

McLean County Department of Building and Zoning

STAFF REPORT FOR A VARIANCE

CASE NUMBER ZV-18-06

1. REFERENCE

- a. Hearing date: November 6, 2018
- b. Applicant's name and address: AES DE DevCo NC, LLC by AES
Distributed Energy, Inc., 4875 Pearl East
Circle, Suite 200, Boulder, CO 80301
- c. Owner: Joe Kieser, 1829 N 700 East Road, McLean,
IL 61754

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 southwest of the intersection of South Morris Avenue and Brigham School Road
- b. Size of Parcel: 40 acres
- c. Township: Bloomington Township
- d. Parcel Number: 21-20-200-003
- e. Existing zoning: Agriculture District
- f. Existing land use: Crop production

4. SURROUNDING ZONING:

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

5. SURROUNDING LAND USE:

- a. North: Crop production
- b. South: Crop production
- c. East: Crop production
- d. West: Crop production

6. BACKGROUND INFORMATION: The applicant proposes to build a solar farm on this property, and has filed a zoning map amendment in case ZA-18-04 to change the zoning to the Agriculture District. If the map amendment is approved, the applicant will need this variance to build a solar farm. 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 is surrounded by land 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:

1. **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 surrounded by land in crop production that is in the R-1 Single Family Residence District. As such, it would be an inefficient design of the solar arrays if they were required to be set back 200 feet from adjacent property lines, leaving a 200 foot strip around the solar arrays that would be difficult to farm.
2. **The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.** The adjacent R-1 District properties are in crop production.
3. **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.
4. **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.
5. **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, the applicant indicates that the variance would maximize the retention of active farmland in the area.
6. **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.
7. **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, provided that case ZA-18-04, the rezoning of this property from the R-1 District to the Agriculture District, is approved by the County Board.

Respectfully submitted,

Philip Dick, AICP, Director