

**MINUTES OF THE COOPER TOWNSHIP
ZONING BOARD OF APPEALS MEETING ON APRIL 21, 2022**

A meeting of the Zoning Board of Appeals of Cooper Township was held on April 21, 2022 at 5:30 pm at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Stephen Magura, Stephanie Davis, Sheryl Gluchowski, Dave Fooy, Carol DeHaan.

Members Absent: None.

Also Present: Michael Homier, Township Attorney; Julie Johnston, Township Planner; Applicant, Michigan Solar Solutions, and property owner, Rusel Hollister.

Chairperson Gluchowski called the meeting to order at 5:30 p.m.

Review and Approval of Minutes

A Motion was made by Comm. DeHaan supported by Comm. Fooy to approve the February 23, 2022 minutes. Motion carried unanimously.

Climax Solar side yard variance

Applicant: Michigan Solar Solutions
Owner: Rusel and Ann Hollister
Address: 10836 North 22nd Street
Parcel: 02-01-110-019
Request: Consideration of a variance to allow a private solar array to be located in a front yard when placement in the rear yard is required.

Township Planner Julie Johnston explained that the Cooper Township Zoning Ordinance had specific requirements that were used when reviewing this type of variance request. Ms. Johnston outlined her staff report and mentioned that there were unique physical characteristics to this property, specifically, the slope that is located to the north and somewhat to the east of the home. Regardless of the physical characteristics, Ms. Johnston stated that there are other placement options for the solar array that may not be unnecessarily burdensome, which include a roof mounted system, or placing the relay to the south and east of the home or some kind of reduced variance in the front yard.

After reviewing the variance request and looking over the Township's ordinance pertaining to accessory structures in the front yard Ms. Johnston suggested that the ZBA may make a recommendation to the Planning Commission asking them to review the solar ordinance to allow solar arrays in the front yard in specific instances. Ms. Johnston mentioned that the ZBA has already held one hearing on a solar variance and even after the current meeting she is aware of at least one more request.

The property owner Mr. Hollister stated that he had spoken with owners of neighboring properties to see if they had any concerns with a ground mounted solar array installation at the property in question, but they did not. Mr. Hollister presented the arial photos of his property's layout. Mr. Hollister explained that the area behind his home has been marsh land and once the driveway was put in for the parcel to the north, it blocked drainage to the retention pond that is located on their property causing his property to stay wet a majority of the year. The neighbor to the south of the parcel believes that he owns the trees on the property line, and therefore if Mr. Hollister were to take some of them down to locate the solar array in that location it would most likely result in litigation. Mr. Hollister also explained that it would cost between \$15,000 and \$20,000 to remove the trees for the solar array to be located to the south.

Public Hearing

Comm. Gluchoski opened the Public Hearing and asked if any member of the public would like to comment.

There being no public comments, Comm. Gluchoski closed the public hearing.

Board Discussion

A representative from Michigan Solar Solutions stated that due to the size and composition of the tree lines to the north and south, the shadows would obstruct almost 90% of the light eliminating the ability of the solar array to be effective. It is Michigan Solar Solutions' opinion that there is not another viable option to place a solar array on the property, than to ground mount it in the front of the home.

Comm. Gluchowski asked the applicant to indicate on the maps provided where his well and septic systems were located.

Comm. Magura asked if the drainage area affected the property to the south as well as to the east.

The Representative from Michigan Solar Solutions presented imaging from his laptop depicting the shadows from the mature trees and their impact on any potential solar array in multiple locations. He added that since the time of the application the proposed location of the solar array was moved closer to the home so that it can communicate better with the battery back-up system.

Township Planner Julie Johnston asked if there was a point in which it did not make sense to construct a solar array at all due to the topography and abundant shade on the property. The representative for Michigan Solar Solutions stated that if the company didn't feel like a solar system was worthwhile for a property owner they would not move forward with the project. He added that the system as it was designed would offset up to 110% of the Hollister's annual usage.

Ms. Johnston explained that typically when considering a variance, the ZBA would need specifics on the location of the solar array. On the application, the solar array was located within 235 feet from the home, but in listening to discussions it is now being proposed closer to the home, so Ms. Johnston inquired if there were parameters in which the ZBA could make a determination.

Comm. Gluchowski asked if a variance that allows the solar array within 125 feet from the front of house would be sufficient, to which the representative for Michigan Solar Solutions responded that he felt that 125 feet would work.

Township Planner Julie Johnston suggested that the ZBA provide some leeway since the position of the solar array had been moved during the meeting to give the applicant a variance that worked without requiring another meeting if something needed to be slightly adjusted.

A Motion was made by Comm. Gluchowski supported by Comm. DeHaan to approve the variance allowing a ground mounted solar array in the front yard of 10836 North 22nd Street within 140 feet of the home based. Comm. Gluchowski stated that she based her motion on the fact that the property has unique physical features including its topography, that strict compliance with the Zoning Ordinance would deprive the owners of an effective solar array, the variance is the minimum necessary for substantial justice, the hardship was not self-created, and the use is permitted within the district. Motion passed 5-0.

Citizen Comments

No public comments.

Any Other Business

Comm. Gluchowski mentioned that there was an upcoming training coming up through the MTA that may be helpful for the Board to stay current.

Township Planner Julie Johnston asked if the ZBA would like to make a recommendation that the Township Planning Commission review the accessory structure ordinance and the solar ordinance to allow ground mounted solar arrays within the front yard, similar to what the Township allows with accessory structures.

A Motion was made by Comm. Gluchowski supported by Comm. Magura to request the Planning Commission review of the Solar Ordinance to allow ground mounted solar arrays in the front yard. Motion passed 5-0.

Adjournment

Motion to adjourn by Chairperson Gluchowski and supported by Comm. Davis. Motion passed 5-0.