

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED June 24, 2026**

APPLICANT

Name: Michael Stanley
Address: 520 West Main St., Newport, VT 05855

LANDOWNER

Name: Evelyn and Douglas Valley

APPLICATION

Type: Setback Waiver to Place a Shed within the Side and Front setbacks.

Number: 26-60-WP070

PROPERTY

Location: 70 Wally's Point Rd.

Hearing Dates: May 27, 2026 and June 10, 2026

Michael Stqanley, representing landowners Evelyn and Douglas Valley, submitted an application on April 30, 2026 requesting a setback waiver to place a storage shed within the side and front setbacks on a non-conforming lakefront lot with a year-round home at 70 Wally's Point Rd. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the May 7, 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 began on May 27, 2026, was recessed, and completed on June 10, 2026. 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. South Hero Application for a Setback Waiver in the Village and Shoreland District, dated March 26, 2026; rec'd April 30, 2026.
3. Site Plans showing existing conditions and proposed location for shed; rec'd April 30, 2026.

4. Four photographs of the property and proposed location.
5. An email from abutting neighbors to the south, Jen and Jim Lavoie, agreeing to the proposed placement of the shed near their boundary, dated and rec'd May 27, 2026.
6. Warning Ad, Abutters' Notice, and Hearing Letter for May 27, 2026 DRB hearing.
7. Revised site plan presented and entered into the record at the June 10, 2026 hearing.
8. Email from Bill Johnson at Vermont Electric Co-operative, dated May 28, 2026, entered into the record at the June 10, 2026 hearing.
9. Staff report by Zoning Administrator for April 22, 2026 hearing.
10. Draft Minutes from the May 27 and June 10, 2026 hearings.

Based on the application, supporting documents, and testimony of Michael Stanley, the Development Review Board makes the following Findings and enters the following decision:

Findings:

1. 70 Wally's Point Rd. is a 0.34-acre lakefront lot with a non-conforming (to the lake) 2-family dwelling. Per the Applicant's statement, his family owns the south half of the dwelling, and the surrounding lot is co-owned with the owner of the north half of the dwelling. The dwelling is partially within the 75-ft. lake setback. Wally's Point Rd. is a private road with many seasonal and year-round on and off-lake homes, beginning on RT 2 in South Hero Village. 70 Wally's Point Rd. is in the Shoreland Zoning District and is not in the floodplain.
2. The year-round home has no garage. Current storage is in a shed on the east (lake) side of the house, within the lake setback, blocking the view from a window in the south dwelling unit. The owner would like to remove the shed and replace it with a new one on the remaining lawn on the south side.
3. The Applicant proposes to replace it with a new 8' by 12' shed, placing it in the southwest corner of the lot, near the road and the lot's shared south boundary with 66 Wally's Pt. Rd. (Lavoie). There is a stand of cedar trees here which will provide some screening from the road. The proposed location is 1 foot from the edge of the Wally's Point right-of-way and 1 ft. from the Lavoie boundary. It will be 97 feet from the mean level of the lake.
4. The house is 31 feet from the south boundary. There is a driveway on the south side, close to the house. The dwellings' septic system is in the yard between the house and the road.

5. Vermont Electric Co-op agreed that the shed could be placed within the utility's right-of-way, as long as it is not under the power lines.
6. There is a shed on the Lavoie property, closer to the lake, within the setback of their shared boundary.
7. Winter storage for docks and ramps from the lake is along the remaining area along the south boundary.
8. The Lavoie's submitted an email agreeing to the proposed location of the shed.

Conclusions of Law:

- A. Per Table 2.1 (Allowed Uses), accessory structures are permitted in the Shoreland Zoning District.
- B. At .24-acre, this is not a conforming lot in the Shoreland Zoning District. 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 from the regulations:** An existing septic system, the driveway, and lake setback restrictions prevent the shed from being placed in conforming space. The proposed location is outside of the right-of-way and has been approved by the neighbors on that side. By removing the shed from the east side of the house, the non-conformity will be reduced in the lake setback.
 2. **Undue adverse effect:** The proposed shed location will not have an undue adverse effect on the character of the area (Figure 3.2). There are several non-conforming lots in the area with existing accessory structures within setbacks. With no garage on the property, it is reasonable to have a storage shed for lawn and lake equipment.
 3. **Screening:** There is a group of cedar trees that will remain at the proposed location, providing some screening from the road.

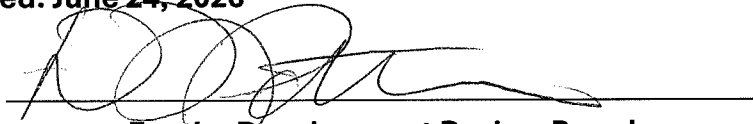
On June 24, 2026, L. Kilcoyne moved to approve the application, with the findings of fact listed and with the following Conditions: J. Brightwell second. Whereas Final Approval was granted to the application with Conditions, with the following people

voting in the affirmative: T. Mullen; J. Brightwell; N. Hayward; 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. It will be the Applicants' responsibility to obtain all required State permits and submit copies to the Zoning Administrator.**
- 3. The furthest protruding point of the structure shall be no closer than 1 foot from the property boundary.**
- 4. The Applicants must obtain a building permit from the Town before placing the shed on the property.**
- 5. 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 24, 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 of the date of issuance.