

MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
HELD MONDAY, NOVEMBER 16, 2015

The Board of Adjustment met at 4:00 p.m. on Monday, November 16, 2015.

Members present: Goosmann, Pearlman, Kieffer, Groce, and Chandler. Mr. Jonathan Kanipe, Zoning Administrator, was also in attendance. Mr. William Clarke, Town Attorney, was also in attendance.

Chairman Goosmann called the meeting to order at 4:00 p.m.

Chairman Goosmann swore in the following:

Dr. Brown Crosby  
Mr. Calvin Bolling  
Mr. Phelps Clarke  
Mr. Ben Yoke  
Mr. Albert Snead  
Mr. Jim Hefley

Motion was made by Mr. Lowell Pearlman to approve the meeting minutes from October 19, 2015. The motion was seconded by Lynn Kieffer and unanimously approved.

Mr. Pearlman disclosed he was a member of the Board of Governors for the Biltmore Forest Country Club. Mr. William Clarke also stated that his son is a partial owner of Sugar Hollow Solar which is assisting Dr. Brown Crosby with his solar panel project. Mr. Clarke disclosed this to the Board before and wanted to assure the audience that he does not represent them.

HEARING (Evidentiary):

Dr. Brown Crosby, 26 Stuyvesant Road, was called forward to present the plans to have solar panels installed.

Dr. Crosby noted that the project was tabled in September due to the members not being able to see the panels displayed on the roof. Since then, on two different occasions, Sugar

Hollow Solar has put several panels on the roof for display to show what the panels would look like. Mr. Calvin Bolling, General Manager of the Biltmore Forest Country Club, indicated that a letter was sent to the Board of Adjustment saying the Club does oppose all things that would cause a glare or do not look proper from the perspective of the golf course. Mr. Bolling then indicated that he, BFCC President Dr. Gerald Travis, and several other Board members visited the site when the panels were displayed and did not see any major concerns with the placement of the solar panels on the roof. Chairman Goosmann thanked Mr. Bolling for attending.

Dr. Crosby said he wants to do this project because it will be a good investment for the future. Mr. Jonathan Kanipe said the materials for the panels are the same presented in last month's meeting. Dr. Crosby also showed before and after pictures with the solar panels. Mr. Phelps Clarke, representing Sugar Hollow Solar, spoke and said these are a premium panel which is a higher quality panel and has great durability. They should lose less than .7% productivity in a year.

Chairman Goosmann asked for the make and model of the panels. Mr. Ben Yoke said they are Solar World 285 watt modules. The size is 3.3' by 5.5'. There will be 28 total panels which would be four rows of seven panels. The total size of the panels is 38' 8" inches wide and 13' 3" up and down. The photo shopped image shows where they would be placed to scale. It is a nice symmetrical design.

Mr. Yoke noted the materials of the panels are glass, silicone, aluminum, and the anti-reflective coating on the glass. This coating is absorbing the light. Mr. Yoke noted that Sugar Hollow Solar has installed many other panels but not this particular kind. Chairman Goosmann asked Dr. Crosby if he would be willing to replace the large tree in front of the house that provides screening if the tree were to fall or be removed. Dr. Crosby said yes, he would be willing to replace it.

Mr. Jim Hefley made a comment saying he cared about the conservation of Biltmore Forest. He believes this is something that we should encourage other Biltmore Forest residents to do and as a golfer he did not object to the solar panels.

Chairman Goosmann asked how these panels would hold up being struck by a golf ball. Dr. Crosby said they are virtually indestructible. Chairman Goosmann thanked Dr. Crosby.

Mr. Clarke also noted that solar panels cannot be prohibited. You can regulate the screening and buffering but they cannot be prohibited in the Town.

### DELIBERATION & DETERMINATION

Mr. Robert Chandler summarized the facts and requests for a Conditional Use Permit. Dr. Brown Crosby of 26 Stuyvesant Road is seeking a Conditional Use Permit to install roof top solar panels 38'8" wide and 13' 3" up the roof. A total of 28 panels will be placed on the south facing roof which will be in four (4) rows of seven (7) panels. There are pictures which are available for everyone to see and a demonstration was also available for everyone to see in person. The panels are Sunmodule Plus SW280 mono black, which are premium panels. That is the summary for what is being requested. Dr. Crosby has agreed that there is a tree there now that provides some screening and that in the event that tree falls or removed, he would be open to screening that in the future. Chairman Goosmann also added the panels are black glass, silicone, aluminum, with an anti-reflective coating. They are being placed on the south southwest facing side of the home.

Chairman Goosmann asked for a motion. Mrs. Rhoda Groce made a motion to approve the Conditional Use Permit as requested be granted to Dr. Brown Crosby of 26 Stuyvesant Road for the installation of a 7.8 kW solar array on the south facing roof of this residence and that the facts and findings recited by Mr. Robert Chandler and his summation be accepted as findings of fact to support the grant. The Board has inspected the site and no neighboring property owner has objected.

Further, Mrs. Groce moved that the Board find that granting this Conditional Use Permit, (a) would not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and improved, (b) met all required conditions and specifications of the Town of Biltmore Forest Zoning Ordinance, (c) would not substantially

injure the value of adjoining or abutting property, and (d) would be in general conformity with the plan of development of the Town of Biltmore Forest and its environs as set forth in Sections 1005.03 (2) and (3) of the above ordinance. The applicant has been informed that he is to report to the Zoning Administrator within seven (7) days of completion of the project in order that the Zoning Administrator can determine that the project has been completed in accordance with plans submitted to the Town.

Mrs. Kieffer seconded the motion and was unanimously approved.

The meeting was adjourned at 4:25 p.m.

The next meeting of the Board of Adjustment was scheduled for Monday, December 21, 2015 at 4:00 p.m.

ATTEST:

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Greg Goosmann  
Chairman

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Jonathan B. Kanipe  
Town Administrator