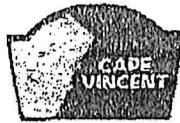


TOWN OF CAPE VINCENT
Jefferson County, New York 13618

www.TownofCapevincent.org
Fax 315-654-3366

Zoning Enforcement Officer
315-654-3795 Ext #7
315-767-4482



Zoning Permit Application

Name of Applicant: Ron Clapp c/o Carleton Villa LLC

Telephone: (561)385-5675

Agent/Contractor: _____

Cell #: (561)385-5675

Mailing Address: 711 N Broadway

Lantana FL 33462
City State Zip Code

Location be street or 911#: Carleton Island Lot #1

Tax Map # 28 Lot #1 "The Villa" Zoning District ()LF ()LR ()RF ()AR ()JC ()RP (X)I

Flood Plain: (X)Yes or ()No

Nature of work: (X) New Building () Addition () Installation () Demolition (X) Renovation

Dimensions of entire structure:

Front Villa 73' Cabins 14' each Rear ____ Depth Villa 100' Cabins 34' incl 6' porch Maximum Height _____

Foundation Type: () Concrete (X) Masonry ()Steel ()Wood (X)Other Stone

Structure Type: (X)Wood (X)Stone ()Masonry ()Concrete ()Other

Structure Use: (X)Residential (X)Commercial ()Retail/Professional ()Agricultural ()Municipal

Further description of project: Bed & Breakfast, Restaurant and Glampgrounds with Cabins

Lot Size: Front Rear Depth Area (sq ft.) 300,564 or 6.9 Acres

Requirements:

A sketch must accompany this application showing the placement of the proposed structure on the lot. The drawing shall show distance between the structure and all lot lines, other structures on the lot, road right-of-way line and any other outstanding natural or man-made features on or adjacent to the lot. The dimensions of the lines shall be noted. Such drawing shall be prepared for a change of use in an existing structure as well.

The applicant shall lay stakes on the lot enabling the zoning officer to determine building location and lot lines.

I, the owner or agent of the proposed use for which this permit application is being made, do hereby affirm that the above information is true and accurate, and that it conforms to the Zoning Law and all other applicable laws.

[Signature]
Landowner or Agent Signature

11/5/24
Date

For Office Use only:

Permit# 24-081

Appeals # _____

Approved: _____

Date: _____

Denied: [Signature]

Date: 11/9/24

Site Plan Referral Date: _____

Town of Cape Vincent
ZONING BOARD OF APPEALS APPLICATION

Appeal # 24-001
Date: 1/5/2024

To: Town of Cape Vincent, NY, Zoning Board of Appeals (ZBA)

I, Ron Clapp c/o Carleton Villa LLC of 711 N. Broadway, Lantana, FL 33462
(Name of Applicant) (Mailing Address)

Hereby appeal to the ZBA the decision of the Zoning Enforcement Officer (ZEO) on an application for Zoning Permit # 24-001 dated 1/5/24 whereby the ZEO did () grant () deny the above-mentioned zoning permit

1. Location of the Property: Carleton Island Lot 1 "The Villa"
2. Zoning District Island Tax Map # 28.00
3. Provisions of the Zoning Law appealed: Section: 3.7 Paragraph 2. with Table No. 7
4. Setback(s): ()Front, ()Side, Rear
Requested Footage of Setback(s): 100 foot
5. Justification/Reason for Variance: See Attached
6. Type of Appeal — Appeal is made herewith for: Interpretation/appeal of ZEO and, in the alternative, an area variance
() An interpretation of the Zoning Law or Zoning Map
() A variance to the Zoning Law
7. Previous Appeal: A previous appeal() has () has not been made with respect to this decision of the ZEO or with respect to the property. Such appeal(s) was (were) in the form of () a requested interpretation () a request for a variance and was (were) made in:

Appeal # _____ Dated _____
Appeal # _____ Dated _____
Appeal # _____ Dated _____

Revised: 12/16

5. Justification/Reason for Variance:

I am writing to formally request an appeal of the ZEO's determination that a 200-foot setback is required vis-à-vis the definition of front line. In the alternative, if you uphold the ZEO's determination, I respectfully request that a variance for the Carleton Villa property be approved pursuant to Town Code Section 5.3(2)c.

As for the appeal, specifically regarding the definition of the front lot line, as outlined in Zoning Law Page 82 Definitions: Lot Line - Front. The current definition states that waterfront lots shall be deemed to have "a" front lot line on the side of the lot closest to the body of water they abut.

I assert that the inclusion of the word "a" in the definition eliminates the need for a variance in this case for what are clearly side yards. The Carleton Villa property's shoreline at the head of the island is considered the front, the back is defined by the property line with Fort Haldimand, and the side yards are constituted by the lot lines running the depth of the property including along the North and South Bays. It is crucial to note that, according to a survey of the Villa, a significant portion of the property exceeding 500 feet has adjacent properties, creating "side yards" that should not be deemed as front yards because the unique land form is later adjacent to water.

The authors of current waterfront lot line definition may not have considered the unique characteristics of the head of Carleton Island, where the hammerhead shape results in all existing structures being within 200 feet of the water. This is consistent with neighboring properties and the Carleton Villa's property, which features an isthmus creating three separate waterfronts (South Bay, North Bay, and the head of Carleton Island). Interpreting my property as having three front yards, a back, and no side yards, while disregarding over 500 feet of adjacent land ownership, poses significant challenges compared to recognizing the property's front yard, back yard, and two side yards.

Furthermore, it is essential to highlight that numerous structures within the 100-foot set-back already exist on the head of Carleton Island. Using the Jefferson County Map Viewer (<http://www.jeffcountymaps.com/>), there are nine structures within 110 feet of the water, with six being residential structures, including three within 20-50 feet and three ancillary structures within 20 feet. Considering the entire island, not counting the head, there are nine residential structures within 100 feet or less, another 11 within 120 feet or less, and three within 140 feet or less. these observations, based on the county viewer, may slightly differ from actual measurements.

In 1986, a Declaration of Restrictions for Carleton Island was recorded by Patten Corp, working closely with TILT to establish an environmental buffer. The buffer, outlined in deed restrictions, mandates that no structures other than docks, boat houses, and duck blinds can be built within 100 feet of the water. My variance request aligns with this buffer. The declaration also identifies my lot as the only one eligible for subdivision under 5 acres due to its unique characteristics. However, the interpretation of the current waterfront lot line definition could render this unusable land.

I trust that the Zoning Board of Appeals will consider these justifications and grant the requested variance, acknowledging the unique circumstances of the Carleton Villa property. Your understanding of these factors will not only uphold the integrity of the zoning regulations but also ensure equitable treatment within the context of Carleton Island's distinctive geography and historical considerations.

Thank you for your attention to this matter.



