

**RUSH ZONING BOARD OF APPEALS  
REGULAR MEETING  
MINUTES OF OCTOBER 8, 2015**

A regular meeting of the Rush Zoning Board of Appeals was held on October 8, 2015 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

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

**EXCUSED:** Lee Hetrick, Member  
Susan Swanton, Member

**OTHERS:** Dan Woolaver, Town Board Liaison  
Tom & Mary Thomas, Residents  
Charlie & Patricia Hunt, Residents  
Karl Holtz, Resident  
George Eiff, Resident  
Thomas Sorber, Resident

Chairperson Corbin welcomed all and called the October Zoning Board of Appeals meeting to order at 7:00 PM.

**PUBLIC HEARING:**

**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.

Mr. Hunt explained that they would like to add a two-car garage addition to their existing garage, and turn their existing garage into a master bedroom. The new garage will extend approximately 22' from the front of the existing garage and will be approximately 26' wide.

Chairperson Corbin clarified that initially the Hunts were only seeking a front setback variance, however, it has been determined that the Hunts will need a side setback variance as well.

Chairperson Corbin read into the record that the Monroe County Department of Planning and Development (MCDP&D) ruled the application a local matter. The Rush Board of Fire Commissioner's does not have any issues or concerns with this application, and the Rush Conservation Board does not find any aspect of the project to significantly impact the environment.

Chairperson Corbin also entered into the record a letter from the Hunts, received by the town on September 23, 2015, and read it aloud:

*“To Whom It May Concern:*

*The plan for the garage addition will change the distance between 20 Delia Trail’s lot line and 30 Delia Trail’s lot line to 24 feet. The distance from the current garage structure is 30 feet from the lot line. I spoke with Chris Kassmann from the Monroe County Health Department. Chris states that our current septic system is acceptable to handle the 4<sup>th</sup> bedroom addition.”*

Chairperson Corbin stated that upon receipt of the Hunts letter, the Board advised the applicants that it requires an actual letter from the Monroe County Department of Public Health on its letterhead, for the septic system verification. The Hunts did obtain the letter and submitted it to the town. The letter is dated October 1, 2015 and signed by Christopher Kassmann, Public Health Sanitarian. Chairperson Corbin entered the letter into the record after reading it aloud.

With no further comments or questions, Chairperson Corbin made a Motion to close the public hearing. Vice Chairperson Koppers seconded the Motion, and the Board polled:

Roll: Garry Koppers      aye  
      David Flass         aye  
      Amber Corbin       aye    carried.

**Application 2015-04Z** by Karl Holtz requesting a side setback variance for a shed. The proposed location does not comply with 120-19 of the Rush Town Code. Property is located at 6841 East River Road and is zoned Residential-30.

Mr. Holtz explained to the Board that he would like to install a 10’ x 12’ garden shed to store garden tools. The proposed location is in the northwest corner of his property and the pad has been constructed. Mr. Holtz stated that when Zoning Board Members visited his property, different ideas of the location of the shed were discussed. As a result, Mr. Holtz has decided to move the front of the pad 7’ forward, which will put the back of the shed 10’ off the property line.

Chairperson Corbin noted that’s different than what was discussed. Originally it was discussed that the shed location would be a total of 8’ from the property line. Mr. Holtz stated he will now be getting it as close to 10’ as possible; it may be 9’11”. Chairperson Corbin stated they change it to 9’ to give him room.

Mr. Holtz provided the following measurements of distances from the neighbors; 84’ to the south, 53’ to the north, and 253’ to the west.

Chairperson Corbin read into the record that the Monroe County Department of Planning and Development (MCDP&D) ruled the application a local matter. The Rush Board of Fire Commissioner’s does not have any issues or concerns with this application, and the

Rush Conservation Board does not find any aspect of the project to significantly impact the environment.

With no further comments or questions, Vice Chairperson Koppers made a Motion to close the public hearing. Board Member Flass seconded the Motion, and the Board polled:

Roll: Garry Koppers      aye  
      David Flass         aye  
      Amber Corbin       aye     carried.

**WORKSHOP:**

**Application 2015-05Z** by Warren & Mary Thomas requesting a side setback variance for a pole barn. The proposed location does not comply with 120-19 of the Rush Town Code. Property is located at 6700 East River Road and is zoned Residential-30.

Mr. Thomas explained they would like to build a 30' x 40' pole barn, and pointed out on the site map the proposed location. He would like it to align with the existing driveway and is requesting a 15' side setback variance. Mr. Thomas provided pictures from his phone of his property, including his lot lines and his driveway, along with pictures of his neighbors' driveways.

Chairperson Corbin asked if the two existing sheds noted on the site map have a variance as they are closer to the property line than 25'. Mr. Thomas explained that the two sheds were on the property when they purchased it 15 years ago.

Chairperson Corbin explained to the applicants that before their November 12, 2015 public hearing, the Board will need estimated distances from the location of the proposed pole barn to their neighbors to the south and north. Mr. Thomas stated there is approximately over 300' to the neighbor to the south, 250' to the neighbor to the northwest and 200' to the neighbor to the northeast.

Board Member Flass stated he would like to know the distance from the proposed pole barn to the corner of the Thomas' house to determine how much room will be in between.

Chairperson Corbin advised the applicants that Zoning Board Members will visit their property and take measurements before the public hearing. Chairperson Corbin also advised the applicants that it would be helpful to have letters from their neighbors stating that they do not have any concerns about the project.

**DECISIONS:**

Board Member Flass made a Motion **WHEREAS**, this Board has examined **Application 2015-02Z** submitted by Charlie & Patricia Hunt of 20 Delia Trail, Rush, NY, located in an R-30 district, requesting a front setback variance and a side setback variance for a

proposed attached garage on the front of their existing residence, and maps and other materials which were filed with the 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 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 the granting of individual setback and lot line variances.

Chairperson Corbin seconded the Motion, and the Board polled:

Roll: Garry Koppers        aye  
      David Flass            aye  
      Amber Corbin         aye    carried.

**WHEREAS, Application 2015-02Z** was submitted by Charlie & Patricia Hunt of 20 Delia Trail, Rush, NY, requesting a variance from a front setback requirement for structures of at least one-hundred feet (100') and a variance from a side setback requirement for structures of at least twenty-five feet (25'), as set forth in the Rush Town Code 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 **Application 2015-02Z** be granted as requested in the plans submitted with the application, subject to the following conditions:

1. The proposed attached garage as identified in the plans, shall be no closer than Eighty-Two feet (82') from the center line of Delia Trail and no closer than Twenty-Four Feet (24') from the south property boundary.
2. The existing garage, as proposed, is for the sole purpose of expanding square feet of the house structure by repurposing the existing attached garage into a master bedroom.
3. The repurposed living space is not to be used as an in-law apartment, accessory apartment and/or two-family dwelling without obtaining the necessary approvals from the Planning Board in accordance with the procedures and standards for a special permit set forth in Section 120-69 of the Rush Town Code.
4. In the event the existing septic system for the property needs to be replaced, it

must be brought to then current regulatory standards in accordance with Monroe County Department of Health requirements.

5. No work is to commence until a building permit is obtained from the Town of Rush.
- 6 . The construction of the proposed garage is to be completed within one year of the approval of the application.

The reasons for this action are:

1. Neighbors have no objection to the proposed garage.
2. There will be no undesirable change in the character of the neighborhood.
3. 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. The Monroe County Department of Public Health has reviewed this application and the applicant, Mr. Hunt, has submitted this letter with this application, dated October 1, 2015.

Vice Chairperson Koppers seconded the Motion, and the Board polled:

Roll: Garry Koppers      aye  
      David Flass         aye  
      Amber Corbin       aye    carried.

Chairperson Corbin made a Motion **WHEREAS**, this Board has examined **Application 2015-04Z**, submitted by Karl Holtz of 6841 East River Road Rush, NY, located in a R-30 District, requesting a side setback variance for a proposed 12' x 10' Garden Shed, located near the northwest side boundary line, and the maps, and diagrams and other materials were submitted with the application and,

**WHEREAS**, the application is solely for an Area Variance, now **BE IT RESOLVED** that this Board determines that this is a Type II SEQR 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 Regulations, in listing Type II Actions, includes "granting of individual setbacks and lot line variances."

Board Member Flass seconded the Motion, and the Board polled:

Roll: Garry Koppers      aye  
      David Flass         aye  
      Amber Corbin       aye    carried.

**WHEREAS, Application 2015-04Z** was submitted by Karl Holtz of East River Road, Rush, NY , requesting a Nine Foot (9') variance from a side setback requirement for

structures of at least twenty-five feet (25') as set forth in the Code of Rush, Chapter 120-19, as described in the maps 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 was read and those statements were considered by this Board, then

**BE IT RESOLVED**, that **Application 2015-04Z** be granted as submitted with the application, subject to the following conditions:

1. The proposed Garden Shed, as proposed in the application, shall be placed no closer than Nine feet (9') from the north property line, and no closer than Forty-Three feet (43') from the west property line.
2. No work is to be commenced on the Garden Shed until a Building Permit is obtained from the Town of Rush.
3. The construction of this Garden Shed is to be completed within one year of the approval of this application.

The reasons for this action are:

1. The placement of the Garden Shed is consistent with the neighborhood and the proximity of other pre-existing buildings on the road.
2. There will be no undesirable change in the character of the neighborhood.
3. 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.

Board Member Flass seconded the Motion, and the Board polled:

Roll: Garry Koppers      aye  
      David Flass          aye  
      Amber Corbin        aye    carried.

**APPROVAL OF MINUTES:**

Chairperson Corbin made a Motion to approve the Minutes of September 10, 2015 as written.

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

Roll: Garry Koppers      aye  
      David Flass          aye

ZONING BOARD OF APPEALS  
OCTOBER 8, 2015

Amber Corbin      aye    carried.

**APPLICATION ASSIGNMENTS:**

Vice Chairperson Koppers and Board Member Flass are assigned Application 2015-05Z.

With no further business, a Motion was made by Chairperson Corbin and agreed by common consent that the meeting be adjourned at 7:42 PM.

Respectfully Submitted,

Shivaun Featherman  
Deputy Town Clerk