

**DAVISON TOWNSHIP
ZONING BOARD OF APPEALS
APRIL 12, 2022**

MEMBERS PRESENT: Vice Chair Carol Hagler, Secretary Eric Hernandez, Richard Hill,
Treasurer Tim Green

Consultant Charm Healy

Building Official Planning/Zoning Admin./ Matt Place

Attorney David Lattie

MEMBERS ABSENT: Chairman John Jelinek, Nancy Davis

OTHERS PRESENT:

CALL TO ORDER

The regular meeting of the Davison Township Zoning Board of Appeals was called to order at 7:00 P.M. at the Davison Township Municipal Center, 1280 N. Irish Road, Davison, MI 48423.

ADOPT THE AGENDA

MOTION BY HILL, SECOND BY HERNANDEZ to amend the April 12, 2022, agenda to add electing officers due to John Jelinek leaving the board. Motion carried unanimously.

PREVIOUS MINUTES

MOTION BY HILL, SECOND BY GREEN to approve the February 8, 2022, regular board meeting minutes as presented. Motion carried unanimously.

MOTION BY HERNANDEZ, SECOND HILL to add to unfinished business. Motion carried unanimously.

UNFINISHED BUSINESS

ELECTION OF OFFICERS

MOTION BY HAGLER, SECOND BY HERNANDEZ to appoint Richard Hill as Chair. Motion carried unanimously.

Hill – will need an amigo if he stays 52 years.

Green – asked if Hagler still Vice-Chair.

NEW BUSINESS

CASE #16-V-2022-3 – RILEY FERGUSON – 8049 E. BRISTOL ROAD – A VARIANCE REQUEST FOR SOLAR PANELS ON THE SOUTH FACING (FRONT) OF HIS HOME.

Mr. Ferguson not in the audience. No one in audience for comments.

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Steve & Sarah Nick – 8125 E. Bristol Rd – Davison, MI – The Nick family is all for the PowerHome Solar. The applicant has our approval for requesting a variance for 8049 E. Bristol Rd; Parcel #25-05-29-551-049; Lot 55; Genesee; Sec 29 T7N R8E.

Place – Bryan Law, representative for Power Home Solar is requesting a variance for owner, Riley Ferguson to install solar panels on the South (front) facing roof of his home. Mr. Law is requesting a variance to install four (additional panels of 78.64 square feet) on front of roof. Riley Ferguson’s property is 98 feet wide by 390 feet deep, .88 of an acre and his home sets 60 feet from the road. There were previous solar panels installed on the front of the house many years ago. They were installed prior to the adoption of Davison Township ordinance that regulates solar panels. These existing solar panels are considered legal nonconforming. The current ordinance per section 1724.2.a for solar panel states that roof-mounted solar panels are permitted to face any rear or side yard. Mr. Ferguson is requesting to install four additional panels of 78.64 square feet on the front of his roof. This creates a violation of the ordinance, and the owner is requesting relief in the form of a variance. Mr. Law, states that the strict enforcement of the ordinance creates a practical difficulty for Mr. Riley due to the additional 78.64 square feet of solar panels anywhere else except on the front of the home will be detrimental to the overall efficiency of the system. The difference between the front and back roof location for additional solar panels decreases efficiency by 42%. The Planning/Building Department would support a recommendation for approval based on the following reasons:

1. The owner has a practical difficulty in that he previously installed solar panels on the front of his home which now creates a non-conformity due to the revised zoning ordinance.
2. This non-conformity created by the ordinance not Mr. Ferguson is prohibiting the homeowner from increasing the efficiency of his previously installed solar panels by requiring him to install future solar panels on the rear of his home instead of the front of his home where it would make them 42% more efficient.

Hill - asked for board comments.

Hill - said he thought this was the same.

Green - does this set a precedent for the one we turned down?

Place - no because his appeal is Circuit Court.

Lattie - Matt is right because panels on this house have a non-conforming use.

Hill – understood.

Green - asked if this is coming up at the Planning Commission meeting?

Place – no.

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MOTION BY HAGLER, SECOND BY GREEN to approve Mr. Ferguson’s variance request for solar panels on the South facing (front) of his home according to comments of the staff report as followed:

1. The owner has a practical difficulty in that he previously installed solar panels on the front of his home which now creates a non-conformity due to the revised zoning ordinance.
2. This non-conformity created by the ordinance not Mr. Ferguson is prohibiting the homeowner from increasing the efficiency of his previous installed solar panels by requiring him to install future solar panels on the rear of his home instead of the front of his home where it would make them 42% more efficient.

Lattie - we want to make it very clear this is because it is legal non-conforming use.

MOTION BY HAGLER, SECOND BY GREEN to amend and add that it is non-conforming use. Motion carried unanimously.

PUBLIC COMMENT PERIOD

Public comment period opened at 6:20 P.M./ Public comment period closed at 6:20 P.M.

INFORMATIONAL ITEMS

Hagler – reads letter from Jon Jelinek; After 52 years, I find it is time to retire from the board. It has been a good time watching the township grow while maintaining its farming roots. After the township was zoned and developed an ordinance to grow by, we then needed relief for those unable to meet the rules in the ordinance. The ZBA was established to help local residents, businesses, and farmers work within the intent of the new ordinance. We met in the fire department until the present offices were built. The board was formed and trained to understand its function and purpose. Since that time, I have had the opportunity to work with many good residents of the township and enjoyed their support in dealing with the problems of a developing township. I have enjoyed working with the present members of the board and pray your work continues as it has in the past.

Place – Mr. Slezak is handling the recognition of Mr. Jelinek.

ZBA workshop at the next meeting in May on the 10th.

Hill - is there a training class I need to go to to put on my calendar?

Place - we can definitely find you some through the Michigan State extension; I will look for some of those; the Township will be happy to pay for that.

ADJOURNMENT

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MOTION BY HAGLER, SECOND BY HERNANDEZ to adjourn at 6:30 P.M. Motion carried unanimously.

Eric Hernandez, Secretary