

**Town of Danville, Development Review Board**  
**Permit 2024-35, Waiver Hearing**

**Applicant:** Randy and Valerie Friend

**Site:** TH092-002.000, 99 Calkins Camp Rd, Danville VT 05828

**Zoning District:** Medium Density Residential-1

**Project Description:** Install 12 by 20 shed on east side of house. Request waiver for zero setback.

**Warning:** 17 June 2024 (Caledonia Record).

**Hearing Date:** 03 July 2024.

**Development Review Board Members Present:** Mickey Bullock, Brian Henderson (Chair), Bob Magro, Craig Morris, Bruce Palmer, Wes Standish.

**Development Review Board Members Absent:** Terry Hoffer, Larry Rossi

**Interested Parties Present:** Valerie Friend (Applicant), Dennis Marquise (Zoning Administrator).

**Correspondence from Interested Parties:** Email from the Websters (abutters) noting that they have no objection to a zero setback.

**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

Sec 514, page 48, Medium Density Residential

Sec 604, page 57, Non Conforming Lots

**Findings of Fact:**

***304, Waivers***

- 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.*

**314, Medium Density Residential District**

**314.3**, *Minimum Area and Dimensional Requirements.*

*Minimum Lot size: 1 acre*

*Minimum Lot Frontage: 125 feet*

*Minimum Setback Front: 25 feet*

*Minimum Setback Side: 35 feet*

**604. Non-Conforming Lots**

**604.1** Any lot that is legally subdivided, is in individual and separate, nonaffiliated ownership from surrounding properties, and is in existence as of the date of enactment of this bylaw may be developed for the purpose permitted in its zoning district, even if the lot does not conform to the district’s minimum lot size requirements, provided such lot is one eighth acre or more in area and has a minimum width and depth dimensions of at least 40 feet.

**604.2** Because they are smaller than usual, such lots may need different setbacks in different zoning districts. The following are the minimum setbacks for such lots regardless of zone. Note that these setbacks supersede normal zoning district setbacks, but not setbacks for special conditions such as shoreland protection (not to be confused with the Developed Shoreland Overlay) or flood hazard areas, etc.

Minimum setback from road:	25 feet
Minimum setback from adjacent property lines (by lot size):	
<b>Under 1.5 acres</b>	<b>15 feet</b>

**Summary of Discussion:**

Per the new Open Meeting Law, this hearing was recorded. The Chair asked the applicant to sketch the shed location on an arial photo of the parcel taken from the tax map. The applicant could not present a strong justification for a waiver. She failed to address the requirements in 304.2, noted above. Her main burden was having a place to push snow past the house. She also did not want to put the shed further behind the house due to a well and water line. A stay-mat pad for the shed has already been placed. When asked where the property line was and if the trees belonged to her or the abutter, she replied that she did not know. There was no further input from the applicant nor questions from the board. The Chair closed the Public Session at 5:42 and entered a private Deliberative Session.

**Decision and Conditions:**

After the board’s deliberation, Craig Morris motioned to grant a waiver for 50% of the required setback for a non-conforming lot, which yields a setback of 7.5’. Bruce Palmer seconded the motion. With all in favor, and with no objections, the waiver is granted.

The applicant will identify the location of the property line and correctly place the shed adhering to a minimum 7.5’ setback. Once complete, the applicant will request a Certificate of Completion (Per Sec 809) at which time the Zoning Administrator will verify that the setback has been honored.

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:** 03 July 2024

**Final Appeal Date:** 02 August 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.