

APPROVED 03/10/2022

**REGULAR MEETING
BOARD OF ZONING APPEALS
MINUTES**

JANUARY 13, 2022

THE REGULAR MEETING OF THE RICHMOND BOARD OF ZONING APPEALS WAS CALLED TO ORDER AT 7:00 P.M., ON THURSDAY JANUARY 13, 2022, BY CHAIRMAN MISTERAVICH.

ROLL CALL

Present: Caperton, Garber, Kaminski, Schade, Misteravich

Absent: None

Others: City Manager Moore, City Clerk Stagl

Visitors: None

APPROVAL OF MINUTES

Motion by **Kaminski**, seconded by **Schade**, to approve the minutes of the November 11, 2021, regular meeting as presented.

All yeas

Motion passes

AUDIENCE PARTICIPATION

None

CORRESPONDENCE

City Council Meeting of November 1, 2021
City Council Organizational Meeting of November 8, 2021
City Council Meeting of November 15, 2021
City Council Meeting of December 6, 2021
City Council Meeting of December 20, 2021

ADOPTION OF AGENDA

Motion by **Kaminski**, seconded by **Schade**, to approve the agenda as presented.

All yeas

Motion passes

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PUBLIC HEARING

VAR-01-2022 – MATTHEW AND DEANNA HERTZ – Request for a Variance from Section 7.04 (Solar Collectors and Similar Facilities) to allow a rooftop solar array that is larger than the size limit of 32 square feet on property located at 67554 Samuel Court (APN: 50-07-06-01-327-054).

Motion by **Schade**, seconded by **Kaminski**, to open the public hearing at 7:04 pm

All yeas

Motion passes

Board members agreed that the City's ordinance was a great inconvenience to home owners.

No verbal or written comments were received.

Motion by **Kaminski**, seconded by **Schade**, to close the public hearing at 7:06 pm

All yeas

Motion passes

ITEMS FOR CONSIDERATION

VAR-01-2022- MATTHEW AND DEANNA HERTZ – Request for Variance from Section 7.04 (Solar Collectors and Similar Facilities) to allow a rooftop solar panel array that is larger than the size limit of 32 square feet on property located at 67554 Samuel Court (APN: 50-07-06-01-327-054)

City Planner Jeschke informed the board that the applicant would like to have an eight kilowatt solar system installed on the east and west side of the roof of their house. Two collectors would have morning sun and the other two collectors would have afternoon sun. The City's zoning ordinance is quite old and as technology has advanced, solar is now much more viable for residences than it used to be. The City's zoning ordinance limits the total size of any solar array to 32 square feet.

The City Planner is recommending approval of the requested variance, as the 32 square foot limit to building mounted solar collectors is not sufficient to provide any realistic benefit to a homeowner that is seeking solar as a power source.

Motion by **Schade**, seconded by **Kaminski**, to open the item up for discussion.

All yeas

Motion passes

Kaminski stated that he had concern with locating the panels on the front of the house. He is in agreement with the placement of the panels on the east side of the house only. The Planning Commission was still discussing placement of solar panels on the house.

Schade indicated that it appears the applicant would have enough room to place all of the panels on the rear of their house – by placing the panels on the east and west side of the roof they would be able to collect the morning and afternoon sun.

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City Planner Jeschke informed the Board that out of all the ordinances the Planning Commission had reviewed, none prohibited any locations on the roof.

Misteravich informed the Board that the City's current ordinance a homeowners would be able to place the solar collectors anywhere on the roof – the current ordinance does not restrict location. The current variance request was for square foot only.

Motion by **Kaminski**, seconded by **Misteravich**, to approve the requested variance from Section 7.04 (Solar Collectors and Similar Facilities) to allow a rooftop solar panel array that is larger than the size limit of 32 square feet on property located at 67554 Samuel Court (APN: 50-07-06-01-327-054), based on the following finding of fact:

1. The strict compliance with the code requirements will create an unnecessary burden on the property owners in that the size limitation of solar panels in the ordinance is not sufficient to provide any realistic benefit. The property owner will not be able to reduce their power bills or provide security of power service during extended power outages.
2. The variance will do justice in that the size limitation on building mounted solar panel arrays is very small and really has no documents reason as to why 32 square feet is the limited. Based on research of their solar ordinances, none of them include a size limitation.
3. The property is not peculiar in shape or unique in any way. However, the roof area of the home is more than large enough to accommodate the proposed solar array.
4. The need for the variance is not self-created. The Zoning Ordinance was based on a size limitation that seemed to make sense at the time, but is no longer sufficient or practical.
5. The approval of the variance will not cause an adverse impact on the adjacent properties. The Solar panels are black and non-reflective and will be on the roof of the home.
6. The practical difficulty threshold has been met. The applicant is proposing an environmentally friendly energy source to provide security in power service as storms have become more severe.

Motion by **Kaminski**, to amend the main motion to indicate that the approval is only for the location of the solar panels on the east side of the home.

No support the motion dies.

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Vote on main motion:

Four yeas (Caperton, Garber, Misteravich, Schade)
One nay (Kaminski)

Motion passes

MISCELLANEOUS MATTERS FROM THE CITY STAFF

None.

CHAIRMAN AND COMMISSION MEMBERS

None.

ADJOURNMENT

Motion by **Schade**, supported by **Kaminski**, to adjourn the Board of Zoning Appeals Regular Meeting at 7:25 p.m.

All yeas

Motion passes

Respectfully submitted:
Karen M. Stagl
City Clerk