

**Town of Danville, Development Review Board**  
**Permit 2026-06, Waiver Hearing**

**Applicant:** Jeffrey and Susan Tucker

**Owner:** Jeffrey and Susan Tucker

**Site:** JP200-078.000, 313 Old Homestead Road, W Danville VT 05873

**Zoning District:** MDR-2 with Developed Shoreland Overlay

**Project Description:** The applicant seeks to remove existing C-1913 two story 1264 square foot house and 383 square foot detached garage. Construct new two-story 1223 square foot three-bedroom modular home with attached 749 square foot garage Applicant seeks a waiver for:

1. Section 531.4, 1500sf maximum building footprint.
2. Section 531.4, 20% maximum impervious coverage
3. Section 531.4, Maximum height of buildings and structures: 25 feet
4. Section 604.2, Front Setback

**Warning:** 31 March 2026 (Caledonia Record).

**Hearing Date:** 15 April 2026.

**Development Review Board Members Present:** David Beidler, Mickey Bullock, Brian Henderson (Chair), Terry Hoffer, Craig Morris, Bruce Palmer, Larry Rossi, Wes Standish.

**Development Review Board Members Absent:** Bob Magro,.

**Interested Parties Present:** Dennis Marquise (Zoning Administrator), Jeffrey Tucker.

**Correspondence from Interested Parties:** None by board.

**Disclosure of Conflict of Interest:** None by board.

**Disclosure of *Ex Parté* Communication:** None by board.

**Applicable Bylaws:**

This application requires a review by the DRB under the following section of the Danville Bylaws:

Sec 304, page 17, Waivers

Sec 531.4, page 53, Area and Dimensional Requirements

Sec 531.3, page 47, Dimensional Standards

Sec 603.1, page 68, Non-conforming structures.

**Findings of Fact:**

***Section 304.2***

- b) *May approve waivers that authorize an adjustment of up to 50% to a dimensional standard (as established for the applicable zoning district) of these regulations for proposed development on a residential property. Note- Wetlands are not subject to the 50% reduction. All wetland incursions and setback incursions must be approved by the State.*

**A waiver is intended to apply to dimensional standards such as setbacks and building heights. Area is a calculated value.**

*General Conditions for a Waiver.*

*The applicant must demonstrate for each requested waiver:*

- a) *That the waiver, if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy sources, or be detrimental to the environment or public safety; and*
- b) *That the waiver, if authorized, **will represent the minimum waiver necessary** to afford relief and **will represent the least deviation possible** from these bylaws and the goals and recommendations of the Danville Town Plan.*

**Section 531.4 Area and Dimensional Requirements:**

<i>Maximum height of buildings and structures:</i>	<i>25 feet</i>
<i>Maximum building footprint:</i>	<i>1,500 square feet</i>
<i>Minimum shoreline frontage (if applicable):</i>	<i>50 feet</i>
<i>Minimum setback from mean high water (if applicable):</i>	<i>25 feet</i>
<i>Maximum impervious coverage (buildings, driveways, etc.):</i>	<i>20%</i>

**The applicant seeks a waiver for an increase in the footprint from 1862 sf to 1972 sf, vs the bylaw maximum of 1500sf. Note interpretive comment under Decision.**

**The applicant seeks a second waiver for an increase of the impermeable area from 2444 sf to 2561 sf, 25.9 %, vs the bylaw maximum of 20%. The existing impermeable area is 24.7%**

**The applicant seeks an additional waiver for the structure height on 25'-11.1875", plus the exposed foundation (usually 8" minimum). This exceeds the bylaw height of 25' total.**

**Sec 513.3, Dimensional Requirements.**

*Front setback shall be computed from the street right-of-way line.*

*For the purpose of this district, every street shall be considered as having a 50-foot right-of-way and the boundary shall be considered as 25 feet from the existing center line of the street.*

**603.1 Non-Conforming Structures**

*In accordance with Title 24 VSA 4412(7) the following provisions shall apply to all non-conforming structures:*

- a) *A non-conforming structure (outside of Flood Hazard Areas) may be continued indefinitely and may be expanded without limitation provided the expansion is in accordance with any applicable requirements of this bylaw.*
- b) **Does not increase the degree of non-conformance** and meets the requirements regarding expansion of a non-conforming use.

**Section 604: Non-Conforming Lots**

*Minimum setback from road: 25 feet*

**Summary of Discussion:**

The applicant stated that the Shoreland Permit has been submitted and is being processed. This structure will be their primary residence but only for three seasons. The smallest site plan is the most accurate. The elevations and other plans submitted are preliminary and do not represent the end product. The foundation will be excavated to water, hopefully yielding a 6'+ cellar height. The applicant intends to raise the first-floor elevation by approximately 14", after seeing the flooding caused by TS Sandy. A standing seam roof would help with runoff but is contingent on the final budget.

Bruce Palmer opened the discussion by inquiring if Homestead Rd is a Class3 or Class 4 Rd, and therefore private. It was noted that the ROW is only 25' wide, vs the standard 50'. As the bylaws require a 25' front setback from the edge of the ROW, it was determined that a waiver will be required. It is a difficult balance between the road and the lake setbacks. The proposed front setback appears to be about 13' from the edge of the ROW, scaling the site plan.

Wes Standish continued the discussion on Impermeable area. The applicant proposed a drywell remediation of approximately 117 sq ft, to offset the increase in footprint. Wes noted that this could be further improved if both garage gutters drained into this drywell.

The chair noted the height of the structure exceeded the permissible 25'. He further noted that the drawings presented a dimension of 19-1/2" between the first-floor ceiling and the second-floor level. This is an unusual construction detail and bears investigating. He also noted the second-floor height at 8', while a height of 7'-6" would help to remediate the excess height issue.

The Chair thanked the applicant and motioned to enter Private Deliberative Session at 18:00. Wes Standish seconded the motion.

### **Decision and Conditions:**

After a discussion, the Chair motioned to approve the permit. Larry Rossi seconded the motion. With all in favor, and without objection, the permit is approved with the following conditions:

1. The DRB will grant a Footprint waiver up to the amount of the original building footprint area. This will require a reduction in the square footage of the residence or garage of approximately 110 sq ft.
2. The DRB will grant an Impermeability waiver for up to the amount of the existing impermeable area with additional remediations to make up for the increase. This is to be consistent with the Shoreland Permit conditions.
3. The applicant will reduce the overall building height to 25', as defined in Sec 531.4. Several options were noted above.
4. The applicant will submit final construction drawings to the ZA to verify dimensions, area, and height. Once approved, The ZA will issue the permit.
5. The DRB will grant a Setback waiver for the front setback, up to the 50% reduction, as permitted in Sec 304.2, for non-conforming lots in the bylaws.

An approved permit will be issued once the 30-day appeal period has passed, the final construction drawings are approved and pending any appeals.

### **Signed:**

*Brian Henderson*

Brian Henderson, Chair, Danville Development Review Board

**Date of Decision:** 15 April 2026

**Final Appeal Date:** 15 May 2026

### **NOTICE:**

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.