

**TOWN OF SOUTH HERO, VERMONT  
DEVELOPMENT REVIEW BOARD  
DECISION DATED March 27, 2024**

**APPLICANT**

**Name:** Brian and Rebecca Aitchison

**Address:** 337 Scott Hill Rd., Barre, VT 05641

**LANDOWNER**

**Name:** Same

**APPLICATION**

**Type:** Setback Waiver for a Replacement Home on a Non-Conforming Lot

**Number:** 24-55-SB015

**PROPERTY**

**Location:** 15 Sunset Beach Rd.

**Hearing Date:** March 13, 2024

Brian and Rebecca Aitchison submitted an application on February 14, 2024, requesting a setback waiver to replace a home on a non-conforming, lakefront lot at 15 Sunset Beach Rd. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the February 21, 2024 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. The hearing was held on March 13, 2024. The Applicants presented the application to the Board. A list of those attending 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 September 13, 2021
- Setback Waiver Application, dated and rec'd Feb. 14, 2024.
- Applicants' Narrative, including spec comparison of existing and proposed structure, photos of existing structure, photos taken from the lake of existing and neighboring homes and camps, photos of various homes on Sunset Beach Rd. for comparison, dated and rec'd Feb. 14, 2024.
- Proposed first, second, and attic floorplans, dated Dec. 2023-Jan. 2024; rec'd Feb. 26, 2024.
- North, south, east, and west elevations of proposed replacement home, dated Dec. 2023-Jan. 2024; rec'd Feb. 26, 2024.
- Comparison of existing and proposed floor plans for each floor; rec'd Feb. 26, 2024.

- Existing home with proposed replacement overlay; rec'd Feb. 26, 2024.
- Site Plan of existing structure on the lot, showing septic location, from flood insurance rate map by Krebs and Lansing, dated Oct. 4, 2006.
- FEMA Letter of Map Amendment (LOMA), date April 17, 2007.
- Photo of mold test result, test date Feb. 1, 2024; rec'd February 15, 2024.
- Shoreland Protection Permit #3969-SP, dated June 19, 2023.
- Four emails from Sunset Beach homeowners in support of the Aitchison application
- Warning Ad, Abutters' Notice, and Hearing Letter for March 13, 2024 DRB hearing.
- Staff report by Zoning Administrator for March 13, 2024 hearing.
- Four letters of support for the application, added to the record at the March 13, 2024 hearing.
- Minutes from the March 13, 2024 DRB hearing.

Based on the application, supporting documents, and testimony of Brian and Rebecca Aitchison, **the Development Review Board makes the following Findings and enters the following decision:**

**Findings:**

1. 15 Sunset Beach Rd. is a 0.22-acre lot on the lake side of the road. Sunset Beach Rd. is a private road with a 50-ft. wide right-of-way, and extends from the end of Martin Rd. The property is in the Shoreland zoning district.
2. The 50'x203' lot has no conforming space. The existing home sits at an elevation of 105'. The elevation of the lot drops to 102' on parts of the lakefront and back areas of the lot (along the road). The proposed replacement home will be situated in the same location as the current home.
3. The home can no longer be renovated due to visible mildew, sagging ceiling heights, and heaving floors. The structure is on piers with limited storage space and mechanicals currently beneath.
4. The existing 1104sf, 2-story home has an irregular roofline, reaching 20' at its highest point on the west side of the structure. The nearly rectangular footprint has small jogs in the southwest and northeast corners.
5. The first floor has 941sf of living space. The second floor is situated on the west side of the structure and has 315sf of living space.
6. The existing home was converted from seasonal to a 3BR year-round use in 2007 with the installation of a new septic system. It is the only year-round home on a 50-ft. wide lot on Sunset Beach Rd.
7. The proposed replacement home is a 2-story rectangular structure, on a slab foundation. It will measure 28'x38' and be 27 feet tall. A center north/south ridgeline will move some bulk of the existing structure to the center of the new home, away from the west side. The 8/12 roof pitch will reduce the building height from that of a traditional 10/12 pitch. The number of windows on the west side have been reduced, and the eaves on that side will be 4' lower than the existing eaves.
8. The width of the replacement structure has been reduced by 1 foot, increasing the setback from the east boundary from 7' to 7'6", and from the west boundary from 14' to 14'6". The distances from the lake (101') and the road (125') remain the same.

9. Filling in the jogs of the existing footprint will increase the new first floor living space from 941sf to 1064sf. The proposed second floor will expand from 315sf to 952sf.
10. The first and second levels have 8ft. ceiling heights. The second floor will have a 6-ft. kick wall. The cathedral ceiling of the large second-floor bedroom will extend into the attic.
11. The current foundation of piers and skirting will be replaced with a slab foundation.
12. There are no homes to the north whose views could be obstructed. There are two small camps along the lakefront to the east, mostly unoccupied. The westerly neighbor's seasonal home is approx. 30 feet away, and their year-round home is more than 80 feet away. Properties on Sunset Beach Rd. continually rise higher in elevation as the road progresses west and then north. 15 Sunset Beach Rd. sits at the lowest point of the road.
13. The lot is screened on both the east and west sides by tall cedar hedges.
14. The Applicants received approval from Shoreland Protection for their proposed replacement home.
15. The zoning administrator received four letters of support for this application from neighbors on Sunset Beach Rd.

**Conclusions of Law:**

- A. Per Table 2.1 (Allowed Uses), single household dwellings are permitted in the Shoreland zoning district.
- B. Per Section 305 (Setback Waivers), structures in the Shoreland zoning district are eligible for setback waivers.
- C. Per Section 305.D. (Review Standards):
  1. The Applicant proposes to replace a 3BR year-round home that is beyond repair with a new 3BR year-round home that will move storage and mechanicals from beneath to inside the structure. The lower (8/12) roof pitch will reduce the height of a traditional 10/12 roof pitch, and the width of the replacement structure will increase the distance from the new home to the side boundaries.
  2. The proposed replacement home will not represent an undue adverse effect on the character of the area. Several neighbors on Sunset Beach Rd. sent letters of support for the proposal. The Board received no written or verbal concerns or complaints about the proposal.
  3. Tall cedar hedges on the east and west sides of the lot already provide screening from those directions. The proposed replacement home will not block the views of properties to the east and west, and there is only open land north of this location.


**On March 27, 2024, M. Welch moved to approve the application, with the findings of fact listed and with the following Conditions: J. Brightwell second. Whereas Final Approval was granted**

**to the application with Conditions**, with the following people voting in the affirmative: T. Maxham; D. Patterson; L. Kilcoyne; M. Welch; G. Hunt; and J. Brightwell.

**Conditions:**

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. During construction, Applicant shall comply with the standards of Sec. 606.A.2 (Stormwater Management and Erosion Control) of the South Hero Development Regulations.
3. It will be the Applicants' responsibility to obtain all required State permits and submit copies to the Zoning Administrator.
4. 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: March 27, 2024**

  
For the Development Review Board

**APPEAL RIGHTS**

*Any appeal of this decision must be filed with the Superior Court, Environmental Division) 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.*