



# TOWN OF SOUTHPORT

1139 Pennsylvania Avenue  
Elmira, NY 14904

*Approved  
by Board of Appeals  
2/20/2019*

## ZONING BOARD OF APPEALS

**Wednesday, September 19, 2018  
7:00 PM**

### PUBLIC HEARING

**Kevin Youngs  
94 Peacefield Road, Pine City, NY 14871**

Minutes of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on September 19, 2018 at 7:00 p.m.

#### Item No. 1 - Call to Order

##### **Attendance**

Board Members Present:

James Gensel  
Justin Faulkner  
John Arikian  
Susan Silvers

Board Member Absent:

Deborah Eames

Others Present:

Peter Rocchi, Town Code Enforcement Officer  
Bonnie Balok, Secretary-Zoning Board of Appeals

Others Absent;

Leslie Mauro, Town Attorney

#### Item No. 2 – Approval of Minutes of August 15, 2018

Chairman Gensel advised the first item on the Agenda is the Minutes of August 15, 2018 and asked if there were any changes or corrections. Ms. Silvers made a motion to approve the minutes; seconded by Mr., Faulkner. Minutes of August 15, 2018 were approved; Mr. Arikian abstained.

#### Item No. 3 – New Business

##### **Public Hearing– Kevin Youngs**

94 Peacefield Road, Pine City, NY 14871

Present: Kevin Youngs, 94 Peacefield Road, Pine City, NY 14871.

Chairman Gensel called the meeting to order and advised this is a public hearing for Kevin Youngs 94 Peacefield Road, Pine City, NY concerning an area variance to allow for an accessory structure to be erected within the front yard setback, as per Chapter 525-26(C)(3). Paper work, which included proof of legal notice in “Star-Gazette” and payment was provided to Mr. Rocchi for review.

Mr. Youngs explained he is requesting a variance to build a garage for storage, pole barn, in the front yard on the side and submitted a map of the property. The pole barn will be thirty (30) by forty (40), one story. There is a well directly behind the house, a propane tank goes to the back and an electric line running to the pool and shed.

Item No. 3 – New Business (continued)

Mr. Youngs further explained if he builds the pole barn on the property in the back he would not have a yard, the structure will be have a metal siding, and his house has a vinyl siding. Mr. Youngs advised his neighbors are fine with the proposal; Bill and Julie Baldwin even offered to provide a letter.

Discussion took place concerning the property forty seven feet (47') to the center of the road and twenty three feet (23') to the property line, the fact that Mr. Youngs wanted to maintain a view of the back yard area, a commercial building in a residential area, a two-car garage currently on the property for storage of vehicles and the fact the garage could not be extended due to electrical lines underground, the fact that an accessory structure is not allowed in the front yard, and Mr. Youngs offered to move the structure a little bit from the road.

Chairman Gensel advised Mr. Youngs was required to provide answers to the five (5) questions mandated by New York State. Chairman Gensel opened the hearing to the public.

Mr. Youngs provided the following answers to the area variance questions:

- Q1. Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance?  
A: *Mr. Youngs - No. The surroundings only person it will bother would by my neighbors and they are fine with it.*
- Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance?  
A: *Mr. Youngs – No.*
- Q3. Whether the requested area variance is substantial?  
A: *Mr. Youngs – No.*
- Q4. Whether the proposed area variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?  
A: *Mr. Youngs – No.*
- Q5. Whether an alleged difficulty of compliance with the zoning requirement was self-created, which is relevant to the decision but shall not necessarily preclude the granting of the area variance?  
A: *Mr. Youngs –Yes.*

Chairman Gensel advised, seeing no one present to provide comments, the public hearing portion would be closed. The Board members provided their answers to the five (5) area variance questions as follows:

- Q1. Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance?  
A: *No – 2                      Yes – 2*  
*No-Mr. Faulkner, Chairman Gensel; Yes Mr. Arikian, Ms. Silvers.*
- Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue,  
A: *No – 0                      Yes - 4*
- Q3. Whether the requested area variance is substantial?  
A: *No = 0                      Yes - 4*
- Q4. Whether the proposed area variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?  
A: *No –                      Yes - 0.*
- Q5. Whether an alleged difficulty of compliance with the zoning requirement was self-created, which is relevant to the decision but shall not necessarily preclude the granting of the area variance?  
A: *No – 0                      Yes - 4*

**94 Peacefield Road, Pine City, NY 14871**  
*Re: Area Variance, 94 Peacefield Road, Pine City, NY 14871*

Item No. 3 – New Business (continued)

Resolution by Mr. Arikian to deny the variance based upon the proposal being undesirable to the neighborhood because of the siding, the majority of the Board answered yes to the variance questions, and a thirty (30) by forty (40) garage building in the front yard; seconded by Ms. Silvers.

Discussion took place concerning the resolution and other construction options were reviewed such as the structure being parallel with setback would eliminate the need for a variance and the doors back farther on the garage would be able to maneuver into it.

Motion to Table: Mr. Faulkner; Seconded: Mr. Arikian

The Board voted unanimously to table the matter until October 27, 2018. Chairman Gensel advised there would be no need to republish the public hearing.

Youngs Public Hearing Tabled and Adjourned: 7:31 pm

Item No. 4 – Old Business

No old business.

Item No. 5 – Discussion

No discussion items.

Item No. 6 – Adjournment

Motion to Adjourn: Ms. Silvers Seconded: Mr. Faulkner

Adjourned: 7:32 pm

Original on File: Town Clerk  
C: Board of Appeals, Town Board, Planning Board  
Town Supervisor, Town Clerk, Town Attorney  
Town Assessor. Town Code Enforcement Officer  
Applicant: Kevin Youngs  
94 Peacefield Road, Pine City, NY 14871

Bonnie Balok, Secretary  
Zoning Board of Appeals,  
September 20, 2018

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