



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, September 22, 2022

## TOMIN RESIDENCE 22-112V

<https://dublinohiousa.gov/bza/22-112>

### Case Summary

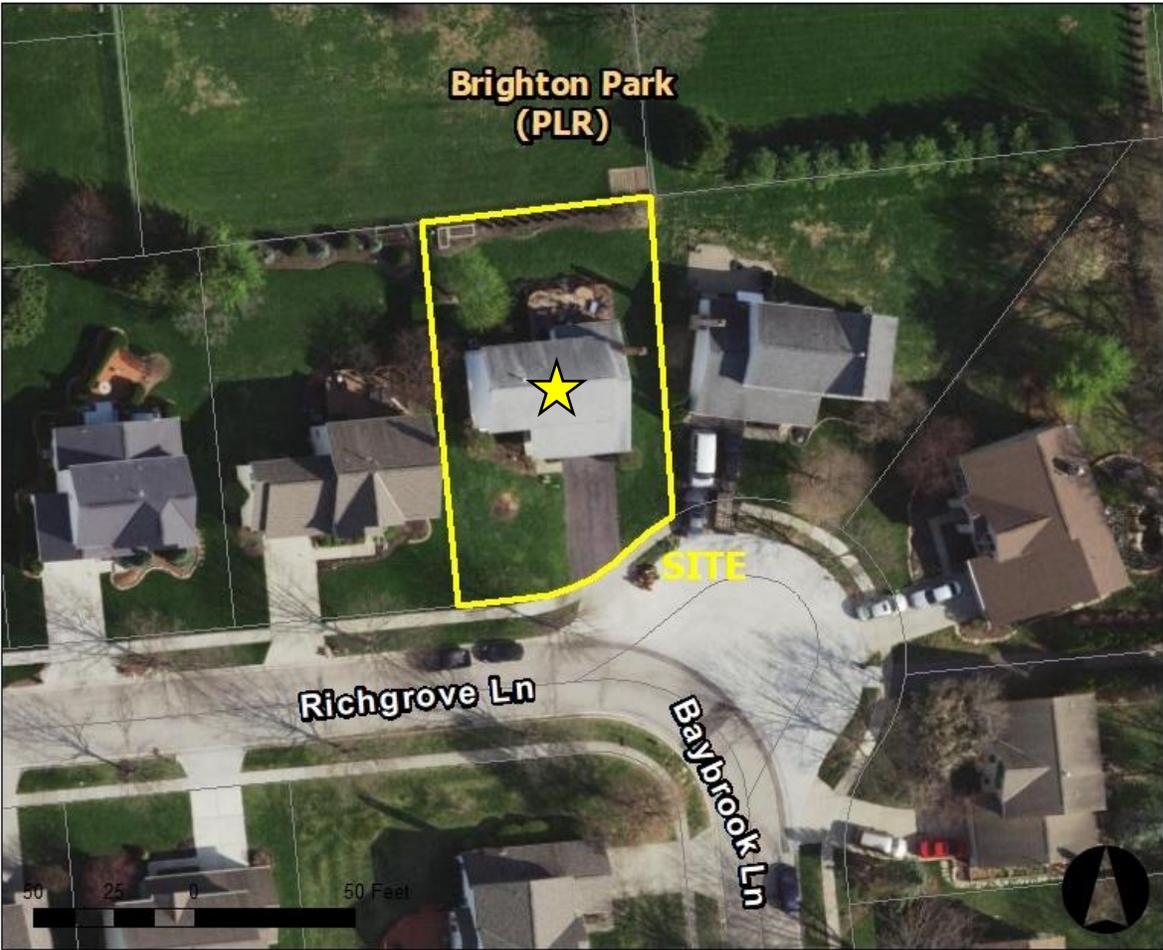
Address	5692 Richgrove Lane, Dublin, OH 43016
Proposal	Request for a variance to allow building-mounted residential solar panels as an accessory structure to be located on a front (street) facing facade.
Request	Request for review and approval of a Non-Use (Area) Variance under the provisions of Zoning Code Section 153.231(H).
Zoning	PLR – Planned Low Density Residential District
Planning Recommendation	<u>Disapproval of Non-Use (Area) Variance</u> Planning recommends disapproval of the Non-Use (Area) Variance to allow building-mounted residential solar panels to be located on a street facing façade.
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 Certificate of Zoning Plan Approval. If denied, the applicant will need to change the location of the solar panels to conform to all development standards.
Applicant	Christopher Tomin, Property Owner
Case Manager	Tammy Noble, Senior Planner (614) 410-4649 tnoble@dublin.oh.us

Site Location Map

22-112V | Tomin Residence



- Site Features**
- 1 Site Feature 1
  - Site Feature 2
  - Site Feature 3



## 1. Overview

### Background

The site comprises a 0.19 lot and contains a detached, single-family dwelling and an outdoor space to the rear. The site is located northeast of the intersection of Richgrove Lane and Kentfield Drive. The site is zoned PUD, Planned Unit Development District within the Indian Run Meadows PUD.

### Site Information

#### *Lot Layout*

The site is primarily rectangular in shape with a slight curvature on the northern front property line due to its location on a cul-de-sac. The lot is located north of Richgrove Lane with the home oriented at the center of the site towards the south. The home is setback approximately 45 feet from Richgrove Lane and has equal separation on both side property lines.

#### *Natural Features*

The site has a primarily manicured lawn with smaller trees in the rear of the property. There are no natural features or significant environmental designations to the site.

### Code Requirements

Residential solar panels are currently only considered in the Zoning Code as accessory structures when installed as ground units. Since Code does not reference residential roof-mounted units, Staff has been identifying them as accessory structures that are required to follow the requirements of accessory structures. Per Zoning Code Section 153.074(B)(6)(a), all accessory structures are required to be constructed within the permitted buildable area of a lot, behind all applicable setback lines, and to the rear or side of the principal structure.

Staff is currently working with the Planning and Zoning Commission, and City Council, on a Code Amendment to specifically address solar panels for residential properties within the City. A discussion for the topic has been presented to the Planning and Zoning Commission several times, a topic for a joint work session with all our boards and commissions, and a subcommittee of City Council.

## 2. Proposal

The applicant is requesting a Variance to Zoning Code Section 153.074(B)(6)(a) to allow residential, roof-mounted solar panels to be located on front-facing roof façade of the home. The applicant has provided two options from their solar company, Ohio Power Solutions that indicate the location and number of panels associated with each request. The first option indicates 12 panels that produce 5,932 kwh per year and the second option contains 19 panels and produces 5,828 kwh per year. The location of the panels in on the north and south rooflines but doesn't differentiate one, or both, options are designed in this location. Planning is reviewing the proposal to consider both options in this general location.

Solar panels are also often mentioned in deed restrictions which are not enforceable by the City but do require a further review process by the applicant. This site is not located with a platted subdivision, therefore there are no applicable deed restrictions.

### 3. Plan Review and Recommendation

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 153.231(H)(2)(a)

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.	<b>Criteria not met:</b> The site is similar in size to the adjacent properties and the applicant’s house, along with the adjacent properties, are southern facing. There are no special conditions of the site or house layout that would warrant special conditions.
2. That the variance is not necessitated because of any action or inaction of the applicant.	<b>Criteria not met:</b> The Variance request is necessitated by the applicant and is necessitated on the basis of switching to renewable energy on the home.
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	<b>Criteria not met:</b> The Variance request would directly impact the requirements and intent for all accessory structures to be located forward of the building.

#### Criteria B | Non-Use (Area) Variance Analysis - Section 153.231(H)(2)(b)

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

Criteria	Review
<p>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.</p>	<p><b>Criteria met:</b> Several properties within the zoning district could obtain roof-mounted solar panels that meet zoning requirements due to the orientation of each home that does not have a south-facing front façade.</p>
<p>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.</p>	<p><b>Criteria not met:</b> The request is recurrent in nature to warrant a Code update to contemplate locations and requirements for solar panels in residential district. Staff is aware of the increase in these requests and is working towards a Code Amendment for solar panels.</p>
<p>3. The variance would not adversely affect the delivery of governmental services.</p>	<p><b>Criteria met:</b> The proposed location of the solar panels would not affect the delivery of governmental services.</p>
<p>4. The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve.</p>	<p><b>Criteria not met:</b> Utilizing solar energy can be accommodated by other methods that may be less economical but continue to produce energy.</p>

**Planning Recommendation:** Disapproval of the Non-Use (Area) Variance  
 Planning recommends disapproval of the Non-Use (area) Variance to allow building-mounted residential solar panels as an accessory structure to be located on a street facing façade.