

**Town of Danville, Development Review Board**  
**Permit 2024-17, Waiver Hearing**

**Applicant:** Alex and Sheilah Evans

**Site:** TH035-006.000, 466 Webster Hill Rd, Danville VT 05828

**Zoning District:** Conservation

**Project Description:** Construct 17 by 14 screen room on east side of house. Request waiver for setback of 23' vs 35'.

**Warning:** 18 May 2024 (Caledonia Record).

**Hearing Date:** 05 June 2024.

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

**Development Review Board Members Absent:** Mickey Bullock

**Interested Parties Present:** Sheilah Evans (Applicant), Dennis Marquise (Zoning Administrator).

**Correspondence from Interested Parties:** None

**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 18, Waivers

**Findings of Fact:**

*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; 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.*

**The applicant submitted a letter addressing the above conditions. The contents of this letter appear as the last page of this decision.**

**Summary of Discussion:**

The applicant described the view from where this porch is to be constructed. Beyond the stone wall and maple trees, no structures can be seen, nor can one see their dwelling from any public location. The board appreciated Sheilah's description of the site and had no further questions.

**Decision and Conditions:**

After a brief deliberation, Larry Rossi motioned to grant a waiver for a setback of 23' vs 35' required,

with no conditions. Bruce Palmer seconded the motion. With all in favor, and with no objections, the waiver was approved.

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

**Signed:**

*Brian Henderson*

Brian Henderson, Chair, Danville Development Review Board

**Date of Decision:** 05 June 2024

**Final Appeal Date:** 05 July 2024

**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.

## Evans Waiver Comments

Please find a short synopsis of our request for waiver:

a) Our request is to add a small screen room to the side of our home. The intent is to have a nice place to enjoy our home/property without being harassed by the bugs and/or seasonal elements, i.e. rain. Constructing a screen room would not alter the character or use of the abutting property. A screen room addition does not deviate from the overall character of our property or the neighboring property. It is perfectly in sync with the use of the land/property. In relation to our property in its totality, our home is situated near one section of the stone wall border of the property. There is a steep descent on the other side of the home which does not permit expansion. Across the stone wall (property border), there are no homes or other structures on the sloping hillside as far as one can see. The stone border wall is lined with large maple trees and beyond that, there are smaller trees and very thick shrubbery. It had been a thick forest until it was logged off a few years ago but has quickly become a thick developing forest again. The screen room would not be seen from the adjacent property due to this. Essentially, the only incident for others to see the structures on our property is during the winter when the leaves are not on the trees, and it is snowmobile season, as the VAST trail runs up the hill in the neighboring field, but even that is at a far distance from the border of the property. There would be no threat to public safety or detriment to the environment or reduction of access to renewable energy resources.

b) The dimensions of the proposed screen room represent a small addition to our home and property. There would still be ample space between the end of the screen room and the stone wall/maple tree line of the property. We feel the addition is in line with the overall intent/use of the property, and in relation to the total border of the two properties, represents a small portion of that border; and thereby, a small deviation from the bylaws.

See you June 5<sup>th</sup> at 5:30pm.

Thank you,

Sheilah M. Evans