**TOWN OF SOUTH HERO, VERMONT**

**DEVELOPMENT REVIEW BOARD**

**DECISION DATED June 22, 2022**

**APPLICANT**

**Name: Hayward 310 US Route 2, LLC/Nate Hayward**

**Address: 38 Community Lane, Box 2, South Hero, VT 05486**

**LANDOWNER**

**Name: Same**

**APPLICATION**

**Type: Request for Setback Waiver**

**Number: 22-62-RT310**

**PROPERTY**

**Location: 310 US RT 2**

**Hearing Date: May 25, 2022**

Nate Hayward submitted an application on April 14, 2022 requesting a setback waiver per Sec. 305 to add a porch to the Fifield house at 310 US RT 2. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the May 4, 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 May 25, 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:**

1. Town of South Hero Development Regulations, effective March 30, 2020
2. Setback Waiver Application, dated and rec’d April 14, 2022.
3. Historical photos
4. Current photo
5. Site plan showing current and proposed setback distances
6. Full survey of the property, by Richard W. Bell Land Surveying, date April 21, 2021
7. Enlarged portion of survey showing house
8. Correspondence with Bill Johnson of Vermont Electric Co-op
9. Email letters of support from neighbor along RT 2
10. Warning ad, Abutters’ Notice, and Hearing Letter for May 25, 2022 DRB Setback Waiver Review.
11. Staff report for May 25, 2022 DRB hearing.
12. Draft Minutes from the May 25, 2022 hearing.

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

**Findings:**

1. 310 US RT 2 is a 9-acre parcel in the South Hero Village Zoning District with 168.80 feet of frontage on US RT 2.
2. The 1810 2-story home is conforming to the village district minimum setbacks. The Applicant is requesting a waiver to add a single-level 8’ x 30’ porch on the south side of the structure that will extend into the US RT 2 setback.
3. The south boundary of the property is the edge of the RT 2 ROW.
4. The width of the right-of-way of US RT 2 in South Hero Village is 66 feet.
5. The Applicant submitted a photograph found at the South Hero Bicentennial Museum, taken approximately 120 years ago, showing the Fifield home with a porch across the south face of the structure.
6. The existing home is 12’10” from the south boundary. The proposal will extend 5’2” into the setback to the ROW, 4’10” from the edge of the ROW. The distance to the sidewalk, which is within the RT 2 ROW, will be 10 feet.
7. The proposal will add 156sf of non-conforming area to the footprint. This is the total additional footprint of the roof area beyond the existing roof drip line.
8. Vermont Electrical Co-op notified the Applicant that the roof of the proposed porch meets the necessary National Electric Safety Code clearance requirements.
9. Abutting home/business owners on both sides of RT 2 submitted emails of support for the proposal.

DRB Chair Tim Maxham closed the hearing on May 25, 2022.

**Conclusions of Law:**

1. Per Section 305. (Setback Waiver), structures in the Village and Shoreland Zoning Districts are eligible for setback waivers.
2. Per Section 203 (Zoning Village Purposes – Village Districts), “Historic buildings are a significant contributor to village character and should be preserved when possible.”

**On June 22, 2022, J. Brightwell moved to approve the application, with the findings of fact listed and with the following Conditions; E. Reid second.**  **Whereas, Final Approval was granted to the application with Conditions,** with the following people voting in the affirmative: T. Maxham; S. Corbin; E. Reid; and J. Brightwell.

**Conditions:**

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. Proposed porch addition shall extend no more than 5’2” into the US RT 2 right-of-way setback.
3. 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: JUNE 22, 2022**

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**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.