

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED April 27, 2021**

APPLICANT

Name: Virginia Randlett
Address: 29 Sunset Beach Rd., South Hero, VT 05486

LANDOWNER

Name: Same

APPLICATION

Type: Request for Setback Waiver

Number: 22-49-SB029

PROPERTY

Location: 29 Sunset Beach Rd.

Hearing Date: April 13, 2022

Virginia Randlett submitted an application on March 2, 2022 requesting a setback waiver per Sec. 305 to add a 5'x8' mudroom to her pre-existing, non-conforming home at 29 Sunset Beach Rd. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the March 23, 2022 issue of the Islander and was posted in the Town Office, the Post Office, and the Town Library, and abutters to the property were notified. A hearing was held on April 13, 2022. A list of those present and participating in the hearings is included in the minutes.

During the course of the hearing, the following exhibits were submitted:

- Town of South Hero Development Regulations, effective March 30, 2020
- Setback Waiver Application, dated Feb 24, 2022; rec'd March 2, 2022.
- Listers Sketch/Area Tale Addendum for 29 Sunset Beach Rd., dated March 21, 2011.
- Photographs:
 - Google Earth photo of SB029 and adjacent properties.
 - Existing/Proposed addition (2 photos).
 - Photos #1 and #2 showing boundary and space between SB029 and SB031.

- Site Plan
- Warning ad, Abutters' Notice, and Hearing Letter for April 13, 2022 DRB Setback Waiver Review.
- Staff report for April 13, 2022 DRB hearing.
- Email letter from Beth Hopwood (31 Sunset View Rd.), read and entered into the record at the April 13, 2022 hearing.
- Draft minutes from the April 13, 2022 DRB hearing.

Based on the applications, supporting documents, and testimony of Virginia Randlett, the **Development Review Board makes the following Findings and enters the following decision:**

Findings:

1. 29 Sunset Beach Rd. is a .23-acre pre-existing, non-conforming lakefront lot. The lot contains a dwelling and 2 small sheds.
2. The 50-ft.-wide lot is in the Shoreland Zoning District. There is no conforming space on the lot.
3. The home has 576sf of living space, a 240sf enclosed porch, and 168sf of storage space on the west side.
4. The 1-story home is approximately 3'8" from the shared west boundary with 31 Sunset Beach Rd. and 9'2" from the dwelling at 31 Sunset View Rd.
5. The distance from the east boundary is approx. 15.5 feet. The distance to the top of the bank above the lake is 45+/- feet. The distance to the road is approx. 140 feet. The 2 sheds sit close to the road.
6. There are 2 doors into the home – one on the north face near the northwest corner, and another on the east side at the southeast corner. There are 4'x5' step-up decks at each entrance.
7. The Applicant proposes to add a 5'x8' mudroom entrance to the north (road) face of the structure, continuing the west wall for an additional 5 feet and extending along the north face for 8 feet. The addition will be no closer to the north boundary than the existing structure and will follow the existing roof line of the home.
8. The proposed addition will encompass the north facing door and the existing landing. The resulting addition will add only 20sf to the footprint of the structure.
9. The existing exterior door is custom and only 6-ft. tall. By moving the new exterior door of the addition slightly to the left from the current door's location, the slope of the roof will allow for a standard 6'8" door.
10. A line of lilac bushes along the west boundary will provide screening from the home to the west.
11. Beth and Mike Hopwood, the abutting neighbors at 31 Sunset View Rd., expressed concern but agreed not to object to the proposal.

DRB Chair Tim Maxham closed the hearing on April 13, 2022.

Conclusions of Law:

- A. Per Section 505.B (Continuation of Non-Conformities), all non-conformities may continue to exist in their pre-existing non-conforming state.
- B. 29 Sunset Beach Rd. is a pre-existing, non-conforming lot. Per Section 305.A.3 (Setback Waiver – Pre-Existing Non-Conforming Structures), the homeowner in the Shoreland zoning district may apply for a setback waiver to reduce the setbacks required by the regulations. There is nowhere on the lot that would increase the conformity of the existing structure.

On April 27, 2022 G. Hunt moved to approve the application, with the findings of fact listed and with the following Conditions; L. Kilcoyne second. Whereas, Final Approval was granted to the application with Conditions, with the following people voting in the affirmative: T. Maxham; D. Patterson; N. Hayward; G. Hunt, M. Welch, L. Kilcoyne; and J. Brightwell.

Conditions:

- 1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
- 2. The Town of South Hero's responsibilities are limited to ensuring compliance with the approvals and permits issued by the Town of South Hero. The Town accepts no responsibility for compliance with the conditions of any permits or approvals issued by any other entity. The Town of South Hero will not be liable for the failure of the applicants to carry out their duties and responsibilities.

Dated: APRIL 27, 2022


For the Development Review Board

APPEAL RIGHTS

Any appeal of this decision must be filed with the Superior Court, Environmental Division (located at 2418 Airport Road, Suite 1, Barre, VT 05641-8701) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. §1431 and the 5% surcharge required by 32 V.S.A. §1434a(a). A copy of this appeal must be filed with the Zoning Administrator or the Town Clerk within thirty (30) days from the date of issuance.