

# Exhibit A1

Date: <u>5/31/23</u>	Application #: <u>0416-23</u>
Fees Paid: <u>100</u>	+ \$15 recording fee = <u>115</u>
Parcel ID #: <u>145-0035</u>	
Tax Map #: <u>09-281.000</u>	

## TOWN OF WATERBURY ZONING PERMIT APPLICATION

Please provide all of the information requested in this application. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process of this application. Based upon the nature of the project you may need to submit additional information. For instructions on how to fill out this form please refer to the *Zoning Permit Application Instructions & Fee Schedule* available on the municipal website or at the municipal offices. Submit one copy of the completed application and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

### CONTACT INFORMATION

#### APPLICANT

Name: Donald + Francine Chittenden, Trustees  
 Mailing Address: PO Box 369  
Waterbury Center, VT 05677  
 Home Phone: 802 244 8683  
 Work/Cell Phone: 802 598 0388 / 802 760 8142  
 Email: eric\_chittenden@hotmail.com

#### PROPERTY OWNER (if different from Applicant)

Name: Donald + Francine Chittenden  
Revocable Trust  
 Mailing Address: \_\_\_\_\_  
same mail + phones as  
 Home Phone: \_\_\_\_\_  
 Work/Cell Phone: \_\_\_\_\_  
 Email: copy info@stoweattorneys.com

### PROJECT DESCRIPTION

Physical location of project (E911 address): 35 Sunset Drive  
Waterbury Center, VT 05677  
 Lot size: 3.4 Acres Zoning District: Commercial  
 Existing Use: vacant land Proposed Use: single family residence  
 Brief description of project: Three (3) bedroom home,  
accessed from existing ROW  
 Cost of project: \$ 250,000 Estimated start date: 1-1-2024  
 Water system: Town Water Waste water system: septic tank with leach field

### CHECK ALL THAT APPLY:

- NEW CONSTRUCTION**
- Single-Family Dwelling
  - Two-Family Dwelling
  - Multi-Family Dwelling
  - Commercial / Industrial Building
  - Residential Building Addition
  - Comm./ Industrial Building Addition
  - Accessory Structure (garage, shed)
  - Accessory Apartment
  - Porch / Deck / Fence / Pool / Ramp
  - Development in SFHA (including repairs and renovation)
  - Other \_\_\_\_\_

#### EXISTING

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_  
 Number of bedrooms/baths: \_\_\_\_\_  
 # of parking spaces: \_\_\_\_\_  
 Setbacks: front: \_\_\_\_\_  
 sides: \_\_\_\_\_ rear: \_\_\_\_\_

#### PROPOSED

Square footage: 4062 Height: 35  
 Number of bedrooms/bath: 3 / 2  
 # of parking spaces: \_\_\_\_\_  
 Setbacks: front: 100' +  
 sides: 100' / 100' + rear: 100' +

#### USE

- Establish new use
- Change existing use
- Expand existing use
- Establish home occupation

#### OTHER

- Subdivision (# of Lots: \_\_\_\_\_)
- Boundary Line Adjustment (BLA)
- Planned Unit Development (PUD)
- Parking Lot
- Soil/sand/gravel/mineral extraction
- Other \_\_\_\_\_

### ADDITIONAL MUNICIPAL PERMITS REQUIRED:

- Curb Cut / Access permit 05-22C 8/29/2022
- E911 Address Request done
- Water & Sewer Allocation done
- none of the above N/A

**[Additional State Permits may also be required]**

# Exhibit A2

## SKETCH PLAN

Please include a sketch of your project, drawn to scale, with all required measurements - see *Zoning Permit Application Instructions*. You may use the space below or attach separate sheets. For plans larger than 11"x17" please provide a digital copy (pdf. file format) in addition to a paper copy.

see attached

**SIGNATURES** The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

*[Signature]* 5-30-23  
Applicant Signature date

*[Signature]* 5/30/2023  
Property Owner Signature date

**CONTACT** Zoning Administrator Phone: (802) 244-1018  
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
Municipal Website: www.waterburyvt.com

OFFICE USE ONLY	
Zoning District/Overlay: <u>TCOM</u>	REVIEW/APPLICATIONS:
Review type: <input type="checkbox"/> Administrative <input checked="" type="checkbox"/> DRB Public Warning Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Conditional Use <input type="checkbox"/> Waiver
DRB Referral Issued (effective 15-days later): <u>6/13/23</u>	<input type="checkbox"/> Site Plan
DRB Mtg Date: <u>July 5th '23</u> Decision Date: _____	<input checked="" type="checkbox"/> Variance
Date Permit issued (effective 16-days later): _____	Subdivision:
Final Plat due (for Subdivision only): _____	<input type="checkbox"/> Subdv. <input type="checkbox"/> BLA <input type="checkbox"/> PUD
Remarks & Conditions: _____	Overlay:
Authorized signature: _____ Date: _____	<input type="checkbox"/> DDR <input type="checkbox"/> SFHA <input type="checkbox"/> RHS <input type="checkbox"/> CMP
	<input type="checkbox"/> Sign
	<input type="checkbox"/> Other _____
	<input type="checkbox"/> n/a

## TOWN OF WATERBURY

## VARIANCE INFORMATION

Date: <u>5/30/2023</u>	Application: # _____
Fees Paid: _____	(\$15 recording fee already paid)
Parcel ID #: <u>35 Sunset Drive, Waterbury Center, VT</u>	
Tax Map #: <u>09-281.000</u>	

This Variance information sheet supplements the Zoning Permit Application. Please provide all the information requested on both forms. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. For questions about the permit process please contact the Zoning Administrator at 802-244-1018.

1) What type of Variance are you requesting? **Acceptance of our 12'<sup>R.O.W. fe.</sup> wide existing driveway/access to our 3.4-acre lot to allow for a permit to build a single-family residence.**

2) Describe the unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, that prevent development occurring in strict compliance with the zoning regulations (Please include relevant site features on the Sketch Plan with the accompanying Zoning Permit Application). **The existing 3.4-acre lot was created, pre-zoning, in 1955 as a building site and qualifies as a grandfathered property. In addition, the existing lot and ROW should be considered pursuant to the 24 VSA 4412 (2), existing small lot exemption. It has a 12'-ROW that is clearly defined in our deed. We have a permitted 20' Access/Curb Cut Sunset Drive. The proposed house site and driveway are located on a level, easily accessible, well drained, central location of the lot. This building site also provides setbacks of over 100' on all sides of the property. Because there is no possibility that the property can comply in strict conformity with the Vermont Statute 24 VSA 4412(3) (i.e., 20-foot-wide ROW requirement) which was enacted In November, 2004, 46 years after the lot and driveway were created, it is necessary for the authorization of a variance to enable the reasonable use of this property as a single-family residence.**

3) Describe why the development is necessary to enable the reasonable use of the property. **The current topography of the property has an ideal building site that is large, level, and well-drained. The existing access is in a perfect location regarding safety, and is uniquely positioned for excellent visibility concerning ingress and egress for vehicular traffic. There is no other access available to this building site. The town DRB previously denied an application without a variance request per 24 VSA 4412(3).**

4) What hardship will result if the variance is not granted? **If the variance is not granted it will make it impossible to build on this lot, contradicting Statute [4412] which states, "zoning must protect the rights of property owners whose property does not conform to standards adopted after a parcel or use was established". Failure to grant this request would also be contrary to VSA 4412(2) as noted above.**

5) Describe how the proposed development will complement the essential character of the neighborhood. **Our proposed use of this parcel complies with Waterbury's current zoning and fits into the residential character of the neighborhood. It also reflects the intentions expressed in the original deed of the property, which is to construct buildings on this site. Accordingly, the proposed single-family residence on a pre-existing lot would complement the residential character of the neighborhood.**

## Exhibit A4

6) Describe how the development will not permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. **This building permit will not impair the use or development of adjacent property in any way. We have greater set-back distances than any other parcel in the entire Sunset Drive development area. It will be a positive addition to the local community and will provide needed housing for current and future residents of Waterbury**

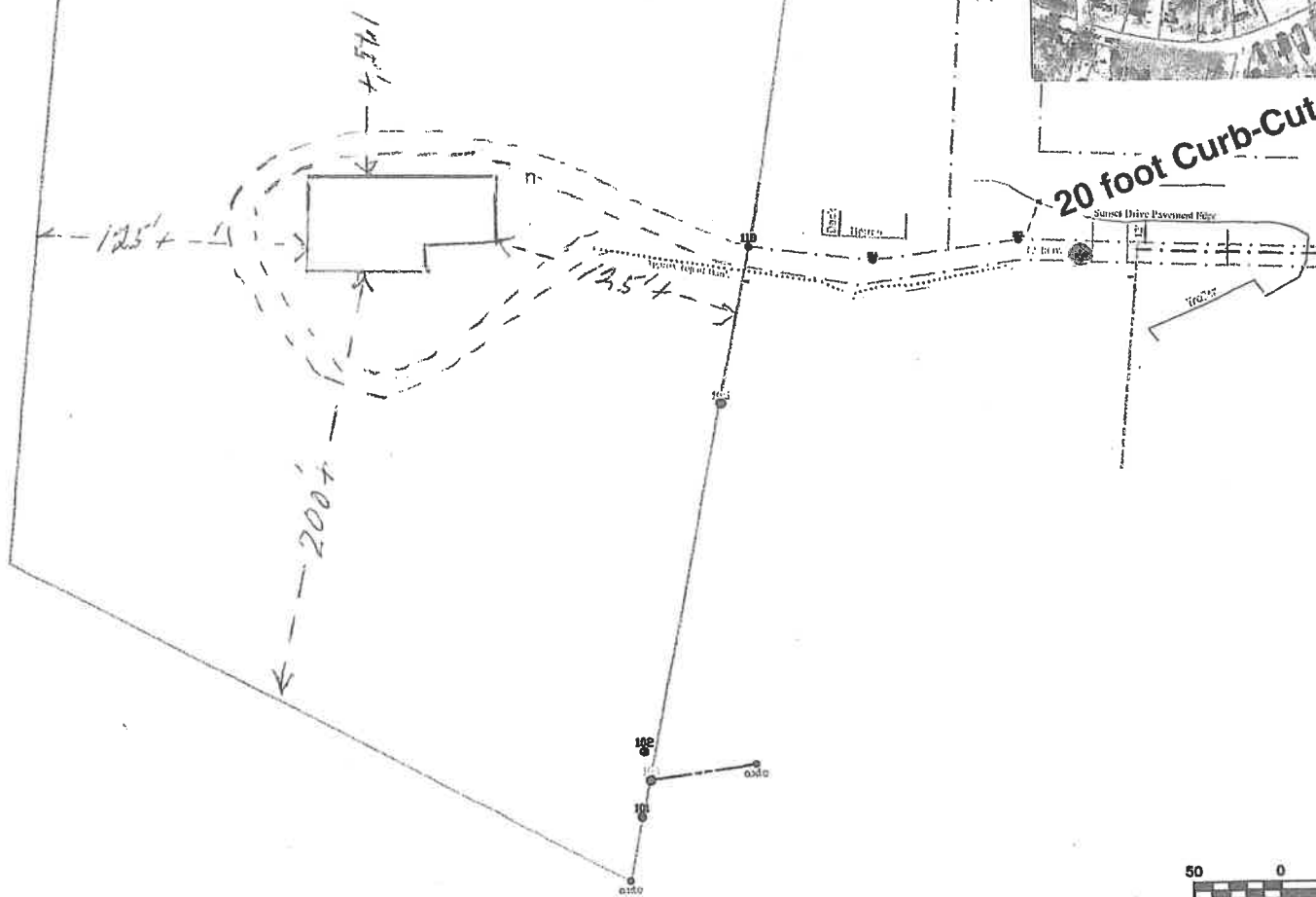
# Exhibit B1

## D.R. Eric & Francine Chittenden

### 35 Sunset Drive



1 inch = approximately 100 feet

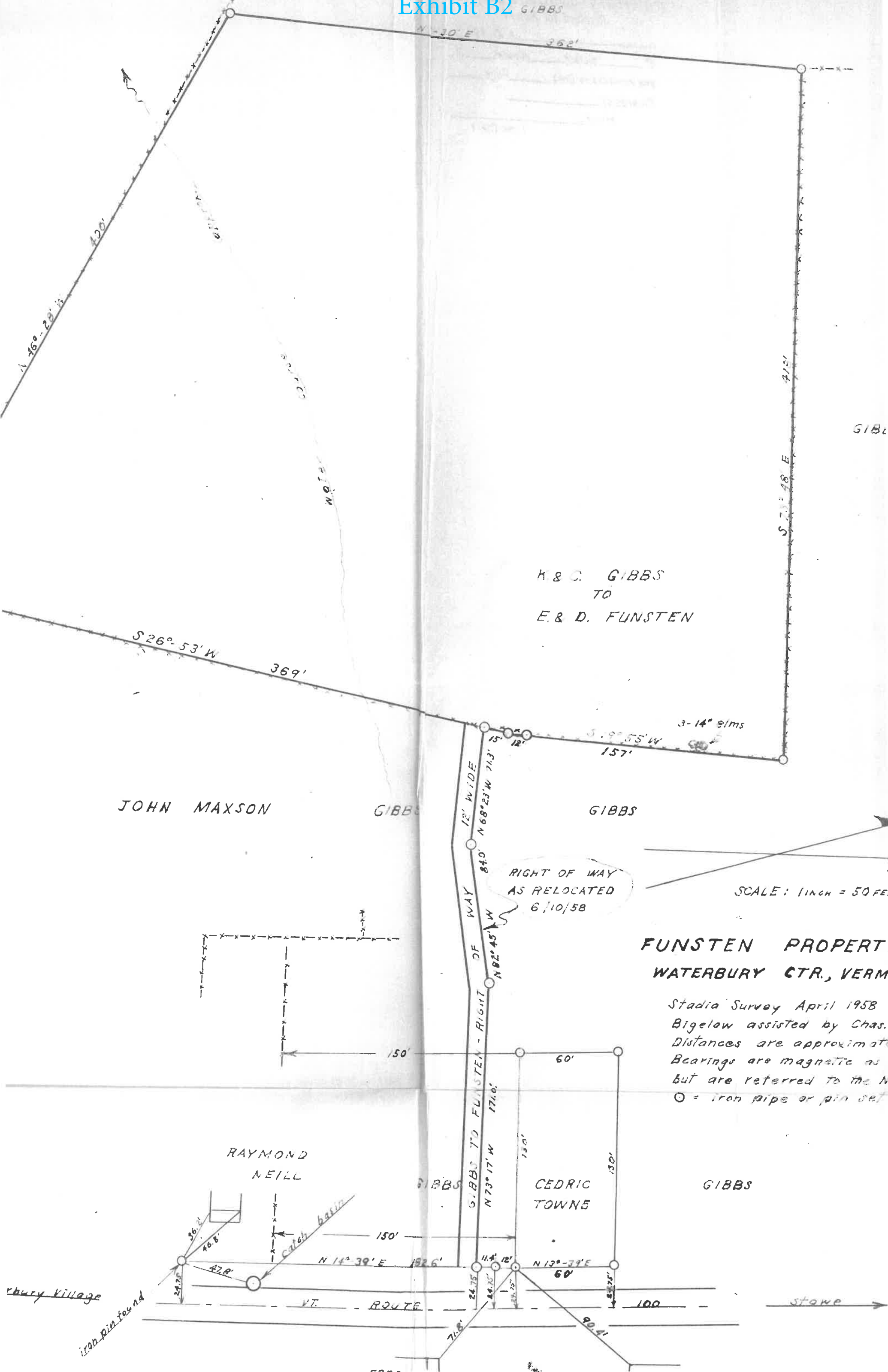


- Notes:
- Orientation is based on Vermont Grid North.
  - This is not a boundary survey. Boundary information shown is based on Reference #1.

- Reference(s):
- Funsten Property, Waterbury Ctr, Vermont, by Paul Bigelow, April 1958
  - Property of R & L Country Store, Inc, by Keller and Lowe, Inc., April 1976, Job #1218-179
  - Sunset Drive, Waterbury Center, Vermont, by Paul Bigelow, last revised June 1966, MB 1, P 17A

F:\Jobs\14\1401\Site Plan\Funsten 2022-1.dwg

Planning Plan Funsten Parcel <b>D. "Eric" and Francine Chittenden</b> Sunset Drive Waterbury Center, Vermont	
SHEET 1 OF 1	Little River Survey Company, L.L.C. P.O. Box 1226, 5293 Packer Road Clarks, Vermont 05602 Tel: (802)553-8214 Fax: (802)553-5209
SCALE: 1" = 50' DRAWN BY: PKK CHECK BY: DATE: May 2022 JOB: 14011	



M. & C. GIBBS  
TO  
E. & D. FUNSTEN

JOHN MAXSON

GIBBS

GIBBS

RIGHT OF WAY  
AS RELOCATED  
6/10/58

SCALE: 1 INCH = 50 FEET

FUNSTEN PROPERTY  
WATERBURY CTR., VERM.

Stadia Survey April 1958  
Bigelow assisted by Chas.  
Distances are approximate  
Bearings are magnetic as  
but are referred to the N  
 $\odot$  = iron pipe or pin set

RAYMOND  
NEILL

GIBBS

CEDRIC  
TOWNE

GIBBS

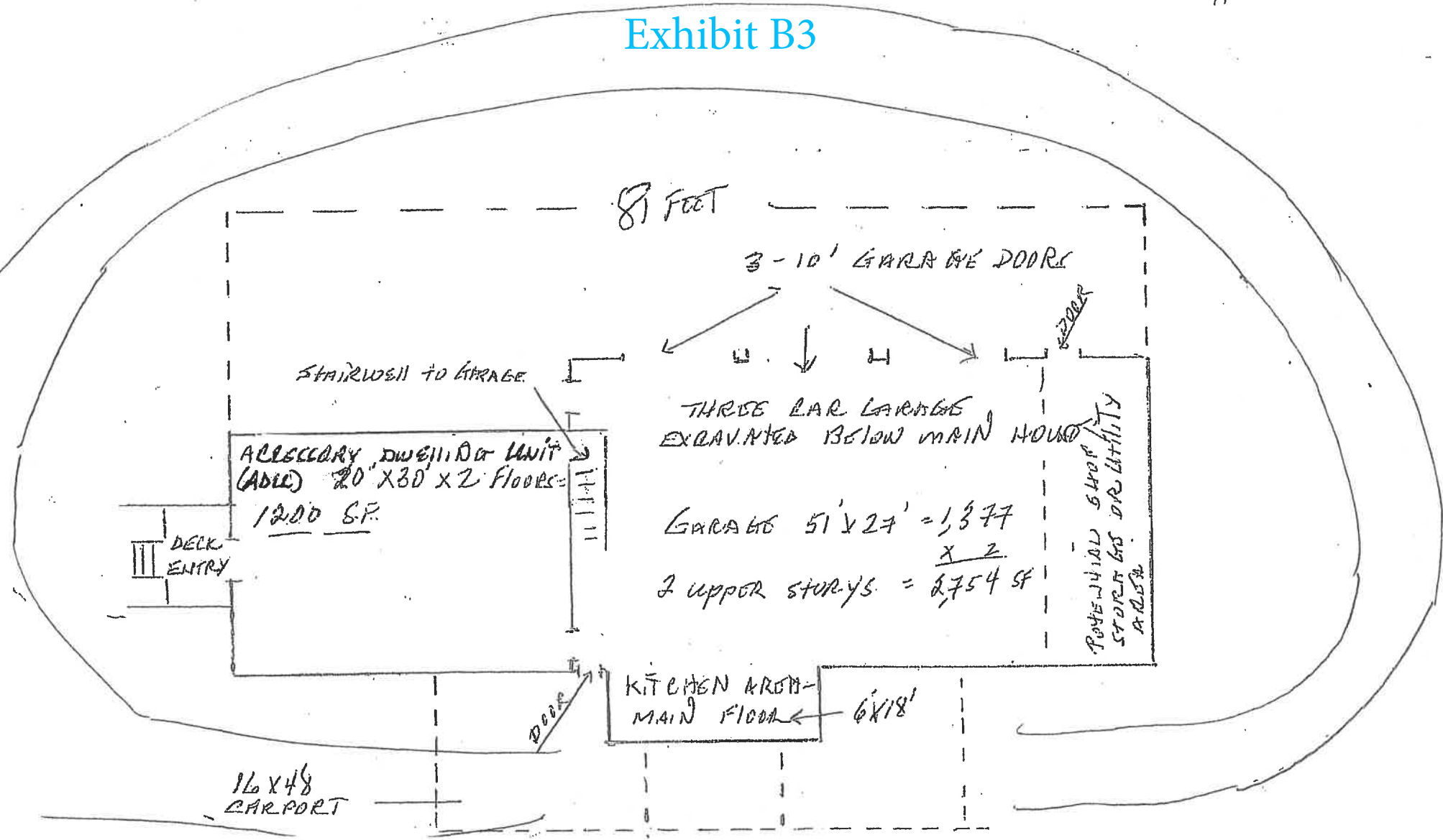
Waterbury Village

iron pin found

VT. ROUTE

stone

# Exhibit B3



2 UPPER STORIES - MAIN HOUSE = 2,754 SF  
 ACCESSORY DWELLING UNIT = 1,200 SF  
 KITCHEN EXCAVATION 108 SF  
 TOTAL = 4,062 SF

# Exhibit C1

## D.R Eric & Francine Chittenden 7-5-23 DRB HEARING

Dear DRB Members,

Thank you for considering our request for a variance that will enable us to use our 3.4-acre parcel for a building site. This lot was created in 1958 by Cody Gibbs for Ted Funsten (Gibbs to Funsten). No changes have been made to the original deed.

We understand the focus of our DRB hearing to be: **“A Variance to accept the existing 12-foot-wide access right-of-way to allow for a permit to construct a house.”**

We offer the following to support our use of the existing 12-foot R.O.W.:

1. **V-Trans “B-71A – Residential drives**
  - a. **V-Trans “B-71A, “Detail A”, shows a 12-foot Residential drive requirement.**
  - b. **Paragraph “8” in the right-hand column, that a 12-foot -wide-drive is good for 2 single family homes or 1 duplex, from the Massachusetts border to the Canadian border.**
2. **“Complete Streets” evolving lane width criteria for Vermont roads.**
3. **Deed description of R.O.W.**
4. **Zoning Collaborative**

**Below are responses to a few comments made at our previous hearing on April 5, 2023.**

1. How will the driveway be cleared of snow?
  - a. **Every homeowner in this region has to clear snow, including municipalities. Whether it be plowing, back-dragging, or shoveling snow, we are fortunate to have more than ample area to put snow.**
2. An attendee claimed that our driveway is not level.
  - a. **DRB members and the Assistant ZAO who have done a site visit to our lot can confirm that the right-of-way is level all the way out to Route 100.**
3. Because a neighbor had water in their basement; they assumed we had poor drainage also.
  - a. **We cannot comment on their basement, but we have never seen any standing water anywhere on our building site in all the years we have owned it.**
4. Our 12-foot Right-of-Way was close to their house.
  - a. **The Ramey house was built directly over our original 12-foot right-of-way by Ramey’s previous owner. The driveway had to be relocated, which is noted on our deed map #281.**
  - b. **The Rameys were adults when they purchased the house knowing the distance off the Right-of-Way. Nothing has changed since they purchased it. The right-of-way averages about 12-feet from the house; normal in many developments.**
5. Topo map requested by DRB member.
  - a. **We have attached the best topo map we could find. The reason that there are no topo lines in the right-of-way area is because that land is level.**

- **Appropriate documents to be sent, or will be hand-delivered to the 5 July hearing**