

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
APPROVED MINUTES
SEPTEMBER 13, 2007**

A regular meeting of the Rush Zoning Board of Appeals was held on September 13, 2007 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. David Eddy
Mr. Robert Weiler
Mr. Dan Taylor
Mrs. Amber Corbin

OTHERS PRESENT: Mrs. Lisa Sluberski, Town Board Liaison
Mr. Kyle Tracy, 292 Jeffords Rd

INFORMAL DISCUSSION:

Kyle Tracy, 292 Jeffords Road. Mr. Tracy is asking if a renewal of his Variance will be required for his 3 season room that was not completed within 1 year of his original approval.

Application 2004-10 Z by Kyle Tracy for an Area Variance to construct a three season room addition on the north west side of the house. Proposed location for the addition does not comply with the minimum side setback requirements. Location is at 292 Jeffords Road, 1700 feet west of Pinnacle Road. Property is located in an R-30 District.
The approval date for this Variance was September 9, 2004

Mr. Tracy stated that he wished to reinstate the Variance. There have been no changes to the adjacent property since the original approval on September 9, 2004. Mr. Tracy is changing the length not the width of the original dimensions of the addition. The new dimensions will be 22ølength x 20øwide. The addition would be completed within the next few months. The Board Members had no objections to reinstating the Variance.

Mr. Van Lare made a Motion **WHEREAS; Application 2004-10 Z** by Kyle Tracy for an addition to the property located at 292 Jeffords Road. Such Application was approved on September 9, 2004. This Board feels that this Application be reinstated with the same conditions and reasons for action of the original application.

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

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| Roll: | Mrs. Corbin | aye | |
| | Mr. Taylor | aye | |
| | Mr. Eddy | aye | |
| | Mr. Weiler | aye | |
| | Mr. Van Lare | aye | carried. |

Disposition of **Application 2007-03 Z** by James Volpe and **Application 2007-06 Z** by D. Jeffrey Over.

After a discussing the above Applications, the Board Members have decided to act on the Applications as follows:

Application 2007-03 Z by James Volpe will remain open.

Application 2007-06Z by D. Jeffrey Over has been returned to the Rush Planning Board. This Application was referred to the Rush Zoning Board of Appeals citing Section 120.16 B. of the Rush Code. Section 120.16 B. states that "the maximum height of any building in any district shall be 35 feet."

The Zoning Board of Appeals can neither approve nor deny the Application since that section of the Rush Code refers only to buildings. A building being defined as "any structure having a roof supported by columns or by walls and intended for the shelter, housing and enclosure of persons, animals or chattels, but not including a mobile home."

APPROVAL OF MINUTES:

The Minutes of August 9, 2007 were reviewed.

Mr. Van Lare made a Motion to approve the Minutes of August 9, 2007 as amended.

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

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| Roll: | Mrs. Corbin | abstained | |
| | Mr. Taylor | aye | |
| | Mr. Eddy | aye | |
| | Mr. Weiler | aye | |
| | Mr. Van Lare | aye | carried. |

There were no further discussions and the Meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Darlene M. Pilarski
Deputy Town Clerk