



# Town of Georgia

47 Town Common Road North. • St. Albans, VT 05478  
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## NOTICE of DECISION

In re: Michael Florucci, Applicant/Owner  
Permit Application No.: Variance VAR-001-25

Decision and Findings of Fact Variance Approval

Dear Applicant/Owner,

After a duly warned hearing of the Development Review Board (DRB) on February 18, 2025, the following action was taken with regard to your request:

### GRANTED WITH CONDITIONS

**Note:** The application, any and all relevant evidence presented to the Board, and the minutes of the Board at the hearing conducted by the Town of Georgia DRB on February 18, 2025, and relevant information from public records and sources, shall be considered part of the Finding of Fact and kept as part of the permanent record of the applicant/owner.

This official record shall provide additional basis for the Board's decision.

### Background:

This matter came before the Town of Georgia DRB on the application of Michael Florucci, hereinafter referred to as Applicant, requesting a variance of the Town of Georgia Development Regulations prohibiting building in wetlands (Section 5.12(C), Town of Georgia Development Regulations, 2/27/2023).

The parcel is located at 1093 Polly Hubbard Road, within the AR-1 zoning district. The parcel is  $\pm 10.2$  acres in size, benefitted by  $\pm 250$  ft of frontage along Polly Hubbard Road. Applicant proposes building a  $\pm 1500$  square foot accessory building east of the existing driveway in an area that has been determined a class II wetland or buffer by Vermont Agency of Natural Resources (ANR).

A restoration plan is in place in a large area of maintained yard west of the driveway. The restoration area is 3 to 4 times the footprint of the proposed accessory structure. This area will be planted with trees, shrubs and plants that are native to Vermont wetland sites. Planting includes a dense native shrub row along the outer perimeter of the restoration area that, when fully grown, should discourage human entry into the area and provide better seclusion for wildlife.

A Notice of Public Hearing was duly published in the St. Albans Messenger on January 31, 2025, and all abutting property owners were notified.

The DRB conducted a public hearing on this application on February 18, 2025. Applicant was present at the meeting. There was one interested party, see meeting notes for a list of all who attended the hearing. Applicant submitted a variance application and the Zoning Administrator presented a DRB report.

#### **Finding of Facts:**

1. The current lot includes Class II wetlands or buffer, providing Applicant no alternative building location that would not violate Town of Georgia Regulations.

	<b>AR-1 Required:</b>	<b>VAR-001-25</b>
<b>Minimum lot size</b>	5 acres	±10.2 acres
<b>Lot Frontage</b>	250 ft.	±250 ft
<b>Front yard setback</b>	75 ft.	±105 ft
<b>Left Side yard setback</b>	40 ft.	±115 ft
<b>Right Side yard setback</b>	40 ft.	±55 ft.
<b>Rear yard setback</b>	40 ft.	±1500 ft
<b>Building height</b>	35 ft. max	±20 ft

2. All applications for variance must be heard by Development Review Board according to the criteria set forth in 24 V.S.A. Section 4469(a). The DRB must find that your application meets **all five of these criteria** in order to approve your application:

1. *There are 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, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.*

2. *Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.*

3. *The unnecessary hardship has not been created by the applicant.*

4. *The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.*

5. *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.*

### **Conclusion:**

The Board concludes as follows:

1. Applicant has submitted all relevant information required by the Town of Georgia Development Regulations (2/27/2023). This application was reviewed under Article 3, Section 3.4 (Variances).
2. The application was deemed consistent with the abovementioned standards and requirements.
3. The Class II wetlands or buffer takes up a significant portion of the property, where no other viable space was identified for building.

### **Decision:**

Applicant's request for a variance is **GRANTED** subject to the following conditions:

1. This Variance is to build an accessory structure on the property in an identified Class II wetland or buffer. Any additional structures on the property would require DRB approval.
2. Approval is subject to State of Vermont, Agency of Natural Resources approval (VWP File# 2024-0107).
3. Any home occupational use on the property is subject to DRB approval as Conditional Use.

**These conditions shall not be deviated from, absent an amendment granted by the Board.**

**All plats, plans, drawings, etc., listed above or submitted at the hearing and used as a basis for the decision to grant the permit shall be binding on the applicants, their heirs and assigns. Projects must be completed in accordance with such approved plans and conditions. Any deviation shall be a violation of the permit and subject to enforcement action by the Town.**

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision pursuant to 24 V.S.A. Section 4471. Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the Zoning Administrator who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person.

**EXPIRATION:** Pursuant to Section 3.2(D) of the Town of Georgia Development Regulations, approval from the Development Review Board allowing a conditional use shall expire one year from date of issue if construction has not progressed to the point where the property can reasonably be used for its intended purpose as defined and/or all conditions of this decision as set forth above have not been met. An extension of one year will be granted by the Zoning Administrator if application for extension takes place before the approval has expired. At the end of two years, the permit will permanently expire unless the Development Review Board grants a further extension.

Members present and voting for approval: Charles Cross, Greg Drew, Lisa Faure, Gilles Rainville, James Powell and Jared Waite. Members Absent: Glenn Sjoblom and Chris Caspers. Members present and voting against approval: Suzanna Brown.

Signature of Chair: \_\_\_\_\_ Date: \_\_\_\_\_

Suzanna Brown, DRB Chair