

**RUSH ZONING BOARD OF APPEALS  
PUBLIC HEARING & WORKSHOP  
APPROVED MINUTES  
OCTOBER 12, 2006**

A regular meeting of the Rush Zoning Board of Appeals was held on October 12, 2006 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 P.M.

**BOARD MEMBERS PRESENT:** Mr. Don Van Lare, Chairman  
Mr. David Eddy  
Mrs. Amber Corbin  
Mr. Robert Weiler

**ABSENT:** Mr. Dan Taylor

**OTHERS PRESENT:** Mrs. Lisa Sluberski, Town Board Liaison  
Mr. Jeffrey Kachela, 1141 Rush Scottsville Rd  
Mr. Gerald Kusse, Code Enforcement Officer  
Mr. Ed Richard, 2584 Pinnacle Rd  
Ms. Corinne Campanella, 2584 Pinnacle Rd

**PUBLIC HEARING:**

**Application 2006-07 Z** by Jeffrey & Teresa Kachala for an Area Variance to build a 28'x 32' detached garage fifteen (15) feet from the lot line. The proposed structure does not comply with the property line side set back requirement of 25 feet. Location is at 1141 Rush Scottsville Road. Property is located in an R-30 Zoning District.

The Board Members and Mr. Kachala discussed the placement of the proposed garage and the amount of variance he would need. After measuring from the property lot line, it was determined that the garage be placed no closer than 22 feet from the southwest corner and no closer than 17 feet from the northwest corner.

Mr. Van Lare read correspondence from Mr. & Mrs. Bernie Hemmerick residing at 1131 Rush Scottsville Road.

There were no further comments and Mr. Van Lare declared the Public Hearing closed.

**WORKSHOP:**

**Application 2006-08 Z** by Edward Richard for an Area Variance to park a boat in front of the main structure. The proposed placement does not comply with § 120-57 G of the Code of the Town of Rush. Location is at 2584 Pinnacle Road. Property is located in an R-30 Zoning District.

The Board Members discussed with the Applicant the dimensions of the lot and the placement of the boat on the property. Mr. Richard & Ms. Campanella stated that the boat could not be stored in the back of the house because of the steepness of the lot, and the leach fields that are located in the front yard making it hard to get access to the back yard.

Alternatives were suggested for the placement of the boat, explaining that a boat could be moved anywhere on the property or to another location off site. Since there are alternatives to the storage of the boat, Mr. Van Lare stated that normally the Zoning Board does not give variances for a boat or camper/trailer to be stored in the front of the property. Mr. Weiler stated that a Variance goes with property, if this were approved any future owner could park their boat or recreational vehicle in front of the property. The Board Members asked to visit the property to review the Applicant's request. The Applicant stated that they would be out of town until the 21<sup>st</sup> of October, but had no objection to the Board Members accessing the property.

There was no further discussion for this Application.

The Public Hearing for this Application will be held on November 9, 2006.

#### **DECISION:**

Mr. Van Lare made a Motion **WHEREAS**, this Board has examined **Application 2006-07 Z** by Jeffery and Teresa Kachala of 1141 Rush Scottsville Rd., located in an R-30 District, requesting a side setback variance for a detached garage, and maps and other materials which were filed with the Application.

**WHEREAS**, the application is solely for an area variance, now **BE IT RESOLVED**, that this Board determines that it is a Type II Action which requires no further processing under SEQR. The reason for this determination is that Section 617.5c(12) of Title 6 of the New York Code of Rules and Regulations, in listing Type II Actions, includes all variances for the granting of lot line or setback relief.

Mr. Weiler seconded the motion and the Board Members polled:

Roll:	Mrs. Corbin	aye	
	Mr. Eddy	aye	
	Mr. Weiler	aye	
	Mr. Van Lare	aye	carried.

**WHEREAS**, **Application 2006-07 Z** was submitted by Jeffery and Teresa Kachala for property at 1141 Rush Scottsville Rd. requesting a variance from a side setback requirement for structure of twenty-five (25) feet as set forth in the Code of Rush Chapter 120-19, as described in such maps and diagrams as submitted with the application, and **WHEREAS**, a public hearing on this application was scheduled and notice was posted as required by law, and

**WHEREAS**, all persons at the hearing desiring to speak on the matter were heard, all correspondence on the matter was read and these statements were considered by the Board, then,

**BE IT RESOLVED**, that the Application be granted with the following conditions:

1. The proposed garage be placed no closer to the side lot line than 22 feet from the southwest corner and 17 feet from the northwest corner.
2. The proposed garage will require a building permit prior to the start of construction, and
3. The structure is to be completed within one year of the approval of this application.

The reasons for this action are:

1. The proposed 28" by 32" two car garage is to be located parallel with the existing residence rather than the side lot line.
2. The variance will allow the applicants to avoid any construction in the leach fields and make use of the existing driveway.
3. There will be no undesirable change in the character of the neighborhood, and,
4. There is no discernable detriment to the health, safety or welfare of the community that would occur by the granting of this variance

Mr. Eddy seconded the motion and the Board Members polled:

Roll:	Mrs. Corbin	aye	
	Mr. Eddy	aye	
	Mr. Weiler	aye	
	Mr. Van Lare	aye	carried.

#### **APPLICATION ASSIGNMENTS:**

Mr. Eddy has been assigned **Application 2006-08 Z** by Edward Richard

#### **APPROVAL OF MINUTES:**

The Minutes of September 14, 2006 were reviewed.

Mr. Weiler made a Motion to approve the Minutes of September 14, 2006 as submitted.

Mr. Van Lare seconded the motion and the Board Members polled:

Roll:	Mrs. Corbin	aye	
	Mr. Eddy	aye	
	Mr. Weiler	aye	
	Mr. Van Lare	aye	carried.

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There were no further discussions and the Meeting was adjourned at 7:45 P.M.

Respectfully submitted,

Darlene Pilarski  
Deputy Town Clerk