

REQUEST:

Special Use Permit by James Ward for Solar Panels at 7218 Chaddsley Drive— SUP16-02

ZONING ORDINANCE CRITERIA AND STAFF COMMENTS

Applicable Ordinance Criteria from Article 3: Zoning Districts

Article 3.2.4

Minor residential solar energy facilities facing a public street or common access space are allowed in the Neighborhood Residential District (NR) with the issuance of a special use permit and subject to the conditions outlined in Article 9.54.

STAFF FINDINGS: James Ward of GreenPower of NC and property owner, Jonathan Brown, have applied for a special use permit to install a minor residential solar energy facility (solar panels) on the front roof slope above the façade of a house facing a public street. The property is located at 7218 Chaddsley Drive and is zoned Neighborhood Residential (NR). See attached application (attachment A) showing the proposed minor residential solar energy facility.

Applicable Ordinance Criteria from Article 9: Conditions For Certain Uses

Article 9.54

Any major or minor solar energy facility shall require approval from all applicable state and federal agencies as well as the affected energy provider.

STAFF FINDINGS: In a statement from the applicant all permits will be obtained prior to installation of the solar panels.

Article 9.54.1 (A)

Residential Property (refer to illustration): Minor solar facilities shall be allowed in accordance with the provisions below:

Minor Solar Facility on Residential Property		
Street/common access or yard	Street or Common Access	
	Front Yard Prohibited (1)	(1) Front yard placement is prohibited.
	Front Façade SUP (2)	(2) Front façade placement (if facing street or common access) requires a Special Use Permit (SUP).
	Roof (3) SUP	(3) Front roof slope placement requires a Special Use Permit (SUP)
	Side Yard (4)	(4) Side & rear yard placement permitted as by-right accessory use in all districts subject to the issuance of a zoning permit.
	Rear Yard (4)	(5) Side & rear roof slope placement permitted as a by-right accessory use in all districts subject to the issuance of a zoning permit.

STAFF FINDINGS: *The applicant is requesting a special use permit for the instillation of solar panels in two locations on the front roof slope. See image below and the application, attached, for approximate location of solar panels.*



Article 9.54.1 (E)

Minor rooftop solar energy facilities shall not be considered as rooftop equipment on any building type and therefore, do not require screening and are not subject to any architectural standards that would prohibit reflective materials.

STAFF FINDINGS: The solar energy facilities will not be considered rooftop equipment and screening or architectural standards are not required.

Applicable Ordinance Criteria from Article 11: Administration

Article 11.4.10 (E)

Hearing

- (1) A Special Use Permit hearing will be conducted as a quasi-judicial hearing before the Town Board.
- (2) The applicant has the burden of producing competent, material and substantial evidence establishing that:
 - The proposed special use will comply with all of the lot, size, yard, and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
 - The proposed special use will comply with all general and specific standards required by the appropriate sections of this ordinance for the issuance of a special use permit for this use.

STAFF FINDINGS: The applicant has provided substantial evidence for staff to find the solar panels will comply with general standards of the ordinance for the issuance of a special use permit.

Article 11.4.10 (F)

Recommendation and Decision

- (1) In considering an application for a special use permit, the Planning Board is an advisory capacity and the Town Board, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relations to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized.

- (2) Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Town Board may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Town Board.

STAFF FINDINGS: In a statement from the applicant, the solar panel will not produce any glare into the public right of way or onto adjacent property owners (see attachment B). Staff is not aware of any effects the minor solar energy facility (solar panels) will have on the health and safety of adjacent property owners. Based on the application the neighborhood HOA has approved the plans for installation of the solar panels (see attachment C).

Additionally, equipment, such a device to convert solar energy into electrical power maybe out of character at ground level.

ATTACHMENTS

A – Application

B- No Glare Statement

C- HOA Approval Letter

STAFF RECOMMENDATION

Staff recommends approval of the application based on the following findings of fact:

1. James Ward and Jonathan Brown have applied for a special use permit for a minor residential solar energy facility (further referred to as solar panels) facing a public street at 7218 Chaddsley Drive (zoned NR).
2. Applicants have stated that all permits will be obtained prior to installation of solar panels.
3. Applicants are requesting a special use permit for instillation of solar panels in two locations on the front roof slope of the dwelling located at 7218 Chaddsley Drive.
4. The solar panels will not be considered rooftop equipment and screening or architectural standards are not required.
5. Applicant has provided substantial evidence for staff to find that solar panels will comply with general standards of the ordinance for the issuance of a special use permit.
6. Applicants have stated no glare into public right of way or adjacent property owners will be produced from the solar panels.
7. HOA approval has been obtained.

Staff recommends approval with the following conditions:

1. All ground level equipment should be located at the side or rear of the house located at 7218 Chaddsley Drive.
2. No glare from the solar energy facilities (solar panels) should be produced into the public right of way in front of the house or any adjoining properties to 7218 Chaddsley Drive.

PLANNING BOARD RECOMMENDATION

Planning Board Recommends approval of the application based on the following findings of fact:

1. The application is reasonable and does not pose an injurious effect on adjoining properties
2. The character of the neighborhood, health, safety and general welfare of the community will be minimized with the following conditions:
 - a. All ground level equipment should be located at the side or rear of the house at 7218 Chaddsley Drive, and
 - b. No glare from solar energy facility (solar panels) should be produced into the public right of way in front of the house or any adjoining properties to 7218 Chaddsley Drive.
3. The neighborhood HOA has approved the plans for installation of the solar panels
4. Necessary permits will be obtained from State and Federal agencies.

DECISION STATEMENT

In favor of the Special Use Permit:

In considering the Special Use Permit SUP16-02, Solar Panels at 7218 Chaddsley Drive, we, the Town Board, find that the request meets all required conditions and specifications, is reasonable and does not pose an injurious effect on adjoining properties, and finds that the character of the neighborhood or health, safety and general welfare of the community will be minimized with the following conditions:

1. All ground level equipment should be located at the side or rear of the house located at 7218 Chaddsley Drive.
2. No glare from the solar energy facilities (solar panels) should be produced into the public right of way in front of the house or any adjoining properties to 7218 Chaddsley Drive.

This decision is supported by the following findings:

- 1.)
- 2.)

Add additional statements as necessary.

Against Special Use Permit:

In considering the Special Use Permit SUP16-02, Solar Panels at 7218 Chaddsley Drive, we, the Town Board, find that the request does not meet the required conditions and specifications.

(List which conditions are not being met)

- 1)
- 2)

Add additional statements as necessary.

In addition, the use poses an injurious effect on adjoining properties and the Town Board finds that the request is not character of the neighborhood and there will be negative effects on the health, safety and general welfare of the surrounding community based on the following findings:

- 1)
- 2)

Add additional statements as necessary.



General Application

Incomplete submissions will not be accepted. Please check all items carefully.

1. Application Type

Please indicate the type of application you are submitting. If you are applying for two (2) actions, provide a separate application for each action. **In addition to the application, the submission process for each application type can be found at**

<http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>

- ☐ CHANGE OF USE
- ☐ COMMERCIAL SITE PLAN
- ☐ CONDITIONAL REZONING
- ☐ GENERAL REZONING
- ☐ MASTER SIGNAGE PROGRAM
- ☐ REVISION to _____
- ☒ SPECIAL USE PERMIT

SUBDIVISION CATEGORIES: *Per the Huntersville Subdivision Ordinance*

- ☐ SKETCH PLAN
- ☐ PRELIMINARY PLAN
- ☐ FINAL PLAT (includes minor and exempt plats)
- ☐ FINAL PLAT REVISION
- ☐ FARMHOUSE CLUSTER

2. Project Data

Date of Application 9/23/2016

Name of Project Jonathan Brown

Phase # (if subdivision) _____

Location 7218 Chaddsley Dr., Huntersville, NC 28078

Parcel Identification Number(s) (PIN) 009311301

Current Zoning District Huntersville

Proposed District (for rezonings only) _____

Property Size (acres) 0.964

Street Frontage (feet) 80

Current Land Use R100

Proposed Land Use(s) solar panels on the front facade

Is the project within Huntersville's corporate limits?

Yes ☒ No ☐ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Briefly explain the nature of this request. If a separate sheet is necessary, please attach to this application.

Install solar panels on the front of the home, we met the HOA President who has already given approval for the location of the installation.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <http://www.huntersville.org/Departments/Planning/PermitsProcess.aspx>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies.

For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. Signatures

*Applicant's Signature James Ward Digitally signed by James Ward
DN: cn=James Ward, o=ou,
email=xvzsoak@gmail.com, c=US
Date: 2016.09.23 13:46:05 -04'00' Printed Name James Ward

Address of Applicant 891 West Star St., Greenville, NC 27834

Email james.ward@greenpowernc.com

Property Owner's Signature (if different than applicant) Jonathan Brown Digitally signed by Jonathan Brown
Date: 2016.09.24 12:10:01 -04'00'

Printed Name Jonathan Brown

Property Owner's Address 7218 Chaddsley Dr. Email jonbmw_@hotmail.com

* Applicant hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

GreenPower of NC	James Ward	9199988879	james.ward@greenpowernc.com
Development Firm	Name of contact	Phone	Email

Design Firm	Name of contact	Phone	Email
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If Applying for a General Rezoning:

Please provide the name and Address of owner(s) of fee simple title of each parcel that is included in this rezoning petition. If additional space is needed for signatures, attach an addendum to this application.

If Applying for a Conditional Rezoning:

Every owner of each parcel included in this rezoning petition, or the owner (s) duly authorized agent, must sign this petition. If signed by an agent, this petition MUST be accompanied by a statement signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in filing this petition. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID PETITION. **If additional space is needed for signatures, attach an addendum to this application.**

Signature, name, firm, address, phone number and email of Duly Authorized Agent by owner needed below:

If Applying for a Subdivision:

By signature below, I hereby acknowledge my understanding that the Major Subdivision Sketch Plan Process is a quasi-judicial procedure and contact with the Board of Commissioners shall **only** occur under sworn testimony at the public hearing.

James Ward *Ces*

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	http://www.huntersville.org/Departments/Planning.aspx



YOUR FIRST STEP IN THE RIGHT DIRECTION

Converting to solar energy is a big step. The selection of solar panels to choose from today can be daunting. Working closely with your installer, we want to make the decision as easy as possible for you.

WHY PANASONIC?

You probably know Panasonic as a consumer electronics leader. Did you know how that we've been a solar partner since the green revolution began? We started developing promising renewable energy solutions over 40 years ago, and have amassed over 150 solar industry patents to date. It began with the research and development of amorphous silicon solar cells in 1976. In 1997, our innovative solar panels were introduced to the world, earning us the distinction of being the first solar panel manufacturer to be awarded a patent for our technology. Today, we continue to lead the industry in research and development, and our commitment to quality is evident in every product we produce. We're proud to be a leader in the solar industry, and we're committed to providing you with the best solar panels available.

BUILT AND GUARANTEED FOR THE LONG HAUL

The Highest Testing Standards

Merely good is not good enough to us. For you. Rigorous performance testing under all conditions helps us guarantee your investment of time, effort and money. That's why we demand our testing criteria be more stringent than acceptable industry standards. In fact, our testing protocol exceeds the two primary 24 additional tests beyond those mandated by current standards.

Quality and reliability are in our DNA

Panasonic began mass production of HIT[®] panels back in 1997, with an amazingly low failure rate of 0.01% through 2016. That's because we keep complete control over the production process. No 3rd party suppliers are utilized. What's more, our 15-year workmanship and 25-year material warranty prove you're getting the most from your investment. And the very best solar technology. With Panasonic, you can rely on knowing that the solar panels you're choosing are backed by the quality and financial strength of a \$30 billion Fortune 500[®] company. And a name you can trust.

*Based on an accelerated lifetime of 30 years based on 2013 and January 2015.

PANASONIC SOLAR PANELS - TIMELINE



HIT[®] PERFORMANCE RECORDS FOR CONVERSION EFFICIENCY

Cell conversion efficiency Current world record, set in 2016 ¹	25.6%	Panel conversion efficiency New world record, set in 2016 ²	23.8%
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1. Based on a 100 cm² area. 2. Based on a 100 cm² area. 3. Based on a 100 cm² area. 4. Based on a 100 cm² area.

Panasonic
Panasonic Energy Solutions of North America
Two Riverfront Plaza, 25th Floor, Newark, NJ 07102
1-800-451-7373
www.panasonic-energy.com

Panasonic

HIT

EMPOWER YOUR HOME
Reliable, Affordable, Responsible Energy. From the Brand You Trust.





TURN YOUR HOME INTO A POWERHOUSE - THE HIT® ADVANTAGE

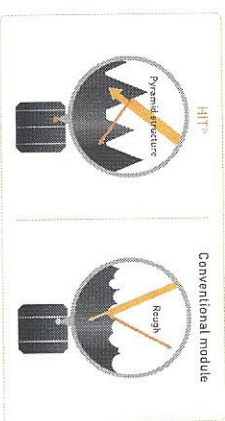
Advanced Bifacial Cell Designed for Increased Energy Output

The ingenious bifacial cell generates energy from both sides, effectively capturing both short wavelength and long wavelength light entering the panels. Typically, more diffuse or longer wavelength light - like early morning or late day light - would contribute very little to the overall energy production of the panel due to the angle of the light waves. With Panasonic panels, more light is captured and converted into energy.



Original Pyramid Structure

The rough surface of conventional panels reflects sunlight out of the cell. Our unique pyramid structure captures sunlight more efficiently by reducing reflection and directing light inside the cells. The additional sunlight absorption generates more electricity output for your home.



N330/N325

Unique Water Drainage

The water drainage system prevents rain water accumulation and eliminates water stains from the panel surface.



State-of-the-Art Heterojunction Technology

Our unique cell structure uses ultra-thin amorphous silicon layers. These thin dual layers reduce carrier loss, resulting in higher energy output than conventional panels.

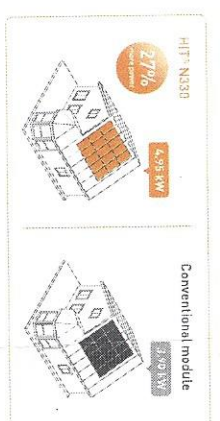
Heterojunction cell

The amorphous ultra-thin amorphous silicon layers (20-30 nm) reduce carrier loss, resulting in higher energy output.



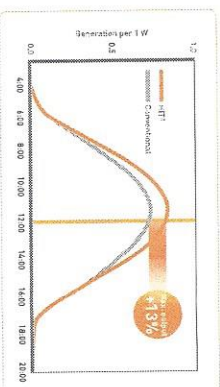
Ultra Efficient Space-saving Design

Our space-saving N330 and N325 panels set the standard for long-term conversion efficiency. They employ 96 cells in the same size footprint as standard 60-cell panels. That means more output per square foot and fewer panels to install, making HIT® ideal for smaller roofs too.



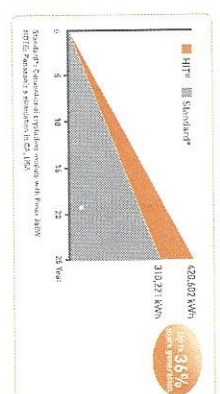
High-efficiency at High Temperatures

As temperatures increase, solar panels often sputter and go weak. Thanks to our unique cell structure, Panasonic HIT® continues to perform at high levels throughout the year.



Up to 36% More Electricity Output

Conversion efficiency is the key when comparing solar panels. Using ultra-thin amorphous silicon layers, Panasonic HIT® absorbs and retains more sunlight, producing up to 36% more electricity than conventional panels.





From: Gpnc <james.ward@greenpowernc.com>
Sent: Friday, October 14, 2016 2:25 PM
To: Meredith Nesbitt
Subject: Re: SUP16-02: 7218 Chaddsley Drive Solar Panels

Zero glare. Glare can affect pilots flying over solar farms.

On Oct 14, 2016 2:17 PM, Meredith Nesbitt <mnesbitt@huntersville.org> wrote:
James,

A senior staff member raised a good question while he was reviewing the staff report for the SUP application you provided.

Could you provide information or give some details that would help us understand if the solar panels located on the front roof slope would produce any glare into the public right of way or affect drivers on Chaddsley? We are wondering if/how much glare the solar panels may produce.

Thank you!

Best regards,

Meredith M. Nesbitt, MSc. Urban Planning
Planner I | Town of Huntersville
105 Gilead Road | Third Floor
P.O. Box 664 | Huntersville, North Carolina 28070
PH: 704-766-2298 | FX: 704-992-5528
Email: mnesbitt@huntersville.org
Web: www.huntersville.org

Email correspondence to and from this sender is subject to the NC Public Records Law and may be disclosed to third parties.

MacAulay Homeowners Association of Mecklenburg, Inc.
c/o East West Partners Club Management
10800 Sikes Place – Suite 330
Charlotte, NC 28277
(704) 847-2630

Attachment C -
HOA Approval

August 17, 2016

Jonathan Brown
7218 Chaddsley Drive
Huntersville, NC 28078

Dear Mr. Brown:

Your recently submitted Architectural Control Committee Review Request has been approved. Specifically, you have approval to proceed with the following alteration:

- Solar Panel Installation

The Architectural Control Committee and Board of Directors reserve the right to make a final inspection of the alteration to make sure they are in compliance with the request you submitted for approval. The alteration must be completed as outlined and approved in your Architectural Control Committee Review Request. Any changes from the original plan must be approved by the Architectural Control Committee by submission of an additional Architectural Control Committee Review Request prior to any work beginning.

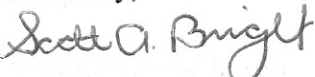
All local ordinances, specifications, regulations and setback requirements concerning this alteration must be complied with. Please contact the local government agencies to determine if a Building Permit is required for your alteration. If required, it is your responsibility to secure and post a Building Permit.

This approval is based solely on the aesthetics of your proposed alteration. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the alteration you propose. It is your responsibility to contact the appropriate Utility Companies before digging.

Enclosed, please find an ACC Approved Project Placard. This Placard must be displayed in a front window that faces the mailbox and is visible from the street while the work approved by the Architectural Control Committee is being performed.

Please contact me at my office if you have any questions regarding this matter. I can be reached at my office by calling 704-847-2630, extension 302, or by email at sbright@ewclubs.com.

Sincerely,



Scott A. Bright, CMCA®, AMS®

For the Board of Directors

MacAulay Homeowners Association of Mecklenburg, Inc.