

MEETING MINUTES
GRAND HAVEN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
TUESDAY, MARCH 27, 2018 – 7:00 P.M.

I. CALL TO ORDER

The regular meeting of the Grand Haven Charter Township Zoning Board of Appeals was called to order at 7:00 p.m. by Chair Voss.

II. ROLL CALL

Board of Appeals members present: Voss, Loftis, Hesselsweet, and Rycenga (Alternate)
Board of Appeals members absent: Slater, Behm

Also present: Community Development Director Fedewa, and Assistant Zoning Administrator Hoisington.

Without objection, Fedewa was instructed to record the minutes for the meeting.

III. APPROVAL OF MINUTES

Without objection, the minutes of the February 27, 2018 meeting were approved.

IV. NEW BUSINESS

A. ZBA Case #18-02 – Dimensional Variance – VanOordt

Party Requesting Variance:	Craig VanOordt
Applicant Representative:	Nicholas Smythe, Power Home Solar LLC
Address:	38905 Mound Rd, Sterling Heights, MI
Parcel Number:	70-07-27-300-028
Location:	10528 168 th Avenue

Craig VanOordt, represented by Nicholas Smythe of Power Home Solar LLC, are seeking a dimensional variance to allow a 9’ x 26’-7” ground mounted solar array in the front yard of their property. Currently, there is not an ordinance that specifically pertains to solar arrays, so the structure is held to the standards for accessory structures in Section 20.03 of the Zoning Ordinance. These standards would require the solar array to be located in the side or rear yard.

Hoisington provided an overview of the application through a memorandum dated March 22nd.

Following the initial discussions, the Chair invited the applicant’s representative, Nicholas Smythe of Power Home Solar LLC, to speak:

- Explained the benefits of solar arrays as a source of renewable energy.
- Board inquired about the proposed placement of structure in the front yard.
 - Location provides maximum potential for sunlight exposure.
 - No trees would need to be removed for installation in proposed location, and the hope is not to remove any trees for this project.
 - Noted the owners are reserving space to create a volleyball court in area adjacent (east) of proposed location. This particular location would comply with local zoning, but 2-3 trees may need to be removed, and the volleyball court relocated.
 - Rooftop array would be less efficient because of the dwelling's roofline.
- Explained that installation crew decides final placement of array, which explains the discrepancy in location noted in the staff memo.

The Board discussed the four standards and noted the following:

- Explained that a compliant location could be attained by removing 2-3 trees and placing the array in the area reserved for the volleyball court.
- The utilization of solar power is a goal established by the Master Plan, and the Board is supportive of the project, but not the location. Although this specific property is well screened by existing trees, and is in a rural area, that is not the case for all properties. A variety of suggestions to obtain compliance were provided by the Board.

Standard No. 1 – Exceptional or extraordinary circumstances:

- Applicant has not demonstrated that exceptional or extraordinary conditions exist on this property that do not apply generally to other properties in the same zoning classification.
- Acreage of property is larger than normal, and it's unlikely to be visible.

Ayes: None

Nays: Voss, Loftis, Hesselsweet, Rycenga

Standard No. 2 – Substantial property right:

- No other known freestanding solar arrays in the Township.
- ZBA has not set any precedence regarding the acceptable location of freestanding solar arrays.

Ayes: None

Nays: Voss, Loftis, Hesselsweet, Rycenga

Standard No. 3 – Will not be a substantial detriment to adjacent parcels, or material impact on the intent and purpose of the Ordinance:

- Board noted that no written correspondence was received.
- Staff received a phone call of support for the array but the individual would not be supportive of a larger array or more arrays in the future.
- Hesselsweet does not believe the solar array would be a substantial detriment to adjacent parcels or materially impair the public health, safety, and general welfare of the community.
- Remaining Board members find the variance would materially impair the intent and purpose of the Zoning Ordinance.

Ayes: Hesselsweet

Nays: Voss, Loftis, Rycenga

Standard No. 4 – Request is not of such a recurrent nature as to make reasonably practical the formulation of a general regulation:

- Although this is the first case before the Board for a freestanding solar array—the likelihood of these cases becoming more prevalent is high, as renewable energy sources become more common. As such, it is reasonable to assume that granting such a variance would make reasonably practical the formulation of a general regulation.
- Hesselsweet believes the facts of this case are unique.

Ayes: Hesselsweet

Nays: Voss, Loftis, Rycenga

Motion by Loftis, supported by Rycenga, to **deny** a dimensional variance from Section 20.03.1.J to construct a 9' x 26'-7" ground mounted solar structure in the front yard at 10528 168th Avenue because an alternative exists that does not violate the Grand Haven Charter Township Zoning Ordinance. Denial of this variance is based upon this Board's findings that all four standards have not been affirmatively met. **Which motion carried unanimously**, as indicated by the following roll call vote:

Ayes: Voss, Loftis, Hesselsweet, Rycenga

Nays: None

Absent: Behm, Slater

V. REPORTS

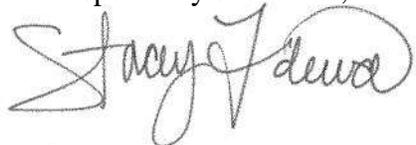
- Next Zoning Ordinance Update Committee meeting is April 5th at 6pm.

VI. EXTENDED PUBLIC COMMENTS – None

VII. ADJOURNMENT

Without objection, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stacey Fedewa". The signature is written in black ink and is positioned above the printed name.

Stacey Fedewa

Acting Recording Secretary