



MONTHLY ZONING AND PLANNING REPORT

January 9, 2024 – County Services Committee

ACTIONS COMING FROM THE ZONING BOARD OF APPEALS - None

ACTIONS GOING TO THE ZONING BOARD OF APPEALS - None

ACTIONS COMING FROM THE PLANNING COMMISSION – None

ACTIONS GOING TO THE PLANNING COMMISSION – None

OTHER ACTIONS FROM THE ZONING OFFICE –

On January 4, 2024, the Zoning Board of Appeals met. Petition No. 23-P-1617 by Steward Creek Solar, LLC was introduced and subsequently continued to January 16, 2024 at 6:00 p.m. due to the hearing facilitator's availability. Presentation of evidence will begin that evening.

Additionally, the ZBA heard Petition No. 23-AP-1620 by Maples Road Solar 1, LLC who submitted an Appeal of Lee County Zoning Administrator's Determination Dated November 2, 2023. The Lee County Code grants the ZBA the authority to hear and decide appeals of determinations made by the Zoning Office.

In a letter to the Lee County Zoning Administrator, dated October 6, 2023, Maples Road Solar 1, LLC requested a formal determination from the Zoning Office for the term, "adjacent, non-participating." It was their position that the term should be defined as, "any dwelling that is owned by a person who is not a party to the proposed use and that sits on a parcel that shares property line with the leasehold area or the boundary of the leased area of the solar energy system.

In a letter dated November 2, 2023, I responded to their request on behalf of the Zoning Office and made the formal determination that the term, "adjacent, non-participating" means any dwelling that is owned by a person who is not a party to the proposed use and that sits on a parcel that shares a property line with the project parcel, with the project parcel being defined as the parcel cited in the zoning petition, on which a proposed project may be sited.

As a result of this determination, Maples Road Solar 1, LLC filed its appeal to the Zoning Board of Appeals. After hearing both the arguments of Maples Road Solar 1, LLC and myself on behalf of



the Zoning Office, the ZBA decided to uphold the determination made by the Zoning Office in its letter dated November 2, 2023.

Petitioner Maples Road Solar 1, LLC still has the option to send this to the circuit court for a *de novo* review. I will keep the County Board informed of any further appeal of this determination.

The Zoning Department has continued to work with County Administrator Jeremy Englund and LOTS Executive Director Greg Gates on a grant application that would assist the County with the adoption of building codes. Our final submission deadline is January 15, 2024.

The Zoning Office has processed 13 building permits for the month of December 2023.

Total permit fees collected in November: \$9,055.16.