

**TOWN OF SOUTH HERO, VERMONT  
DEVELOPMENT REVIEW BOARD  
DECISION DATED July 13, 2022**

**APPLICANT**

**Name:** Jenn and Jim Lavoie  
**Address:** 800 Texas Hill Circle, Huntington, VT 05462

**LANDOWNER**

**Name:** Same

**APPLICATION**

**Type:** Request for Waiver from Lake Setback

**Number:** 22-73-WP066

**PROPERTY**

**Location:** 66 Wally's Point Rd.

**Hearing Date:** June 22, 2022

Jenn and Jim Lavoie submitted an application on May 9, 2022 requesting a setback waiver per Sec. 305 to add second-floor living space with a lakeside balcony to their lakefront home at 66 Wally's Point Rd. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the June 1, 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 June 22, 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 and rec'd May 9, 2022.
- Landscape Plan, no date; rec'd May 9, 2022.
- Submittals, dated May 2022; rec'd May 26, 2022:
  - a. Narrative by Applicant  
(Submittals b – 1 drawings by architect James Barrett)
  - b. Lavoie Lake House

- c. Site Plan
  - d. Level 1 floor plan
  - e. Master Suite floor plan
  - f. West, South, East, and North Elevations
  - g. New and Existing Roof Lines
  - h. Interior views and west side porch
  - i. Main House section
  - j. Tub Room section
  - k. Breezeway section
  - l. Demo floor plan
- Photographs of the road- and lake-sides of the home.
  - Warning Ad, Abutters' Notice, and Hearing Letter for June 22, 2022 DRB Setback Waiver Review.
  - Staff report for June 22, 2022 DRB hearing.
  - Draft Minutes from the June 22, 2022 hearing.

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

**Findings:**

1. 66 Wally's Point Rd. is a .6-acre parcel in the Shoreland Zoning District with 150 feet of frontage on Keeler Bay.
2. There is a 950sf, 1-story year-round home with 2 bedrooms on the lot. The pre-existing, non-conforming home is 64 feet from the mean level of the lake (95.5). The home is compliant to the Wally's Point Rd. right-of-way.
3. The Applicants propose to add a second level to the house to move one of the bedrooms upstairs to create a Master suite, with a bathroom and 6'x16' balcony. A portion of the master suite and the entire balcony will be within the lake setback. The second level except the balcony will be within the current footprint. The edge of the proposed balcony is 58' from the mean level of the lake, extending 6 feet further into the lake setback.
4. Full dormers on the second floor will add 2'4" to the height of the structure.
5. The second-floor addition will add 473.3sf of living space (377.63sf for the master suite and 96sf for the balcony) within the 75-ft. lake setback.
6. An attached garage and breezeway will be winterized to create a new den and entrance, with no expansion of the structure's footprint.
7. A wraparound porch on the south and east sides of the renovated structure will not encroach into non-conforming space.
8. There is a large field on the opposite side of the road. No views will be impacted by the increase in the height of the home.
9. This will remain a 2BR home, with no additional impact on the wastewater system.

10. Shoreland Protection has already reviewed the proposal and landscaping plan, requiring only a registration for the proposed balcony.
11. The Applicants stated that they had spoken to abutting neighbors about the proposed addition and there were no concerns.

DRB Chair Tim Maxham closed the hearing on June 22, 2022.

**Conclusions of Law:**

- A. Per Section 305. (Setback Waiver), structures in the Village and Shoreland Zoning Districts are eligible for setback waivers.
- B. Per Section 505.D.1 (Non-Conforming Structures), changes made shall not increase the existing degree of non-conformity. The addition of the second-floor balcony, as designed, to the pre-existing, non-conforming structure increases the encroachment into the lake setback.

**On July 13, 2022, S. Corbin moved to approve the application, with the findings of fact listed and with the following Conditions; N. Hayward second. Whereas, Final Approval was granted, with Conditions, with the following people voting in the affirmative: T. Maxham; S. Corbin; E. Reid; J. Brightwell, and N. Hayward.**

**Conditions:**

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. No part of the renovation may extend closer than the existing lake setback of 64 feet.
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: JULY 13, 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 [over] 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.