

**CHARTER TOWNSHIP OF FLUSHING**

**6524 N. SEYMOUR ROAD**

**FLUSHING MI 48433**

***ZONING BOARD OF APPEALS MINUTES***

***SPECIAL CONTINUATION OF MEETING OF 5/10/22***

**DATE: JUNE 14, 2022**

**TIME: 7:00 P.M.**

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**WEB PAGE: <http://www.flushingtowship.com>**

**This meeting was held at North Flushing Baptist Church at 7500 Mt. Morris Road, Flushing, MI 48433.**

**MEMBERS OF ZONING BOARD OF APPEALS**

Steven Moulton, Chair

James Sarka

Richard Vaughn, Vice Chair

Timothy Lloyd

Craig Davis – Planning Commission Representative

Mandy Hemingway – Recording Secretary

**I. CHAIRPERSON MOULTON** opened the meeting at 7:00 p.m. with Roll Call and the Pledge to the American Flag.

**ROLL CALL:** Moulton, Vaughn, Davis, Sarka and Lloyd

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** 65 other individuals present

**II. APPROVAL OF AGENDA:**

**MR. DAVIS MOVED**, supported by Mr. Vaughn to approve the agenda as submitted.

**THE MOTION CARRIED UNANIMOUSLY.**

**III. APPROVAL OF PREVIOUS MINUTES:**

**MR. VAUGHN MOVED**, supported by Mr. Sarka to approve the minutes of the May 10, 2022 ZBA Meeting.

**THE MOTION CARRIED UNANIMOUSLY.**

**IV. UNFINISHED BUSINESS:**

1. Continued discussion and possible action for clarification of Article 18 Special Use Permits, Section 20-1804 (OO) Commercial Solar Energy Collector System (b)(2).

Chairperson Moulton gave a brief background of the first session of the meeting held on May 10, 2022 and expressed that tonight's continuation was for the sole purpose of allowing the members of the ZBA to deliberate the issue and make a decision without any additional public comment, as public comments were heard in the first session.

Chairperson Moulton proceeded to state, for the record, the list of documents that comprise the record to date of Confluence's request which include:

- 2-page Township application from Confluence dated 4/18/22 requesting clarification of the interpretation of specific zoning provision Section 20-1804 (OO) Commercial Solar Energy Collector System (b)(2)
- 11- page presentation indicating Confluence's intended project and their issue with the interpretation of the zoning ordinance provision that they were informed of by the township zoning administrator
- Memo/letter dated 4/18/22 prepared by attorney Steven Etsey of Dykema Gossett outlining Confluence's position regarding the provision, the applicable law, and their advocacy that the provision (a limitation of the amount of a lot area that can be used for a commercial solar farm) of 25% only applies to the square footage of surface area of the solar collectors/solar panels themselves. Attached to this was also 2 exhibits which included photos of solar panels and diagrams laid out on township area plat maps of the intended project location
- Memorandum dated 5/10/22 from Jason Ball of Rowe Engineering that sets forth what the ordinance provision is and ties into a more general interpretation of the zoning ordinance
- Written comment from 39 individuals in different formats, 29 of those being against solar farms and 10 being in favor of solar farms
- 204 letters submitted by members of various trade unions all in support of developing solar farms
- Email on 6/13/22 from Confluence/Ranger Power signed by Drew Velbig including 2 attachments; Attachment A was a Property Value Impact Study; Attachment B was an Economic Impact Study

**MR. VAUGHN MOVED**, supported by Mr. Lloyd that the record so far of the documents that have been received and submitted to the ZBA for the consideration in this with respect to the Confluence request include those stated by Chairperson Moulton.

At this time, Chairperson Moulton reviewed the details of the proposed project from Confluence, which has not formally been submitted. After deliberation and a lengthy discussion, the following motion was made.

Mr. Vaughn moved, supported by Mr. Lloyd that the ZBA determines that there is no ambiguity in the existing language of 20-1804 (OO)(b)(2) and consequently the interpretation of that provision is that the 25% lot coverage applicable to commercial solar farms only takes into account the surface area of the solar collectors.

#### **ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Vaughn, Sarka, Lloyd, Moulton

**NAYS:** Davis

**ABSENT:** None

**THE MOTION CARRIED.**

After further discussion, another motion was made.

**MR. VAUGHN MOVED**, supported by Mr. Lloyd to put in exact writing the motion that was approved, put that in writing without change, keep a copy of that on file with the township and serve a copy to Mr. Etsey as the attorney for Confluence. In doing so there will be no question as to the exact wording of the decision or the timeline in which Confluence has to appeal.

**THE MOTION CARRIED UNANIMOUSLY.**

**V. NEW BUSINESS:**

None

**VI. NEXT REGULAR MEETING WILL BE ON WEDNESDAY, SEPTEMBER 7, 2022 AT 7:00 P.M.**

**VII. ADJOURNMENT:**

The meeting adjourned at 7:26 P.M.

  
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**STEVEN MOULTON**  
Chair

  
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**MANDY HEMINGWAY**  
Recording Secretary

05/02/23  
Date Approved

06/14/2022