

**RUSH ZONING BOARD OF APPEALS
PUBLIC HEARING & WORKSHOP
APPROVED MINUTES
AUGUST 10, 2006**

A regular meeting of the Rush Zoning Board of Appeals was held on August 10, 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

EXCUSED: Mr. Dan Taylor

OTHERS PRESENT: Mr. Larry Rausch, 840 Five Points Rd
Mr. & Mrs. Chris Marshall, 251 Wardell Rd
Carol Barnett, 117 Lyons Rd
Elizabeth Barnett, 117 Lyons Rd

PUBLIC HEARING:

Application 2006-04 Z by Chris & Betsy Marshall for an Area Variance to build a garage 16 feet from the property line. The garage will be built on an existing 26'x 20' foundation. The proposed structure does not comply with the property line set back requirement of 25 feet. Location is at 251 Wardell Road. Property is located in an R-30 Zoning District.

Mr. Van Lare had visited Mr. & Mrs. Marshall's home, after this visit Mr. Van Lare felt that a 15 foot distance from the lot line, would give them enough room for the new garage. Mr. Marshall stated that a large portion of the existing foundation would have to be removed due to deterioration. The Board Members discussed the best placement for the new garage.

Mr. Van Lare read a letter from Mr. & Mrs. Duane Fanning residing at 256 Wardell Road.

Mr. Van Lare read the comments from:

1. Monroe County Department of Planning & Development, Monroe County Development Review. This Application was referred as a Local matter.

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

Application 2006-05 Z by Larry & Susan Rausch for an Area Variance to build a garage 80 feet from the centerline of the road. The proposed structure does not comply with the property line front set back requirement of 110 feet. Location is at 840 Five Points Road. Property is located in an R-30 Zoning District.

Mr. Rausch stated that the reason for requesting the variance is because the septic system lines are near the existing garage. The proposed garage will be used for storage. The garage will have electricity. Mr. Rausch will try to match the exterior of the new garage with his home, which is rock & wood. The Board Members discussed the placement of the garage.

Mr. Van Lare read the comments from:

1. Monroe County Department of Planning & Development, Monroe County Development Review. This Application was referred as a Local matter.

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

WORKSHOP:

This Application has been withdrawn due to the removal of one of the signs on the property.

Application 2006-06 Z by James Condon, Cyncon Equipment, Inc. for a Sign Variance to add a third sign to property located at 7494 West Henrietta Road, Property is located in a Limited Industrial Zoning District.

APPROVAL OF MINUTES:

The Minutes of July 13, 2006 were reviewed.

Mr. Van Lare made a Motion to approve the Minutes of July 13, 2006 as submitted.

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

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

DECISIONS:

Mr. Van Lare made a Motion **WHEREAS**; this Board has examined **Application 2006-04 Z** by Chris & Betsy Marshall of 251 Wardell Road, located in an R-30 Zoning District, requesting a ten foot side setback variance to build a freestanding 24'x 32' garage and appropriate maps and diagrams submitted with the Application. **WHEREAS**, the Application is solely for a structure set back variance, now **BE IT RESOLVED** that this Board determines that this 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 “granting of individual setbacks and lot line variances.”

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 2006-04 Z was submitted by Chris and Betsy Marshall for a variance from a side setback requirement of twenty-five (25) feet for structures as set forth in the Code of Rush, Chapter 120-19 as described in the map and diagram 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 Public Hearing desiring to speak on the matter were heard, all correspondence was read and those statements were considered by this Board, then **BE IT RESOLVED,** that **Application 2006-04 Z** be granted subject to the following conditions:

1. The garage shall be placed no closer than fifteen (15) feet from the side lot line and upon the foundation existing.
2. No work is to be commenced until a Building Permit is obtained from the Town of Rush.
3. The construction of this garage is to be completed within one year of the approval of this application.

The reasons for this action are:

1. The adjacent neighbor to the north consists of a residential and equine facility with the nearest structure approximately 200 feet from the lot line.
2. The project could be considered a reconstruction of a long standing garage located identically with the respect to side set back.
3. There will be no undesirable change in the character of the neighborhood
4. There is no discernible detriment to the health, safety or welfare of the community or neighborhood that would occur as a result of granting this variance.

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.

Mr. Weiler made a Motion **WHEREAS**; this Board has examined **Application 2006-05Z** by Larry and Susan Rausch of 840 Five Points Rd., located in an R-30 Zoning District, requesting a front setback variance for a detached garage located in front of their existing residence, 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 Regulation, in listing Type II Actions, includes all variances for relief from granting of individual setback and lot line variances.

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.

WHEREAS, **Application 2006-05Z** was submitted by Larry and Susan Rausch for property at 840 Five Points Rd. requesting a variance from a front setback requirement for structures of one hundred ten (110) feet as set forth in the Code of Rush Chapter 120-18 as described in such map and diagrams 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 statements were considered by this Board, then,

BE IT RESOLVED, that the **Application 2006-04 Z** be granted as requested in the plans submitted with the Application with the following conditions and reasons for action:

1. The garage as proposed in the plan shall be placed no closer than 80 feet from the centerline of Five Points Road.
2. The construction of this garage will require a Building Permit prior to the start of construction and is to be completed within one year of the approval of this application.
3. The proposed 28' x 38' two car garage is to be located in the only area of the property that will accommodate the proposed structure and also provide access to the house and existing driveway.
4. Trees and bushes between the proposed garage and Five Points Road will largely hide the new building from view.
5. There will be no undesirable change in the character of the neighborhood.
6. There is no discernible detriment to the health, safety or welfare of the community or neighborhood that would occur by the granting of this variance.

RUSH ZONING BOARD OF APPEALS
AUGUST 10, 2006

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.

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

Respectfully submitted,

Darlene Pilarski
Deputy Town Clerk