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**Charter Township of Kalamazoo
Minutes of the Zoning Board of Appeals
Held on June 19, 2019**

10 A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was held on
11 Wednesday, June 19, 2019.

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Call to Order.

18 The chairman called the meeting to order at 7:00 p.m.

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Present Were:

23 Chairman Jim Short
24 Warren Cook
25 Steve Leuty
26 Chris Mihelich

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Absent was: Fred Nagler

31 Also present were: Township Zoning Administrator, Patrick Hudson and two members of the
32 audience.

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Roll Call.

38 Chairman Short called the roll, noting that Fred Nagler had asked to be excused. All other ZBA
39 members were present. Motion by Cook, 2nd by Leuty to excuse Nagler. The motion passed
40 unanimously.

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Approval of the Agenda.

The ZBA members received a copy of the agenda in the member packets.

Cook moved, supported by Leuty, to approve the agenda as presented. The motion passed
unanimously.

Approval of the Minutes of the May 15, 2019 ZBA Meeting.

The first item on the agenda was approval of the minutes of the May 15, 2019 Zoning Board of
Appeals meeting. The meeting minutes were provided to all ZBA members in their packets. There
were no additions or revisions made to the minutes.

Cook moved, supported by Leuty, to approve the minutes of the May 15, 2019 ZBA meeting as
presented. The motion passed unanimously. Mihelich signed the minutes and the same where
provided to Hudson for transmission to the Township staff.

1 **Public Hearing.**

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3 **1421 Healy Street – Setback from the required side yard setback to allow a solar energy field.**

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5 The first item on the agenda was a public hearing on the request of Kalamazoo County, of 201
6 W. Kalamazoo Ave., Kalamazoo, Michigan; and Helios Solar LLC, of 248 W. Michigan Avenue,
7 Kalamazoo, Michigan (applicant) for a 20-foot variance from the required 30-foot side yard
8 setback per Article 25, Table 25.02 of the Township Zoning Ordinance in order to use the property
9 addressed as 1421 Healy Street, Kalamazoo MI (Parcel No. 06-23-445-120) in order to
10 accommodate a 150 kw solar energy system on a triangular-shaped property south of the County
11 Probation office bordered by the I-94 BL and Healy Street.

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13 Short opened the public hearing and explained the procedures and rules to be followed during
14 the same.

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16 Eric Macnamara of Kalamazoo County Facilities Management, stated that the sustainability
17 project began years ago in the area and this has led to this solar energy project. The County
18 Probation office building was constructed to accommodate solar energy.

19 Sam Field of Helios Solar, showed an overhead view of the land-locked parcel explaining that this
20 is dead space owned by the County Jail but separated by the storm water detention pond. The
21 solar field would be a good use for an otherwise useless space. The limitation of the site is that
22 in order to obtain a 150 kw field they need to have the setback reduced or they will not be able
23 to get the energy output needed. In this case there are no immediately adjacent buildings. He
24 also explained that the panels will be mounted on steel beams without concrete so that in the
25 future if another use is found for the land the panels and supports can be easily removed and not
26 leave any concrete pads. The panels will be 2 feet above ground with a maximum height of 8'.
27 This is not comparable to the BTR site at WMU where the panels are mounted much higher.

28 Cook asked about the panel sizes.

29 Field – 6' x 10' = 60 sq.ft. or 6' x 12' = 72 sq.ft. and 72" high. The installations meet state building
30 code. There is an existing 10' high fence along the Business Loop r-o-w, a pond on the north and
31 the county jail fence on the east. Also, the project will generate personal property tax for the
32 Township. The county will still own the land but Helios Solar will own the equipment.

33 Short asked what would happen if the company goes out of business.

34 Macnamara said the County will own the facility in 6 years. The County expects a savings of
35 \$27,000 on energy costs, about \$4,000 per year.

36 Field said that if Helios goes under the County would take over the facility

37 Leuty asked about the location of the control equipment

38 Field said each rack will have a converter on the rack and then the energy will be distributed to
39 the building through underground wiring. No other equipment is needed. The panels produce
40 DC (direct Current) but the converter changes the output to AC (Alternating Current).

41 Macnamara said the net metering system will be used.

42 Leuty so will there be excess output?

43 Macnamara said with c. 400 panels generally this will not meet all the building needs

44 Leuty noted that this will benefit the County Emergency Management system

1 Macnamara said that it won't quite do that but the Jail has its own back up system
2 Short asked if Helios operates other systems
3 Field, yes, Kalamazoo Nature Center, Pennfield High School, Hackett High School and St.
4 Catherine Sienna church.
5 Luety noted that Kal-sec also has a field
6 Field – Kal-sec owns that field and sells energy to Consumers
7 Luety asked about O & M
8 Field responded that Helios Solar has management cost near 0. At Hackett they incurred 2.2 for
9 8 years.
10 Mihelich asked about the length of the panel structures 60' or 72'
11 Field – 72' with 35' separation distance. The panels must tilt 30 degrees from horizontal and
12 ideally would be 40' apart but space limitation require them be 35' for this project
13 Luety asked if any odd sizes will be used
14 Field no these will all be standard sizes
15 Cook asked if roof mounting had been considered
16 Macnamara said that the building had not been designed for roof mounting because the Sheriff
17 had security issues with access to a roof system
18 Short asked about safety
19 Field noted that this was a concern but the pond is a natural barrier and through experience they
20 have found that people do not generally approach electrical equipment.
21 Macnamara noted that the Sheriff maintains security around the site.
22 Mihelich asked which way the panels will face
23 Field – south
24 Mihelich was concerned about reflectivity from the panels
25 Field the panels are designed to absorb light and have a non-glare surface
26 Mihelich asked about screening
27 Macnamara there is existing vegetation and the panels are low
28 Field explained that the project will have a 14% return on investment which is higher than the
29 standard 6%. The Healy Street building offers the highest rate of return
30 Leuty noted that this type of project could work well on Brownfield sites
31 Field replied that this had been done successfully in the Lansing area
32
33 Hudson presented his review of the Variance Standards for Approval:
34 A. The Master Plan does not directly address alternative energy but it does support
35 maximum use of lands along the I-94BL as well as redevelopment and intergovernmental
36 cooperation.
37 B. The proposal would be fully compatible with adjacent uses.
38 C. Strict compliance with the ordinance will not prevent use of the property but would
39 greatly reduce the effectiveness of the proposed solar array.
40 D. The situation is not self-created but the odd lot configuration was the result of land
41 acquisition for the I-94BL.
42 E. There is no other viable solution for this project
43 F. The irregular shape of this parcel might make it otherwise unusable for county purposes.
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1 There being no other persons present, no additional public comment, Short closed the public
2 comment portion of the public hearing at 7:37 PM and the ZBA entered into deliberations.

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4 Cook applauded the County for supporting this proposal. He reiterated the Zoning
5 Administrator's comments noting that the proposal is compliant with the intent of the Master
6 Plan; is fully compatible with the adjacent uses; given the lot's configuration he sees no other use
7 for the property; Without the variance the project is not cost effective; the configuration of the
8 lot is not self-created; and what else could this area be used for?

9 Luety looked at the Zoning Ordinance requirements for screening and observed that there is
10 existing vegetation along the Business Loop and considers this use a 'corridor improvement'.

11 Mihelich agreed.

12 Short agreed that this area is basically land-locked with an odd configuration and this use will be
13 beneficial.

14 Motion by Cook to approve the 20' side setback variance for 1421 Healy Street as presented.
15 Supported by Short.

16 Mihelich noted that there would be no adverse impacts on adjacent properties.

17 Motion approved unanimously.

18 Short reminded the applicant that they must now apply for the Special Use permit by July 1st.

19 **Old Business.**

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21 None

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23 **New Business.**

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25 None.

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27 **Other matters to be reviewed by the ZBA.**

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29 **Citizen Comments.**

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31 None.

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33 **Correspondence received.**

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35 Hudson distributed the new Planning and Zoning magazine to the ZBA members.

36

37 **Board Member Comments.**

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39 Leuty noted the Township's work on the HVAC for the building is progressing.

40

41 **Report of the Planning Commission Member.**

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1 Hudson reported that the Planning Commission is looking at a draft text for recreational
2 marijuana but that nothing can be done until the state comes up with the rules. He also noted
3 that the Township Board had voted to opt out for now.

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5 **Adjournment.**

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7 There being no additional business before the Zoning Board of Appeals, upon motion of Mihelich,
8 supported by Cook, and unanimous approval, the meeting was adjourned at 7:56 p.m.

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Respectfully Submitted,

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Chris Mihelich, Secretary of the Planning
Commission

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Synopsis of Actions

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ZBA meeting May 15, 2019

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1. The request of Kalamazoo County, for a 20-foot variance from the required side yard setback in order to use the property addressed as 1421 Healy Street, Kalamazoo MI (Parcel No. 06-23-445-120) for a solar energy system was granted.

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