



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved
by Board of Appeals 10/19/2016*

BOARD OF APPEALS MINUTES-PUBLIC HEARING WEDNESDAY, AUGUST 17, 2016 7:00 PM

Minutes of the Public Hearing for Dakota Yerkes, 426 Fairway Avenue, Elmira, NY 14904, Tax Map 100.09-6-12, zoned R2, held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on August 17, 2016 at 7:00 p.m. concerning an area variance to build an eight foot (8') by twenty two foot (22') deck on the front of the home which is within the required front yard setback as per Section 525-26c.

Board Members Present: James Gensel, Chairman
Daniel Williams, Vice Chairman
John Arikian
Deborah Eames
Justin Faulkner

Others Present: Steven Barnstead, Town Attorney
Peter Rocchi, Town Code Enforcement Officer
Susan Silvers, Alternate Member (Observing)
Bonnie Balok, Secretary-Board of Appeals

Items 1 and 2 - Call to Order and Accepting of Minutes

The meeting was called to order by Chairman Gensel. The first item on the Agenda was the Minutes of July 20, 2016. Chairman Gensel noted two (2) members were not in attendance at the July 20th meeting and therefore would not be voting on the minutes. Mr. Arikian made a motion to approve the July 20, 2016 minutes; Mr. Faulkner seconded the motion. Meeting minutes of July 20, 2016 were unanimously approved with Ms. Eames and Mr. Williams abstaining.

Item 3 - New Business—Public Hearing

Applicant Present: Dakota Yerkes

Chairman Gensel advised the next item on the agenda is a public hearing for Dakota Yerkes, 426 Fairway Avenue, Elmira, NY 14904 concerning 426 Fairway Avenue, Elmira, New York, 14904, Tax Map 100.09-6-12 regarding a request for an area variance to build an eight foot (8') by twenty two foot (22') deck on the front of the house which is within the required front yard setback as per Section 525-26c. The property is zoned R2.

Attorney Barnstead reviewed the paper work Mr. Yerkes submitted and advised the affidavit and receipt from the "Star-Gazette" were in order. (*Paid receipt from Mr. Yerkes for legal notice-providing proof of publication in "Star-Gazette" Legals and affidavit—Submitted to Secretary Balok to include in the permanent record*). Chairman Gensel noted a public hearing sign had been posted in the Yerkes front yard also.

Mr. Yerkes explained he wanted to put an eight foot (8') by twenty two foot (22') deck on his home, but do to so it would be necessary for him to request an area variance for the deck that would not be a covered porch, the steps would be in the front of the deck, the front door faces the street and is centered, and the stairs would be centered as well, along with three (3) pieces of sidewalk.

Discussion took place concerning placement of the steps, a stoop, a deck, a porch, like properties with a deck, and the setback.

Item 3 - New Business—Public Hearing (continued)

Applicant Present: Dakota Yerkes

Chairman Gensel opened the meeting to the public hearing portion, but no comments were provided. Therefore, the public hearing portion was closed. The Board and Mr. Yerkes proceeded with the five area variance questions

Mr. Yerkes provided the following responses

- Question 1 - Undesirable change . . . Good for neighborhood and his home.
- Question 2 - Benefit SoughtNo other way to do this; as is it is difficult to move things in and out.
- Question 3 - Variance Substantial . . .It is.
- Question 4 – Adverse AffectNot affecting anyone and will be five (5) to six (6) feet out.
- Question 5 – Self-Created Not self-created.

Board members provided the following responses.

- Question 1 - Undesirable.....Yes-1.....No-4
- Question 2 - Benefit.....No-Unanimous
- Question 3 - Substantial.....Yes-Unanimous
- Question 4 - Adverse.....Yes-Unanimous
- Question 5 – Self-Created.....Yes-3.....No 2

Motion to approve variance: Ms. Eames
 Seconded by: Mr. Faulkner
 Unanimous Vote: Aye.
 Area variance granted.

Yerkes Public Hearing Adjourned: 7:41 pm

Item 4 – Old Business

A brief discussion took place concerning up-coming solar workshops; Arikian, Silvers and Williams will be attending the workshop to be held in Big Flats.

Item 5 – Discussion

No other discussion.

Item 6 – Adjournment

Motion to adjourn: Ms. Eames; Seconded: Mr. Faulkner. Adjournment unanimously approved.
Adjourned: 7:45 p.m.

- 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 Dakota Yerkes

Prepared by:
Bonnie Balok, Secretary-Board of Appeals
August 18, 2016

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RESOLUTIONS - AUGUST 2016

BOARD OF APPEALS – TOWN OF SOUTHPORT

RESOLUTION NO. 9

AREA VARIANCE GRANTED

PROPERTY: TAX MAP NO. 100.09-6-12 ZONED: R2
COMMONLY KNOWN AS
426 FAIRWAY AVENUE
ELMIRA, NY 14904

APPLICANT: DAKOTA YERKES
426 FAIRWAY AVENUE
ELMIRA, NY 14904

OWNER: DAKOTA YERKES
426 FAIRWAY AVENUE
ELMIRA, NY 14904

RESOLUTION: EAMES SECONDED: FAULKNER

WHEREAS, Dakota Yerkes, 426 Fairway Avenue, Elmira, New York, 14904 applied for an area variance at 426 Fairway Avenue, Elmira, New York, 14904 to build an eight foot (8') by twenty two foot (22') deck on the front of the home which is within the required front yard setback, as per Section 525-26c, allowed by the Town Code, Town of Southport, County of Chemung. The property is located in a R2 zone and is commonly known as 426 Fairway Avenue, Elmira, New York, 14904, Tax Parcel, 100.09-6-12, and

WHEREAS, the Town of Southport Board of Appeals held a public hearing on August 17, 2016 at 7:00 p.m., or as soon thereafter as it could be heard, at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York with no one voicing any concern for or against the proposal, and

WHEREAS, this matter was submitted to the Chemung County Planning Board and thirty (30) days has expired with the Board taking no action on the matter, and

WHEREAS, upon deliberation, consideration and discussion, and following inspection of the property, the members of the Board of Appeals, were of the opinion that an area variance could be granted, to allow for the building of an eight foot (8') by twenty two foot (22') deck on the front of the home, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted to Dakota Yerkes, 426 Fairway Avenue, Elmira, New York, 14904 with respect to 426 Fairway Avenue, Elmira, New York, 14904 and the Building Inspector of the Town of Southport be and hereby is authorized to issue a permit for said use, and that failure to complete the project within one (1) year from the granting of this variance will render the variance null and void.

AYES: Arikian, Eames, Faulkner, Williams and Gensel
NAYS: None.
CARRIED.

Date: August 17, 2016