

Minutes of the Antwerp Township Zoning Board of Appeals  
Thursday, November 19, 2020  
Draft

Consistent with Michigan Public Act 228 of 2020, attendance at this meeting was permitted in person, and also remotely by Zoom web application.

Members present: Phil Tarchala - Chair, Doug Cultra (remote, Antwerp Township), Daniel Seibert (remote, Antwerp Township), Gary Stock (remote, Antwerp Township), Ron Stoynoff (remote, Antwerp Township).

Guests present: at least one via Zoom.

Chair Tarchala called the meeting to order at 6:35. Discussion ensued regarding remote use of Zoom.

All were in favor of approving the agenda as presented..

Minutes of October 28, 2020 were not yet distributed, and will be reviewed at the next meeting.

Communications/Announcements: none.

The agenda includes a request by Suzanne Neumann (The Green Panel), on behalf of Susan Creager, for a variance to reduce the minimum front setback from 60 feet to 27 feet for an off-site accessory non-commercial ground-mounted solar energy system (Sections 5.3 B and 9.42 D.7 of the Zoning Ordinance). The subject property is located at 70101 Copper Blvd, Lawton, MI 49065 (parcel #80-02-148-018-00).

Chair Tarchala called the public hearing to order at 6:37 pm.

Susan Creager described environmental risks related to the use of fossil fuels, and environmental and economic benefits of solar energy, including for residential use. She owns two parcels (80-02-140-017-00 and 80-02-148-18-00) next to one another, but not strictly adjacent. A 20-foot wide, 300-foot long easement between the parcels provides access to The Nature Conservancy preserve, a protected site that bounds both parcels immediately to the north. The Nature Conservancy will permit boring beneath the easement to connect the panels on the east parcel to the dwelling on the west parcel.

Most of the required front setback on the east parcel is open, and its natural contour falls away steeply toward the north beginning about 35 feet from the road ROW. The solar panel vendor has determined that panels would not be effective if set back the required sixty feet. At that setback, the steepness of the slope would often prohibit adequate direct sun from reaching the panels. Their height is limited by ordinance, and by engineering and safety standards, so they can not be made tall enough to overcome that shading.

Creager also recently provided Antwerp Township with approvals from nearby neighbors, and from The Nature Conservancy, supporting her request. These were not distributed with the ZBA meeting packet.

Public hearing closed at 6:49 pm.

New Business:

Discussion among ZBA ensued regarding alternative approaches to siting the solar panels. Moving them slightly further north would not correct the shading. Moving them much further north would oblige removing a significant number of trees, which would reduce a natural buffer to the adjacent preserve and river. The intent of the ordinance includes promoting protection of natural areas such as that preserve.

Further ZBA discussion addressed the applicability of variance criteria. Other tracts in the district under one ownership, without this combination of natural features, would be permitted to install solar panels.

The severity of the slope and its proximity to the road ROW may be seen as unique circumstances. During plat approval, close inspection of the proposal might have revealed the potential for a variance request like this one, but that would not necessarily have prevented plat approval.

Motion by Tarchala, second by Seibert, to grant a variance to reduce the minimum front setback from sixty feet to thirty feet from the road ROW, specifically for the construction of the proposed solar panels. Approval of the modified request is due to unique circumstances -- a combination of the extremely steep slope, related natural features, and immediately adjacent Nature Conservancy preserve -- and these factors are not similarly applicable elsewhere in the zoning district. All in favor; motion passed.

Pending Business: none.

Other Business: none.

Any other Business: The next ZBA meeting is not yet scheduled.

Chair Tarchala adjourned the meeting at 7:35 pm.