

Tax Map/Block/Parcel
No. 77-02-373
Case 5856

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Paradise Energy Solutions, LLC
875 Brackbill Road
Gap, PA 17527

ATTORNEY: N/A

REQUEST: A request for a height variance for the installation of a ground tracker mounted solar array.

LOCATION: The site is located at 1160 Sean Circle, Woodbine, MD 21797, on property zoned "A" Agricultural District in Election District 14.

BASIS: Code of Public Local Laws and Ordinances, Chapter 158.153

HEARING HELD: June 23, 2015

FINDINGS AND CONCLUSION

On June 23, 2015, the Board of Zoning Appeals (the Board) convened to hear the request for a height variance for the installation of a ground tracker mounted solar array. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Jose Pabon, Process Manager with Paradise Energy Solutions, LLC, testified in the case. He testified that the dual axis tracker would follow the sun to produce up to 45% more energy than fixed solar panels. The tracker would be in the rear yard. He stated that the home owners were requesting a tracker mounted solar array with twenty-four modules. It would have six rows of four panels and look similar to page one of Exhibit 1. At its highest point the tracker mounted solar array would be little more than twenty-two feet high. Section 158.153 provides for a height limit of ten feet. Therefore, the applicant is requesting a variance of approximately twelve feet. Page three of Exhibit 1 indicates that the total height could be 22' 1/4". A ground mounted tracker would be much larger, up to twice as large, to be able to achieve the same energy as this ground tracker mounted solar array.

David Sites testified that if he covered the whole roof that he would not get the same efficiency from the solar panels. He stated that most of his neighbors would not be able to see the ground tracker mounted solar array. Only one neighbor would have the ability to see the

structure. He tried to make the tracker system as unobtrusive to neighbors and still maximize the energy created. He testified in favor of the ground tracker mounted solar array.

Dorothy Sites also testified in favor of the ground tracker mounted solar array. She stated that they would get 45% of their energy needs with this system. She added that a ground mounted solar system would have twice as many panels. The system she was requesting was much more efficient than a ground mounted system as set forth in Section 158.153.

Section 158.153 of the Code addressed the situation of ground mounted tracker systems. Those system would remain in one place and always be essentially flat. The ten foot height restriction made sense for ground mounted tracking systems alone. The County Commissioners did not consider ground tracker mounted solar arrays that would follow the sun. The ten foot height requirement could not be met for these systems.

The Board was convinced that authorization of the request with regard to a height variance was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the height variance requested by the applicant.

Date

Gary E. Dunkleberger, Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.