

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF JANUARY 13, 2011**

A regular meeting of the Rush Zoning Board of Appeals was held on January 13, 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
Shawn Griffin, Resident

PUBLIC HEARING:

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. Shawn Griffin stated that nothing has changed from the original plans submitted with the application in 2009. The Board informed Mr. Griffin that a building permit will be required before any work is started. The original approval also included a front setback variance.

Monroe County Department of Planning and Development has ruled application 20010-07Z as a local matter.

Don Van Lare declared the Public Hearing closed.

BOARD DISCUSSION:

Chairman Van Lare read email correspondence sent to Mr. Chapman regarding the variance requirements for the property located at 6101 East Henrietta Road. To date the board has had no further communication with Mr. Chapman.

Deputy Town Clerk Palmer provided the Zoning Board with an update of current training hours and projected use of credit hours for 2011.

All Zoning Board members received a copy of Chairman Van Lare's year end report to Supervisor Udicious.

The Zoning Board discussed prior variances given for the property located at 5946 East Henrietta Road. Chairman Van Lare stated that Rush Code Enforcement Officer Gerry Kusse has sited the owner for several violation items at the above location.

Councilman Doupe had nothing new to report.

DECISIONS:

Robert Weiler made a motion **WHEREAS**, This Board has examined Application 2010-07Z by Steve Griffin of 6416 Rush-Lima Road, located in an R-30 district, requesting a front and side setback variance for an attached garage on the side 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 SEQ. 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.

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

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

WHEREAS, Application 2010-07Z was submitted by Steve Griffin for property at 6416 Rush-Lima Road 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, and a variance from a side setback requirement for structures of twenty five (25) feet as set forth in the Code of Rush Chapter §120-19 as described in such map and diagrams submitted with the application.

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 garage as identified in the plans shall be placed no closer than 99 feet from the centerline of Rush-Lima Road. In addition, the attached garage shall be no closer than 13 feet and 4 inches from the eastern property boundary.

The following conditions apply:

1. No work is to commence until a building permit is obtained from the Town of Rush.
2. The construction of the propose garage is to be completed within one year of the approval of the application.
3. The proposed attached garage is to replace an existing attached garage. It is not the intent of this approval to allow two garages on this parcel. The Zoning Board of Appeals has been assured by the applicant that the original garage will be converted into living space. The applicant is allowed a 90 day transition period from the time the new garage is completed to convert and close the former garage into living space.
4. The new garage is for the storage of vehicles and property of the applicant and his household. No uses are permitted that violate Sections §120-7 and §120-8 of the Rush Town Code.

The reasons for this action are:

1. The 13' 4" access between the proposed garage and property line created by this variance will allow convenient access to the rear of the property.
2. Neighbors have no objection to the proposed garage and reside about 165 feet from the property line in question.
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:	Robert Weiler	aye	
	Amber Corbin	aye	
	Kelly Pruden	aye	
	Al Simon	aye	
	Don Van Lare	aye	carried.

APPROVAL OF MINUTES: December 9, 2010

Robert Weiler made a motion to approve the Minutes of December 9, 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