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a variance?

SPEAKER MARVEL: You have one minute.

SENATOR HOAGLAND: That is right. If the existing zoning regulations are written in such a restrictive way that a solar unit could not be protected, why the local zoning board if it wants could grant a variance on those regulations to permit protection of the unit.

SENATOR VENDITTE: Very good. That is all, Mr. President. Thank you, Senator Hoagland.

SPEAKER MARVEL: Senator Stoney and then Senator Cope.

SENATOR STONEY: Mr. President, members of the Legislature, a question of Senator Hoagland if he would respond please. Senator Hoagland, I think that you have touched on some of the other concerns that I had in your exchange of dialogue with Senator Venditte but another question that comes to mind is that in the absence of the ability to consummate a voluntary agreement between the two parties, the individual wishing to use the solar structure and a neighbor, is there any alternative if they are unable to come to an agreement?

SENATOR HOAGLAND: There really is not, Senator Stoney, unless they could convince the local zoning board to enact a regulation of general application that would prohibit the neighbor from doing what he wants to do that would result in blocking the solar unit's access to the sun.

SENATOR STONEY: And one final question, Senator Hoagland, with reference to the easement, you indicated in your opening remarks that this continues with the land and becomes a part of the deed?

SENATOR HOAGLAND: It becomes a restriction on the use of the land.

SENATOR STONEY: Then any individual that subsequently would purchase that land would have notice of that particular easement because it would be listed accordingly, right?

SENATOR HOAGLAND: It would be listed, and furthermore, Senator, if he didn't like that restriction, why then he could negotiate away the restriction with the original neighbor conceivably.