

**DAVISON TOWNSHIP  
ZONING BOARD OF APPEALS  
AUGUST 10, 2021**

**MEMBERS PRESENT:** Chairman John Jelinek, Vice Chair Carol Hagler, Secretary Eric Hernandez, Richard Hill, Treasurer Tim Green  
  
Planning/Zoning Admin. Charm Healy  
  
Building Official Matt Place  
  
Code Enforcement Kris Allinger  
  
Recording Secretary Jami Vert

**MEMBERS ABSENT:** Nancy Davis, Paul Cooper, Attorney David Lattie

**OTHERS PRESENT:** Jim Halligan, John St Pierre, Susan Smith, Richard Martello,

**CALL TO ORDER**

The regular meeting of the Davison Township Zoning Board of Appeals was called to order at 6:00 P.M. at the Davison Township Municipal Center, 1280 N. Irish Road, Davison, MI 48423.

**ADOPT THE AGENDA**

**MOTION BY HAGLER, SECOND BY HILL** to adopt the August 10, 2021 board agenda with the amended change to item D as presented. Motion carried unanimously.

**PREVIOUS MINUTES**

**MOTION BY HILL, SECOND BY HAGLER** to approve the June 8, 2021 regular board meeting minutes as presented. Motion carried unanimously.

**UNFINISHED BUSINESS**

None at this time

**NEW BUSINESS**

**CASE #16-TU-2021-51 – HALLIGAN ELECTRIC – 7054 E COURT ST – TEMPORARY USE PERMIT FOR INSIDE STORAGE**

Jim Halligan – been in business for 30 years in Flint; store some materials in one half of the building; everything will be inside; over flow; 12 months

John St Pierre – where is the building located

Jim Halligan – old Genova building

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Charm – they recently purchased the warehouse plus 2.5 acres of the parcel to the east of the warehouse at 7054 Court St; he is requesting temporary use permit to allow him to store excess electrical tools and materials inside the southern half of the warehouse; Mr. Halligan will submit a site plan containing the requirements of the site plan that the Planning/Building Department discussed with him; Planning/Building Department will review his site plans and submit to the Planning Commission for review and approval; upon issuance of final inspection or approval by the building official the temporary use permit will be removed; the Planning/Building Department would support a recommendation of approved based on the following conditions:

1. This type of use is permitted in this General Commercial Zoning District
2. This permit does not allow for outside storage of vehicles or construction materials.
3. No business will be conducted at this location until a final inspection is issued by the building official.

Carol – do they need to have something in here about 12 months

Richard – familiar with that building; you're not doing anything with the office building

Jim – we only own the one building

**MOTION BY GREEN, SECOND BY HILL** to approve Case #16-TU-2021-51 – Halligan Electric – 7054 E Court St – Temporary Use Permit for inside storage. Motion carried unanimously.

**CASE #16-V-2021-4 – HEATHER HAREMZA – 9326 VARODELL DRIVE – A VARIANCE  
REQUEST FOR A REDUCTION IN THE SIDE SETBACK FOR AN ATTACHED GARAGE**

Applicant did not show up

Charm – can we table this to September 14, 2021

John – will table this until next meeting

**MOTION BY HAGLER, SECOND BY HERNANDEZ** to table Case #16-V-2021-4 until the September 14, 2021 meeting. Motion carried unanimously.

**CASE #16-V-2021-5 – DAVISON TOWNSHIP – MAIN GATE DRIVE – A VARIANCE  
REQUEST OF 60 CONTIGUOUS ACRES IN A PLANNED UNIT DEVELOPMENT**

Matt (Township) – before we had this across the street Davison Township ended up with this property from the Land Bank from all the parcels that didn't sell; gentlemen came in with the purchase agreement to have storage units; planning commission approved; there was a PUD on the property, the PUD had to go away; Planned Unit Development (PUD); that purchase agreement went away with the PUD; now another developer came in and wants to purchase it; the property is .73 acres shy of 60 acres which is required to do a PUD; township is

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requesting a variance of .7 acres to create the PUD so we can put condos and so back up there; there are a couple of parcels that don't but up to the other

Charm – this parcel used to be 99.98 acres; the prior development got in to some economical hard ship where he was splitting theses parcels off and now, we were left with 3 parcels in the tax sale; we have someone that wants to buy all three and put condos up; please approve this variance request of .73 of an acre and allow it to not be contiguous so a PUD condo development can be built; so, we can build something on it

Matt – the majority of this is wet lands and will be open

John St Pierre – the back of my property butts up to this; worried about seeing condos out my back yard; was worried that they were going to use my land to access that property

Susan Smith – is this property part of the same development; township is great; any concept of type of condos going in there; talking about selling the property

Charm – different developers; and no, we (Township) are asking for the variance

Susan Smith – big concerns is seeing them build; how they are going to be designed

Charm – site plans are at the Planning Commission; the plan is not available tonight

Susan Smith – want to see a layout

John – we are here to agree to put the parcel together; direct all questions through me

Susan – in my career I have bought parcel one and parcel two and put them together; through the years my family has brought so much development to the Township; is this tied to any developer

John – we are limited to allow these parcels to be put back as one; the Planning Commission will consider the rest; no, we are not tied to any developer; the township would have the variance to tie these parcels together

Susan – does the variance stick to the next person who gets the property

John – no

Matt – if the construction does not start within one year the variance goes away

Charm – variance have to come before going to the Planning Commission; this is all coming from the attorney

John – we can table this until we get more information; or the attorney is present

Charm – there is no reason why we can not move forward with this; this is our practice; talked with Attorney Lattie

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Matt – all the points that Sue Smith had brought up will be in front of the Planning Commission

John – not really; it doesn't go to the parcel, it goes to the owner of the parcel

Susan – how are you tying it that the township that it is guarantee to stay with the township

Charm – it is good for one year; if no body acts on it, it will have to go back to the board

John – how can you guarantee within a year that there will be a building there

Charm – not by the fault of the township we are trying to put it back together; we have conceptual in our hands

**MOTION BY GREEN, SECOND BY HILL** to approve Case #16-V-2021-5 – Davison Township – Main Gate Drive – a variance request of 60 contiguous acres in a Planned Unit Development. Motion carried; four to one.

**CASE #16-V-2021-3 – RICHARD MARTELLO – 8111 O'HARA DRIVE – A VARIANCE REQUEST TO PLACE SOLAR PANELS ON THE FRONT FACING ROOF OF HIS HOME**

Richard Martello – plan is to put solar panels on his house; in Michigan you need to put them on the south or you lose 60% of the energy; ordinance states you have to have them on the back of the house; have signatures from all my neighbors that they would be okay with them on the front

Developer – the purpose of the ordinance was to protect the residents; putting the panels on the front will not hurt the residents; go case by case; client would like to reduce the carbon foot print

John – what about Burton

Developer – not sure about Burton; trying to save money; great for the environment

John – what is the company name

Developer – North Coast Solar; only service Michigan; solar panels are not what they used to be; should not stop someone from trying to go green; no other place for them to place the solar panels

Eric – will there be a glare

Developer – no, no glare; only glare would be possible if you were above the solar panels

Eric – how much juice would you lose if you install on the back of the home

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Developer – about 60%; if you see solar panels on the north side of the home your not getting your monies worth

Matt – owner Richard Martello is requesting variance of Section 1742.2.a. of the Davison Township Zoning Ordinance in which roof-mounted solar panel systems are only permitted to face the rear or side yards; his property is 100' wide x 418' deep; .96 of an acre; he is requesting to place the solar panels on the front facing roof of his home; his hardship he is stating that facing (on the front facing roof) south is the only economically feasible location for solar panels on his home; the Planning/Building Department would support a recommendation for denial based on the following reasons:

1. The ordinance adopted in July 2019 specifically states solar roof panels are only allowed on the rear or side yard.
2. The variance request is contrary to the spirit and intent of the ordinance; when the zoning ordinance was created, we had months of public involvement; one specific requirement of solar panels in the ordinance

Richard Martello – what was the reason

Matt – the public brought up that they did not want to see panels on the roofs

Richard Martello – I thought that's what it was; that is why I have signatures signed this

Developer – how is that the right of the others that they don't want to see it; if his neighbors signed the form, why wouldn't we take that in consideration

John – we can't change the ordinance or re-write the ordinance

Charm – this was just put in place in 2019 and architectural individuals were involved

Developer – was there any solar panel experts involved

Carol – we don't have the authority to re-write the ordinance

Developer – why can't we just agree on this case and then when others want it do it case by case

John – the ordinance is designed to keep it from being placed on the front facing; you can try and bring it back up to the Township Board to be looked at again

Mrs. Martello – so basically this is a rip off for everyone that lives on the north side of the road; it is a concern that we can't do it; what percent of Davison can not be solar; we are going green here in Michigan and this prevents us from trying to go green

John – bring it up to the Township Board; we have one once a month to try and change the ordinance

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Developer – Michigan is supposed to be totally green by 2050; if we can get variance on other ordinances, why can't we get one on this one

John – we are not changing the intent of the other case

Eric – we cannot change the law

Charm – we can't design this for them

Tim – set up a time to speak with Jim and then we will discuss this; I have a problem that all North side facing homes will never be able to go green; not saying it will change, but we can talk about it; recommend you get a meeting first before you come to the meeting

John – you are not the only ones that will want to do this

**MOTION BY HILL, SECOND BY HAGLER** to deny the Case #16-V-2021-3 – Richard Martello – 8111 O'Hara Drive – a variance request to place solar panels on the front facing roof of his home for the reasons: the ordinance adopted in July 2019 specifically states solar roof panels are only allowed on the rear or side yard; the variance request is contrary to the spirit and intent of the ordinance. Motion carried unanimously.

**PUBLIC COMMENT PERIOD**

Public comment period opened at 6:58 P.M.

John Jelinek – start of the meeting at 6; couple board members have to change their schedule; question whether 6 is a good time; why it got moved to 6

Carol – would like to go back to 7

Richard – I would like it to go back to 7

Tim – Planning Commission asked for it and it would be convenient along with winter coming up; and better for public; we want to stay consistent

Carol – to be consistent; it helps the board here to be at 7

John – why don't we make a motion to change it

Tim – you can make a recommendation, but you can't change it without the Board

John – if someone would want to make a motion to add this to the agenda for the Board

Public comment period closed at 7:03 P.M.

**MOTION BY HAGLER; SECOND BY HILL** to move the Zoning Board of Appeals to be moved back to 7:00 P.M. Motion carried unanimously.

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**INFORMATIONAL ITEMS**

None

**ADJOURNMENT**

**MOTION BY HAGLER, SECOND BY HILL** to adjourn at 7:03 P.M. Motion carried unanimously.

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Eric Hernandez, Secretary