

original



CASE NO. 1531

DATE OF HEARING 12/18/2025

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 Michael Grandits
Address 1112 Davis Rd
City West Falls State NY ZIP 14170
Phone 716 Email Mgran
Interest in the property as (applicant, 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 1112 Davis Rd
SBL# 186.00-4-53
Property size in acres 0.3 ac Property Frontage in feet 90'
Zoning District R2/A Surrounding Zoning R2/A/C2
Current Use of Property Home Residence

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # _____
☐ 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)

Michael G. J.
Signature of Applicant/Petitioner

Michael Grandits
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 7 day of November 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.

Dorothy Bailey
Notary Public

(Notary stamp) **DOROTHY BAILEY**
Reg #01BA0023544
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 2028

Office Use Only: Date received: 11/10/25 100 CASH (KMP) Receipt #: 713461

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)

A shed was built on my property in my backyard back in 2023. I went through the process of getting it preapproved for build and had the town review the dimensions and size of the structure and where I would be building it. At no point during the 3 or 4 visits by the town was it mentioned that the structure must be 10 feet away from my residence. After the structure was built we then installed electric (a year later). We got the permit from the town and received approval from the electrician. We were told the town needed to ship out one last team to give "final approval". A new member of the town came out, an opponent to the same individual we worked with throughout the build, and made us aware of the 10 foot rule. Unfortunately the shed is not mobile as it sits on top posts that were sunk into the ground. As a result, I am asking for an exception to be granted.

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: See response above. By the time the town provided us feedback on how far the structure had to be from our house it was over a year after it was built. Given it is not a mobile structure we are requesting an exception.

- 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: This structure is in our backyard and is not visible to anyone.

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: N/A

(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.: _____

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** 12/18/2025 **Time** 7:00 pm **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: 1112 Davis Road, PO West Falls

5a. S.B.L. of Property: 186.00-4-53

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: Shed closer to dwelling than allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Libroek, 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

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

CODE ENFORCEMENT
OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

ASSESSOR
Stephen R. Pigeon
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

Michael Grandits
1112 Davis Rd
West Falls, NY 14170

November 10, 2025

Michael,

The Building Department has reviewed the construction of the structure at your residence at 1112 Davis Rd. The request has been denied because it fails to meet the code requirements for setbacks from a dwelling in the RR District in which it is located.

Section 116-18A(3)

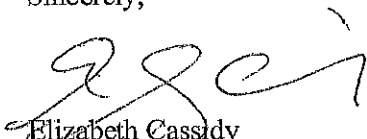
Required: In any R District, no accessory building/structure shall be erected or altered so as to be nearer than 10 feet to any dwelling unless attached thereto and considered part thereof for purposes of yard measurements.

Requested: Setback from dwelling of 5'

Variance: 5'

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,



Elizabeth Cassidy
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.

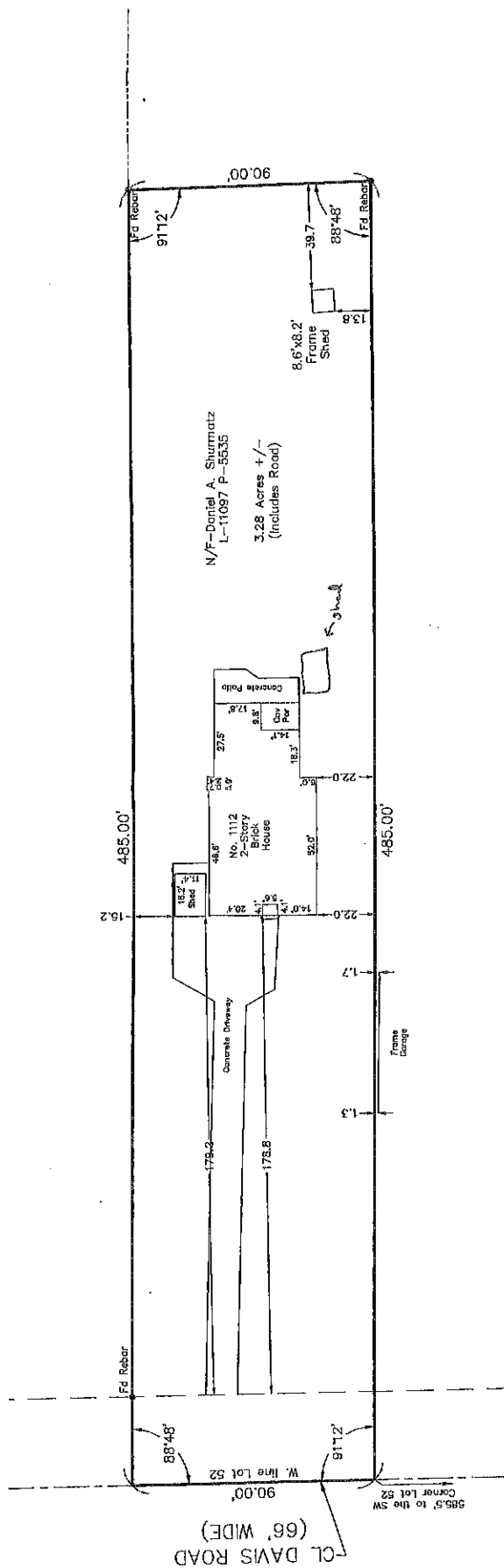
Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Shed</i>			
Project Location (describe, and attach a location map): <i>Backyard near patio</i>			
Brief Description of Proposed Action: <i>Building a shed near our back patio</i>			
Name of Applicant or Sponsor: <i>Michael Grandt</i>		Telephone:	
		E-Mail:	
Address: <i>1112 Davis Rd</i>			
City/PO: <i>West Falls</i>		State: <i>NM</i>	Zip Code: <i>14120</i>
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?		<i>1</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1</i> 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>Michael Grandt</u> Date: <u>11/6/25</u>		
Signature: <u>[Signature]</u> Title: _____		

SURVEY

1112 DAVIS ROAD
AURORA, NEW YORK



1" = 40'

Handwritten signature: J. A. D. L.

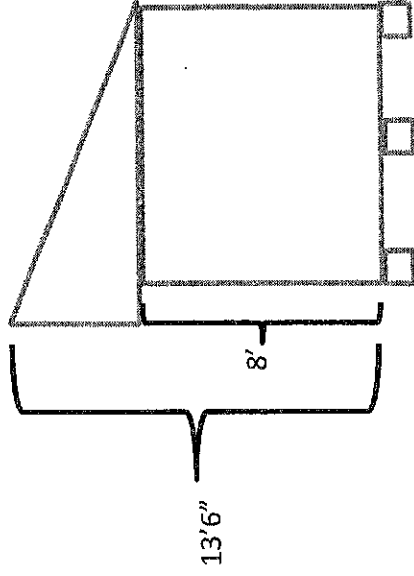
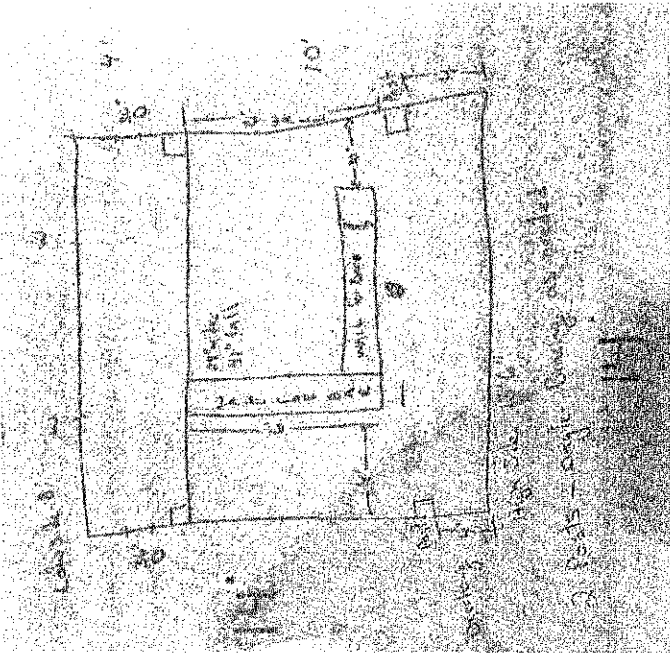
THIS MAP WAS PREPARED BY THE
LAND SURVEYOR'S SEAL, OF NEW YORK STATE EDUCATION
LAW

LEGAL PART OF LOT 52, T.43, R.45 OF THE HOLLAND LAND COMPANY'S
SURVEY, TOWN OF AURORA, COUNTY OF ERIE, STATE OF NEW YORK
NO PROPERTY CORNER WERE SET AS PART OF THIS SURVEY

ADDRESS: 1112 DAVIS ROAD, AURORA NEW YORK
DATE OF SURVEY: 06/21/19 DATE OF MAP: 06/21/19
DEED REFERENCE: LIBER 11097 PAGE 5535

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN
ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS
THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH

REQUESTED BY: Duggan Pawlowski & Cooke, LLP.
GENZEL LAND SURVEYING, P.C. © 2019
7033 COLE ROAD
COLDEN, NEW YORK 14033
PH: (716) 667-9733 EMAIL: JEFF@GENZELSURVEY.COM
JOB NO. 6179 DATE: 06/21/19 DWN. BY: JAG



6" X 6" Treated posts – 42" in the ground
with quick crete – 7' apart – 9 posts



Visual Example: -
not same layout

Floor Joist – 2" X 6" Floor Joist, 24" center (green/rough cut
lumber – true dimensions)
¾" plywood floor (enclosed section), 1" board floor – open area
1" X 6" Nailers for Roof, 2' on Center
Metal roof (single slope) – 2"x6" rafters – 24" centers
Kiln dried board & batten siding for enclosed area (wall stud –
30" centers 2"x4" green/rough cut lumber – true dimensions)
2 gable vents
6"x6" posts for open area, all framing lumber – green/rough cut.

Width: 14'
Length: 14'

Shed Drawing: 373230

Drawing not to scale; Custom Amish Built
Date: 10/04/2022
Builder: Amos Detweiler

Box 198

THIS INDENTURE, Made the 14 day of November in the year 2019

BETWEEN

DANIEL A. SHURMATZ,

residing at 1112 Davis Road, Aurora, New York 14170

"Grantor", and

MICHAEL GRANDITS and NANCY GRANDITS, as husband and wife,
residing at 202 Northwood Drive, Buffalo, New York 14223

"Grantees",

WITNESSETH, that the Grantor, in consideration of One and More Dollars (\$1.00 and more), lawful money of the United States, paid by the Grantees, does hereby grant and release unto the Grantees, and the heirs, executors, administrators, successors and/or assigns of the Grantees 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. 52, Township 9, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the westerly boundary line of Lot No. 52 which is also the center line of Davis Road distant five hundred eighty-five and five tenths (585.5) feet northerly from the southwest corner of said Lot No. 52; thence northerly along the westerly boundary line of said Lot No. 52, a distance of ninety (90) feet; thence easterly and at an angle of 88° 48' a distance of four hundred eighty-five (485) feet to a point; thence southerly and at an included angle of 91° 12' a distance of ninety (90) feet to an iron pipe; thence westerly and at an included angle of 88° 48' a distance of four hundred eighty-five (485) feet to the place of beginning.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the Grantees and the heirs, executors, administrators, successors and/or assigns of the Grantees forever.

AND the Grantor covenants as follows:

First. That the Grantor is seized of said premises in fee simple, and have good right to convey the same;

Second. That the Grantees shall quietly enjoy the said premises;

Third. That the said premises are free from encumbrances;

Fourth. That the Grantor will execute or procure any further necessary assurance of the title to said premises;

Fifth. That the Grantor will forever WARRANT the title to said premises.

Subject to the trust fund provisions of section thirteen of the Lien Law.

Whenever the sense of this instrument so requires, the singular number shall include the plural.

IN WITNESS WHEREOF, the Grantor has duly executed this deed the day and year first above written.

IN PRESENCE OF:


DANIEL A. SHURMATZ (L.S.)

STATE OF NEW YORK)

COUNTY OF ERIE)

SS:

On the 14 day of November in the year 2019 before me, the undersigned, personally appeared Daniel A. Shurmatz, personally known to me or proved 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 executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

NEIL A. PAWLOWSKI
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires April 11, 2023

252619
MF AUR
DEED 1

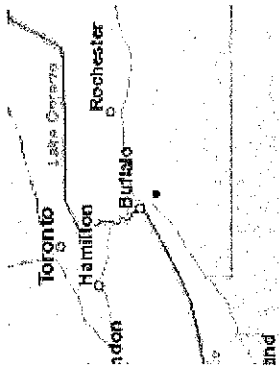


Erie County On-Line Mapping Application



Legend

□ Parcels



0 0.04 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: 2,257

