

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

FAX: 810-659-4212

## PLANNING COMMISSION AGENDA

DATE: October 11, 2022

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

### MEMBERS OF PLANNING COMMISSION

Chair – Vicki Bachakes

Ronald Voigt

Vice Chair – Christopher Czyzio

Craig Davis

Secretary – William Mills

Amy Bolin

Terry A. Peck – Board of Trustees Representative

Mandy Hemingway, Recording Secretary

#### I. CALL THE MEETING TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### II. APPROVAL OF AGENDA:

#### III. APPROVAL OF PREVIOUS MINUTES:

September 26, 2022 Special Meeting

#### IV. PUBLIC COMMENTS FOR AGENDA ITEMS ONLY:

Each speaker limited to three minutes

#### V. UNFINISHED BUSINESS:

1. Discussion and possible motion regarding Zoning Ordinance Article 18, Special Use Permits Article: Section 20-1804 Requirements for Permitted Special Land Uses (OO) Commercial Solar Energy Collector System(b)(2) The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.

#### VI. NEW BUSINESS:

1. Public Hearing and possible motion to rezone Parcel No. 08-12-200-014, southwest corner of Elms and Mt. Morris Roads from C-2 General Commercial District to RU-3 Residential Urban High-Density District. (Applicant withdrew the request; moving item to November agenda.)

2. Public Hearing and possible motion for a Special Use Permit to place an accessory structure in the front yard at 7055 N. McKinley Road, Parcel No. 08-10-400-003 pursuant to *Special Use Permits Article XVIII, Section 20-1804 (A)*.

**VII. PUBLIC COMMENTS:**

Each speaker limited to three minutes

**VIII. COMMISSION COMMENTS:**

**IX. NEXT REGULAR SCHEDULED MEETING: MONDAY, NOVEMBER 14, 2022  
AT 7:00P.M.**

**X. ADJOURNMENT**



**DENNIS JUDSON, Zoning Administrator**

**DRAFT**  
**CHARTER TOWNSHIP OF FLUSHING**  
**6524 N. SEYMOUR ROAD**  
**FLUSHING, MICHIGAN 48433**

**810-659-0800                      FAX: 810-659-4212**

***MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING***

**DATE: September 26, 2022                      TIME: 4:00 P.M.**

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

**MEMBERS OF PLANNING COMMISSION**

Chair – Vicki Bachakes	Ronald Voigt
Vice Chair – Christopher Czyzio	Craig Davis
Secretary - William Mills	Amy Bolin
Terry A. Peck, Board of Trustees Representative	
Mandy Hemingway, Recording Secretary	

**PRESENT:** Vicki Bachakes, Christopher Czyzio, William Mills, Ronald Voigt, Craig Davis, Amy Bolin and Terry Peck

**ABSENT:** None

**OTHERS PRESENT:** Fourteen (14) other individuals were present

**I. MEETING CALLED TO ORDER** at 7:00 P.M. by Planning Commission Chairperson Bachakes with Roll Call and Pledge to the American Flag.

**II. APPROVAL OF AGENDA:**

**COMMISSIONER PECK MOVED**, supported by Commissioner Bolin to approve the agenda as presented.

**THE MOTION CARRIED UNANIMOUSLY.**

**III. APPROVAL OF PREVIOUS MINUTES:**

**COMMISSIONER PECK MOVED**, supported by Commissioner Mills to approve the minutes of the September 12, 2022 meeting.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Mills, Bolin, Bachakes, Czyzio, Davis, Peck and Voigt

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED UNANIMOUSLY.**

**IV. PUBLIC COMMENTS**

**OPEN FOR PUBLIC COMMENTS 4:01 P.M.**

No comments made.

**CLOSED FOR PUBLIC COMMENTS 4:02 P.M.**

**V. UNFINISHED BUSINESS**

1. Consideration of a most recent site plan for the purpose of a seasonal haunted hayride pursuant to Article XVIII Sec. 20-1804 (D) Agricultural Tourism Facilities at Parcel No. 08-11-100-006, property address 7462 N. McKinley Road, Flushing, MI 48433 and possible motion.

The applicant, Alberto Dimatteo, was in attendance, along with his attorney, Chris Stritmatter. Mr. Stritmatter spoke briefly to the changes Mr. Dimatteo recently made to accommodate the requested changes to the previously submitted site plan.

At this time, Chairperson Bachakes deferred to Jason Ball from Rowe Engineering, who gave a brief synopsis of the changes made to the site plan.

After discussion, and review of the most recent site plan that had been submitted at 3:00 P.M. today, the following motion was made.

**COMMISSIONER PECK MOVED**, supported by Commissioner Voigt to approve the most recent site plan and grant this permit for this year, 2022, that is consistent with the previous motion to approve a Special Use Permit at the 9/12/22 Planning Commission meeting for a seasonal haunted hayride pursuant to Article XVIII Sec. 20-1804 (D) Agricultural Tourism Facilities at Parcel No. 08-11-100-006, property address 7462 N. McKinley Road, Flushing, MI 48433, with the

understanding that going forward, these activities will be handled properly for next year.

**ACTION ON THE MOTION**

**ROLL CALL VOTE:**

**AYES:** Davis, Bachakes, Czyzio, Mills, Peck, Voigt and Bolin

**NAYS:** None

**ABSENT:** None

**THE MOTION CARRIED UNANIMOUSLY.**

Chairperson Bachakes stated she had the understanding the applicant had been open over the weekend prior to receiving approval.

Mr. Dimatteo responded that yes, he was open over the weekend prior to receiving approval.

Chairperson Bachakes informed Mr. Dimatteo it is not good practice to ignore township approval, regulations and ordinances.

Mr. Dimatteo stated he understood, but he felt that it was detrimental to his business and survival and for the overall good of everybody to not cause more financial damage by remaining closed.

**VI. NEW BUSINESS**

None

**VI. PUBLIC COMMENTS**

**OPEN FOR COMMENTS:** 4:23 P.M.

One comment was made.

**CLOSED FOR COMMENTS:** 4:24 P.M.

**VII. COMMISSION COMMENTS**

Commissioner Mills commented that he likes saying the Pledge of Allegiance in public .

Commissioner Peck commented to the applicant that the applicant had previous experience with how things worked at the township, following procedure and the approval process with the horse farm located at the same address, yet failed to follow rules for the current business venture. Going forward, there should be no misunderstanding in the process and things needing to be done in a timely manner.

**VIII. NEXT REGULAR SCHEDULED MEETING IS TUESDAY,  
OCTOBER 11, 2022 AT 7:00 P.M.**

**IX. ADJOURNMENT**

With no further business, the meeting adjourned at 4:26 P.M.

\_\_\_\_\_  
VICKI BACHAKES, Chairperson

\_\_\_\_\_  
WILLIAM MILLS, Secretary

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Mandy Hemingway, Recording Secretary

**Flushing Township**  
**Solar Energy Zoning Ordinance Provisions**  
**AMENDED MONTH, YEAR**

**Article 2 DEFINITIONS**

**LANDSCAPED BERM:** An earth mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

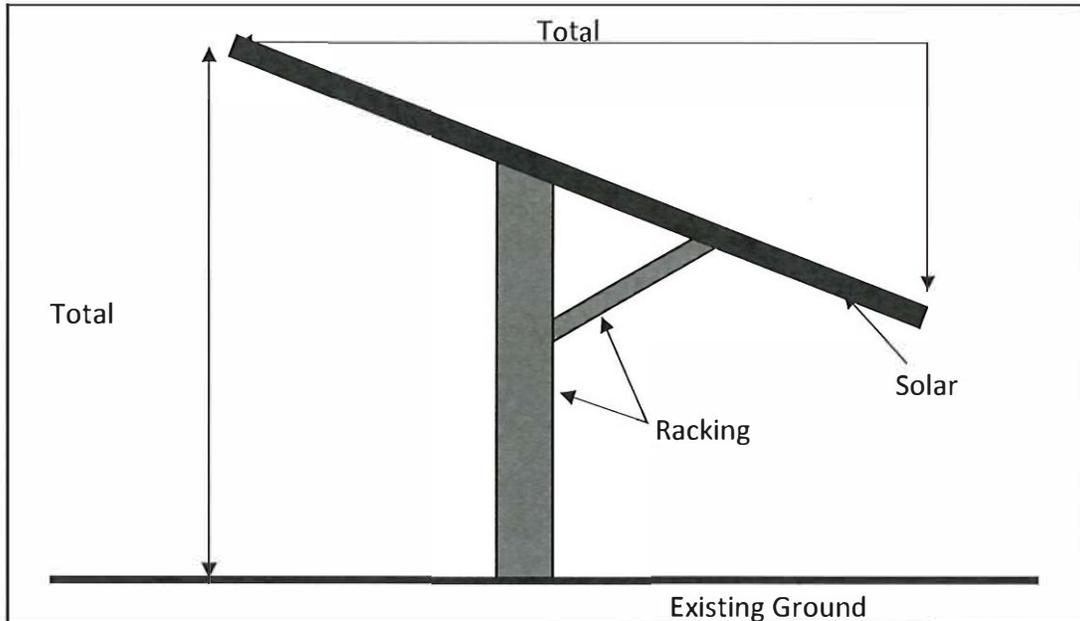
**GREENBELT:** An open area which may be cultivated or maintained in a landscaped state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

**SOLAR ENERGY COLLECTOR:** A device, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

~~GROUND MOUNTED~~ SOLAR ENERGY COLLECTOR, **GROUND MOUNTED:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).

~~ROOF MOUNTED~~ SOLAR ENERGY COLLECTOR, **ROOF-MOUNTED:** A solar energy collector that is attached to a building's roof on the parcel of land including solar shingles.

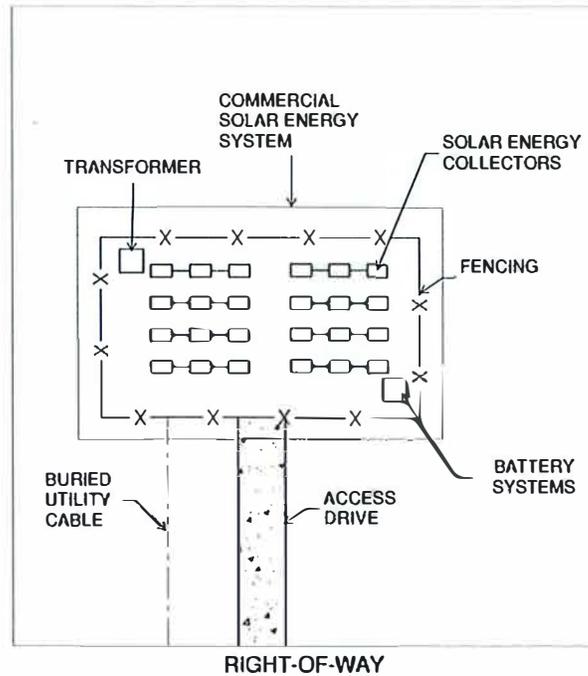
**Figure 1: Ground Mounted Solar Energy Collector Illustration**



**SOLAR ENERGY SYSTEM:** One or more solar energy collectors or structural design features of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

**COMMERCIAL-SOLAR ENERGY SYSTEM, COMMERCIAL:** A utility-scale facility of ground-mounted solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms. A commercial solar energy system includes the solar panels, internal roadways, spacing for service, fencing, and any other structure, transformer, or devices of the like needed for solar production or operation of the system. See Figure 2.

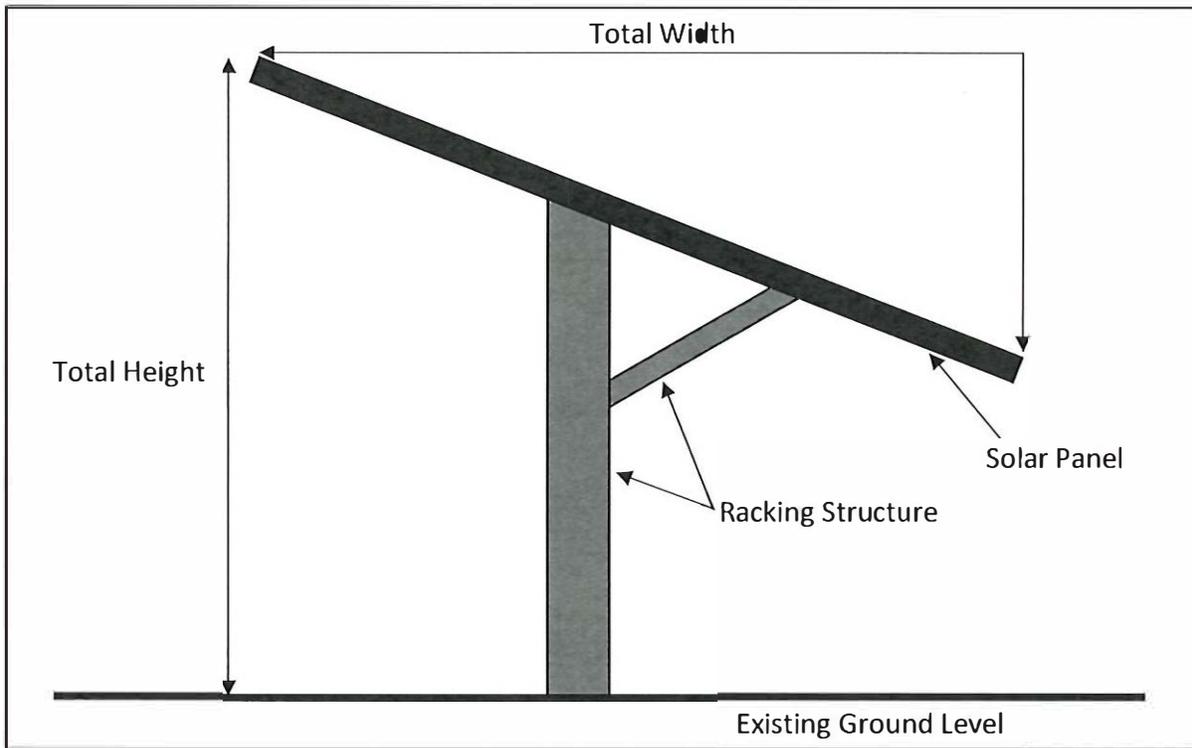
**Figure 2: Commercial Solar Energy System Illustration**



~~**GROUND MOUNTED SOLAR ENERGY COLLECTOR:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).~~

**ON-SITE SOLAR ENERGY SYSTEM, ON-SITE:** A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted. An on-site solar energy system may include ground-mounted, roof-mounted solar energy collectors, or a combination of the two. The majority of the electricity generated by an on-site solar energy system must remain on the site, and not be utilized for wholesale or retail sale.

**RACKING:** Racking is any structure or building material used in the mounting of a solar panel (Figure-1).



**Figure 1**

**SOLAR COLLECTOR:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

**SOLAR ENERGY:** Radiant energy (direct, diffuse, and reflected) received from the sun.

**SOLAR ENERGY SYSTEM:** A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

**SOLAR PANEL:** A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

**SOLAR SHINGLES:** A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

### **Article 3 General Regulations**

#### **Section 20-324 Landscaping and Screening**

The planning commission may require the installation of a Landscaped Berm and/or Greenbelt to visually screen special land uses from the right-of-way or other uses, and when a commercial, industrial, or multi-family land use or zoning district abuts a single-family

residential zoning district or use. The following are minimum standards and may be amended by the Planning Commission during site plan review.

(a) Greenbelt: Where required, greenbelts shall conform to the following standards:

- (1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
- (2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, with the exception of sidewalks and driveways.
- (3) A minimum of two (2) deciduous trees or two (2) evergreen trees shall be planted for each thirty (30) linear feet or portion thereof of required greenbelt length. Required trees shall be at least five (5) feet tall and may be planted at uniform intervals, at random, or in groupings.
- (4) A minimum of four (4) eighteen (18) inch high-shrubs shall be required for each thirty (30) linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random, or in groupings.
- (5) For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area inclusive of all driveways.
- (6) Trees or shrubs shall be planted at least three (3) feet from any property line.

(b) Landscaped Berms: Where required, landscaped berms shall conform to the following standards:

- (1) The berm shall be at least three (3) feet above the grade elevation and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
- (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- (3) A minimum of one (1) deciduous or one (1) evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.
- (4) Eight (8) shrubs may be planted as substitute for each tree required in subsection 3 if the same visual screening effect is achieved.
- (5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- (7) The edge of the berm shall be at least three (3) feet from any property line and shall not cause any additional stormwater runoff onto adjacent properties.

(c) Maintenance: All required landscaping shall be maintained in a healthy, neat, and orderly state free from refuse and debris. Dead or diseased trees or shrubs shall be removed and replaced.

## Article 4 SITE REGULATIONS

### Section 20-419-420 On-Site Solar Energy System Regulation

(a) All Solar Energy Collectors

- (1) The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive storm-water runoff and/or drainage.
- (2) It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
- (3) All panels shall have tempered, non-reflective surfaces.
- (4) Solar energy ~~equipment collectors~~ shall be repaired, replaced, or removed within three months of becoming nonfunctional.
- (5) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- (6) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.
- (7) Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.

(b) On-Site Roof-Mounted Solar Energy Collectors shall:

- (1) ~~Solar energy collectors shall be~~ such a weight to be safely supported by the building. Building inspector approval is required.
- (2) ~~Solar energy collectors shall be~~ considered part of the building and meet all the required building height and setback requirements.
- (3) ~~Solar energy collectors shall not~~ project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
- (4) ~~Solar energy collectors shall not~~ be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.

(c) On-Site Ground-Mounted Solar Energy Collectors :

- (1) ~~Ground-mounted solar energy systems are~~ only permitted in the side and rear yards, unless permitted in front yard by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of the Ordinance.
- (2) ~~Ground-mounted solar energy systems may~~ Shall not extend into the side - yard or rear setback when oriented at any designed tilt angle.
- (3) ~~Ground-mounted solar energy collectors s~~ Shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the

ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.

(4) ~~There s~~ shall be a minimum of 25 feet from all-natural features including water courses, wood lots, wetlands, and 100-year floodplains.

(5) ~~The total area of ground-mounted solar energy collections s~~ shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage permitted in the relevant zoning district.

(6) Shall be considered an accessory use in For the RU-1, RU-2, RU-4, RSA, C-1, C-2, C-3, M-1, and M-2 zoning districts, ground-mounted solar energy collectors if requesting a the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for fifteen (15%) percent or less lot coverage of 15 percent of total lot coverage.

~~(6)(7) \_\_\_\_\_ or less be considered an accessory use. A~~ Shall require a Discretionary Special Use Permit ~~may be considered~~ if the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for more than ground-mounted solar energy collectors requesting a lot coverage over fifteen (15%) percent of total lot coverage.

~~(7)(8) \_\_\_\_\_~~ Ground-mounted solar energy collectors and other elements of an on-site solar energy system shall meet the requirements of Sec-tion 20-400 Accessory Structures.

**Article 7 DISTRICT REGULATIONS**

**Section 20-701 Zoning District Uses**

<b>ZONING DISTRICT USES</b>									
<b>SCHEDULE OF USES - {Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A)}</b>									
TYPE OF USES	DISTRICTS								
	RSA	RU-1	RU-2	RU-4	C-1	C-2	C-3	M-1	M-2
<b>ACCESSORY USES, STRUCTURES, AND BUILDINGS</b>									
On-Site Roof-Mounted Solar Energy Collector	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (15 percent Lot Coverage or Less)	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (Over 15 percent of Lot Coverage)	DS	DS	DS	DS	DS	DS	DS	DS	DS
<b>INDUSTRIAL AND RELATED USES</b>									
Commercial Solar Energy Collector	DS							DS	DS

**Article 18 SPECIAL USE PERMITS-ARTICLE**

**Section 20-1804 Requirements for Permitted Special Land Uses**

**(OO) Commercial Solar Energy Collector System**

(a) The commercial solar energy collector system must meet all requirements in Section 20-41920 (a) all solar energy collectors and (b) roof-mounted solar energy collectors.

(a)(b) All commercial solar energy collector systems that are ground-mounted shall follow the following requirements:

- (1) Ground-mounted solar energy collectors shall not exceed twelve (12) feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.

The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.

- (2) The total area of the commercial solar energy system shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of twenty-five (25%) percent regardless of the residing zoning district (See Figure 3). If a commercial solar energy system is located on multiple parcels that form a single contiguous site, lot coverage shall be calculated based on the total area of all parcels on which the commercial solar energy system is located. The location of the commercial solar energy system shall be distributed as equally as possible between the parcels and comply with the other standards in this section, particularly subsection 20-1804 (b)(9). See Figure 4 for an example of how this standard could be implemented.

**Figure 3: Commercial Solar Energy Lot Coverage Illustrations**

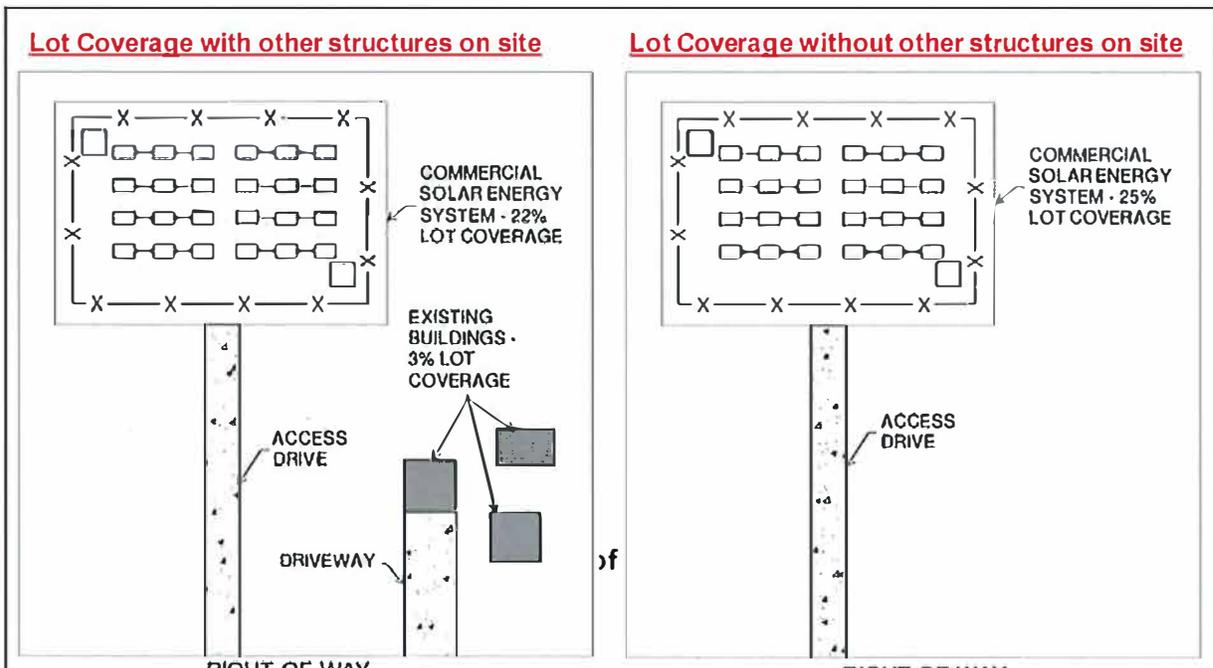
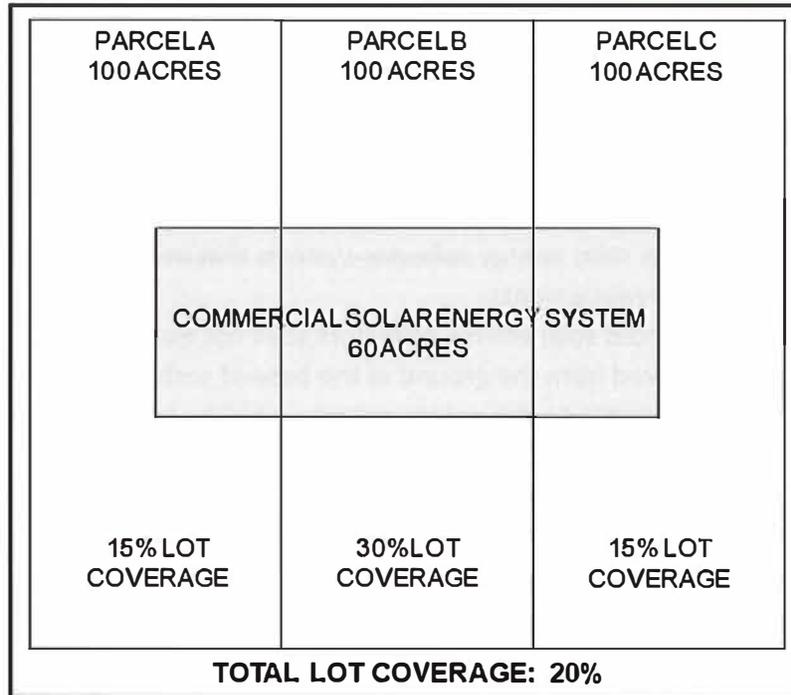


Figure 4: Commercial Solar Energy Lot Coverage Illustration, Multiple Parcels



(3) ~~(3)~~ Commercial solar energy systems must be located on ~~Required to be on~~ lots larger than 2 acres.

(4) Visual Buffer Requirements:

- (i) Residential Property: When ~~Any a~~ commercial solar energy collector system is adjacent to ~~adjoining any a~~ residential ~~development use~~, the system shall be set-back at least **three hundred (300)** feet from the property line and at least **five hundred (500)** feet from any dwelling unit. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.
- (ii) Street Frontage: Commercial solar energy systems shall be set-back at least **three hundred (300)** feet from any road right-of-way. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.
- ~~(i)~~ Visual Buffer: ~~shall be provided with a buffer of at least 60 feet along the adjacent property line. A required landscaped visual buffer, including a greenbelt and/or landscaped berm, that meets the minimum standards of Section 20-324 shall be installed to effectively screen the commercial solar energy system from view. The visual buffer shall be installed prior to the placement of solar collectors to the extent feasible and must be maintained by the property owner. The Planning Commission may require the installation of additional vegetation and other landscaping or~~

~~visual screening in excess of the minimum requirements to screen residential districts and uses. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes.~~ (v) A landscaped planting area of at least 60 feet shall also be provided along all street frontage. The Planning Commission may approve to substitute the above described greenbelt for an obscuring fence, wall, and other protective barriers as long as it meets requirements in Section 20-408.

(iii) The planting of native ground covers ~~that~~ shall be maintained on site during the operation, until the site is decommissioned.

(iv) **Setback:** Required setback areas and visual buffers may be used for agricultural purposes or left in a natural state. In addition to the residential and street frontage setback requirements in this section, commercial solar energy systems shall meet the required front, side, and rear setbacks for the RSA zoning district. If a commercial solar energy system is located on a site that includes multiple parcels that form a single contiguous site, the setback requirement may be waived by the Planning Commission during site plan review.

~~(ii)(v)~~ (v) A landscaped planting area of at least 60 feet shall be provided along all street frontage. The Planning Commission may approve substitution of vegetation to substitute the above described greenbelt for an obscuring fence, wall, and other protective barriers as long as it meets requirements in Sec. 20-408.

~~(iii)(vi)~~ (vi) The planting of native ground covers shall be maintained on site during the operation, until the site is decommissioned.

~~(4) (6)~~ (6) The applicant shall provide verification that adequate infrastructure exists to transport the electricity generated by the commercial solar energy system into the larger grid system.

~~(5)~~ (5)

~~(9) (7)~~ (7) Power and communication lines running between banks of solar energy collectors may be placed above ground, provided the lines are placed no higher than the top of the solar panels. ~~(7) Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.~~

~~(6)~~ (6)

~~(5) (8)~~ (8) Power and communication lines to electric substations or interconnections with buildings shall be buried underground.

~~(6) (7)~~ (7) Exception for The requirement for underground power and communication lines may be waived in the following circumstances.:

- (i) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

~~(ii)-(ii)~~ When required by the utility company.

(ii)

~~(iii)-(iii)~~ ~~Unless otherwise~~ When granted a waiver determined by the Planning Commission during site plan review.

(iii)

~~(7)-(10)~~ The installation of the ground-mounted solar energy collectors shall not disturb the existing topography.

(8)

(9) Commercial solar energy systems shall be centrally located on a property, or in the least visibly intrusive location whenever possible.

(10) Upon submittal of a special land use application and site plan for review by the township, the applicant shall deposit funds into an escrow account to address the costs of professional planning, engineering, legal, and other required reviews. The amount of the deposit shall be determined in the township's fee schedule, which is reviewed annually. Any remaining funds will be returned to the applicant following final action. The township may request additional funds be deposited if the escrow is expended prior to final action on the application.

(c) Decommissioning:

(1) Any commercial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found abandoned, the Planning Commission, upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the commercial solar energy system should not be decommissioned.

(2) If a commercial solar energy system is repaired, a Licensed Professional Engineer (hired at the expense of the owner or operator) shall certify its safety prior to the resumption of operation.

(3) Within ninety (90) days of the hearing where the Planning Commission has determined that a commercial solar energy system is abandoned or inoperable, the owner/operator shall obtain a permit from the township, and any other necessary entities to remove all structures and equipment, consistent with the approved decommissioning plan.

(4) Failure to obtain necessary permits within the ~~ninety (90)-~~ day period provided in this subsection shall be grounds for the township to remove the commercial solar energy system at the Owner's expense, consistent with the decommissioning plan.

(5) Decommissioning shall include removal of all equipment, including all materials above and below ground, and internal or perimeter access roads. The site shall

be restored to a condition that reflects the character of the site prior to installation of the commercial solar energy system, including topography, vegetation, soils, drainage, and any unique environmental features.

(6) The restoration shall include road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the commercial solar energy system.

(7) The restoration process shall comply with all state, county, or local erosion control, soil stabilization, and/or runoff requirements or ordinances and shall be completed within one year. Extensions may be granted upon request to the Planning Commission prior to expiration of the one-year requirement for completed decommissioning.

(d) Decommissioning Plan:

(1) -Prior to site plan approval, a commercial solar energy system shall have a plan approved by the township for decommissioning the site that describes the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, and the financial resources necessary to accomplish decommissioning. The decommissioning plan shall address all applicable items in the previous subsection as well as the following.

(i) The financial resources for decommissioning shall be in the form of a bond or similar financial instrument with a replenishment obligation and shall be deposited by an agent acceptable to the township.

(ii) The financial resources for decommissioning shall be **one hundred twenty-five (125%)** percent of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.

(iii) The planning commission, building official, and zoning administrator shall annually review the amount deposited for removal, site restoration, and administration costs to ensure it is adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.

(iv) If decommissioning is not completed by the applicant within one year of **receiving the necessary permits for decommissioning**, the township shall have access to the financial resources for the expressed purpose of completing decommissioning. Funds may be used for administrative fees and costs associated with decommissioning.

(v) The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

(vi) The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount provided for in the decommissioning plan and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 90 days. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a bond in favor of Flushing Township equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.

(e) Change in Ownership

(1) The Township must be notified in advance of any change in ownership of a commercial solar energy system. The following information shall be provided in the notification:

(i) The current owner's name, address, and contact information (email and phone number).

(ii) The proposed new owner's name, address, and contact information (email and phone number).

(iii) The property address, including Parcel ID number.

(iv) If there is to be a change in responsibility for oversight and operation of the system, the name, address and contact information for the new operator (email and phone number) will be required as well.

**Flushing Township  
Solar Energy Zoning Ordinance Provisions  
AMENDED MONTH, YEAR**

**Article 2 DEFINITIONS**

**LANDSCAPED BERM:** An earth mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

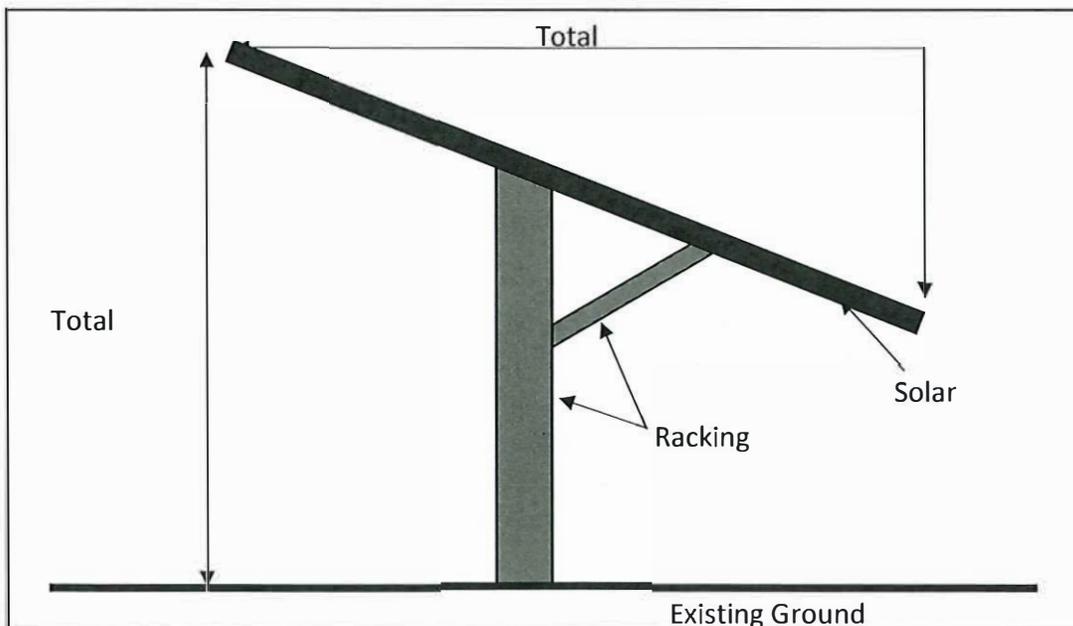
**GREENBELT:** An open area which may be cultivated or maintained in a landscaped state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

**SOLAR ENERGY COLLECTOR:** A device, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure’s energy supply.

**SOLAR ENERGY COLLECTOR, GROUND MOUNTED:** A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).

**SOLAR ENERGY COLLECTOR, ROOF-MOUNTED:** A solar energy collector that is attached to a building’s roof on the parcel of land including solar shingles.

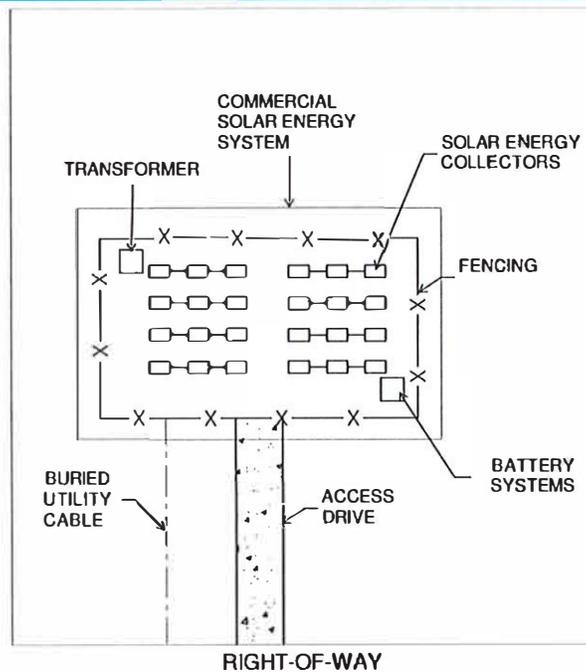
**Figure 1: Ground Mounted Solar Energy Collector Illustration**



**SOLAR ENERGY SYSTEM:** One or more solar energy collectors or structural design features of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

**SOLAR ENERGY SYSTEM, COMMERCIAL:** A utility-scale facility of ground-mounted solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity, commonly referred to as solar farms. A commercial solar energy system includes the solar panels, internal and perimeter roadways, spacing for service, fencing, and any other structure, transformer, or devices of the like needed for solar production or operation of the system. See Figure 2.

**Figure 2: Commercial Solar Energy System Illustration**



**SOLAR ENERGY SYSTEM, ON-SITE:** A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted. An on-site solar energy system may include ground-mounted, roof-mounted solar energy collectors, or a combination of the two. The majority of the electricity generated by an on-site solar energy system must remain on the site, and not be utilized for wholesale or retail sale.

**RACKING:** Racking is any structure or building material used in the mounting of a solar panel.

SOLAR PANEL: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

### **Article 3 GENERAL REGULATIONS**

#### ***Section 20-324 Landscaping and Screening***

The planning commission may require the installation of a Landscaped Berm and/or Greenbelt to visually screen special land uses from the right-of-way or other uses, and when a commercial, industrial, or multi-family land use or zoning district abuts a single-family residential zoning district or use. The following are minimum standards and may be amended by the Planning Commission during site plan review.

(a) **Greenbelt:** Where required, greenbelts shall conform to the following standards:

- (1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
- (2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, with the exception of sidewalks and driveways.
- (3) A minimum of two (2) deciduous trees or two (2) evergreen trees shall be planted for each thirty (30) linear feet or portion thereof of required greenbelt length. Required trees shall be at least five (5) feet tall and may be planted at uniform intervals, at random, or in groupings.
- (4) A minimum of four (4) eighteen (18) inch-high shrubs shall be required for each thirty (30) linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random, or in groupings.
- (5) For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area inclusive of all driveways.
- (6) Trees or shrubs shall be planted at least three (3) feet from any property line.

(b) **Landscaped Berms:** Where required, landscaped berms shall conform to the following standards:

- (1) The berm shall be at least three (3) feet above the grade elevation and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
- (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
- (3) A minimum of one (1) deciduous or one (1) evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.
- (4) Eight (8) shrubs may be planted as substitute for each tree required in Subsection 20-324(b)(3) if the same visual screening effect is achieved.

- (5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- (7) The edge of the berm shall be at least three (3) feet from any property line and shall not cause any additional stormwater runoff onto adjacent properties.

(c) **Maintenance:** All required landscaping shall be maintained in a healthy, neat, and orderly state, free from refuse and debris. Dead or diseased trees or shrubs shall be removed and replaced.

## **Article 4 SITE REGULATIONS**

### ***Section 20-420 Solar Energy System Regulation***

- (a) All Solar Energy Collectors
  - (1) The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive stormwater runoff and/or drainage.
  - (2) It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
  - (3) All panels shall have tempered, non-reflective surfaces.
  - (4) Solar energy collectors shall be repaired, replaced, or removed within three months of becoming nonfunctional.
  - (5) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
  - (6) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.
  - (7) Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
  
- (b) On-Site Roof-Mounted Solar Energy Collectors shall:
  - (1) Be such a weight to be safely supported by the building. Building inspector approval is required.
  - (2) Be considered part of the building and meet all the required building height and setback requirements.
  - (3) Not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.

- (4) Not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.

(c) On-Site Ground-Mounted Solar Energy Collectors:

- (1) Are only permitted in the side and rear yards, unless permitted in front yard by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of the Ordinance.
- (2) Shall not extend into the side yard or rear setback when oriented at any designed tilt angle.
- (3) Shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
- (4) Shall be a minimum of 25 feet from all-natural features including water courses, wood lots, wetlands, and 100-year floodplains.
- (5) Shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage permitted in the relevant zoning district.
- (6) Shall be considered an accessory use in the RU-1, RU-2, RU-4, RSA, C-1, C-2, C-3, M-1, and M-2 zoning districts if the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for fifteen (15%) percent or less of total lot coverage.
- (7) Shall require a Discretionary Special Use Permit if the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for more than fifteen (15%) percent of total lot coverage.
- (8) Ground-mounted solar energy collectors and other elements of an on-site solar energy system shall meet the requirements of Section 20-400 Accessory Structures.

**Article 7 DISTRICT REGULATIONS**

*Section 20-701 Zoning District Uses*

ZONING DISTRICT USES									
SCHEDULE OF USES - Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A)									
TYPE OF USES	DISTRICTS								
	RSA	RU-1	RU-2	RU-4	C-1	C-2	C-3	M-1	M-2
<b>ACCESSORY USES, STRUCTURES, AND BUILDINGS</b>									
On-Site Roof-Mounted Solar Energy Collector	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (15 percent Lot Coverage or Less)	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (Over 15 percent of Lot Coverage)	DS	DS	DS	DS	DS	DS	DS	DS	DS
<b>INDUSTRIAL AND RELATED USES</b>									
Commercial Solar Energy Collector	DS							DS	DS

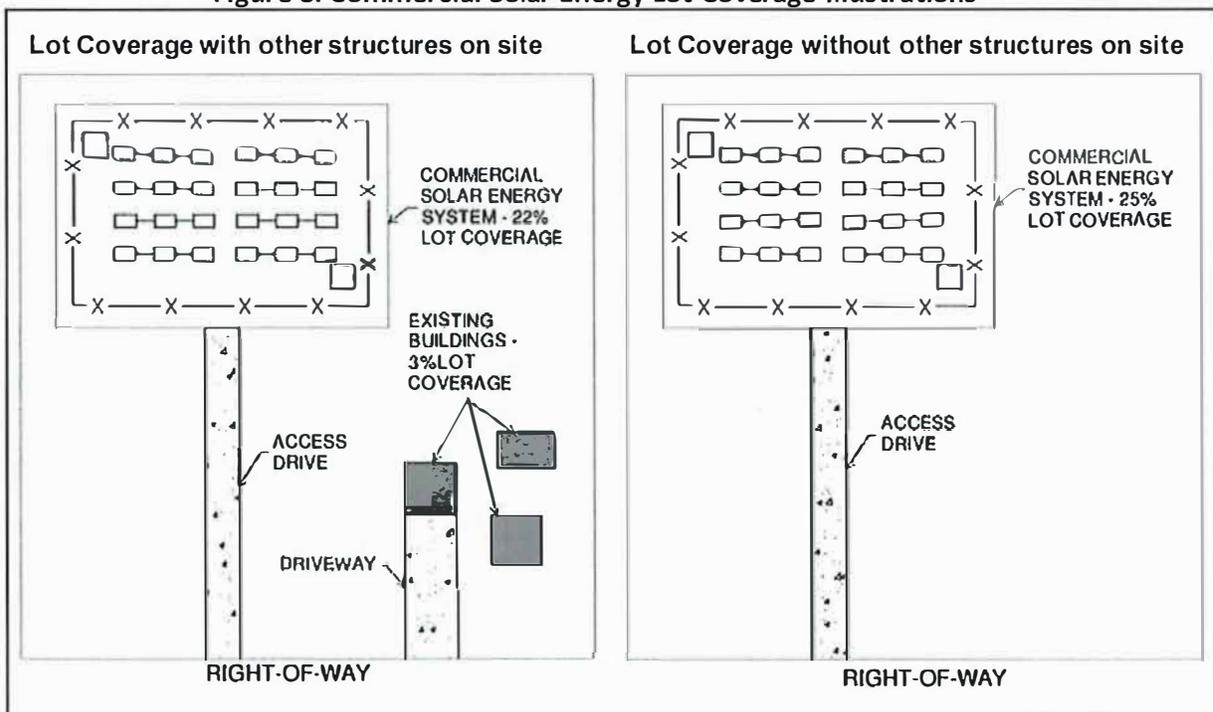
### Article 18 SPECIAL USE PERMITS

#### Section 20-1804 Requirements for Permitted Special Land Uses

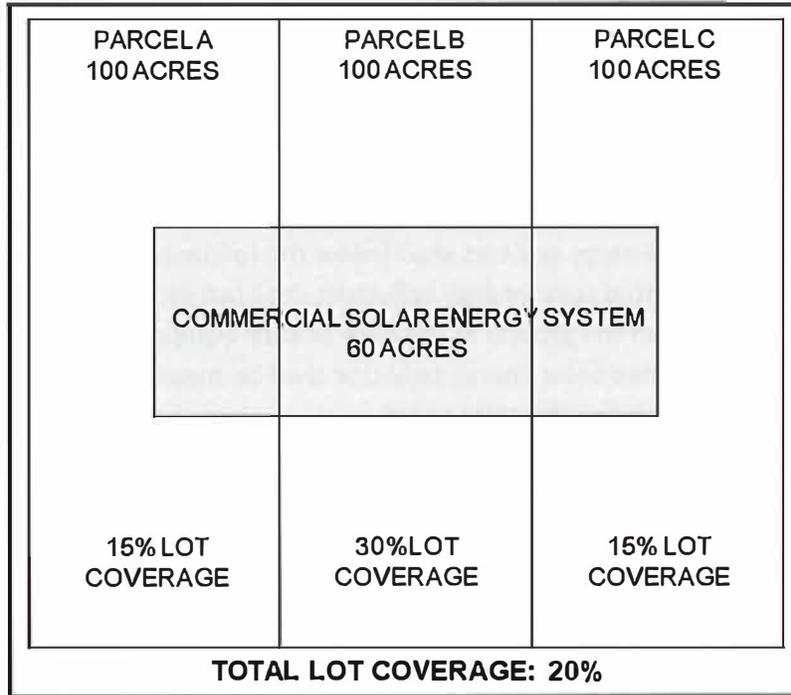
##### (OO) Commercial Solar Energy System

- (a) The commercial solar energy system must meet all requirements in Section 20-420 (a) all solar energy collectors.
- (b) All commercial solar energy systems shall follow the following requirements:
  - (1) Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
  - (2) The total area of the commercial solar energy system shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of twenty-five (25%) percent regardless of the residing zoning district (Figure 3). If a commercial solar energy system is located on multiple parcels that form a single contiguous site, lot coverage shall be calculated based on the total area of all parcels on which the commercial solar energy system is located. The location of the commercial solar energy system shall be distributed as equally as possible between the parcels and comply with the other standards in this Section, particularly Subsection 20-1804 (b)(9). See Figure 4 for an example of how this standard could be implemented.

Figure 3: Commercial Solar Energy Lot Coverage Illustrations



**Figure 4: Commercial Solar Energy Lot Coverage Illustration, Multiple Parcels**



(3) Commercial solar energy systems must be located on lots larger than 2 acres.

(4) Visual Buffer Requirements:

- (i) **Residential Property:** When a commercial solar energy system is adjacent to a residential use, the system shall be set back at least **three hundred (300)** feet from the property line and at least **five hundred (500)** feet from any dwelling unit. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.
- (ii) **Street Frontage:** Commercial solar energy systems shall be setback at least **three hundred (300)** feet from any road right-of-way. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.
- (iii) **Visual Buffer:** **A required landscaped visual buffer, including a greenbelt and/or landscaped berm, that meets the minimum standards of Section 20-324 shall be installed to effectively screen the commercial solar energy system from view. The visual buffer shall be installed prior to the placement of solar collectors to the extent feasible and must be maintained by the property owner. The Planning Commission may require the installation of additional vegetation and other landscaping or visual screening in excess of the minimum requirements to screen residential districts and uses.** The planting of native ground covers shall

be maintained on site during the operation, until the site is decommissioned.

- (iv) **Setback:** Required setback areas and visual buffers may be used for agricultural purposes or left in a natural state. In addition to the residential and street frontage setback requirements in this Section, commercial solar energy systems shall meet the required front, side, and rear setbacks for the RSA zoning district. If a commercial solar energy system is located on a site that includes multiple parcels that form a single contiguous site, the setback requirement may be waived by the Planning Commission during site plan review.
  - (v) The Planning Commission may approve substitution of vegetation for an obscuring fence, wall, and other protective barriers as long as it meets requirements in Section 20-408.
  - (vi) The planting of native ground covers shall be maintained on site during the operation, until the site is decommissioned.
- (5) The applicant shall provide verification that adequate infrastructure exists to transport the electricity generated by the commercial solar energy system into the larger grid system.
  - (6) Power and communication lines running between banks of solar energy collectors may be placed above ground, provided the lines are placed no higher than the top of the solar panels.
  - (7) Power and communication lines to electric substations or interconnections with buildings shall be buried underground. The requirement for underground power and communication lines may be waived in the following circumstances.
    - (i) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
    - (ii) When required by the utility company.
    - (iii) When granted a waiver by the Planning Commission during site plan review.
  - (8) The installation of the ground-mounted solar energy collectors shall not disturb the existing topography.
  - (9) Commercial solar energy systems shall be centrally located on a property, or in the least visibly intrusive location whenever possible.
  - (10) Upon submittal of a special land use application and site plan for review by the township, the applicant shall deposit funds into an escrow account to address the costs of professional planning, engineering, legal, and other required reviews. The amount of the deposit shall be determined in the township's fee schedule, which is reviewed annually. Any remaining funds will be returned to the applicant following final action. The township may request additional funds be deposited if the escrow is expended prior to final action on the application.

(c) Decommissioning:

- (1) Any commercial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found abandoned, the Planning Commission, upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the commercial solar energy system should not be decommissioned.
- (2) If a commercial solar energy system is repaired, a Licensed Professional Engineer (hired at the expense of the owner or operator) shall certify its safety prior to the resumption of operation.
- (3) Within ninety (90) days of the hearing where the Planning Commission has determined that a commercial solar energy system is abandoned or inoperable, the owner/operator shall obtain a permit from the township, and any other necessary entities to remove all structures and equipment, consistent with the approved decommissioning plan.
- (4) Failure to obtain necessary permits within the 90-day period provided in this subsection shall be grounds for the township to remove the commercial solar energy system at the Owner's expense, consistent with the decommissioning plan.
- (5) Decommissioning shall include removal of all equipment, including all materials above and below ground, and internal or perimeter access roads. The site shall be restored to a condition that reflects the character of the site prior to installation of the commercial solar energy system including topography, vegetation, soils, drainage, and any unique environmental features.
- (6) The restoration shall include road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the commercial solar energy system.
- (7) The restoration process shall comply with all state, county, or local erosion control, soil stabilization, and/or runoff requirements or ordinances and shall be completed within one year. Extensions may be granted upon request to the Planning Commission prior to expiration of the one-year requirement for completed decommissioning.

(d) Decommissioning Plan:

- (1) Prior to site plan approval, a commercial solar energy system shall have a plan approved by the township for decommissioning the site that describes the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, and the financial resources necessary to accomplish decommissioning. The

decommissioning plan shall address all applicable items in the previous subsection as well as the following.

- (i) The financial resources for decommissioning shall be in the form of a bond or similar financial instrument with a replenishment obligation and shall be deposited by an agent acceptable to the township.
- (ii) The financial resources for decommissioning shall be one hundred twenty-five (125%) percent of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
- (iii) The Planning Commission, Building Official, and Zoning Administrator shall annually review the amount deposited for removal, site restoration, and administration costs to ensure it is adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
- (iv) If decommissioning is not completed by the applicant within one year of receiving the necessary permits for decommissioning, the township shall have access to the financial resources for the expressed purpose of completing decommissioning. Funds may be used for administrative fees and costs associated with decommissioning.
- (v) The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- (vi) The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount provided for in the decommissioning plan and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

(e) Change in Ownership

- (1) The township must be notified in advance of any change in ownership of a commercial solar energy system. The following information shall be provided in the notification:
  - (i) The current owner's name, address, and contact information (email and phone number).
  - (ii) The proposed new owner's name, address, and contact information (email and phone number).
  - (iii) The property address, including Parcel ID number.

Draft #3

(iv) If there is to be a change in responsibility for oversight and operation of the system, the name, address, and contact information for the new operator (email and phone number) will be required as well.

R:\Projects\22C0001\Docs\Planning and Zoning Services\Zoning Ordinance and Map\Text Amendment\Solar Amendment\D3 Solar Ordinance Revision Clean.docx

This Form and any required site plan MUST be completed in full and turned into Flushing Township **25 DAYS BEFORE THE SCHEDULED** Zoning Board of Appeals meeting date to insure all Board members have the necessary information:

Date of Next Meeting: \_\_\_\_\_

Date Paid: 8-31-22  
Amount Paid: \$300  
Receipt #: 40052

Paperwork Due By: \_\_\_\_\_

### SITE PLAN REVIEW CHECKLIST

Name of Applicant: \_\_\_\_\_

Mailing Address: 7055 N. MCKINLEY

Property Address: 7055 N. MCKINLEY

Parcel Number: 08-10-400-003

Proposed Use: STORAGE

Existing Zoning: RESIDENTIAL

#### Section 20-1902 Site Plan Review Requirements:

Before any Building Permit shall be issued, a site plan drawn to a scale of one (1) inch equals twenty (20) feet, and at least two (2) copies of this site plan shall be submitted to the township clerk. **Such site plan drawing shall contain ALL of the following information:**

**PLEASE PLACE AN ANSWER IN EVERY BOX UNDER PROPOSED.**

**DETERMINATION OF  
ORDINANCE  
COMMISSIONERS**

**PROPOSED**

<p>(a) Statistical data including: number of dwelling units, size of dwelling units (e.g., one-bedroom, two-bedrooms, and three-bedrooms), if any, and total gross acreage involved. In all other cases, the location, type, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site.</p>	<p>N/A</p>	
<p>(b) The location of principal and accessory buildings on the lot and the relationship of each structure to the other.</p>	<p>OK</p>	
<p>(c) Vehicular traffic and pedestrian circulation features within and without the site.</p>	<p>NA</p>	
<p>(d) The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.</p>	<p>NA</p>	
<p>(e) The location, dimensions and proposed use of all on-site recreation areas, if any.</p>	<p>NA</p>	
<p>(f) The location of all proposed landscaping, fences or walls.</p>		
<p>(g) The height and dimensions of all structures.</p>	<p>24x60 18-20 ft high</p>	
<p>(h) Front, rear and side elevations of any typical structure proposed for development.</p>	<p>10 foot sidewalls</p>	
<p>(i) The location and capacity of private or public water and sanitary services and solid waste disposal facilities servicing the site.</p>	<p>NA</p>	

Site plan review checklist

(j) The locations, dimensions and lighting of all signs.	NA	
(k) The location, intensity and orientation of all lighting.	NA	
(l) A location map indicating the relationship of the site to the surrounding land use for an area of not less than one (1) square mile.	included	
(m) A physiographic map showing the natural topography, the soil types, and suitability for intended use, natural features such as wood lots, lakes, drains, streams, and ditches, and surface coverage data (such as paved areas and structures) related to storm water runoff characteristics.	NA	
(n) The site plan shall be sealed by a professional engineer, architect, landscape architect or community planner.	NA	
(o) Location and size of interior and exterior areas and structures to be used for storage use, loading/unloading, recycling, or disposal of hazardous substances.	NA	
(p) Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.	NA	
(q) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store to transport storm water or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.	NA	
(r) Delineation of areas on the site which are known or suspected to be contaminated, together with a	NA	

Site plan review checklist

report on the status of site cleanup.		
(s) Submission of the "Hazardous Substances Reporting Form for Site Plan Review."	NA	
(t) Submission of the "State/County Environmental Permits Checklist."	NA	
(u) 100 year floodplain.	NA	
(v) Topographic lines at 1' intervals.	NA	
(w) Proposed and existing utilities including water, sewer, storm water and lighting.	OK	
(x) Driveway location.	OK	
(y) Current zoning of parcel and if the proposed use is not permitted in the district the parcel is zoned, an indication as to the proposed zoning. (Amended by adoption July 25, 2002).	RSA	
(z) Statement on the plan as to whether wetlands exist on the site. (Added by adoption July 25, 2002).	OK	
(aa) Easements impacting property.	NA	
(bb) Underground utilities present on property.	NA	





# VARIANCE REQUEST FORM

Variance Request  
Variance Fee: 300 <sup>00</sup>  
Date Paid: \_\_\_\_\_  
Date Notice was Published: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_  
Affidavit Attached: \_\_\_\_\_

## FLUSHING TOWNSHIP ZONING BOARD OF APPEALS VARIANCE REQUEST

Required information from owner or person having interest in requesting Zoning Board of Appeals (ZBA) review and opinion.

1. Name of applicant/owner requesting ZBA review and opinion.

A. Applicant

Name: \_\_\_\_\_  
Address: 1055 N. McKINLEY  
Phone: \_\_\_\_\_

B. Owner of property if different than above

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

2. Location of Property:

Street number and name: 7055 N. McKINLEY  
Property tax identification number: \_\_\_\_\_

Legal description of property involved: A PARCEL OF LAND BEG N 0 DEG 03 MIN 15 SEC W 401.04 FT FROM SE COR OF SEC TH N 0 DEG 03 MIN 15 SEC W 376 FT TH S 88 DEG 35 MIN 25 SEC W 636.05 FT TH S 34 DEG 07 MIN 14 SEC E 387.34 FT TH N 88 DEG 35 MIN 25 SEC E 419.02 FT TO PLACE OF BEG  
List deed restrictions and easements: \_\_\_\_\_

Present zoning of property: RESIDENTIAL

3. With all requests, a site plan must be submitted (see attached site plan form)

4. Answer the following questions of the affidavit:

a. Will the strict enforcement of the provisions of the township zoning ordinance unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome? NO  
If yes; how? \_\_\_\_\_

- b. Is the need for a variance due to unique circumstances of the property? YES  
 If yes, please describe. NO SPACE BEHIND HOUSE DUE TO RIVER AND FLOOD PLANE
- c. Did you create the problems you are trying to get around? No
- d. Will the requested variance confer special privileges that are denied other properties similarly situated and in the same zoning district? No
- e. Will the requested variance be contrary to the spirit and intent of this zoning district and public safety? No

**ACKNOWLEDGEMENT AND CERTIFICATION:** It is hereby acknowledged that the applicant(s) has fully read and completed the above application. It is also understood that in case of cancellation or failure of the owner or his representative to appear at the hearing, I understand that all fees will be

Signature of Applicant \_\_\_\_\_

Signature of Owner  
 (If different than applicant) \_\_\_\_\_

\* \* \* \* \*  
 \* \* \* \* \*

**ZONING BOARD OF APPEALS:**

The Zoning Board of Appeals (ZBA) having reviewed the submitted data do hereby:

( ) APPROVE ( ) DISAPPROVE the application for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

If approved, are there conditions? \_\_\_\_\_

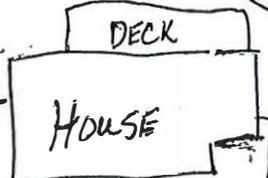
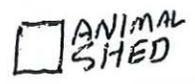
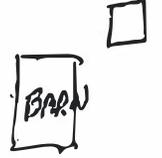
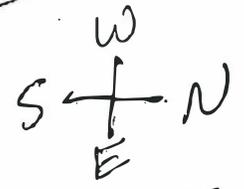
\_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
 Chairperson

FLINT RIVER (387)

FLOOD PLANE



(419) OVERHEAD POWER LINE

(676)

DRIVEWAY

WATER

(326)

Mc KINLEY





Parcel Number:  
08-10-400-003

**OWNERS ADDRESS:**

7055 N MCKINLEY RD  
FLUSHING, MI 48433-9010

**PROPERTY ADDRESS:**

7055 N MCKINLEY RD  
FLUSHING, MI 48433

DATE PRINTED: 08/09/2022

**2022 LEGAL DESCRIPTION:**

A PARCEL OF LAND BEG N 0 DEG 03 MIN 15 SEC W 401.04 FT FROM SE COR OF SEC TH  
N 0 DEG 03 MIN 15 SEC W 326 FT TH S 88 DEG 35 MIN 25 SEC W 636.05 FT TH S 34  
DEG 07 MIN 14 SEC E 387.34 FT TH N 88 DEG 35 MIN 25 SEC E 419.02 FT TO PLACE  
OF BEG SEC 10 T8N R5E

