MONT VERNON ZONING BOARD OF ADJUSTMENT

**PUBLIC HEARING VIA ZOOM CONFERENCE**

**Tuesday, March 15, 2022**

**AGENDA**

7:00 PM Case 1-2022 Stokinger, 21 Grand Hill Road

Application for Variance

**Seated:** David **Sturm,** Steve **O’Keefe**,Charles **Schuessler**

**Absent:** Tony **Immorlica,** Jason **Johnson**

**7:00PM – Case 1-2022**

Meeting was called to order by David **Sturm,** Chairman. Roll call was taken. **Sturm** explained to the applicant that since there are only three Board members present, he will need all three to vote in favor in order to be granted the Variance. Should he be denied, the fact that there are only three members present would not be a good reason for a reconsideration or an appeal. Stokinger understood. Stokinger addressed the five Variance Criteria:

1. There’s no adverse effect on the public interest. There is nothing obvious by having a few solar panels up on the hill that will have a negative impact on the town.
2. The spirit of the ordinance is to keep any structures away from the sides of the property. He is seeking this variance because there is a strip of the ridgeway through his property that is still owned by Roberta Wilkins. His property is not contiguous from Grand Hill down to Boutwell.
3. Substantial justice is done. If this variance is not granted, the options for adding solar or not having to pay for oil are limited even though still possible. He will be restricted to a single solar array instead of three. This would not be enough to power the whole house. Trying to build them in a different direction where it’s still within the property lines runs into the shade from the trees and would be visible to neighbors. In order for him to be able to produce his own energy for the house he needs this variance.
4. The values of surrounding properties are not diminished. Surrounding properties are not able to see these panels. Off of the southern side of the house there is Roberta Wilkin’s open land. Down the hill this is not visible to the abutter. If he had to put them in different places, it might affect the other neighbor’s houses. One option is to put them on the roof but he does not want to destroy the roofline of the house.
5. Literal enforcement of the ordinance would result in an unnecessary hardship. He would have to either put the panels on the roof or restrict him to a single array which would not be enough to power the house. The proposed use is a reasonable one. Granting this would not violate any sort of general public purpose of this zoning ordinance.

**O’Keefe** motioned to approve the variance as requested seconded by **Schuessler. Sturm** feels that the points were addressed adequately and sufficiently for us to issue a finding and give him this variance. All in favor.

The Board reviewed the minutes of December 21, 2021. **O’Keefe** motioned to approve the minutes as written seconded by **Sturm.** All in favor.

**7:45PM**

As there was no further business before the Board, **O’Keefe** motioned to adjourn seconded by **Schuessler.** All in favor.

Respectfully submitted,

Joan Cleary

Administrative Assistant