

**RUSH ZONING BOARD OF APPEALS  
PUBLIC HEARING & WORKSHOP  
UNAPPROVED MINUTES  
AUGUST 11, 2005**

A regular meeting of the Rush Zoning Board of Appeals was held on August 11, 2005 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 P.M.

**BOARD MEMBERS PRESENT:** Mr. Don Van Lare, Chairman  
Mr. Robert Weiler  
Mr. David Eddy  
Mr. Dan Taylor

**ABSENT:** Mrs. Amber Corbin

**OTHERS PRESENT:** Mr. Ron Schneider, Fishell Rd

**PUBLIC HEARING:**

**Application 2005-03 Z** by Steve Griffin for an Area Variance to add an addition to the north side of the house. Proposed addition does not comply with the minimum front setback requirement. Location is at 10 Park Lane. Property is located in a Commercial Zoning District.

Mr. Ron Schneider acting as Agent for Steve & Regina Griffin provided the Board Members with a map showing the existing structures, fences and their dimensions.

The Board Members discussed the Application.

Mr. VanLare read the letter/comments from:

1. Monroe County Department of Planning & Development, Monroe County Development Review. This Application was referred as a Local matter.

There were no further comments and Mr. Van Lare declared the hearing closed.

**INFORMAL:**

Mr. Van Lare discussed with the Board Members the proposed Zoning Board budget for next year.

**APPROVAL OF MINUTES:**

The Minutes of July 14, 2005 were reviewed.

Mr. Van Lare made a Motion to approve the Minutes of July 14 2005 as submitted. Mr. Taylor seconded the Motion and the Board Members were all in agreement.

**DECISION:**

Mr. Taylor made a Motion **WHEREAS**, this Board has examined **Application 2005-03 Z** by Steven Griffin of 10 Park Lane, located in a Commercial Zoning District, requesting a front set-back variance to build a 416 square foot addition to the north side of the house and the maps and other materials which were filed with the Application. **WHEREAS**, the application is solely for a front set-back variance, now **BE IT RESOLVED**, that this Board determines that it is a Type II 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 Regulation, in listing Type II Actions, includes all variances for relief from granting of individual setback and lot line variances.

Mr. Weiler seconded the motion and the Board Members polled:

Roll: Mr. Taylor                    aye  
      Mr. Weiler                    aye  
      Mr. Eddy                     aye  
      Mr. VanLare                 aye     caried.

**WHEREAS, Application 2005-03Z** was submitted by Steven Griffin of 10 Park Lane requesting a 65 foot variance from a front setback requirement for structures of one hundred (100) feet as set forth in the Code of Rush 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 2005-03Z** be granted subject to the following conditions:

1. The addition shall be placed no closer to the front property line than the existing residential building.
2. No work is to be commenced until a Building Permit is obtained from the Town of Rush.
3. The construction of this addition is to be completed within one year of the approval of this application.

The reasons for this action are:

1. The set-back of the addition is no closer to the road than the set-back of the non-conforming, pre-existing dwelling.
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.

RUSH ZONING BOARD OF APPEALS  
AUGUST 11, 2005

Mr. Weiler seconded the motion and the Board Members polled:

Roll:	Mr. Taylor	aye	
	Mr. Weiler	aye	
	Mr. Eddy	aye	
	Mr. VanLare	aye	caried.

There were no further discussions and the Meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Darlene Pilarski  
Deputy Town Clerk