accessory structure (shed) in front yard of residence and distance from right of way not allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

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

10. Return Address: 575 Oakwood Ave., East Aurora, NY 14052

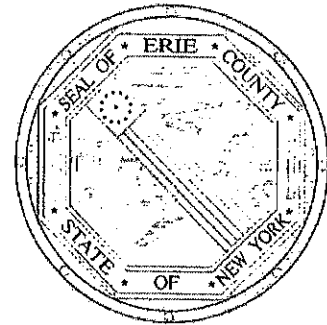
Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 10/20/25. 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: Colette McDaniel Date: 11/6/25

**Erie County Department of Public Works
Division of Highways**



MEMORANDUM

To: Colette McDonald, ECDEP - Planning
From: Garrett M. Hacker, P.E.
Date: October 29, 2025
Subject: Accessory Building Variance
1234 Grover Road (CR-373)
(T) of Aurora, County of Erie

This Department has received a request to review a variance of an accessory building (shed) at 1234 Grover Road (CR-373) in the Town of Aurora. The proposed request fails to meet the Town of Aurora zoning code section 116-8.4F(4) and 116-18A(1). Erie County Department of Public Works has no issue with the proposed variance request.

Issued By:

A handwritten signature in black ink, appearing to read "Garrett M. Hacker", is written over a horizontal line.

Garrett M. Hacker, P.E.
Supervisor of Engineering

CB

cc: Karen Hoak, Deputy Commissioner of Public Works
Darlene Svilokos, P.E., Director of Engineering
Gina Wilkolaski, P.E., Traffic and Safety Engineer
Michael Pasnik, Senior Highway Maintenance Engineer
File: CR-373

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.gov

October 2, 2025

TOWN COUNCIL MEMBERS

Luke Wochensky
lwochensky@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

SUPT. OF HIGHWAYS
David M. Gunner
(716) 652-4050
highway@townofaurora.com

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(716) 652-7591
building@townofaurora.com

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chris@townofaurora.com

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
James Granville

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

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

Jason Warnke
1234 Grover Road
East Aurora, NY 14052

Jason,

The Building Department has reviewed your request for a shed in the front yard at *1234 Grover Road (SBL 187.00-1-48.1)*. The request has been denied because it fails to meet the requirement for front yard setback and no accessory buildings/structures in the front yard in the Rural Residential (RR/A) zoning districts in which the building/ accessory structures are located.

Sections 116-8.4F(1)

Required: Front yard depth or setback.

Requested: Accessory Structure (shed) located approximately 52' from the right-of-way.

Variance: Accessory Structure (shed) located approximately 52' from the right-of-way.

Sections 116-8.4F(4) and 116-18A(1)

Required: No accessory buildings/structures shall be erected in the front yard.

Requested: Accessory Structure in front yard (shed) located approximately 52' from the right-of-way.

Variance: Accessory Structure in front yard (shed) located approximately 52' from the right-of-way.

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,

A handwritten signature in dark ink, appearing to read "Richard Miga".

Richard Miga
Assistant Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

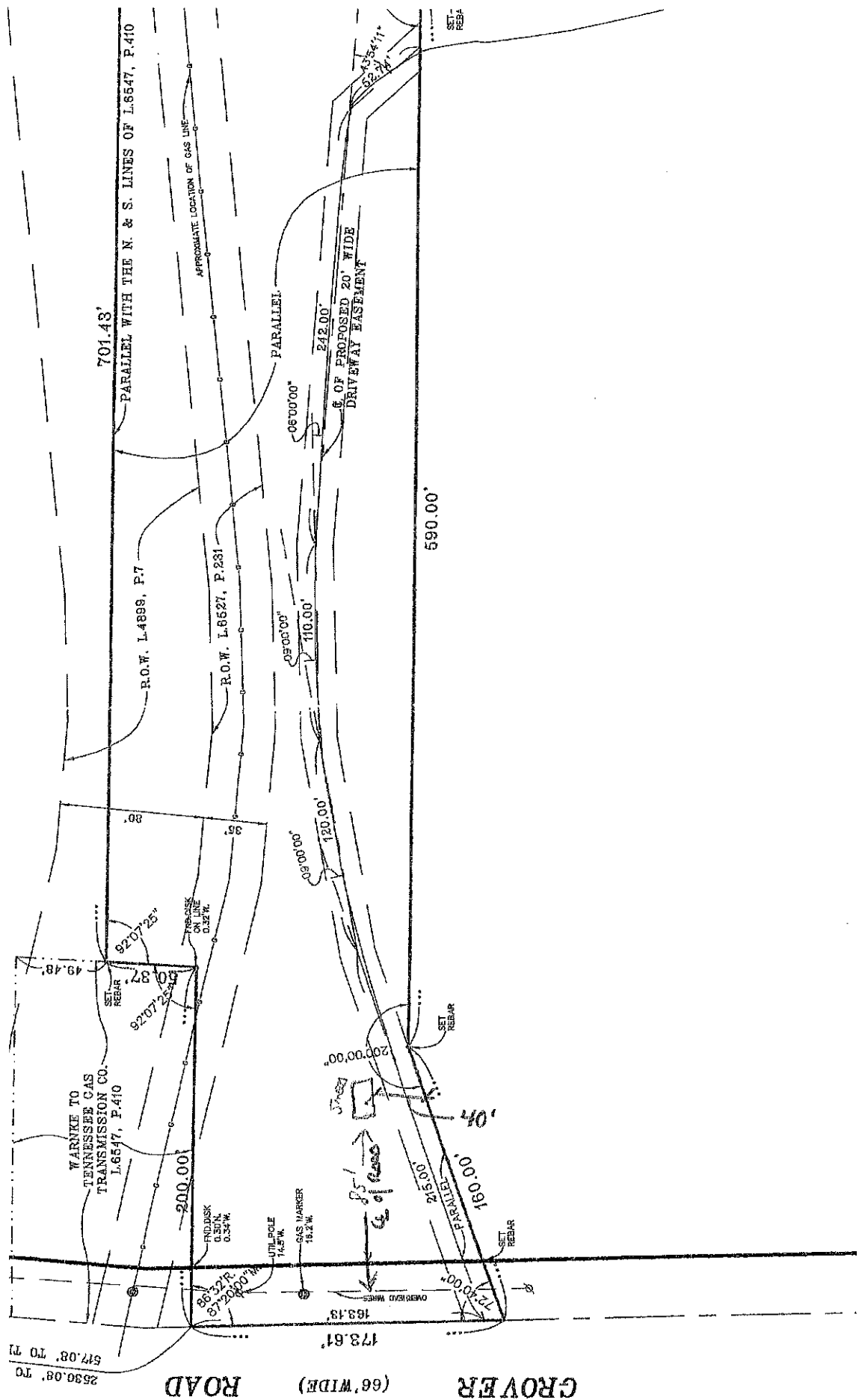
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

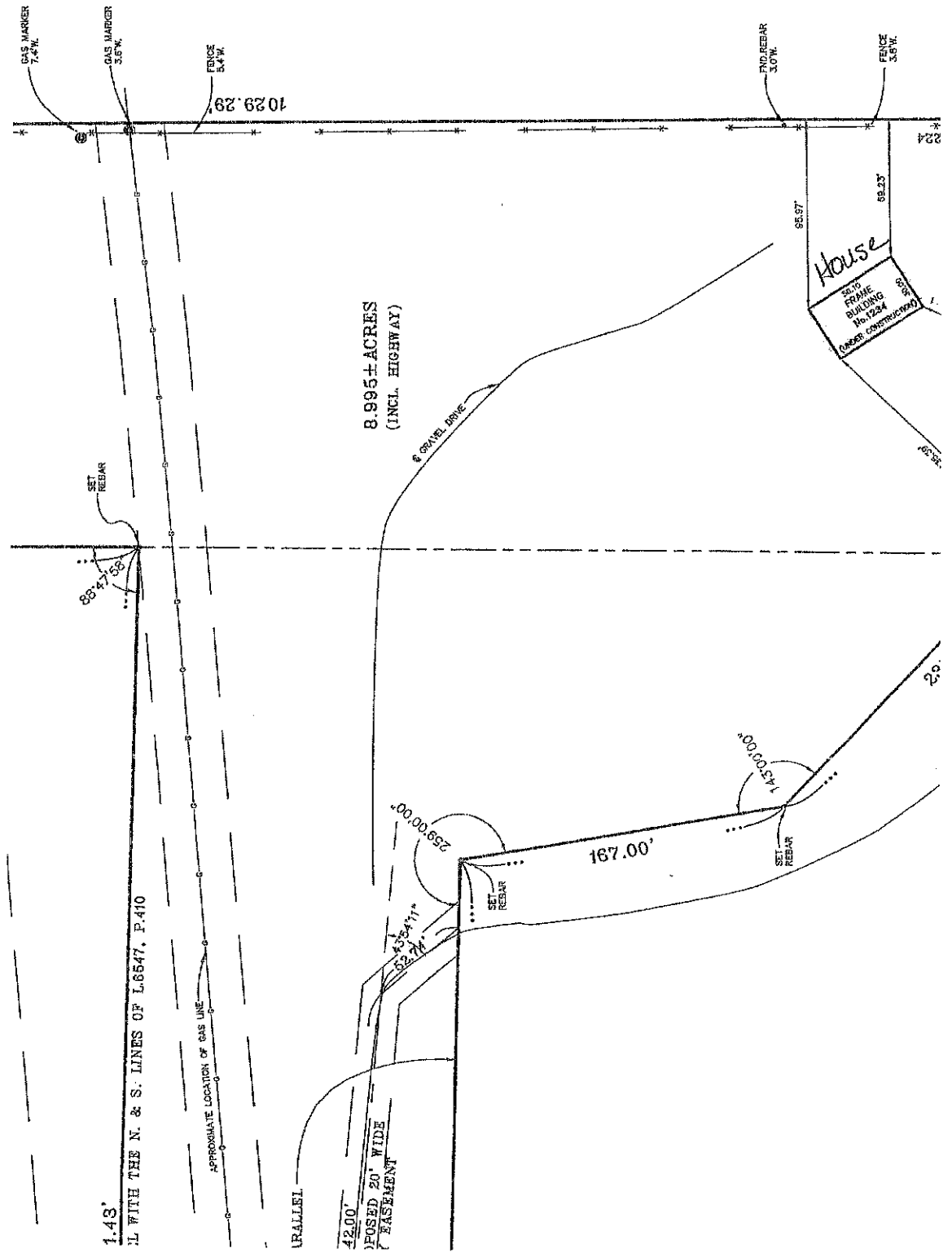
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

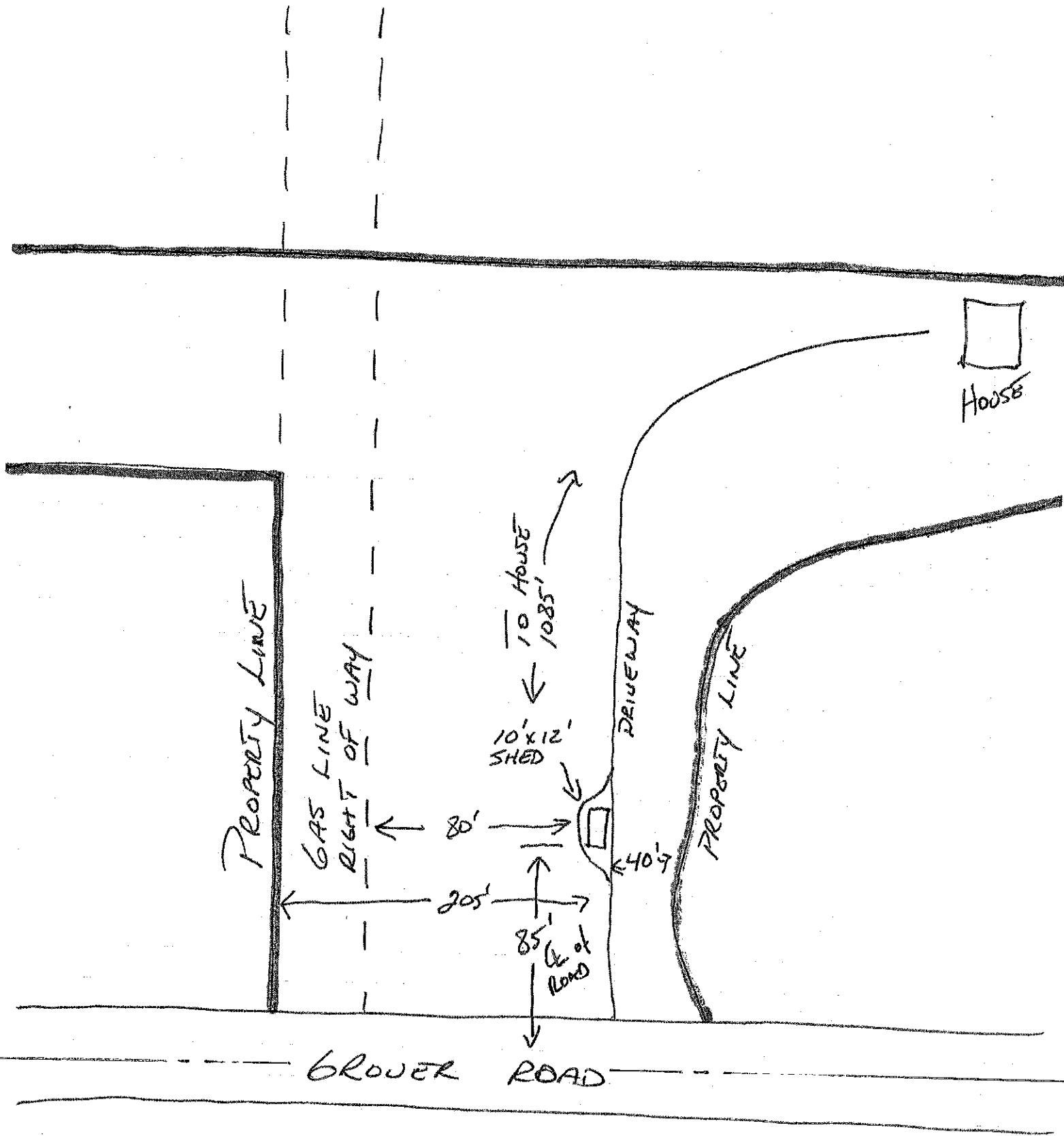
Part 1 – Project and Sponsor Information			
Name of Action or Project: RELOCATION OF SHED			
Project Location (describe, and attach a location map): RELOCATE FROM PARENTS HOUSE 1261 GROVER RD TO 1234 GROVER RD			
Brief Description of Proposed Action: RELOCATE EXISTING SHED FROM PARENTS OLD HOUSE TO OUR HOUSE			
Name of Applicant or Sponsor: JASON WARNEKE		Telephone: 8 E-Mail: J	
Address: 1234 GROVER RD.		8 2 YRBO.COM	
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?		NO	YES
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.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		☒	☐
3. a. Total acreage of the site of the proposed action?		8.96 acres	
b. Total acreage to be physically disturbed?		.0027 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		8.96 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: _____ _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☒	☐	
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,	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>JASON P WARNKE</u> Date: <u>9-26-25</u>		
Signature: <u>[Signature]</u> Title: <u>OWNER</u>		



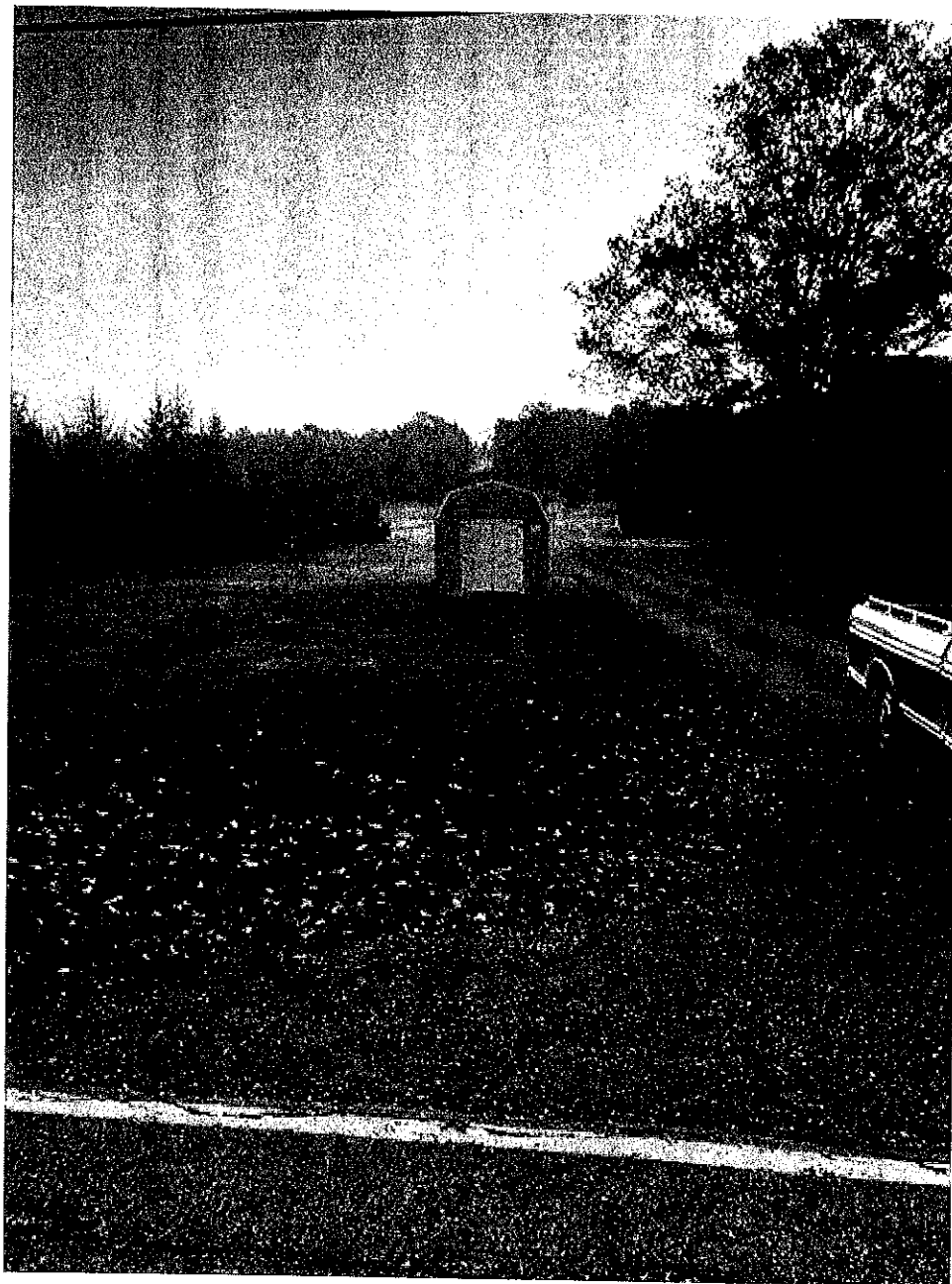


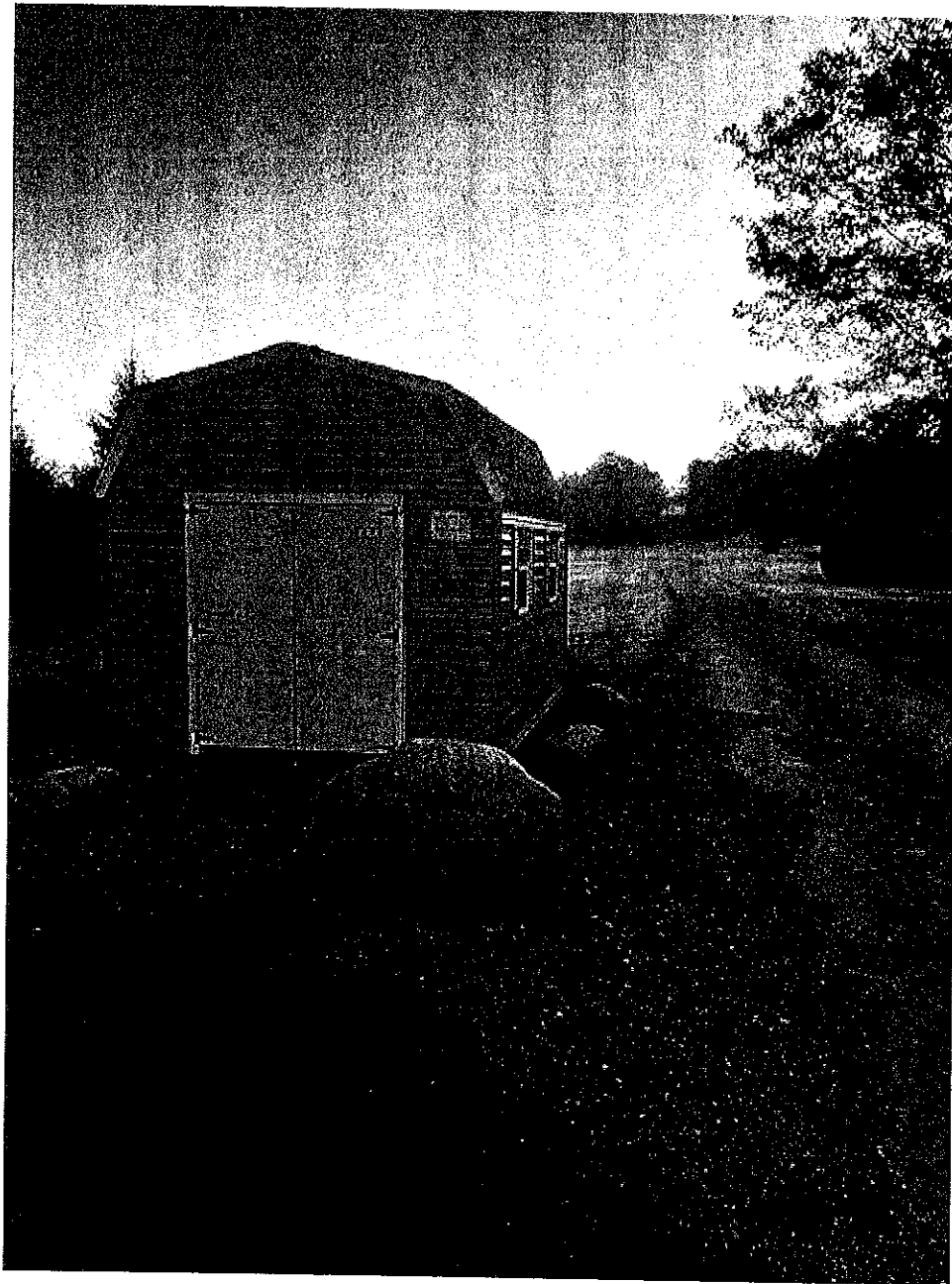


Dolly Bailey

From: jason warnke <jwlandscapeservices@yahoo.com>
Sent: Tuesday, September 30, 2025 10:42 AM
To:
Subject: Photos from Jason Warnke









Sent from my iPhone



**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.

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