

**RUSH ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES OF JUNE 11, 2009**

A regular meeting of the Rush Zoning Board of Appeals was held on June 11, 2009 at the Rush Town Hall, 5977 East Henrietta Road, and was called to order at 7:00 PM.

BOARD MEMBERS PRESENT: Don Van Lare, Chairman
Robert Weiler
Kelly Pruden
Amber Corbin
Al Simon

OTHERS PRESENT: Gerry Kusse, Code Enforcement Officer
Lisa Sluberski, Town Board Liaison
Shawn Griffin, Resident
Ron Schneider, Contractor, Resident
James Sickles, Rush Land Owner

PUBLIC HEARING:

Application 2009-02Z by Steve Griffin for an Area Variance to build a garage 9 feet from the side lot line. The proposed location does not comply with Rush Town Code §120-19. Property is located at 6416 Rush Lima Road and is in an R-30 Zoning District.

The Zoning Board asked Mr. Griffin how he is going to go about changing over the former garage to living space and how long will the transition take. Mr. Griffin stated that a picture window will be installed in place of the former garage door and as the new garage is being framed the old garage will be closed up. The total transition/construction time should take approximately 1 week. Mr. Griffin stated that there will not be 2 garages. The proposed application is for a 28 foot garage and puts the structure 9 feet from the lot line. The Zoning Board suggested a compromise of a 24 foot garage leaving it 13 feet 4 inches from the lot line. The Zoning Board also asked Mr. Griffin what type of recreational vehicles he is planning on storing in the garage. Mr. Griffin stated that he was hoping to fit a boat in the garage. The Zoning Board stated that the 24 foot garage would allow enough side access to accommodate a boat in order to store the boat behind the house. The Zoning Board reminded Mr. Griffin that boats cannot be stored on the side and that they have to be located behind the rear corner of the main dwelling.

Correspondence:

Monroe County Department of Planning and Development has ruled application 2009-02Z as a local matter.

Don Van Lare also read a letter from neighboring resident Joan and Lee Countryman stating that they have no objection to the proposed garage.

With no further business Don Van Lare declared the hearing closed.

INFORMAL:

Mr. Sickles stated that he would like to receive a variance to change the use of 6115 Rush Lima Road from commercial to residential. Due to the size of the house and the size of the property, the parcel is very limited commercially. Mr. Sickles has submitted a new survey map. The Zoning Board stated that Mr. Sickles's survey map needs to show all adjacent structures, names of all adjacent property owners, locations of septic systems, water wells, utilities and will also need to include with the application the short environmental assessment form. In the past, Monroe County has expressed a concern regarding the drainage culvert located in the rear of the parcel. Mr. Sickles was able to elaborate on the drainage culvert in question and his future plans for its use. The Zoning Board instructed Mr. Sickles that in addition to the corrections to the use variance application, he will also need to apply for three area variances. The use of the property as a residence has lapsed for more than a year and variances will now be required in order for the house and property to be used in compliance with the Rush Town Code.

The Board discussed Sign Ordinance and Planned Unit Development (PUD). Chairman Van Lare will write a letter to the Town Board seeking approval for the sign ordinance and PUD workshops to be considered as valid required credit hours.

DECISIONS:

Application 2009-02Z by Steve Griffin for an Area Variance to build a garage 9 feet from the side lot line. The proposed location does not comply with Rush Town Code §120-19. Property is located at 6416 Rush Lima Road and is in an R-30 Zoning District.

Robert Weiler made a motion **WHEREAS**, This Board has examined Application 2009-02Z Steve Griffin of 6416 Rush-Lima Road, located in an R-30 district, requesting a front and side setback variance for an attached garage on the side of their existing residence, and maps and other materials which were filed with the application.

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 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.

Don Van Lare seconded the motion and the Board Members polled:

Roll: Robert Weiler aye
 Amber Corbin aye
 Kelly Pruden aye
 Al Simon aye
 Don Van Lare aye carried.

WHEREAS, Application 2009-02Z was submitted by Steve Griffin for property at 6416 Rush-Lima Road requesting a variance from a front setback requirement for structures of one hundred ten (110) feet as set forth in the Code of Rush Chapter §120-18, and a variance from a side setback requirement for structures of twenty five (25) feet as set forth in the Code of Rush Chapter §120-19 as described in such map and diagrams submitted with the application.

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 the application be granted as requested in the plans submitted with the application. The attached garage as identified in the plans shall be placed no closer than 99 feet from the centerline of Rush-Lima Road. In addition, the attached garage shall be no closer than 13 feet and 4 inches from the eastern property boundary.

The following conditions apply:

1. No work is to commence until a building permit is obtained from the Town of Rush.
2. The construction of the proposed garage is to be completed within one year of the approval of the application.
3. The proposed attached garage is to replace an existing attached garage. It is not the intent of this approval to allow two garages on this parcel. The Zoning Board of Appeals has been assured by the applicant that the original garage will be converted into living space. The applicant is allowed a 90 day transition period from the time the new garage is completed to convert and close the former garage into living space.
4. The new garage is for the storage of vehicles and property of the applicant and his household. No uses are permitted that violate Sections §120-7 and §120-8 of the Rush Town Code.

The reasons for this action are:

1. The 13q4+access between the proposed garage and property line created by this variance will allow convenient access to the rear of the property.
2. Neighbors have no objection to the proposed garage and reside about 165 feet from the property line in question.
3. There will be no undesirable change in the character of the neighborhood.
4. 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.

Amber Corbin seconded the motion and the Board Members polled:

Roll: Robert Weiler aye
 Amber Corbin aye
 Kelly Pruden aye
 Al Simon aye
 Don Van Lare aye carried.

APPROVAL OF MINUTES:

The Minutes of May 14, 2009 were reviewed.

Don Van Lare made a motion to approve the Minutes of May 14, 2009 as submitted.

Robert Weiler seconded the motion and the Board Members polled.

Roll: Robert Weiler aye
 Amber Corbin aye
 Kelly Pruden aye
 Al Simon abstained
 Don Van Lare aye carried.

With no further business, a motion was made by Don Van Lare and agreed by common consent that the meeting be adjourned at 8:10 PM.

Respectfully Submitted,

Meribeth Palmer
Deputy Town Clerk