



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue
Elmira, NY 14904

*Minutes Approved
by Board of Appeals
December 18, 2019*

BOARD OF APPEALS

MINUTES

WEDNESDAY, JUNE 19, 2019

PUBLIC HEARING

**TIMOTHY CASTLE AND JENNIFER CADY
27 CRESTVIEW DRIVE WEST, PINE CITY, NY 14871**

**SOUTHPORT TOWN HALL
1139 PENNSYLVANIA AVENUE
ELMIRA, NY 14904**

7:00 pm

Minutes of the public hearing of the Zoning Board of Appeals, Town of Southport held at the Southport Town Hall, 1139 Pennsylvania Avenue, Elmira, New York on June 19, 2019 at 7:00 p.m. The public hearing was held for Timothy Castle and Jennifer Cady, 27 Crestview Drive West, Pine City, NY 14871, concerning a request for an area variance to build a sixteen foot (16') by thirty eight and one-half foot (38.5') garage addition that does not meet side yard setback in a R-1 zone.

Item No. 1 - Call to Order

Attendance

Board Members Present: Justin Faulkner
John Arikian
Susan Silvers
Edward Steinhauer

Board Member Absent: Deborah Eames
Shawn Crater, Alternate Board Member

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

Others Absent: Leslie Connolly, Town Attorney

Item No. 2 – Approval of Minutes of May 15, 2019

Chairman Faulkner advised the first item on the Agenda is the Minutes of May 15, 2019 and asked if there were any changes or corrections. Mr. Steinhauer made a motion to approve the minutes as presented; seconded by Mr. Arikian. Ms. Silvers abstained from voting due to her absence at the May 15, 2019 meeting. Minutes of May 15, 2019 were approved

Item No. 3 – New Business

Timothy Castle and Jennifer Cady
27 Crestview West, Pine City, NY 14871

Present: Timothy Castle and Jennifer Cady

Chairman Faulkner advised the public hearing is held for Timothy Castle and Jennifer Cady, 27 Crestview Drive West, Pine City, NY 14871 concerning a request for an area variance to build a sixteen foot (16') by thirty eight and one-half foot (38.5') garage addition that does not meet side yard setback in a R-1 zone.

Minutes of June 19, 2019 – Public Hearing – Timothy Castle and Jennifer Cady

27 Crestview Drive West, Pine City, NY 14871

Re: Area Variance to build a sixteen foot (16') by thirty eight and one-half foot (38.5') garage addition that does not meet side yard setback in a R-1 zone.

Mr. Castle provided proof of payment and publication of the public hearing in the "Star-Gazette". (*Affidavit of Publication, Notice of Public Hearing Legal Ad, and Receipt for Payment submitted for permanent file*). Mr. Castle advised the intent is to build a garage, thirty eight and one-half foot (38.5') by sixteen foot (16') to be attached to an existing garage that is there now. The required setback is fifteen feet (15') and he is asking for a ten foot (10') setback. Other properties are setback much the same and one example is the house next door to the applicants' property.

Discussion brought out the fact the property has an unusual situation because of the septic location and the property has a double lot.

Mr. Castle 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. Castle – No

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. Castle – No

Q3. Whether the requested area variance is substantial?

A. Mr. Castle – Yes

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. Castle – 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. Castle – Yes

Chairman Faulkner opened up the public portion of the meeting, providing an opportunity for public comments. Two (2) written comments were provided by neighbors and read into the record. Letter one from Jesse Johnson, 25 Crestview Drive West, Pine City, NY (*No objections to construction requested; in favor of proposed area variance*). Letter two from Lynette Redder, 30 Crestview Drive West, Pine City, NY (*Letter also signed by Lynn Coleman and Elizabeth Coleman*) (*No objections to construction requested, in favor of proposed area variance*). No other comments were presented at the hearing. Chairman Faulkner closed the public portion of the hearing.

Mr. Arikian commented on his concern about the existing shed on the property and, in general as an observation, noting there are many storage sheds throughout the town filling up with more and more "stuff". Mr. Rocchi advised the shed here is not out of line and it is not out of character because other properties have sheds, pools, etc.

The Board reviewed the five (5) area variance questions and provided their answers 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?

Unanimous: No 4 no responses

Q2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue,

Unanimous: No 4 no responses

Q3. Whether the requested area variance is substantial?

Unanimous: Yes 4 yes responses

Minutes of June 19, 2019 – Public Hearing – Timothy Castle and Jennifer Cady

27 Crestview Drive West, Pine City, NY 14871

Re: Area Variance to build a sixteen foot (16') by thirty eight and one-half foot (38.5') garage addition that does not meet side yard setback in a R-1 zone.

Q4. Whether the proposed area variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

Unanimous: No 4 no responses

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?

Unanimous: Yes 4 yes responses

Mr. Steinhauer made a motion to vote to allow the area variance. Motion seconded by Ms. Silvers.

Secretary Balok called the roll; Mr. Arikian-Aye; Ms. Silvers-Aye; Mr. Steinhauer-Aye; Chairman Faulkner-Aye. Unanimously approved. Area variance granted.

Public Hearing 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: Timothy Castle and Jennifer Cady
27 Crestview Drive West, Pine City, NY 14871

Bonnie Balok, Secretary
Zoning Board of Appeals, June 19, 2019

4. Old Business

Chairman Faulkner advised Board vouchers for the time period January – June 2019 were to be completed tonight and submitted to the Town Board.

Motion was made by Ms. Silvers to close the meeting; seconded by Mr. Steinhauer. Adjournment of the Board meeting was unanimously approved.

ZBA Board Meeting Adjourned: 7:36 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
Applicants: Timothy Castle and Jennifer Cady
27 Crestview Drive West, Pine City, NY 14871

Bonnie J. Balok
Secretary-Zoning Board of Appeals
June 19, 2019

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**ZONING BOARD OF APPEALS
TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK**

**RESOLUTIONS
2019**

RESOLUTION NO. 12

AREA VARIANCE GRANTED

PROPERTIES TAX MAP# 109.09-59 ZONED: R1
COMMONLY KNOWN AS: 27 CRESTVIEW DRIVE WEST, PINE CITY, NY 14871

APPLICANTS: TIMOTHY CASTLE ND JENNIFER CADY
27 CRESTVIEW DRIVE WEST PINE CITY, NY 14871

OWNERS: TIMOTHY CASTLE ND JENNIFER CADY
27 CRESTVIEW DRIVE WEST PINE CITY, NY 14871

RESOLUTION: STEINHAUER SECONDED: SILVERS

WHEREAS, Timothy Castle and Jennifer Cady, 27 Crestview Drive West, Pine City, NY 14871, applied for an area variance at 27 Crestview Drive West, Pine City, NY 14871 to allow for construction of a sixteen foot (16') by thirty eight and one-half foot (38.5') garage addition that does not meet side yard setback, as per Town Code, Town of Southport, County of Chemung. The property is located in a R1 zone and are commonly known as 27 Crestview Drive West, Pine City, NY 14871, Tax Map# 109.09-59, and

WHEREAS, the Town of Southport Zoning Board of Appeals held a public hearing on June 19, 2019 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 two (2) neighbors providing written comments detailing favorable approval for the proposal, and

WHEREAS, upon deliberation, consideration and discussion, and following inspection of the property, the members of the Zoning Board of Appeals were of the opinion that an area variance at 27 Crestview Drive West, Pine City, NY 14871 to allow for construction of a sixteen foot (16') by thirty eight and one-half foot (38.5') garage addition that does not meet side yard setback, as per Town Code, Town of Southport, County of Chemung should be granted. The property is located in a R1 zone and are commonly known as 27 Crestview Drive West, Pine City, NY 14871, Tax Map# 109.09-59, and

NOW THEREFORE BE IT RESOLVED, that an area variance be granted to Timothy Castle and Jennifer Cady, 27 Crestview Drive West, Pine City, NY 14871, Tax Map Number 109.09-59, 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, Faulkner, Silvers, Steinhauer
Noes: None
Carried. Area variance granted.
June 19, 2019

*Resolution for Minutes of June 19, 2019
Approved by Board of Appeals
December 18, 2019*