

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF JUNE 9, 2016**

A regular meeting of the Rush Zoning Board of Appeals was held on June 9, 2016 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

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

EXCUSED: Amber Corbin, Chairperson

OTHERS: Ruth Hubbard, Resident
Karen Dell & Beth Markell, Residents
Edward Conklin, Resident
Phil D'Alessandro, Building Inspector
Dan Woolaver, Town Board Liaison

Vice Chairperson Koppers welcomed all and called the June Zoning Board of Appeals meeting to order at 7:00 PM.

WORKSHOP:

Application 2016-02Z by Seth and Ruth Hubbard requesting a side setback variance and a rear setback variance for an existing shed. The location does not comply with 120-19 of the Rush Town Code. Property is located at 1913 Middle Road and is zoned Residential -30.

Ms. Hubbard explained to the Board that the existing shed had been installed by the previous owners and she does not know if there had been a building permit issued for it. Vice Chairperson Koppers noted that according to the site map, it appears the shed is 14.9' from the back property line. Ms. Hubbard stated that the fence bordering the pool is theirs, however, the fence on the side of the property belongs to their neighbor. Ms. Hubbard stated that although the shed is equipped with electric, it is currently being used for storage.

Ms. Hubbard stated that her property is in the process of being sold and she believes the closing date will be by July 1st, 2016. The potential buyers of the property are aware of this variance application and have submitted a letter to the Zoning Board Members stating they will follow through with the variance request and will be present at the July 14, 2016 public hearing. The Zoning Board Members confirmed they are in receipt of the letter.

Board Member Swanton asked the applicant how it came to her attention that the shed is in need of a variance. Ms. Hubbard replied that the potential buyers of their home had requested a Certificate of Compliance (C of C) for the shed.

Building Inspector Phil D'Alessandro noted that there is no record of a shed permit being issued to the property.

Vice Chairperson Koppers explained to the applicant that before the public hearing date of July 14, 2016, two Zoning Board Members will contact her to schedule a time to visit the property and take measurements. Vice Chairperson Koppers advised the applicant that it would be helpful to obtain letters from her neighbors stating that they are not opposed to the shed.

Application 2016-03Z by Karen Dell requesting a front setback variance for a proposed addition to an existing home. The proposed location does not comply with 120-18 of the Rush Town Code. Property is located at 126 Phelps Road and is zoned Residential-30.

Karen Dell and Elisabeth Markell appeared before the Board. Ms. Dell explained that their home is a very small ranch and they would like to build an addition on the front of their home to increase the size of the kitchen for more living space. They had originally planned for a 24' addition, but have scaled the design back to a 12' addition to try to meet the Code and the existing setback from the middle of the road. Vice Chairperson Koppers noted that the current distance from the front of the house to the centerline of the road is 112.5'. Ms. Markell explained that addition will actually be a total of 13.5', as Building Inspector D'Alessandro had previously explained to them that the bump-out windows would need to be taken into account, as it's the furthest point of the front of the house to the centerline of the road. As the Code for a front setback is 110' from the centerline of the road, they are requesting an 11' variance.

Vice Chairperson Koppers explained to the applicant that before the public hearing date of July 14, 2016, two Zoning Board Members will contact her to schedule a time to visit the property and take measurements. Vice Chairperson Koppers advised the applicant that it would be helpful to obtain letters from her neighbors stating that they are not opposed to the proposed addition.

UNSCHEDULED INFORMAL:

Resident Edward Conklin appeared stating that he'd like a complaint addressed regarding possible violations of the Code related to the horse located on his neighboring property. Vice Chairperson Koppers advised Mr. Conklin that the issues should be addressed with the Code Enforcement Officer (CEO) and that the Town Board is the legislative body that has the discretion on changing the Town Code.

APPROVAL OF MINUTES:

Board Member Hetrick made a Motion to approve the Minutes of May 12, 2016 as written. Vice Chairperson Koppers seconded the Motion, and the Board Members polled:

Roll: Lee Hetrick aye
 David Flass aye
 Susan Swanton aye
 Garry Koppers aye carried.

Board Member Swanton made a Motion to approve the Minutes of May 26, 2016 as written. Vice Chairperson Koppers seconded the Motion, and the Board Members polled:

Roll: Lee Hetrick aye
 David Flass aye
 Susan Swanton aye
 Garry Koppers aye carried.

APPLICATION ASSIGNMENTS:

Vice Chairperson Koppers and Board Member Hetrick are assigned Application 2016-03Z and Chairperson Corbin and Board Member Flass are assigned Application 2016-02Z.

REPORT OF OFFICERS:

Councilperson Woolaver stated the town attorney is still reviewing the Zoning Citizens Committee's proposed changes to the current Zoning Code.

With no further business, a Motion was made by Vice Chairperson Koppers and agreed by common consent that the meeting be adjourned at 7:55 PM.

Respectfully Submitted,

Shivaun Featherman
Deputy Town Clerk