



Scott County
Board of Adjustment
STAFF REPORT
July 25, 2018



Applicant: Moxie Solar

Request: Install a ground-mounted solar array one foot (1') from the side (south) property line, and forty-seven feet (47') from the front roadway easement

Legal Description: Part of the SE ¼ of the SE ¼ of Section 35, Butler Township

General Location: 26230 230th Avenue

Existing Land Use: Single-family dwelling

Zoning: Agricultural-Preservation (A-P)

Surrounding Zoning:

- North:** Agricultural-Preservation (A-P)
- South:** Agricultural-Preservation (A-P)
- East:** Agricultural-Preservation (A-P)
- West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: The request is to install a ground-mounted solar array one foot (1') from the side (south) property line in lieu of the ten feet (10') prescribed in the Zoning Ordinance, and forty-seven feet (47') from the front roadway easement in lieu of the fifty feet (50') prescribed in the Zoning Ordinance. Due to lot size (0.88 acres) and tree cover, the proposed placement was determined to be the best-suited for the solar array.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Zoning Ordinance for the granting of the variance. The Zoning Ordinance requires the Board to determine that, because of an exceptional situation or topographical condition, the strict application of the requirements of the Ordinance will result in exceptional practical difficulties or particular hardship. Following the above determination, the Board may grant a variance if it is further determined that it will not merely serve as a convenience to the applicant, impair the purpose and intent of the Development Plan and Land Use Policies or otherwise impair the public health, safety and general welfare of the residents of the County.

Staff would determine this case to be an exceptional situation due to the nature of the project and agricultural character of area. The nature of the project, which advances energy diversification and conservation by utilizing a renewable energy source, adheres directly to one of the Land Use Policies: Development decisions are to be made considering, among other criteria, “where development will be supportive of energy conservation.” This development proposal would certainly be supportive of that policy. In terms of



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neighborhood character, the nearest residence to the north is about 700 feet away from the proposed location of the array, and the nearest residence to the south is over 1,000 feet. The vast majority of surrounding area is in agricultural production, including the parcel immediately adjacent to the proposed location of the array.

An alternative for the applicant would be to find another suitable location for the array. However, since the majority of the property is shaded by tree cover, other locations would likely limit the efficiency of the array unless trees were removed.

The County Health Department, Engineer, and Building Inspector were notified of this request and none had comments or concerns to forward.

Staff has notified property owners within five hundred feet (500') of this property of this hearing and published notice in the *North Scott Press*. A sign has also been placed on the property stating the date and time this request would be heard by the Board of Adjustment. Staff has not, as of yet, received any calls or comments.

RECOMMENDATION: Staff would recommend the nine-foot (9') variance to the side-yard setback requirements and three-foot (3') variance to the front-yard setback requirements be approved.

This favorable recommendation is due to the lack of practical alternatives for placement and absence of concerns expressed by County entities and neighboring property owners.

Submitted by:
Timothy Huey
Planning & Development Director
July 19, 2018