



PLANNING REPORT

Board of Zoning Appeals

Thursday, September 28, 2023

Trubiano Residence - Solar Panels 23-094V

www.dublinohiousa.gov/bza/23-094

Case Summary

Address	95 Longview Drive
Proposal	Variance requests to Zoning Code Section 153.074(E)(1)(c)(5) to install roof-mounted solar panels on a residential structure that is not rectangular in shape to avoid complex and nonsymmetrical configuration and is not a color that is similar to the roof color.
Request	Request for review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	R-2, Limited Suburban Residential District
Planning Recommendation	<u>Disapproval of two Non-Use (Area) Variances</u>
Next Steps	The Board of Zoning Appeals (BZA) is the final reviewing body for this application. If approved by the BZA, the applicant may apply for a building permit. If denied, the applicant will need to revise the home design to conform to all development standards.
Applicant	Jake Trubiano, Gold Path Solar
Case Manager	Tammy Noble, Senior Planner (614) 410-4649 tnoble@dublin.oh.us

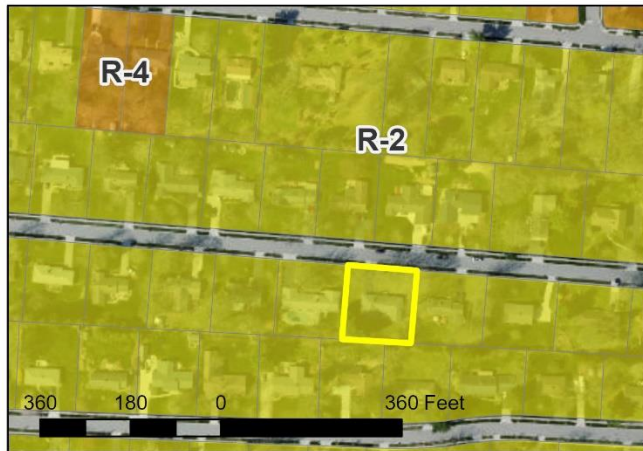
Site Location Map

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Site Features

- 1 Rectangular-shaped lot
- 2 Mature vegetation to rear



1. Background

Site Summary

The 0.46-acre site is zoned R-2, Limited Suburban Residential District, and is located approximately 185 feet southwest of the intersection of Longview Drive and Dublin Road. The site is part of the Gould Subdivision. The area is characterized by residential subdivisions that contain typical sized lots with uniform shape and typical grid street pattern.

Site Information

Lot Layout and Natural Features

The site is a medium-sized lot that is rectangular in size with no unusual configurations. The adjacent lots are comparable in size and have similar setbacks. The applicant's site contains a single access point that extends from Longview Drive and provides access to a single-family, residential structure. The primary structure is 'U'-shaped, with a hipped roof running parallel to Longview Drive, and two gable rooflines extending to the rear of the property. The site has mature vegetation to the rear of the home. No other natural features are noted.

2. Proposal

The applicant is proposing two variances to Section 153.074(E)(1)(c)(5) that address solar regulations for roof-mounted equipment on residential and commercial buildings.

Code Requirements

The section of the Zoning Code addresses the location and appearance requirements for solar panels, specifically that solar panels are installed in a rectangular patterns to avoid non-symmetrical arrangements of panels and that the panels are similar in color to the roof. These requirements are applicable to all locations of the building and to both residential and commercial buildings.

City Council approved a code modification regulating renewable energy equipment for solar on June 12, 2023 after extensive review of other communities' regulations within the region and across the country, working with installers about best practices, reviewing statutory language that may impact residential installation including text regulations for planned districts and preferred practices of advocacy groups. The City also conducted two public surveys, one of which was mailed to all properties located in the City of Dublin, as well as public meetings. Based on feedback from all of the meetings, draft code language was proposed and reviewed during multiple work sessions with City Council.

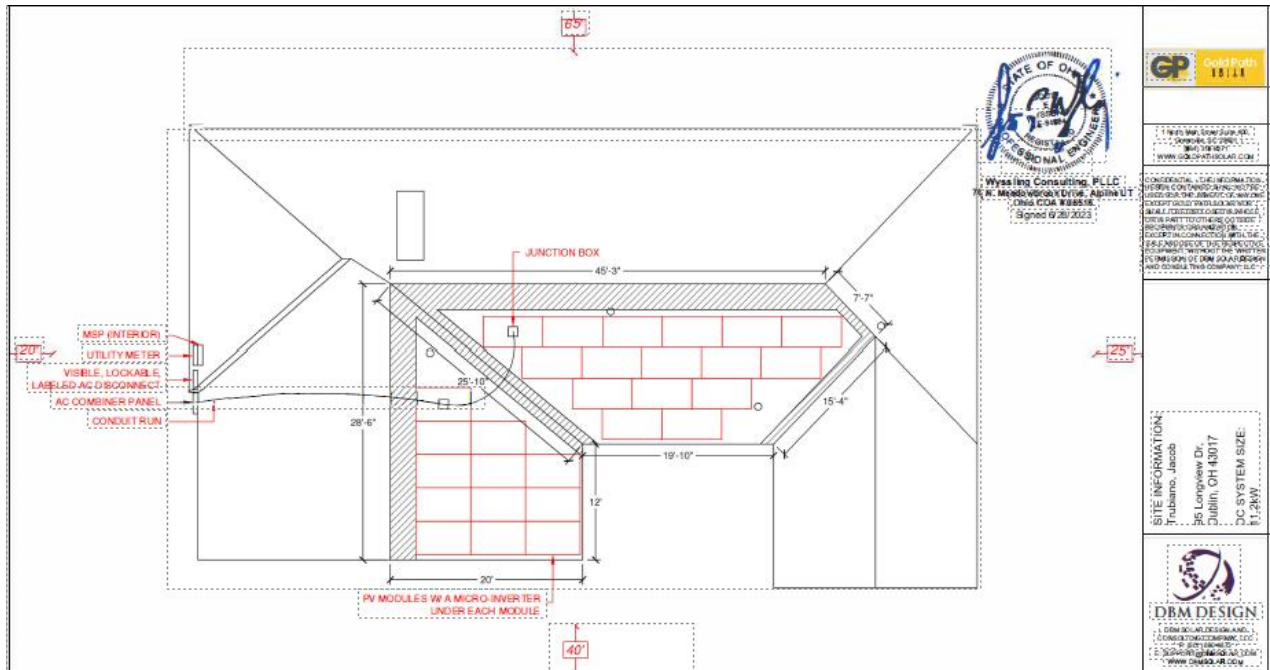
As part of the approval process with City Council, Planning committed to report back to Council one year of the adoption of our Sustainability Framework Plan Update (currently being updated) to ensure the solar regulations are complementary to other sustainability practices in the City of Dublin and ensure the solar regulations are meeting expectations of local officials and the public. Planning has also provided an update to City Council in their monthly report. This is an important topic for Council Members and Planning will continue to provide updates.

Request

The applicant is proposing to install twenty-eight solar panels on the rear and side of the existing residential structure. The panels are proposed to be black in color with black framework that conceals wiring, conduits, etc. that are necessary for installation. The color of the existing roof is light grey in tone and will be in contract to black panels. The applicant is

also proposing a configuration that maximizes the use of the rear and side elevations but result in a non-symmetrical pattern. Planning has discussed the requirements with the applicant and this has resulted in the application before the Board of Zoning Appeals. City Council was provided examples to demonstrate how the regulations were intended to be met, which is included for the Board's reference.

3. Site Plan and Elevations



Roof Plan



Rear Elevation

4. Plan Review

Zoning Code Section 153.231(H)(2) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, and that the findings required in Zoning Code Section 153.231(H) have been satisfied.

Criteria A | Non-Use (Area) Variance Analysis - Section 153.074(E)(1)(c)(5)

All three criteria are required to be met:

Criteria	Review
1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.	Criteria Not Met: The lot configuration and house location are typical for a suburban neighborhood with no unusual conditions or circumstances. The roof color is light grey which is similar to many roofs in the community including the immediate neighborhood. The roof shape and pattern is not unique or complicated that would necessitate not meeting the requirement of shape.
2. That the variance is not necessitated because of any action or inaction of the applicant.	Criteria Met: The applicant's actions or inactions have not necessitated a special condition.
3. Granting the variance will not cause a substantial adverse effect to the property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied.	Criteria Not Met: Granting the variance will impair newly adopted regulations that are intended to ensure that solar panels blend as much as possible with the roof. Ensuring there is a symmetrical patterns to the panels, as well as similar in color to the roofline are to ensure this seamless look to a roof.

Criteria B | Non-Use (Area) Variance Analysis - 153.074(E)(1)(c)(5)

At least two of the following criteria are required to be met:

Criteria	Review
1. That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.	Criteria Not Met: Meeting the regulations would not impair the applicant from securing solar energy. In solar applications, companies will provide a variety of options for homeowner to consider that impact the number of panels proposed and the energy production of each options. Planning has also worked with pending applications to successfully modify proposal to meet the Code indicating that options are available.
2. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.	Criteria Met: This is the first request for variances from newly adopted Code language and is not recurrent in nature.
3. The variance would not adversely affect the delivery of governmental services.	Criteria Met: Granting variances to the solar energy regulations would not affect the delivery of governmental services.
4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.	Criteria Not Met: The applicant can modify the proposal to meet current regulations and still provide energy efficiency to their home.

5. Recommendation

Planning Recommendation: Variance for Rectangular Shape

Planning Staff recommends **Disapproval** of the Non-Use (Area) Variance to Zoning Code 153.074(E)(1)(c)(5) to permit the installation of solar panels that are not rectangular in shape.

Planning Recommendation: Variance for Roof Color

Planning Staff recommends **Disapproval** of the Non-Use (Area) Variance to Zoning Code 153.074(E)(1)(c)(5) to permit the installation of solar panels that are not similar in color to the roof.