

McLean County Department of Building and Zoning

STAFF REPORT FOR A VARIANCE

CASE NUMBER ZV-18-05

1. REFERENCE

- a. Hearing date: August 7, 2018
- b. Applicant's name and address: ASD McLean IL Solar III, LLC by Amp Solar Development, Inc., 55a Port St E, Port Credit, ON, Canada
- c. Owner: John Capodice, 10245 N 1530 East Rd., Bloomington, IL 61705

2. **VARIANCE REQUESTED:** For a variance in the separation requirement of a Major Utility – Solar Farm - from a boundary of the R-1 Single Family Residence District to be 30 feet from the solar farm panels rather than 200 feet as allowed in the Agriculture District.

3. LOCATION, CURRENT ZONING AND LAND USE:

- a. Property location: Immediately south of 925 North Rd. approximately 3/5 of a mile east of U.S. Highway 51
- b. Size of Parcel: 21 acres
- c. Township: Bloomington Township
- d. Parcel Numbers: 21-27-351-002, 21-27-352-002, 21-34-100-002, 21-34-100-005 & 21-34-100-010
- e. Existing zoning: Agriculture District
- f. Existing land use: Wooded and vacant

4. SURROUNDING ZONING:

- a. North: Agriculture District
- b. South: Agriculture District
- c. East: R-1 Single Family Residence District
- d. West: Agriculture District

5. SURROUNDING LAND USE:

- a. North: Residence
- b. South: Wooded and vacant
- c. East: Crop production
- d. West: Crop production

6. **BACKGROUND INFORMATION:** The applicant proposes to build a solar farm on this property. Use Standards of the McLean County Code require a solar farm to be 200 feet from the boundary of an R-1 District. Since the property to the east is in the R-1 District, it is necessary to obtain a variance in order to apply for a special use to allow a solar farm on this property.

7. **STAFF ANALYSIS:** The analysis of the seven standards listed in Section 350-17.F.(1) (c) (Standards for Variances) of the McLean County Code as they apply to this variance request is as follows:

- a. **The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from**

a mere inconvenience, if the strict letter of the regulations were carried out.

The property is the former rail bed for the Illinois Central Gulf Railroad and is relatively narrow and very deep; it is only 100 to 200 feet in width and over one mile deep. The adjacent R-1 District property located immediately to the east is in crop production. The nearest residential lot in the R-1 District is over 800 feet to the east from the subject property. Although there is a residence across 925 North Road to the north, the properties to the east and west are in crop production, and the land to the south is an extension of the former rail bed.

- b. **The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are applicable generally to other property within the same zoning classification.** The adjacent R-1 District property to the east is in crop production.
 - c. **The purpose of the variance is not based exclusively upon a desire to make more money out of the property.** The applicant proposes to use the property for a solar farm.
 - d. **The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.** A 200 foot setback from an R-1 District is not likely a reasonable use standard in this case.
 - e. **The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.** Due to the likely minimal impact of solar farms on adjacent properties, both present and future development of the R-1 District property to the east would not likely be negatively impacted.
 - f. **The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.** A solar farm generates very little noise and no emissions or other greenhouse gases and therefore would not affect air quality. And after construction, there would be very little traffic generated by the facility.
 - g. **The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.** The applicant proposes to use the property for a solar farm.
8. **CONCLUDING OPINION:** Staff recommends that this application meets the standards set forth in Section 350-17.F. (1) (c) (Standards for Variances) of the McLean County Code.

Respectfully submitted,

Philip Dick, AICP, Director