

**CITY OF PELLA, IOWA  
BOARD OF ADJUSTMENT MINUTES  
MARCH 21, 2022**

**CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL**

Chairperson Westra called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Kristi Kious, Vince Nossaman, Jaci Nunnikhoven, Susan Reiter, Merlan Rolffs, Lyle Vander Meiden, and Corey Westra; absent: Mike Vander Wert. Staff present: Planning and Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. No members of the public attended the meeting.

**CHAIRPERSON'S COMMENTS**

**Approval of the Tentative Agenda**

**Motion** by Vander Meiden, second by Reiter to approve the tentative agenda. Motion carried 7-0.

**APPROVAL OF MINUTES**

**Motion** by Nossaman, second by Nunnikhoven to approve the February 21, 2022 minutes. Motion carried 7-0.

**PUBLIC HEARINGS**

**Consider a Special Use Permit (SUP) Request to Construct a Roof-Mounted Solar Panel Array at 502 Washington Street**

SunPro Solar sought to construct a solar array on the roof of 502 Washington Street. Under Chapter 165.26.5 of the Zoning Code, all solar arrays over 100 square feet on residential lots require an SUP. Staff believes the proposed use agrees with the zoning code and recommended approval as submitted.

Convened **Public Hearing** on the SUP request. No written comments were received.

**Motion** by Reiter, second by Nossaman to close the **Public Hearing** as no comments were received. Motion carried 7-0.

**Motion** by Reiter, second by Nunnikhoven to approve the SUP request as submitted. Motion carried 7-0.

## NEW BUSINESS

### **Consider a Recommendation to Modify the City of Pella Municipal Code Regarding the Installation of Solar Energy Systems**

The Board of Adjustment, at the February 21, 2022, meeting, requested that staff investigate the possibility of modifying the City of Pella Municipal Code to allow certain solar energy systems to be exempt from the SUP system currently in place.

Current Pella Municipal Code, Section 165.26.5, requires all solar energy systems with arrays over 100 square feet on residential lots being constructed in the City to come before the Board for approval of an SUP. As the push for renewable energy increases, solar systems are becoming more prevalent in the area. The requirement for an SUP for each system can be very time intensive.

This modification of the Municipal Code was reviewed by the City Attorney. She has provided the following information:

“There is no specific solar panel siting statute under state law. In general, Iowa Code section 414.3(1) provides all zoning regulations “shall be made in accordance with a comprehensive plan and designed to: “promote reasonable access to solar energy.” Allowing solar panels to be installed as a permitted use under a building permit rather than an SUP approved by the Board of Adjustment would generally seem to be consistent with the directive to “promote reasonable access to solar energy.” Several other communities in Iowa allow solar panel installation under some form of a building permit process. Finally, there is no state law which would prohibit the City from amending its ordinance to change solar panel installation requests from a special use to a building permit application under its zoning code.”

Currently the code has two options to process solar energy systems:

1. Solar Energy System-Minor: For systems under 100 square feet, allows the Zoning Administrator and Building Official to approve.
2. Solar Energy System: For systems over 100 square feet, requires the Board to approve an SUP.

Listed below are the staff suggested modifications for the Pella Municipal Code, Section 165.26.5, regarding the installation of solar systems:

1. All residential roof mount solar energy systems, regardless of square foot size, are no longer required to have an SUP granted by the Board of Adjustment. Residential roof mount systems will be treated as a Solar Energy System – Minor. Exceptions are as follows:
  - a. Any roof mount residential solar energy system over 100 square feet in the Central Business District (CBD) will require an SUP.
  - b. Any residential roof mount solar energy system over 100 square feet on properties fronting a Gateway Corridor will require an SUP.

- c. Any residential ground mount solar energy system over 100 square feet will require an SUP.
2. Non-Residential Solar Energy Systems over 100 square feet will continue to require SUP approval by the Board of Adjustment.

Staff requested that the Board of Adjustment review the proposed code modifications and make a recommendation to City Council to modify Chapter 165.26.5 as described.

Rolffs questioned whether buildings with unique roofs, such as flat roofs or mansard roofs, should be a factor when considering whether an SUP should be required. In response to a question from Vander Meiden, Planning and Zoning Gerald Buydos explained that the Board could choose to have solar energy system SUPs come before the Board for multi-family residences. Staff will research requiring an SUP for roof-mounted solar energy systems over 100 square feet for multi-family structures.

Following discussion, the Board decided to table this item.

**Motion** by Vander Meiden, second by Reiter to table this item. Motion carried 7-0.

## **OTHER BUSINESS**

### **Work Session to Review the Board of Adjustment Procedural Rules**

The City of Pella Board of Adjustment Procedural Rules govern the conduct of the Board. As the rules have not been amended since their adoption in 2008, staff asked the Board to review them for familiarity and to determine whether any changes should be made. Following review, the Board decided that no changes to the Procedural Rules are necessary. The Procedural Rules will be reviewed by the Board on an annual basis going forward.

### **Next Meeting Date**

The next meeting is scheduled for April 18, 2022.

Adjourned at 6:47 p.m.