



## PLANNING REPORT

# Board of Zoning Appeals

Thursday, October 27, 2022

## Yi RESIDENCE 22-131V

<https://dublinohiousa.gov/bza/22-131>

### Case Summary

Address	6056 Brigids Close Dr, Dublin, OH 43017
Proposal	Request for a variance to allow building-mounted residential solar panels as an accessory structure to be located on a 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 a 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	7BRS Permitting, Blue Raven Solar
Case Manager	Tammy Noble, Senior Planner (614) 410-4649 tnoble@dublin.oh.us

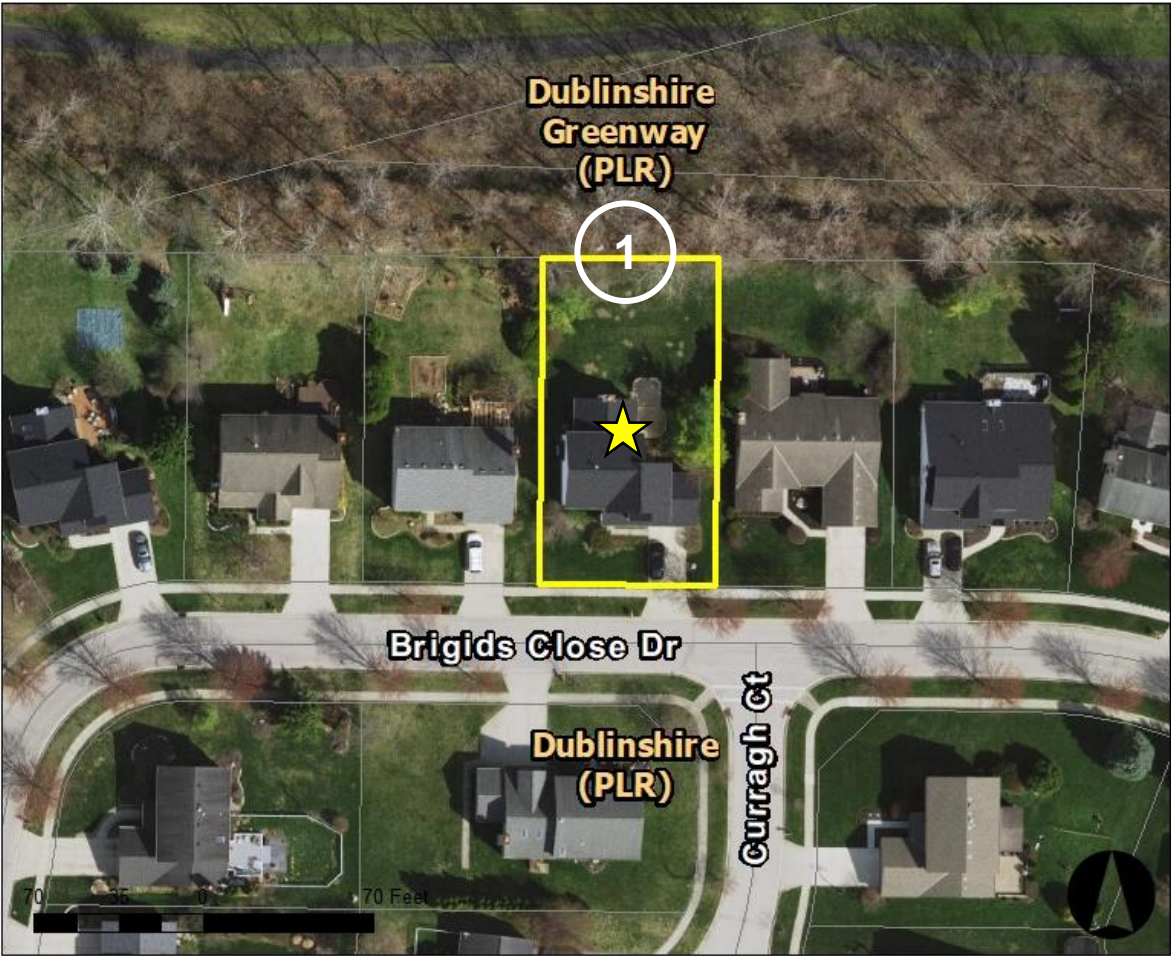
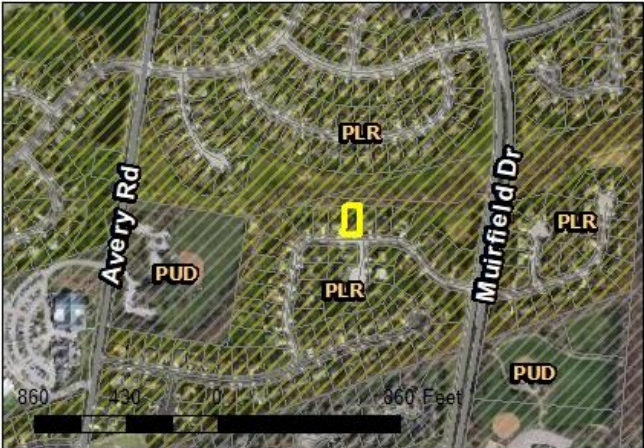
Site Location Map



22-131V | Yi Residence - Solar Panels

**Site Features**

1 Stream Corridor Protection Zone



## 1. Overview

### Background

The site contains a single-family dwelling situated on a 0.23-acre lot. This site is zoned PLR – Planned Low Density Residential District, and is located within the Dublinshire subdivision, Section 5, located northwest of the intersection of Brigids Close Drive and Curragh Court.

### Site Information

#### *Lot Layout*

The site is rectangular in shape, with a maximum lot depth of approximately 135 feet and a lot width of 73 feet at the front property line. The lot is located north of Brigids Close Drive, with the home oriented at the center of the site towards the south. The home is setback 25 feet from Brigid Close Drive, approximately eight feet from the side property lines. The site contains a single-family, residential structure and an outdoor area. Dublinshire is a large subdivision including seven sections with various phases. The existing home is located on the north side of the road with a southern facing roofline similar to many streets in the subdivision and similar to the adjacent properties to both the east and west.

#### *Natural Features*

The site features a vegetated area to the north that has mature trees and encompasses a Stream Protection Zone that is approximately 150 feet wide at the rear of the applicant's home. The protection zone is to preserve waterways and natural vegetated areas.

### 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 identified them as accessory structures, which are governed by 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 on a Code Amendment to specifically address solar panels within the City. The topic has been presented to the Planning and Zoning Commission, Community Service Advisory Commission, and the joint work session with all Boards, Commissions and 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 is proposing 21 solar panels placed in two sections of the roof. The east section is approximately an 11' 2" by 18' 6" and the west section is 18' 6" width with a narrower depth.

Solar panels can also be regulated through deed restrictions which are not enforceable by the City but do require a further review process by the applicant. Planning recommends the applicant contact their HOA to identify any additional reviews required.

## 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 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
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.	<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.

Criteria	Review
<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 actively working toward 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. The applicant states that by adhering to the Code the solar panels would be “underperforming, over-expensive solar system” suggesting that it would be an option, however not the desired option.</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.