

MINUTES OF A MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD REMOTELY THROUGH VIDEO/TELECONFERENCE, ON WEDNESDAY, JANUARY 13, 2021, AT 8:30 A.M. TO CONSIDER A REQUEST FROM THE PROPERTY OWNER OF 3500 PRINCETON AVENUE TO RETAIN RECENTLY INSTALLED ROOF MOUNTED SOLAR PANELS FACING THE FRONT RIGHT-OF-WAY.

Present at the meeting were: Chuck Reeder, Chairman and Board Members Sherri Baer, Stacey Furst, Don Snell, and Steve Swenson. Alternate Board Member Cynthia Beard was absent from the meeting.

Chairman Chuck Reeder called the meeting to order and introduced the members of the Board, and the Town's Attorney, Matthew Boyle. Chairman Reeder stated that the Dallas Country Club variance request that was discussed at the December meeting and was tabled until the January meeting, has been withdrawn by the applicant. Chairman Reeder explained the procedure the Board would follow in considering the current request. He explained that for any request to be approved, an affirmative vote from at least four (4) members is required. He stated because of the COVID-19 pandemic, and social distancing orders, and in accordance with an order from the Office of the Governor issued on March 16, 2020, this meeting is being conducted and heard through a remote video/teleconference call.

Matthew Boyle, Town Attorney, described the case being considered. The property owner applied for a variance to retain recently installed roof mounted solar panels facing the front public right-of-way along Princeton Avenue. As stated by the applicant on the application, the home is unique because it is located on a corner lot adjacent to Princeton Avenue, and Auburndale Avenue.

Mr. Boyle continued the presentation showing diagrammatic drawings, plans and research data that the vendor provided. The solar panels were installed on the front hip of the roof which faces the front street. Statistical data of the solar panel placement in relation to the sun was submitted by the vendor which was summarized by Mr. Boyle. Alternate locations of the solar panels on the roof would have produced less than optimal energy output according to the data provided. An excerpt from Section 202.010 from The Texas Property Code regarding Regulation of Solar Energy Devices was provided, however this does not have impact on the Town enforcing its local Zoning Ordinance, as this law applies to Homeowners Associations. Section 13-105 (2) of the Town Zoning Ordinance states that roof-mounted small solar energy systems shall not be visible from any street. The applicant is seeking a variance to retain the existing location of the solar panels facing the front right-of-way.

Mr. Boyle stated that the requisite notice of the meeting was mailed to property owners located within two hundred feet (200') of the subject property on December 23, 2020, published in the Daily Commercial Record on December 28, 2020, and the agenda was posted on the bulletin boards at Town Hall on January 8, 2021.

Chairman Reeder asked for questions and/or comments for Mr. Boyle from the Board Members.

Don Snell asked if the solar panels are already installed.

Austin Wyker stated the solar panels were installed approximately two to three months ago. Freedom Solar applied for the permit, mistakenly believing they had secured the permit, and

prematurely proceeded with the installation. Once the work was complete, the contractor attempted to schedule a final inspection with the Town and were made aware of the issue at hand.

Steve Swenson asked why it was not done properly.

Austin Wyker responded and said the company mistakenly believed they had the permit to work.

Next, Chairman Reeder asked if the applicant would like to address the Board or make a presentation.

Austin Wyker explained that his wife and himself are trying to do something good by investing in solar energy. After interviewing multiple companies, Freedom Solar was selected because they presented the best case about the benefits of solar power. He was shocked when notice was given by the Town because he thought the company did the process correctly. He said two big live oak trees are blocking the view from the front of the installed solar panels. It is impossible to put the solar panels anywhere else on his corner lot. He appreciates the effort by the town to try and maintain the uncluttered look in the front yard. Gabriel Rojas, a town employee, acknowledged and confirmed that the solar panels are barely noticeable from the street. Jeff Stone, close neighbor and Solar Freedom were on the call as well.

Chairman Reeder asked if anyone on the Board had questions or comments.

Chairman Reeder asked if any letters of support were received to which Mr. Boyle responded that one property owner had provided correspondence, however it was neither for nor against the variance. The letter and correspondence that was provided to the Board are as follows:

3504 Princeton – Rick Deitch (within 200-foot notification area)

Chairman Reeder asked if anyone in the audience or on the call would like to speak in support to the proposal.

Jeff Stone, 3501 Princeton, stated that he lives directly across the street and has since 2005. He said that he knew the property owners' in-laws and has watched all the enhancements made to the property throughout the years. He believes that the proposed solar panels do not cause any problems for him as it relates to the aesthetics. His wife and him are fine with the front facing solar panels.

Chairman Reeder asked Mr. Boyle if any correspondence had been received in opposition of this request, to which Mr. Boyle replied in the negative.

Chairman Reeder asked Mr. Boyle if anyone in the audience or on the call wanted to speak in opposition to the request, to which there was no response.

Chairman Reeder asked for additional questions and/or comments from the Board of Adjustment, to which there was no response.

Chairmen Reeder asked the Board for a motion. No motion was made and, therefore, Chairman Reeder announced that the application was denied due to a lack of a motion.

On a motion by Steve Swenson, seconded by Stacey Furst, the Board of Adjustment voted unanimously to adjourn. There being no further business to come before the Board of Adjustment the meeting was adjourned at 8:52 a.m.

APPROVED on this 19th day of January 2021.

BY:

Chuck Reeder  
Chairman

ATTEST:

A handwritten signature in black ink, appearing to read "H Pender", with a long horizontal line extending to the right.

Hugh Pender  
Director of Development Services