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The Board of Zoning Appeals (BZA) met in the Council Chambers at 5:30 p.m. Members present: Hoffmann, Huskey, Kappas, Klapper, and Throckmorton.

APPROVAL OF MINUTES: September and October 2019

****Throckmorton moved to approve the September minutes. Hoffmann seconded. Motion carried unanimously by voice vote.**

****Throckmorton moved to approve the October minutes. Hoffmann seconded. Motion carried unanimously by voice vote.**

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Scanlan stated the 2020 schedule of meeting dates was distributed to the Board via email.

Throckmorton reported that he received communication from Susan Brackney via his email account concerning UV/V-31-19 (Rimrock Companies). He replied to her email explaining that it was against the policy of the Board to receive such communications outside of normal proceedings. He forwarded that information to the City Planning and Transportation Department. Hoffmann indicated that he received the same email but did not open it since it isn't permitted for the BZA to take ex parte communication; Klapper and Huskey agreed.

Klapper announced the following continuances to the December 19, 2019 hearing: V-17-19 (City of Bloomington), UV-26-19 (Kimberly Carballo), and AA-41-19 (Judie Baker and David Holdman).

PETITIONS:

UV/V-31-19 **Rimrock Companies**
1901 W. 3rd St., and 307 S. Cory Lane
Request: Use variance to allow for larger units in the 'Mini-warehouse Facility' use in the Commercial Arterial (CA) zoning district. Also requested is a variance from non-residential sign standards.
Case Manager: Jackie Scanlan

► Let the record reflect that Cassaundra Huskey recused herself from this petition due to a conflict of interest.

Jackie Scanlan presented the staff report. The petition site is approximately 2.93 acres and is located on the south side of 3rd Street, east of Cory Lane and zoned Commercial Arterial (CA). Surrounding land uses include single-family residences both in the City and outside of City limits to the west; Culver's and vacant land to the north; commercial

to the east; and a vacant parcel with more single-family development outside of the City to the south. The property is currently vacant with some wooded areas and a billboard. The petitioner proposes to develop this site with three mini-warehouse facility buildings containing 41,600 square feet of storage space, as well as a 6,000 square foot office building. Six (6) parking spaces are included near the office building. One 32,325 square foot mini-warehouse facility building is also planned for the County parcel to the south. The Unified Development Ordinance (UDO) allows a maximum of 200 square feet per unit in a mini-warehouse facility. The petitioner would like to have 300 square foot units. A size limit is included in the definition of '*mini-warehouse facility*' to help limit the impacts of such facilities on surrounding properties and to differentiate the use from a general warehousing use as the impacts of the two uses (mini-warehouse facility and warehousing) can be quite different. The petitioner is requesting a use variance to allow for the larger units. The petitioner is also requesting a development variance related to freestanding signage. There is a legal non-conforming billboard located at the northeast corner of the petition site. The billboard lease is set to expire in 2020. According to a 2014 City survey, the sign is upwards of 500 square feet. The number of freestanding signs and square footage maximum are based on the amount of frontage that the parcel has on 3rd Street. The presence of the billboard prohibits any other freestanding signs for the site. The maximum square footage allowed for this property is 45 square feet. Again, the existing billboard is over 500 sq. ft. and takes up that allowance. The Plan Commission reviewed the use variance request at their October 7, 2019 meeting and voted 6-0 to forward a positive recommendation to the BZA. Staff finds that the property has no unique site details requiring larger units. Scanlan explained that the finings for a Use Variance are pretty strict and the request to allow allow larger units just doesn't meet those findings. The Comprehensive Plan designates this property as *Urban Corridor* and as such is designed to transform strip retail and commercial corridors along major roadways into a more urban mixed-use district. Even though this is an allowed use in the area, allowing intensification of an already auto-centric use does not support the goals of the Comprehensive Plan. As previously stated, the site allows for 45 sq. ft. of freestanding signage and the site already maintains more than 10 times that amount. A previous owner entered into a contract with the billboard company which utilizes and exceeds the freestanding sign allowance for the site. There are no practical difficulties related to on-site signage. The petitioner could use the existing sign in addition to utilizing wall signage. Therefore Staff recommends denial of UV/V-31-19 based on the written findings outlined in the staff report.

Mike Carmin is representing the petitioner. The property in question has 352 feet of street frontage along W. 3rd Street. The existing billboard is located in the far northeast corner which is approximately 15-18 feet off of the property line. If you take out the billboard then you have 332 feet of street frontage. If you look at the lots that are developed along 3rd Street, most of them average well under 330 feet. The existing billboard is under a lease that was signed in 2002 which is two previous property owners. It's a 6-year lease. The last time the lease was renewed was in 2014 and the lease will expire December 31, 2020. The addition of a freestanding sign within the 330 feet of road frontage that will be open (without the billboard on the property) is not injurious to the public health, safety, morals or general welfare of the community. He disagreed with Staff's finding of having no practical difficulty. He believes there is practical difficulty in terms of the use of the property given the large frontage with an existing freestanding sign, subject to a lease agreement, which is something they can't do anything about. Carmin submitted proposed findings for the development standards

variance, including proposed conditions of approval 1-4 (refer to case file for proposed findings). He encouraged the BZA to adopt the proposed findings and approve the sign variance. This would allow a brief period of overlap so the sign could be constructed in the same construction season. With regard to the use variance; there is a problem in the UDO pertaining to self-storage units—no more than 200 sq. feet. Anything larger than 200 sq. ft., jumps from being a personal property/non-commercial or non-business, consumer oriented use to “general warehousing.” This means vehicles, commercial uses, business uses—all sorts of things. Further, there is no middle ground. The reality is that consumers using these need more than 200 sq. feet. The amount of furniture people put in storage units is often an accumulation of bedroom furniture, living room furniture, etc. There is a need for a moderately larger (300 sq. feet) self-storage use, which is why the use variance is being requested.

BZA Discussion:

Throckmorton questioned whether or not a consumer would be turned away from renting a storage unit if they had a need for rental space greater than 200 sq. ft. Carmin replied it becomes a cost issue when a consumer has to rent two units and they end up with more space than needed. Discussion ensued regarding optional unit sizes that vary in price; whether or not business owners have the ability to rent these units; whether or not another location was considered that would allow larger storage; could the billboard be moved or sold to a different property. Carmin explained it isn't the location that creates the problem, it's the definition of “mini warehousing” in the code and the same issue would exist regardless of location. Carmin stated the lease for the billboard has followed the property and the current property owner assumed the lease in 2002. With the purchase of the property, his client would control the lease for the billboard whereby not allowing it to be renewed or extended past its lapse date. Scanlan explained there are right-of-way acquisition rules that require that if a billboard is being moved because of that reason, the billboard can be moved onto the property where the right-of-way is being taken from. Also, billboards aren't allowed anymore because the City wants them to grandfather out. Throckmorton asked if the billboard could be torn down once the petitioner takes ownership. Lamar is the actual owner of the billboard and Scanlan said they aren't interested in tearing it down. Throckmorton stated that a possible solution would be for the petitioner to go ahead and put in the foundation and to simply install the sign when the time comes (Scanlan agreed). Hoffmann asked Staff about sign limitations based on the size of the frontage. Hoffmann asked Staff to reference the language in the new UDO. Throckmorton went on record as saying, “We're not under the new UDO yet.” Throckmorton added if the UDO does change, the petitioner can't come back to the BZA. Scanlan said the 200 square foot language has been removed in the proposed UDO, but other language added such as screening for the neighbors. Hoffmann mentioned that part of this site isn't in the City's jurisdiction and wondered about Monroe County requirements. Scanlan said the County process is staff level site plan approval. Hoffmann asked about their size limitation. Scanlan believes the County will use 200 sq. ft. as well because the property is located in the AIFA (Area Intended for Future Annexation), which was rezoned in 2007—A City of Bloomington rezoning. At that time, this property was under the City of Bloomington planning jurisdiction so the property to the south is also CA (Commercial Arterial) from our code.

Daniel Butler, Bynum Fanyo & Associates, confirmed that the County limitation is the same as the City of Bloomington. Further, the County is adopting the current rules of the

UDO (Unified Development Ordinance). There are two lots on the County's portion that are included with this project but the petitioner isn't asking for any variance with regard to unit size or any other variance.

BZA & Staff Discussion:

Scanlan added that the new UDO puts in some restrictions when a use like this is going next to residential zoning districts, which is comparable to what the size limit is trying to do and that is keeping the use more friendly to an adjacent residential district. Where the new UDO is doing it in other ways such as: limitation on hours, buffer requirements, landscaping, etc. (Klapper confirmed that none of the criteria listed by Scanlan are currently in place). Kappas explained that he made a motion at the Plan Commission level to move the requested use variance forward to the BZA so a decision could be made on that part of the petition. However; the Plan Commission was unable to come to a consensus on the site plan itself. Scanlan said Staff's position on this case hasn't changed since the Plan Commission meeting. Klapper reminded everyone that the BZA only has preview over two aspects of this project. #1—the use variance as related to the size of the units and #2—whether or not a different sign would be allowed.

Public Comments:

Comments were made by Darrell Boggess and Susan Brackney. Their viewpoints varied in nature. Boggess encouraged the BZA to approve the variance due to safety reasons. He believes a larger storage unit would eliminate the need to have furniture stacked so high with the potential for injury when removing it from the unit. Brackney is opposed because she thinks this project will affect the use and value of adjacent properties. She said the neighborhood has flooding issues without this construction. Additional runoff from buildings would contribute to their already aging septic systems. She wondered about recent engineering and environmental studies and the results of both. She urged the Board to either deny the petition or postpone it until more information is obtained.

Butler said the proposed size of unit at 300 sq. ft. isn't uncommon in Bloomington; there are five locations that he's aware of. The locations are a mix of County and City. Throckmorton asked how many are located in the City (Butler said two Storage Express' on Dodds and Patterson). Scanlan added it's possible, depending on their zoning district that the warehousing use is allowed in those areas Hoffmann asked Staff if they were aware of any other variance granted that would allow for a 300-foot unit in a place zoned for 200-foot. Scanlan said she wasn't aware of any. Klapper asked if the petitioner was required to meet with neighbors. Scanlan said no. There weren't any neighborhood associations in the immediate area and all adjacent property owners are in the county.

****Hoffmann moved to deny the use variance portion of UV-31-19 based on the written findings 1-4 in the staff report, and a modification of finding #5 to state that, "The Board of Zoning Appeals defers to the Plan Commission recommendation with respect to interference with the Comprehensive Plan." Kappas seconded.**

Hoffmann said use variances of this type are seen by the BZA from time to time and it's essentially saying that we have a gap in our code. But at a time when we're about to adopt a new code, it's a peculiarly bad time to convince us that we need to do a use variance to fix something that is wrong with the code. The new UDO has been in the

works for quite some time. As a matter of timing, this type of use variance request seems like a losing argument and doesn't justify approval. Throckmorton doesn't believe the current code is deficient. What we're dealing with here is a desire; the commerce is dictating that they want to have something available to them on a consumer level in a consumer area. Hoffmann agreed. There isn't anything peculiar to the property that could plausibly justify the use variance. The argument of the petitioner is that it's a code defect—I don't buy it either. Throckmorton said he supports Hoffmann's motion.

ROLL CALL: 4:0—the use variance (UV) is denied.

****Throckmorton moved to deny V-31-19 portion of the petition (for the sign variance). Kappas seconded.**

Throckmorton believes the development standards variance for the sign is self-resolving. It really isn't an issue and it's not deserving of a variance. He said the addition of more signage is violating the very purpose of the code which is clutter. There isn't anything preventing the petitioner from putting in the sign once the lease for the sign ends. Kappas agreed with Throckmorton and is supportive of the denial. Klapper said she plans to vote against the denial; the petitioner has committed to getting rid of the billboard in 13 months which is positive and it's working towards the City's goal of minimizing these types of signs. Scanlan added that Lamar (owner of the billboard) isn't interested in terminating the lease before the end of the current lease because it's valuable to them. There isn't hardship in this situation. The petitioner can certainly go to Lamar, lease the sign and put their name on it. This situation isn't peculiar or damaging to the petitioner to wait to install a freestanding sign on top of the other things they have currently on the property that would allow them to let people know that storage will be available. Further, Throckmorton believes is a way to ensure things are done in an orderly and proper way.

Scanlan said a (yes) vote is to deny the development standards variance request for an additional freestanding sign.

ROLL CALL: 2:2 (Hoffmann and Klapper opposed)—motion fails and therefore the sign variance portion of this petition is automatically continued to the December 2019 hearing.

CU-39-19 **Amethyst House**
416 W. 4th St.
Request: Conditional Use approval to allow a rehabilitation clinic in the Commercial Downtown (CD) zoning district.
Case Manager: Ryan Robling

Ryan Robling presented the staff report. The petitioner is requesting conditional use approval to allow a rehabilitation clinic in the Commercial Downtown (CD) zoning district. The 4,356 square foot property is located at 416 W. 4th St. The property is zoned Commercial Downtown (CD), and is within the Downtown Edges Overlay (DEO) District. The site has been developed with a two-story single-family structure, and a detached accessory structure. The structure was identified as a registered duplex in 2002. The current structure contains only one unit, as verified by Housing and Neighborhood Development (HAND). The building is listed as contributing on the 2001 Historic Survey.

The property is on the north side of W. 4th Street; an improved alley runs along the north property line. The surrounding properties are also zoned CD and are within the DEO. The property to the north has been developed with a bank/credit union with three drive-through lanes. The two properties to west have been developed with single-family residences, and are being used as such. The property to the east has been developed with a single-family residence and is currently a bed and breakfast. The property to the south has been developed with a multi-tenant center. The petitioner is requesting conditional use approval to legitimize the site's current use as a rehabilitation clinic. The site began operating as a rehabilitation clinic in 2002, a use that was temporarily allowed by the Planning Department at that time. This approval was originally given to allow former tenants of the Amethyst House's 215 N. Rogers St. location to be temporarily housed at 416 W. 4th St. This temporary approval was given no expiration date and the site continues to operate as a home for victims of alcohol or drug use addiction, which the current UDO identifies as a rehabilitation clinic. This petition would allow the site to continue operating as a rehabilitation clinic. The Unified Development Ordinance (UDO) allows rehabilitation clinics as a conditional use in the Commercial Downtown (CD) zoning district. The Downtown Edges Overlay (DEO) allows all uses listed as conditional uses in the CD zoning district to be conditional uses in the DEO. The proposed Conditional Use does not interfere with the goals and objectives of the Comprehensive Plan. The Comprehensive Plan has identified this area as "Downtown". Policy 4.1.1 of the Comprehensive Plan gives guidance to "Recognize the significance of traditional architecture, innovative, yet durable, compatible, high-quality architecture, and compact urban form in supporting community character" in the downtown. This Conditional Use will continue to utilize a property which has been identified as contributing on the 2001 Historic Survey. No changes to the structure are proposed as a part of this petition. Policy 1.2.1 gives guidance to "Work with community partners to facilitate access to mental health services and addictions treatments." The proposed continued use of the property as a rehabilitation clinic will further that policy goal by helping residents overcome addictions. The proposed use will not have an undue adverse impact upon the adjacent property or character of the area as a result of this petition. The site is adequately served by all public utilities. No new development is proposed as part of this petition. No undue traffic congestion is expected as a result of this petition. The proposed use currently exist on site and has not caused undue traffic to the area. The property fronts on W. 4th Street which is identified in the Transportation Plan as a local road. Surrounding streets including Rogers Street (west of the site), and Kirkwood Avenue (north of the site), also identified as arterial streets. The proposed use's hours of operation, and trash and waste collection will not pose a hazard to the neighborhood. The proposed use will operate 24 hours a day as a residence. The hours of operation will not be out of character with the surrounding area. The site abuts a bank with a 24-hour drive-through ATM, and a bed and breakfast. No new signage has been proposed at this time. Any future signage will be reviewed by staff according to the UDO standards. Staff recommends approval of CU-39-19 based on the written findings in the staff report, including the following condition:

1. A site plan meeting the site plan requirements cited above must be approved and installed before the use can commence on the site.

► Let the record reflect that Cassaundra Huskey rejoined the Board.

Mark DeLong, Executive Director, stated that Amethyst House has been in the Bloomington community for forty years. Their mission is to provide a foundation for recovery by partnering with individual, families, and communities impacted by substance abuse disorders. This is a request for a conditional use approval to use 416 W. 4th Street (owned by Amethyst House) to be designated as a rehabilitation clinic. He said they are currently in the process of selling this property to another substance use disorder treatment program. This property will continue to provide quality care and help to address the needs of the Bloomington community in regards to clean and sober housing and substance use disorder issues.

No comments from the public.

****Hoffmann moved to approve CU-39-19 based on the written findings, including the one condition outlined in the staff report. Throckmorton seconded. Motion carried by voice vote 5:0—Approved.**

V-42-19

Victoria Hilkevitch

1701 E. Circle Dr.

Request: Variance from front yard building setback standards to allow for a ground mounted solar array in a Single-family (RS) zoning district.

Case Manager: Keegan Gulick

Keegan Gulick presented the staff report. The petitioner is requesting a variance from front yard building setbacks standards to allow for a ground mounted solar array. The property is located on the north side of E. Circle Drive at the corner of E. Circle Drive and S. Eastside Drive and is zoned Residential Single-Family (RS). The property has been developed with a single family structure. Surrounding land uses are all single-family residential in nature. The petitioner is proposing to construct a ground mounted solar array on the southwest corner of the lot. The proposed solar array would be 10' 5½" long and 26' 5" wide and 6'-9½" from ground level at its highest point. The house is located approximately 35' from the south property line. The solar array is planned for the front yard, and would therefore be located approximately 5' from the south property line. While ground-mounted solar arrays are not listed in the Unified Development Ordinance, most substantially-sized accessory structures require a 35' front yard setback, while a residence can be located 15' from the front property line. The petitioner is requesting a variance from the required front yard building setback requirement to allow for a 5' front yard setback for the solar array. The current UDO does not define solar arrays so staff considers this to be an "accessory structure." Additionally, a solar array provides much more benefit to the owner and community as a generator of renewable energy. The petitioner does not believe she should have the trees cut down in order to build a solar array as the trees are important to the character and quality of her property and the neighborhood. The petitioner's proposal is in line with the goals of the Comprehensive Plan. Goal 3.1 calls to "increase renewable energy sources and reduce community-wide fossil fuel consumption." Goal 3.6 calls to "protect local air quality from pollutants," and goal 3.7 is to "reduce greenhouse gas emissions." These goals are achieved by both preserving the trees currently on the property and constructing the solar array. We received 17 letters of support for approving the variance and one (1) letter opposing the variance. The petitioner has suggested they would be interested in screening the structural elements of the solar array using landscaping or a decorative fence. Staff finds no injury to the public health, safety, morals, or general welfare of the community from

the reduced setback for the solar array. The right-of-way for Circle Drive is larger than what is typical for neighborhood streets which has the effect of pushing the front setback line deeper into the lot than other Residential Single-Family (RS) zoned properties. An array set 5' from the property line will still be more than 15' from the edge of pavement. Staff finds no negative impact on the use or value of adjacent properties as a result of the reduced setback. There is no data that suggests that solar panels hurt property values. Additionally, a condition of approval has been included to require screening the structural elements of the array with vegetation. Staff finds that strict application of the terms of the Unified Development Ordinance would result in practical difficulties in the use of the property in that the location of the house and existing trees combine to exclude the location of solar arrays elsewhere on the property. Solar arrays are part of renewable energy allowances called for in the Comprehensive Plan. This property is on a corner lot with two front-yard setbacks where the home has been built in the northwest corner, so that there is little space in the side and rear yards for a structure of this size. Shade from the surrounding trees would also be an issue for placing the solar array on the roof of the primary structure or in the rear yard. Due to the presence of several large trees on the petitioner's property there is limited space that would offer optimal sunlight for the solar array. The larger than average right-of-way on the street ameliorates concern for structures being placed immediately adjacent to roadways, as an additional grassed area is built-in adjacent to the pavement, meeting the intention of the setback requirement. Staff recommends approval of V-42-19 based on the written findings in the staff report, including the following conditions:

1. The solar array is located at least five (5) feet from the right-of-way. Additional distance from the right-of-way is preferred if optimal sunlight collection can be achieved.
2. The structural elements of the solar array shall be screened with landscaping or a decorative fence within one month of installation of the array.

Ryan Zaricki is the president and founder of Whole Sun Designs, developer for the project. He said there are huge/beautiful Oak trees on-site that have been a cornerstone of the neighborhood for years and they don't want to cut them down. Cutting down healthy, mature trees means losing shade, water management, fresh air production, etc. He and the petitioner explored other options for the solar panels but the existing trees cause a dramatic reduction of the system's efficacy because of shading. He encouraged the BZA to approve the variance request.

BZA Discussion:

Hoffmann stated that he, too, has solar panels on his home. It's his understanding that there are parts of the solar installation that can be dangerous if people touch them. He queried if this solar array "area" would be protected. Zaricki explained it's just like any electrical appliance or breaker box. Of course, if you pull the cover off and get inside there is potentially harmful current that someone could encounter, but all of the equipment Whole Sun installs relative to a passerby (assuming there is no malicious intent of cutting wires), would not be harmful. This area would be protected and labeled properly; relaying the potential electrical hazard. In addition, the proposed screening will help to protect it. Throckmorton referenced an open area behind the house (in the northwest corner) that has full sun versus the proposed location that would get shade in

the morning and in the afternoon from the tree on the adjacent property. He asked the petitioner to explain why the northern portion of the site is not feasible. Zaricki explained when his company cites solar panels they want an open sky to the south because that's where the track of the sun happens. The sun rises in the east, sets in the west and tracks across the southern sky. He said if they put solar panels to the north with trees to the south their going to catch shade over the majority of the day; ideally you want 9 AM to 3 PM—4 PM to catch the solar window for the solar resource.

Discussion ensued between Throckmorton and Zaricki regarding where to best place the solar arrays in terms of available space on the lot in addition to the existing trees and their height.

Huskey said this is being defined as an accessory structure but wondered if there were any other options. Gulick explained that solar arrays are not defined in the current code (the UDO) so staff defined this as an accessory structure. An accessory structure in the current code is defined as something that takes up space.

Public comments in favor of the petition:

Abby Adams owns the house directly to the west of the site in question. She's excited about the solar arrays and think it shows a clear sign of progress in the community. She and her husband have no objections to it.

Public comments in opposition of the petition:

Jill Zai is an adjacent property owner at 929 Eastside Drive. She is opposed to the variance. She and her husband would actually see the solar arrays from their living room window. The character of the neighborhood would suffer from such a massive display on the front lawn, which is very close to the street. She also has questions about the type of fence the petitioner would install, decorative or otherwise. Also, there was a discrepancy in the staff report in regards to the letters of support for this petition. The staff report indicated there were seventeen letters of support but in fact there were only seven. Sulaimon Zai (Jill's husband) said he and his wife are opposed to the solar panels because it's a direct line from their living room picture window. He would like to lookout his front window without seeing technology a few feet away. He and his wife are in favor of solar but he would rather see them placed on the roof.

Darrell Boggess said he uses solar at his home too. The system includes a device called an inverter that changes DC to AC. The inverter can communicate on the internet. You can look on a laptop or telephone and see a chart that is in real time chart. It's a diagram showing how much energy is produced minute by minute. From his experience, the trees (with or without leaves) make a significant difference in output. He said you could put solar panels in the back yard but he would be skeptical about doing so. He thinks putting the solar panels in front is best if the sole purpose is to generate electricity.

Victoria Hilkevitch, petitioner, tried to understand exactly where the aesthetic threat would be for the Zai's. She said they would only have a small visual experience with regard to the panels. There are large, existing Oak trees as well as a Rhododendron tree between the proposed panels and their property. She honors aesthetics. She would be

happy to do additional landscaping to make it more desirable for the Zai's and the rest of neighborhood.

Hoffmann confirmed the side of the solar panels would be screened. As long as that particular screening doesn't project too much above the height of the panels themselves. Hoffmann wondered how condition #2 in the staff report could be implemented. It seems we ought to be saying, "Do whatever it takes to block that view in a manner that Staff can work with the petitioner and the remonstrator to make sure that it takes place." Hoffmann asked Staff to clarify their intent. Scanlan explained that Staff included the screening condition (condition #2) for the sides; from the side view the panels will be facing south so the east/west views will be the most visible. Hoffmann stated the remonstrance is all about the east side view. The east side ought to be capable of being totally screened (Scanlan agreed). Scanlan stated that Staff plans to work with the City's Sr. Environmental Planner, Linda Thompson, for suggestions on tall grasses that could be easily maintained, aesthetically pleasing, but still allow the array to function to its fullest capacity. Hoffmann said on that understanding he would move to approve the petition.

****Hoffmann moved to approve V-42-19 based on written findings, including the two conditions outlined in the staff report in addition to the previous discussion regarding condition #2. Kappas seconded.**

Throckmorton had concerns because if this were an electrical substation the Board would say no. In his opinion, this is an electrical substation.

ROLL CALL: Motion carried by voice vote 4:1—Approved (Throckmorton opposed).

Meeting adjourned.