

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF NOVEMBER 18, 2010**

A regular meeting of the Rush Zoning Board of Appeals was held on November 18, 2010 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
Kelly Pruden
Amber Corbin
Al Simon
Meribeth Palmer, Deputy Town Clerk

OTHERS PRESENT: Thomas Doupe, Town Board Liaison
Anthony Benfante, Resident

OLD BUSINESS:

Application 2010-05Z by Chris DeMinco of 980 Rush Scottsville Road requesting an area variance to park a motor home/car hauler forward of the rear foundation line. The proposed location does not comply with §120-57 G of the Rush Town Code. Property is in an R-30 Zoning District.

DECISIONS:

Don Van Lare made a Motion **WHEREAS**, this Board has examined **Application 2010-05Z** by Chris DeMinco, requesting an area variance for property at 980 Rush Scottsville Road, Rush, New York, located in an R-30 District, requesting relief from Section 120-57G, to park a motor home/car hauler within the space between the property line and the required side setback line, as described in such maps and other materials submitted with this application, and

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 the granting of individual setback and lot line variances.

Al Simon seconded the motion and the Board Members polled:

Roll:	Kelly Pruden	aye	
	Amber Corbin	aye	
	Al Simon	aye	
	Robert Weiler	aye	
	Don Van Lare	aye	carried.

WHEREAS, Application 2010-05Z was submitted by Chris DeMinco, requesting an area variance for property at 980 Rush Scottsville Road, Rush, New York, located in an R-30 District, requesting relief from Section 120-57G, to park a motor home/car hauler within the space between the property line and the required side setback line

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 application 2010-05Z be approved with the following restrictions.

The motor home/car hauler, as described in this application is to be:

1. Located to the rear of the main structure as required in any residential district.
2. Located no closer than twelve (12) feet from the western side lot line.
3. Screened from the neighboring property by evergreens, fence or other suitable plantings.

The reasons for this approval are:

1. The neighbors have no objection to the new location.
2. The new location will provide less visibility to the vehicle involved.
3. There will be no undesirable change in the character of the neighborhood.
4. There is no discernable detriment to the health, safety or welfare of the community or neighborhood resulting from granting the variance.

Robert Weiler seconded the motion and the Board Members polled:

Roll:	Kelly Pruden	aye	
	Amber Corbin	aye	
	Al Simon	aye	
	Robert Weiler	aye	
	Don Van Lare	aye	carried.

INFORMAL DISCUSSION:

Anthony Benfante of 2262 Rush Mendon Road appeared to discuss a possible setback variance request for an addition to the front of the main dwelling. Mr. Benfante stated that they do not have enough room on the sides to expand. Mr. Benfante would like to add approximately 16 feet to the front of the house. The house currently does not conform to front set back requirements. The house is considered pre-existing and non-conforming. The Board explained that the Code requires 110 feet from center line. Mr. Benfante would be requesting a 37 foot variance. Chairman Van Lare noted that there are many homes in that area with various non-conforming front setbacks. The Board explained to Mr. Benfante the application process and additional items that would be beneficial to submit with a variance application.

BOARD DISCUSSION:

It was noted that Code Enforcement Officer Gerry Kusse has sent a letter regarding the expired variance for the property located at 6416 Rush Lima Road. The Board discussed other variances that will be expiring in the near future.

Councilman Doupe had nothing new to report.

The Board discussed the public hearing regarding the maximum height of structures.

APPROVAL OF MINUTES: October 14, 2010

Don Van Lare made a motion to approve the Minutes of October 14, 2010 as written.

Kelly Pruden seconded the motion and the Board Members polled.

Roll:	Don Van Lare	aye	
	Robert Weiler	aye	
	Kelly Pruden	aye	
	Amber Corbin	aye	
	Al Simon	aye	carried.

With no further business, a motion was made by Don Van Lare and agreed by common consent that the meeting be adjourned at 7:30 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk