

# **Town of Danville Development Review Board**

## **Permit 2023-12, Waiver Hearing,**

**Applicants:** Emily and Shamus Morrissey.

**Site:** TH090-001.011, 50 Dergan Drive, Danville VT 05828.

**Zoning District:** Low Density Residential

**Project Description:** The applicant seeks a waiver for a 12' setback on the right (south) and 27' setback at the rear to construct a 36'by 32' garage.

**Warnings:** 18 April 2023

**Hearing Date:** 03 May 2023.

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

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

**Interested Parties Present:** Dennis Marquise (Zoning Administrator), Emily and Shamus Morrissey (Applicants).

### **Correspondence from Interested Parties:**

1. Letter from abutters Michelle and Todd LeClerc.
2. Letter from abutter Kirk Fenoff.

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

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

### **Applicable Bylaws:**

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

Sec 304, page 18, Waivers

Sec 516, page 50, Low Density Residential.

### **Preliminary Findings of Fact:**

Sec 304.2 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;*
- 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.*

Sec 516.3, Low Density Residential-II

- a) *Minimum lot size 3 acres. The existing lot is 4.94 acres.*
- b) *Minimum front setback is 25' from the edge of the ROW. The front setback is in excess of 50'*

**from the edge of the ROW.**

- c) Minimum side setback is 35'. The applicant is requesting a 12' setback on the side and 27' at the rear, which will require two waivers.*

**Summary of Discussion:**

It was noted that Dergan Drive is a private road. With the letters of approval from the abutters, there were no further questions.

**Decision and Conditions:**

Bruce Palmer motioned to grant the two setback waivers as requested on the the application. Larry Rossi seconded. With no objections, the waivers were approved.

A permit will be issued by the Zoning Administrator after the 30-day appeal period as noted below.

**Signed:**

*Brian F Henderson*

Brian Henderson, Chair, Danville Development Review Board

**Date of Hearing:** 03 May 2023

**Date of Decision:** 03 May 2023

**Final Appeal Date:** 02 June 2023

**NOTICE:**

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (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.

**From:** Emily Morrissey <emily.leclerc93@gmail.com>

**Sent:** Tuesday, April 18, 2023 11:49 AM

**To:** Dennis Marquise <zoning@DANVILLEVT.GOV>

**Subject:** Re: Waiver for garage. 50 Dergan Drive

Hi Dennis,

Thank you. See below for my write up.

I'm requesting a variance/waiver for my garage build as my property is wet in certain areas and given the utility line placement we only have one available location. The adjoining landowners have provided letters giving their permission.

Please let me know if you need anything further.

Thank you,

Emily Morrissey

Sent from my iPhone

April 12, 2023

Town of Danville  
Danville, VT 05828

Re: Variance

To Whom It May Concern:

We give permission for a variance for Shamus and Emily Morrissey to build a garage close to their boundary line.

If you have any questions, please feel free to contact us at 802-473-2998

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Leclerc".

Todd Leclerc

A handwritten signature in black ink, appearing to read "Michelle Leclerc".

Michelle Leclerc

efox

April 12, 2023

Town of Danville  
Danville, VT 05828

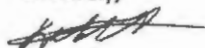
Re: Variance

To Whom It May Concern:

We give permission for a variance for Shamus and Emily Morrissey to build a garage close to their boundary line.

If you have any questions, please feel free to contact us at 802-535-8784.

Sincerely,



Kirk Fenoff