

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED July 24, 2024**

APPLICANT

Name: Steven Locke
Address: 22 Sunrise Dr., South Hero, VT 05486

LANDOWNER

Name: Same

APPLICATION

Type: Setback Waiver to add an accessory structure within the lake setback

Number: 24-92-SD022

PROPERTY

Location: 22 Sunrise Dr.

Hearing Date: July 10, 2024

Steven Locke submitted an application on June 12, 2024, requesting a setback waiver to add another accessory structure within the lake setback at 22 Sunrise Dr. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the June 13, 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 July 10, 2024. 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:

1. Town of South Hero Development Regulations, effective January 1, 2024.
2. Setback Waiver review application dated June 11, 2024; rec'd June 12, 2024.
3. Email narrative, site plan by Applicant; and 3 Google Earth photos of 22 Sunrise Dr., rec'd on June 12, 2024.
4. Warning Ad, Abutters' Notice, and Hearing Letter for the July 10 DRB hearing.
5. Staff report by Zoning Administrator for the July 10, 2024 hearing.
6. Minutes from the July 10, 2024 DRB hearing.

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

Findings:

1. 22 Sunrise Dr. is a pre-existing, non-conforming 0.17-acre lakefront lot in the Keeler Bay Village Zoning District.
2. The lot is 70 feet wide and 100 feet deep. There is a non-conforming (to the lake setback) dwelling on the lot and a non-conforming 10'x16' shed – 27 feet from the lake and 3 feet from the side boundary on the south side.
3. The Applicant proposes to add an 8'x7' shed to the west (off-lake) side of the existing non-conforming shed. The additional shed will be 43 feet from the lake and 5 feet from the side boundary, making it conforming to that boundary. The Applicant is asking only for a waiver from the lake setback.
4. The distance to the side boundary will be measured from the shed's eaves.
5. There is an existing stockade fence along the boundary between 22 Sunrise Dr. and the neighboring home to the south.
6. Mr. Locke has applied for a Shoreland Protection permit for the additional impervious area.

Conclusions of Law:

- A. Per Table 2.1 (Allowed Uses), accessory structures are permitted in the Keeler Bay Village 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. **Least Deviation** – The addition to the existing shed will be further from the lake and will conform to the side setback, representing the least deviation from the Regulations.
 2. **Undue Adverse Effect** -- The proposal will have no undue adverse effect on the character of the neighborhood. Most of the lots on Sunrise Dr. are non-conforming and lack room for additional storage.
 3. **Screening** – There is a stockade fence along the south boundary of the lot, providing screening from the home to the south of 22 Sunrise Dr.

On July 24, 2024, M. Welch 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; L. Kilcoyne; M. Welch; T. Mullen; N. Hayward; and J. Brightwell.

Conditions:

1. Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.
2. It will be the Applicants' responsibility to obtain all required State permits and submit copies to the Zoning Administrator.
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 24, 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.

