

**Village of Germantown Hills Zoning Board of Appeals  
 September 19, 2019 Meeting with Public Hearing 6:00 p.m.  
 Solar System Variance  
 2019-02**

**Call to Order/Roll Call**-Chairperson Randy Nash called the meeting to order at 6:03 p.m.

ZBA Members	RC	1	2	3
Randy Nash	P	Y	Y	Y
Joe Maier	P	Y	Y	Y
Glen Riley	P	Y	Y	Y
Dan Mair	P	Y	Y	Y
Justin Roberts	P	Y	Y	Y
Ron Schneider	P	Y	Y	Y
Vacant				

Randy Nash noted the purpose of the meeting was to consider the following:

A request from Greg Harman, 401 Woodland Knolls Road, Germantown Hills, for a variance from the provisions of Section 9-16-2 of the Village Code to allow a ground mounted personal solar system on a property less than 1 acre and located less than the 30' required setback from the property line.

Anyone wishing to speak will be heard. Greg Harman was in attendance and was sworn in. No other persons from the public were present.

Greg Harman gave a summary of his request. Greg noted a solar company had approached him about a solar opportunity. They started looking at a proposal for a roof mounted system but due to the need for a 3' perimeter requirement for fire protection and the angle it was going to face, it wouldn't meet the requirements. In addition, because the building was built in the 70's there's no center support in his roof system so there was fear the roof structure might not handle the weight of the solar system.

Greg Harman then talked to the company about other options and they came up with a ground-based system. When they looked at where it could fit on his property, he was limited due to two front yards (because of the two roads) and a rear yard, which would create 3-30' setbacks. He was also going to be limited due to the property needing to be at least 1 acre per village code in order to have a ground system.

Greg noted he talked with the Pastor of Christ Church about the possibility of putting it in the green space between Greg's property and the church's property. The Pastor had no objection and submitted a letter showing support. The ground-based system will be 10' x 34' and 6' off of the ground. Greg indicated the panels would be a 30-degree angle with anti-reflective glass coating so there would be no reflection onto the roadways. In

looking at the location Greg noted he would need a variance in order to be closer to the setback line and his lot was not over 1 acre.

**Grant a variance when it is determined in specific cases that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations and standards of this title. A variance from the terms of this title shall not be granted by the board unless and until:**

**a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.**

This property has two front yards (Rt. 116 and Woodland Knolls Road) and one rear yard creating 3-30' setbacks. In addition, the building structure and roof system would create a hardship for a roof type system to work as the building doesn't have a center support in order to handle the weight.

**b) That the literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this title.**

The unique situation with the configuration of the lot along two roads (Rt. 116 and Woodland Knolls Road) with a rear yard that creates 3-30' setbacks.

**c) That the special conditions and circumstances do not result from the actions of the applicant.**

The building is an older building that was set years ago bordering two roadways. Greg Harman didn't have control over building the structure or placement of the building on the lot. The Village vacated the property between Greg Harman's property and the church allowing for the dedication of additional property to each property owner.

**d) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands or structures in the same district.**

The hardships are noted and accurate to not create a special privilege to the applicant.

A motion was made by Dan Mair to approve the variance request from Greg Harman, 401 Woodland Knolls Road, Germantown Hills, for a variance from the provisions of Section 9-16-2 of the Village Code to allow a ground mounted personal solar system on a property less than 1 acre and located less than the 30' required setback from the property line. The motion was seconded by Justin Roberts. **Motion passed #1.**

**4) Minutes Approval-January 15, 2019-**A motion was made by Glen Riley to approve the January 15, 2019 Zoning Board of Appeals minutes. The motion was seconded by Justin Roberts. **Motion passed #2.**

A motion was made by Joe Maier to adjourn the meeting at 6:25 p.m. The motion was seconded by Dan Mair. **Motion passed #3.** Ann Sasso, Village Clerk