

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF DECEMBER 9, 2010**

A regular meeting of the Rush Zoning Board of Appeals was held on December 9, 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
Gerry Kusse, Code Enforcement Officer
Shawn Griffin, Resident
Allan Chapman, Attendee

WORKSHOP:

Application 2010-07Z by Steve Griffin for an Area Variance renewal to build a garage 13 feet 4 inches from the side lot line. The proposed location does not comply with Rush Town Code §120-19. Property is located at 6416 Rush Lima Road and is in an R-30 Zoning District.

Mr. Griffin stated that nothing has changed from the original plans submitted in 2009. The Board informed Mr. Griffin that a Public Hearing will be scheduled for January 13, 2011 at 7:00pm. Board member Robert Weiler has been assigned to the application and will schedule a time to view the property. Mr. Griffin was reminded that a building permit will be required before any work is started.

INFORMAL DISCUSSION:

Allan Chapman appeared before the Board to inquire about obtaining a Use Variance for the Property at 6101 East Henrietta Road. Previously the property was used as residential. After a partial renovation in 1998 by a new owner, the house remained empty. The property lost its residential use and has reverted back to commercial zoning after standing empty for more than 1 year as stated in Rush Town Code. Mr. Chapman is not the current owner and he is interested in purchasing the property if a use variance can be obtained to use it as a two family residential. It was stated that the signature of the owner(s) will be required on the application with a letter stating that Mr. Chapman can act as agent on their behalf. It was also noted that the applicant will be required to provide proof that it could not be used as a commercial parcel/building.

The Zoning Board will inquire with the Town Attorney regarding several issues and contact Mr. Chapman with the information.

BOARD DISCUSSION:

Councilman Doupe had nothing new to report.

The Board also discussed additional zoning variances that will expire soon.

APPROVAL OF MINUTES: November 18, 2010

Don Van Lare made a motion to approve the Minutes of November 18, 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 8:00 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk