

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF AUGUST 13, 2015**

A regular meeting of the Rush Zoning Board of Appeals was held on August 13, 2015 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:02 PM.

PRESENT: Amber Corbin, Chairperson
Garry Koppers, Vice Chairperson
David Flass
Lee Hetrick
Shivaun Featherman, Deputy Town Clerk

EXCUSED: Susan Swanton

OTHERS: Dan Woolaver, Town Board Liaison
Steven Tomanovich, Resident

Chairperson Corbin welcomed all and called the August Zoning Board of Appeals meeting to order at 7:02 PM.

WORKSHOP:

Application 2015-02Z by Charlie & Patricia Hunt requesting a front setback variance for a garage addition to the existing garage located at 20 Delia Trail. The proposed location does not comply with 120-18 of the Rush Town Code. Property is located in an R-30 zoning district.

The applicants did not appear.

Application 2015-03Z by Steven Tomanovich requesting a side setback variance for a proposed garage. The proposed location does not comply with 120-19 of the Rush Town Code. Property is located at 6101 East Henrietta Road and is zoned commercial.

Mr. Tomanovich explained to the Board that the existing garage faces East Henrietta Road but the existing driveway's entrance is on Rush West Rush Road. The existing garage is smaller than he prefers, so he is planning to demolish the existing garage and construct a new one that faces the Rush West Rush Road entrance. The proposed garage is 4' from the lot line to the neighbor to the west, which is inside the side setback requirement.

Chairperson Corbin previously contacted Code Enforcement Officer Gerry Kusse inquiring whether or not variances were approved prior to the deck permits being issued. According to CEO Kusse, the decks did not need variances as they were not in the setback.

Chairperson Corbin advised Mr. Tomanovich that a front setback will need to be added to his current application as well as the side setback; similar to the variances that he requested for his porch in February of 2014 (Application 2014-03Z).

Chairman Corbin stated that in doing research on the property, one of items she came across was the October 11, 2012 Public Hearing for Application 2012-04Z for a use variance for a two family residence in a commercial zone by prior owner Joseph Giorgione. The Zoning Board had granted the use variance but there were certain conditions that were applied and Chairperson Corbin does not know if Mr. Tomanovich is aware of them.

The following conditions apply:

1. No work shall commence until a Building Permit is obtained from the Town of Rush;
2. The driveway and parking area is to be made of asphalt, concrete, or gravel of a suitable depth;
3. The parking area is to be screened from the adjacent property by evergreen plantings;
4. The construction of the proposed two family residences is to be completed within one year of the approval of this application.

Chairperson Corbin stated that she believes nothing has been done regarding condition #3; the planting of evergreens. Mr. Tomanovich confirmed that is correct. It is part of this current project. Mr. Tomanovich pointed out on the site map where he plans to plant trees as a type of screening. Chairperson Corbin asked the Board members for input on defining the parking area that needs screening. Board Member Hetrick replied he does not consider the garage to be a parking area. He believes at the time, the Board considered the driveway as the parking area.

Chairperson Corbin explained to Mr. Tomanovich that before the September 10, 2015 Public Hearing, two Zoning Board Members will contact him to visit his property and take measurements.

BOARD BUSINESS:

Chairperson Corbin read into the record that the July 9, 2015 Zoning Board of Appeals meeting was cancelled. The reason for the cancellation is the applicant of 2015-01Z withdrew the application. Given that there were no other applicants on the Agenda, the meeting was cancelled.

Chairperson Corbin reminded Board members that 4 hours of training are required per year. Additional hours are rolled into the following year. Chairperson Corbin stated that

she had recently completed a webinar training. The webinar did not cost Town anything and she was able to complete it at home.

Chairperson Corbin stated that at the beginning of each year, a summary of the prior year's Applications and Decisions are entered into the record for the Minutes. Deputy Town Clerk Featherman provided that information back in January, and now Chairperson Corbin would like to enter it into the record. In 2014, the Zoning Board approved 5 applications which included two front setbacks for porches, an area variance for a deck, a setback variance for a porch, a side setback for a pole barn and an area variance for a tire display. There were two denials for use variances; one to allow an existing accessory building with no primary residence on the property, and the other to screen top soil for retail sale. One application was withdrawn and there were no tabled applications.

APPROVAL OF MINUTES:

Vice Chairman Koppers made a Motion to approve the Minutes of June 11, 2015 as amended.

Board Member Hetrick seconded the Motion and the Board Members polled.

Roll:	Lee Hetrick	aye	
	Garry Koppers	aye	
	David Flass	aye	
	Amber Corbin	abstained	carried.

APPLICATION ASSIGNMENTS:

Chairperson Corbin and Board Member Hetrick are assigned Application 2015-03Z.

With no further business, a Motion was made by Chairperson Corbin and agreed by common consent that the meeting be adjourned at 7:38 PM.

Respectfully Submitted,

Shivaun Featherman
Deputy Town Clerk