

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED March 11, 2026**

APPLICANT

Name: Jon and Linda Quackenbush
Address: 22 Hill Rd., South Hero, VT 05486

LANDOWNER

Name: Same

APPLICATION

Type: Setback Waiver to Replace a Seasonal Home on a Non-Conforming Lot

Number: 26-46-WP084

PROPERTY

Location: 84 Wally's Point Rd.

Hearing Date: February 11, 2026

Jon and Linda Quackenbush submitted an application on January 17, 2026 requesting a setback waiver to replace a non-conforming seasonal home on a lakefront lot at 84 Wally's Point Rd. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the January 22, 2026 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 February 11, 2026. The Applicant was represented by Nate Hayward, and Jay Buermann of Buermann Engineering at the hearing. 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.
The following rec'd on January 21, 2026:
2. South Hero Application for a Setback Waiver in the Village and Shoreland District, dated January 17, 2026.

3. Project Narrative by Applicants, dated January 17, 2026.
4. Four photographs of the existing structure (each elevation).
5. Aerial perspective of property (both sides of Wally's Point Rd.)
6. Aerial perspective of WP084 and each abutting property to the north and south, photo facing east.
7. Aerial perspective with wastewater and site plan overlay.
8. 3 photos -- Lot setbacks and conforming building envelope photos 1 of 3, 2 of 3, and 3 of 3.
9. Aerial photo -- setbacks of existing cottage.
10. Aerial photo – setbacks of the proposed house.
11. Aerial photo – ROW setback of proposed house relative to neighboring homes.
12. Table 2.2 from the South Hero Development Regulations – Dimensional Standards for Non-Village Districts
13. Summary of setbacks. Footprint, and finished Square Feet.
14. 2 architectural visualizations of the proposed home.
15. 8 perspectives and elevations of proposed home.
16. Floor plans for first and second floor of proposed home.
17. Numerous photos of the existing home and property from the real estate listing.
18. 1976 FEMA map showing flood zone on Wally's Pt. Rd.
19. Warning Ad, Abutters' Notice, and Hearing Letter for February 11, 2026 DRB hearing.
20. 2 Letters from neighbors (DeGraff-Murphy and Mobley), submitted February 6, 2026.
21. Staff report by Zoning Administrator for February 11, 2026 hearing.
22. An email from Rose Watts, DEC River Corridor and Floodplain Manager, dated February 2, 2026; submitted at the hearing as Exhibit #1.
23. An updated site and grading plan by Buermann Engineering, Project #1135, dated February 6, 2026; submitted at the hearing as Exhibit #2.
24. Permit Navigator Results #PRN-0000013544, submitted at the hearing as Exhibit #3.
25. Draft Minutes from the February 11, 2026 hearing.

Based on the application, supporting documents, and testimony of Jay Buermann (Buermann Engineering) and Nate Hayward, the Development Review Board makes the following Findings and enters the following decision:

Findings:

1. 84 Wally's Point Rd. is a 0.82-acre lakefront lot with a non-conforming, 1 ½-story seasonal home on piers. The lot extends to both sides of the road, with the home on the lake (east) side. Wally's Point Rd. is a private road extending north from RT 2

- in South Hero Village, across the road from the South Hero Town Office. The property is in the Shoreland zoning district and is in the Zone A2 floodplain.
2. The existing home is 14'5" from the south boundary, 37'2" from the north boundary, 28'10" from the mean level of the lake, and 23'3" from the edge of the road right-of-way. The ROW width is 50'. There is no conforming space on the lot west of the road. There is only 17sf of conforming space on the lakeside portion of the lot, all of which is within the existing home.
 3. The total finished living area of the existing home is 1865sf. This includes a large triangular 669sf attached deck on the east side of the home that also extends along the north side.
 4. The Applicants propose to replace the existing seasonal home with a 2-story year-round home. Included in the new home are first and second-floor covered decks on the south half of the side facing the lake. A patio on the north side of this face will be at-grade.
 5. A new septic mound system has been designed on the lot west of the road to replace an existing system that is between the deck and the lake. The mound is situated at the center of a natural ridge, allowing water to continue to drain as it does now.
 6. The new home will continue to receive water from Fire District #4. The water line runs along the west side of the road.
 7. The proposed new home will total 2,458sf. The distance to the lake will increase to 44'8"; the distance to the south boundary will increase to 15'; the distance to the north boundary will remain conforming at 31'7"; the distance to the right-of-way will decrease to 15'6". The overall structure volume will be an increase from the existing home.
 8. Base flood elevation (BFE) is 102'. The elevation of the lot east of the road ranges from 96' to 101'. It increases to 102' on the west side. The Applicants propose to remove the existing home, build a 5-ft. frost wall, fill the foundation to raise the replacement home above the floodplain, then grade the area outside the foundation from 104.5', tapering to original grade within 12 to 25-feet from the foundation. The elevation of the first floor will be 104.5', 4 feet above the existing elevation. The first-floor deck elevation is 104'. The stone patio elevation is 103'5". The final height of the proposed structure will be 27'10" + 4' = 31'10" from original grade.
 9. A swale along the south boundary of the lot will direct runoff to an infiltration trench running parallel along the shoreline, above the existing riprap. Due to the new contours around the house, a swale along the road will allow water to flow north to

a drainage swale along the north boundary. The existing driveway for the home will either be moved north or possibly across the road.

10. The proposed increase in height and size of the replacement home will not affect the view of surrounding properties. There is no development on the west side of the road behind the lot due to wetlands and a ravine.
11. The proposed structure will remain non-conforming.

Conclusions of Law:

- A. Per Table 2.1 (Allowed Uses), year-round dwellings are permitted in the Shoreland Zoning District.
- B. At .82-acres, this is a conforming lot in the Shoreland Zoning District.
- C. The Summary of Setbacks (submittal #13, above) incorrectly stated that the minimum setback from the edge of the ROW in the Shoreland Zoning District is 15'. Per Table 2.2, the minimum setback distance is 25'. This changes the area of conforming space on the east side of the road to 17.5sf – not 334sf.
- D. Because the proposed location is within the flood plain, the replacement home must meet the requirements of Article 9. The proposal meets the requirements of Sec. 905.A. At 104.5', the elevation of the first floor of the replacement home exceeds the requirement to be at least 2 feet above the base flood elevation.
- E. Per Section 305 (Setback Waivers), structures in the Shoreland zoning district are eligible for setback waivers.
- F. Per Section 305.D. (Review Standards):
 1. **Least deviation from the regulations:** Although the lot is conforming, the road bisects it, leaving only 17sf of conforming space on the east side of the road. There is no conforming space on the west side. The proposed replacement home increases the living space by 1218sf. The replacement home is moved 15'7" further from the lake. The home remains conforming to the north boundary. The setback to the right-of-way is reduced from 23'3" to 15'6", and the setback to the south boundary increases 7". The home remains conforming to the north boundary, increases non-conformity to the right-of-way, and decreases non-conformity to the south boundary and the lake.
 2. **Undue adverse effect:** The proposed addition will not have an undue adverse effect on the character of the area (Figure 3.2).

There are several homes in the area that are of similar size and distance to the lake and the road.

3. **Screening:** There are numerous trees, wetlands, and a ravine behind the west side of the lot. The proposed replacement home will not block the view of any surrounding properties. The Applicants state that they will add landscaping once construction is complete.

- G. Per Sec. 505.D.1, the DRB is granted discretion to waive the height/volume restriction in circumstances where it is not deemed disruptive to surrounding properties.

On March 11, 2026, G. Hunt 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. Mullen; G. Hunt; J. Brightwell; S. Dupont; L. Kilcoyne; and D. Patterson.

Conditions:

1. **Applicants shall comply with all evidence as presented at the hearing or as amended by this decision.**
2. **The Applicants shall mitigate any stormwater runoff such that it is contained within the Applicants' property.**
3. **It will be the Applicants' responsibility to obtain all required State permits and submit copies to the Zoning Administrator.**
4. **The Applicants must obtain a building permit before beginning construction of the house.**
5. **Before a certificate of occupancy is issued, an elevation certificate will be submitted to the zoning administrator.**
6. **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 11, 2026



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.