

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF AUGUST 14, 2008**

A regular meeting of the Rush Zoning Board of Appeals was held on August 14, 2008 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

BOARD MEMBERS PRESENT: Don Van Lare, Chairman
Robert Weiler
Dan Taylor
Amber Corbin
Kelly Pruden

OTHERS PRESENT: Richard Anderson, Town Board member, Resident
Lisa Sluberski, Town Board Liaison
Michael Eaton, Resident
Naveed Hussain
Arooj Hussain

PUBLIC HEARING:

Application 2008-03Z by Michael Eaton for an Area Variance for an existing deck and ramp. The location of the deck and ramp do not comply with the required setback in an R-30 Zoning District. The property is located at 15 Aprille Lane.

Mr. Eaton stated that he is requesting an eleven foot variance for the deck. Mr. Eaton's lot is on a corner so he has two front yards and no formal back yard.

Correspondence:

Monroe County Department of Planning and Development has referred to application 2008-03Z as a local matter.

Don Van Lare stated for the record that Mr. Eaton provided a signed petition of residents surrounding his home that do not oppose his application. All signatures were acquired after the completion of the deck. In addition, a letter from another neighbor was submitted and added to the petition.

There was no further discussion and the hearing was closed.

INFORMAL DISCUSSION:

Naveed and Arooj Hussain came before the board for general commercial zoning information regarding the property at 5946 East Henrietta Road. They have been

given the zoning section of the Rush Town Code and they will also be appearing informally before the Rush Planning Board.

The Zoning Board discussed the progress of the new sign ordinance and its current status. A letter to the Town Board requesting its status will be forwarded.

There was also a brief discussion on the zoning regulations for boats, campers and recreational vehicles.

DECISIONS:

Robert Weiler made a Motion **WHEREAS**, this Board has examined Application 2008-03Z by Michael and Heather Eaton of 15 Aprille Lane, located in an R-30 district, requesting a front setback variance for an attached deck and ramp 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.

Kelly Pruden seconded the motion and the Board Members polled:

Roll: Dan Taylor	aye	
Amber Corbin	aye	
Kelly Pruden	aye	
Robert Weiler	aye	
Don Van Lare	aye	carried.

WHEREAS, Application 2008-03Z was submitted by Michael and Heather Eaton for property at 15 Aprille Lane requesting a variance from a front setback requirement for structures of one hundred (100) 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 be granted as requested in the plans submitted with the application. The attached deck as identified in the plans shall be placed no closer than 89 feet from the centerline of Aprille Lane. The deck, which has been constructed, was built without the proper identification of the required front setback variance which is the reason for this current variance. The reasons for this action are:

1. The current deck has a very low profile and is surrounded by trees and shrubs. As a result, it is well hidden from Aprille Lane and the adjacent housing.
2. Neighbors have no objection to the deck as built.
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 by the granting of this variance.

Don Van Lare seconded the motion and the Board Members polled:

Roll:	Dan Taylor	aye	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Robert Weiler	aye	
	Don Van Lare	aye	carried.

Don Van Lare made a Motion to approve the Minutes of July 10, 2008 as submitted.

Kelly Pruden seconded the motion and the Board Members polled:

Roll:	Dan Taylor	abstained	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Robert Weiler	abstained	
	Don Van Lare	aye	carried.

There were no further discussions and the Meeting was adjourned at 8:48 P.M.

Respectfully submitted,

Meribeth Palmer
Deputy Town Clerk