

**TOWN OF SOUTH HERO, VERMONT
DEVELOPMENT REVIEW BOARD
DECISION DATED May 27, 2026**

APPLICANT

Name: Charlie Tipper
Address: 21 Sunset Beach Rd., South Hero, VT 05486

LANDOWNER

Name: Same

APPLICATION

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

Number: 26-50-SB017

PROPERTY

Location: 17 Sunset Beach Rd.

Hearing Dates: April 22, 2026 and May 13, 2026

Charlie Tipper submitted an application on April 2, 2026 requesting a setback waiver to replace a non-conforming seasonal home on a lakefront lot at 17 Sunset Beach Rd. Per Section 805 of the South Hero Development Regulations, a warning for the public hearing appeared in the March 26, 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 April 22, 2026, was recessed, and completed on May 13, 2026. The Applicant represented himself 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.
 2. South Hero Application for a Setback Waiver in the Village and Shoreland District, dated March 22, 2026; rec'd April 2, 2026.
 3. Project Narrative by Applicant, dated May, 2026; rec'd May 11, 2026.
 4. Five photographs of the existing structure (each elevation); rec'd April 2, 2026.
- The following are drawn by Charlie Tipper: dated May 8, 2026; rec'd May 11, 2026:

5. Existing Conditions site plan
6. Proposed New Build site plan
7. Proposed Floor Plan – First Floor

8. Proposed Floor Plan – Second Floor
9. Existing and Proposed Footprint/Square Footage
10. Proposed Home – South Elevation
11. Proposed Home – West Elevation
12. Proposed Home – North Elevation
13. Proposed Home – East Elevation
14. Email exchange between Charlie Tipper and Jay Buermann re septic system setback from new construction, dated and rec'd April 7, 2026.
- 15.** Warning Ad, Abutters' Notice, and Hearing Letter for April 22, 2026 DRB hearing.
16. Staff report by Zoning Administrator for April 22, 2026 hearing.
17. Draft Minutes from the April 22, 2026 and May 13, 2026 hearings.

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

Findings:

1. 17 Sunset Beach Rd. is a 0.24-acre lakefront lot with a non-conforming, 1 ½-story 4BR seasonal home. The lakefront lot is only 50 feet wide, so there is no conforming space on the lot. Sunset Beach Rd. is a dead-end private road extending from the end of Martin Rd. The property is in the Shoreland zoning district and is partially in the Zone A2 floodplain. The current and proposed home locations are not in the flood plain.
2. Access to the lot is a shared driveway with 21 Sunset Beach Rd. (also owned by the Applicant).
3. The Applicant proposes to replace the current home after determining that it can no longer be renovated due to age and poor condition.
4. The current 1208sf home does not sit parallel to the side boundaries. The distance from the closest point on the east side is 10 feet. The closest point to the west boundary is 3 feet. The home is 96 feet from the mean level of the lake, and the distance to the road is conforming. A septic system installed in 2006 directly behind the home limits the ability to build much further north.
5. The Applicant proposes to replace the existing seasonal home with a 2-story seasonal home. The four bedrooms, allowed by the current septic system, will be retained. The total living space will increase to 2192sf. The height of the replacement structure will be 23'6", measured from median grade (106'8" ASL). The ground floor elevation is 107' ASL. The shed roof will have a 3/12 pitch to help reduce the overall height.
6. A site plan provided by the Applicant shows the east and west walls parallel to the lot's boundaries, and the overall building width is reduced from 32'3" to 31'. As a result, the distance to the west boundary is increased to 4'. The distance to the east boundary is increased to 15', making it over 29' from the neighboring home at 15 Sunset Beach Rd. The

distance to the mean level of the lake is 90'. The proposed home will expand only a couple feet north due to the existing septic system and will be 145+/- feet from the road.

7. The Applicant stated that the structure's setback from the lake will not obstruct lake or Adirondack views from the property at 15 Sunset Beach Rd.
8. Power to the new home will be from an already buried line.
9. The proposed structure will remain non-conforming.

Conclusions of Law:

- A. Per Table 2.1 (Allowed Uses), seasonal dwellings 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:** At 50-ft. wide, there is no conforming space on the lot. The proposed replacement home reduces the distance to the side boundaries – 1 foot further from the west boundary and 5 feet further from the east boundary. By adding a full second floor, it increases the total living space by 984sf, but the shed roof design minimizes the height of the structure. The replacement home moves 6 feet closer to the lake but is still within the Town's lake setback and remains conforming to the rear (road) setback.
 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 are closer to the lake.
 3. **Screening:** There are numerous trees along the road frontage. There is a cedar hedge along the boundary between 15 and 17 Sunset Beach Rd.
- D. 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 May 27, 2026, N. Hayward moved to approve the application, with the findings of fact listed and with the following Conditions: T. Mullen 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; N. Hayward; L. Kilcoyne; J. Myers; 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. 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: May 27, 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.