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MEMORANDUM

TO:	Hopkins Township Zoning Board of Appeals
FROM:	Tim Johnson, PCP, Planner/Zoning Administrator
DATE:	January 13, 2026
RE:	SETBACK VARIANCE REQUESTS FROM ALLEGAN SOLAR LLC

APPLICANT: Allegan Solar LLC Represented by Matthew Kirsch
2373 Oak Valley Drive
Suite 150
Ann Arbor, MI 48103
PPN: 10-030-011-00, 10-030-008-01, 10-031-005-00

PROJECT OVERVIEW

Allegan Solar, LLC intends to construct a utility scale solar installation on the three parcels noted above. The project is subject to the recently amended Solar Energy and Battery Storage Systems Ordinance (“the Ordinance”) which allows this type of project as a Special Land Use in the Agricultural Zoning District. A portion of the project is also proposed on adjacent land in Monterey Township where separate approvals are also being sought by Allegan Solar, LLC.

Before applying for the Special Land Use permit the applicant seeks three variances from the Ordinance as the granting or denial of the variances may affect the request for the Special Land Use.

The applicant has submitted a site plan illustrating the requested variances along with three separate narratives explaining how the variance requests meet the standards of the Zoning Ordinance for granting variance requests.

The parcels proposed for this project are zoned Agricultural. Bear Creek traverses the parcels creating the Bear Creek 100-year flood plain and associated wetlands which are noted on the applicants site plan. Portions of the project would be constructed within the 100-year flood plain and approvals for this will need to be obtained from the Michigan Department of Environment, Great Lakes and Energy (EGLE).

The parcels have historically been used for raising crops. According to the Hopkins Community Master Plan the parcels contain "Farmland of local importance". Surrounding parcels are also in agricultural production on prime farmland.

A portion of the project will be constructed on Parcel 10-030-011-00 (See Variance 1 report) which contains a single-family dwelling and accessory buildings. The remaining two parcels are vacant but are traversed by a Consumers Energy easement with above ground power lines and towers. These are shown on the applicant's site plan.

Each of the three variance requests must be decided separately.

The Board may approve, deny or modify each variance and may attach conditions to an approval. Any motion should include language as to how the variance request does or does not meet the standards for the granting of a variance.

Each variance is presented in a separate report with its own Findings of Fact pages so each variance can be evaluated on its own merits and for compliance with the standards for approval of a variance.

VARIANCE REQUEST 1

SETBACK FROM A DWELLING ON A NON-PARTICIPATING PARCEL

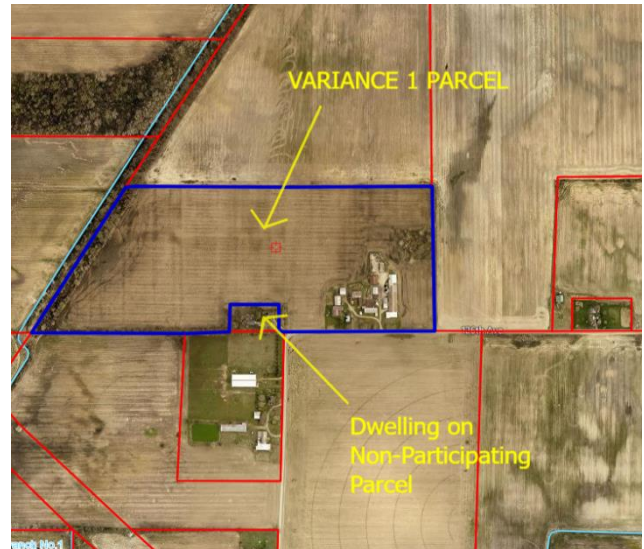
RELEVANT ORDINANCE LANGUAGE

Section 157.056.D.2.a.2.c of the Ordinance requires the following setback:

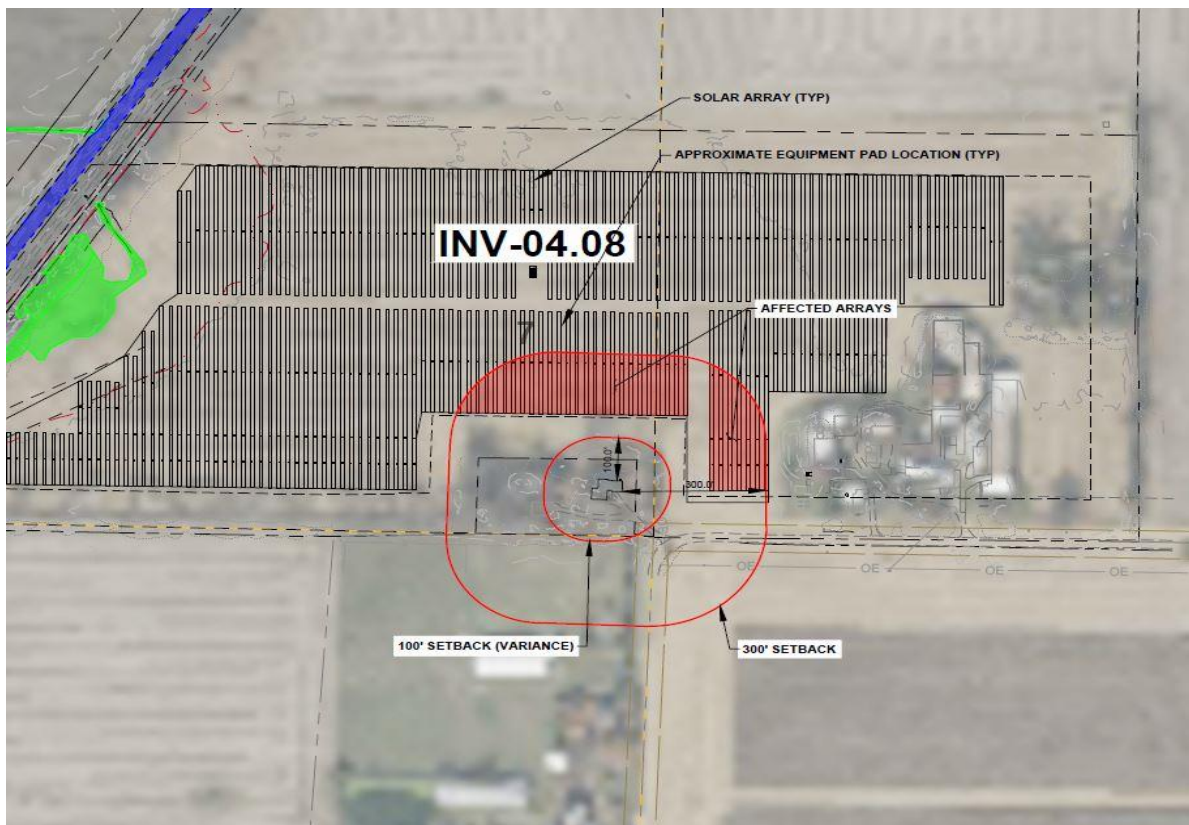
“Setback distance shall be measured from the closest property line, building wall, natural feature, or road right-of-way or easement to the closest point of the solar array at minimum tilt or any other SES components as follows:

c. Three hundred (300) feet from any existing non-participating dwelling unit. “

The applicant wishes to locate a solar array only 100 feet from a dwelling unit on a non-participating parcel and is therefore seeking a variance of 200 feet. A non-participating parcel is one that is not included in a solar installation development. See illustration below from the applicant



Please note that Michigan Public Act 233 of 2023 which regulates the siting of solar energy facilities requires a 300 feet setback from the fencing of the solar energy facility to the nearest wall of a dwelling unit located on a non-participating parcel. Thus, it appears that the Michigan Public Service Commission which regulates solar energy facilities will also need to approve the variance request.



SECTION 157.389. VARIANCE PERMITTED.

(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.

*(B) The Board of Appeals may grant such variances only upon finding that **all** of the following conditions exist:*

- (1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;*

FINDINGS

Based on the site plan provided by the applicant and our review of the parcel involved in this variance request, there does not appear to be any practical difficulty relative to this parcel that prevents the applicant from complying with the 300 feet Ordinance setback requirement as the project could be reconfigured to meet the required setback. **While the applicant’s narrative states that without the variance the project is not viable, however, ensuring the viability of a project is not a Zoning Ordinance standard for the approval of a variance.**

The existence of the Bear Creek 100-year flood plain and the wetlands on this parcel may be considered as exceptional topographic conditions involving or creating a practical difficulty in siting the proposed solar project to meet the required 300 feet setback from the dwelling on a non-participating parcel.

However, the applicant is not seeking to protect these exceptional topographic conditions which might justify the requested 200 feet variance in this case but is instead seeking separate variances to place solar arrays actually within the flood plain and closer than the required setback from the wetlands. **The practical difficulty created by the exceptional topographic conditions would therefore no longer exist and this variance standard may not be met.**

- (2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and*

FINDINGS

The alleged practical difficulty is difficult to confirm given the size of the parcel and the applicant’s intent to encroach upon protected wetlands with the solar arrays and to also construct these structures within the 100-year flood plain.

The applicant has secured from the owner of the non-participating property a letter agreeing to the solar arrays being located 100 feet setback from his house instead of the required 300 feet. The applicant's narrative states that by agreeing to the closer setback substantial justice would accrue to this land owner through the greater gains to be achieved by the proposed project. This is very difficult to ascertain as it could be argued that this property owner will likely be less affected by construction activities and the view off site if the project actually meets the 300 feet setback.

The applicant's narrative states that public safety will be promoted through the granting of this variance and the other variances requested through reductions in farming caused pollution to bodies of water, in this case Bear Creek. **The narrative cites a Wisconsin study to confirm the applicant's assertion regarding public safety and to provide support to meet this variance approval standard.**

However, it has not been demonstrated by the applicant that this property, which has been farmed for many years, has resulted in pollution to Bear Creek.

Other statements in the applicant's narrative seek to make the case that converting farmed floodplains to solar installations is the more advantageous use of the property which it seeks to develop for a utility scale solar facility. This would seem to conflict with one of the Objectives of the Township's Master which is to "Strictly limit non-agricultural development in areas planned for long-term agricultural use and preservation. In areas designated for agricultural use, land uses and activities that could conflict with farming or adversely affect the long-term investment in farm operations will be discouraged."

(3) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.

FINDINGS

Utility scale solar facilities similar to the applicant's request are not common developments. Therefore, the variances being sought would not be such a recurrent event that the Zoning Ordinance would need to be amended to avoid similar variance requests. This standard is met.

CONCLUSION

Section 157.389(B) requires that the Board of Appeals must find that **all three standards** must be met to grant this variance request. While Standard three is clearly met Standards one and two are questionable. **The Board should discuss whether a practical difficulty exists relative to the property which prevents the applicant from constructing the project in accordance with the 300 feet setback requirement.**

157.390 VARIANCES PROHIBITED.

No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to

adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, *at least two of the following facts and conditions exist:*

- (A) There exists exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;*

FINDINGS

The applicant's narrative states that "The specific property in question satisfies a unique confluence of factors amenable to utility-scale solar development, including: the avoidance of prime farmland, suitable land available for lease, nearby transmission, and compliance with local solar ordinances." This combination of the unique property attributes constitutes "extraordinary circumstances" not generally applicable to other properties in the same zone."

While the combination of factors does satisfy the applicant's needs for siting a solar facility the project will in fact be located on prime farmland which is not an extraordinary circumstance in Hopkins Township

- (B) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and*

FINDINGS

The Ordinance allows solar facilities of this type in the Agricultural Zoning District by Special Land Use provided all Ordinance requirements are met including setbacks. The applicant's narrative states that without the variance the project is not viable. **Based on this it could be argued that the reason for the variance is based solely on economic considerations which according to this standard shall not be grounds for a variance.**

- (C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.*

FINDINGS

Utility scale solar facilities similar to the applicant's request are not common developments. Therefore, the variances being sought would not be such a recurrent event that the Zoning Ordinance would need to be amended to avoid similar variance requests. This standard is met.

CONCLUSION

Standard A may be met provided the Board agrees with the applicant's rationale regarding the extraordinary circumstances applying to the property.

Standard B does not appear to be met as the reason for the variance stated by the applicant is based solely on economic considerations which according to this standard shall not be grounds for a variance

Standard C is clearly met.

The Board may approve, deny or modify this variance request and may attach conditions to an approval. Any motion should include language as to how the variance request does or does not meet the standards for the granting of a variance.

Attached is a Findings of Fact page that the Board should use to support its motion.

VARIANCE REQUEST 2 SETBACK FROM THE 100 YEAR FLOOD PLAIN

RELEVANT ORDINANCE LANGUAGE

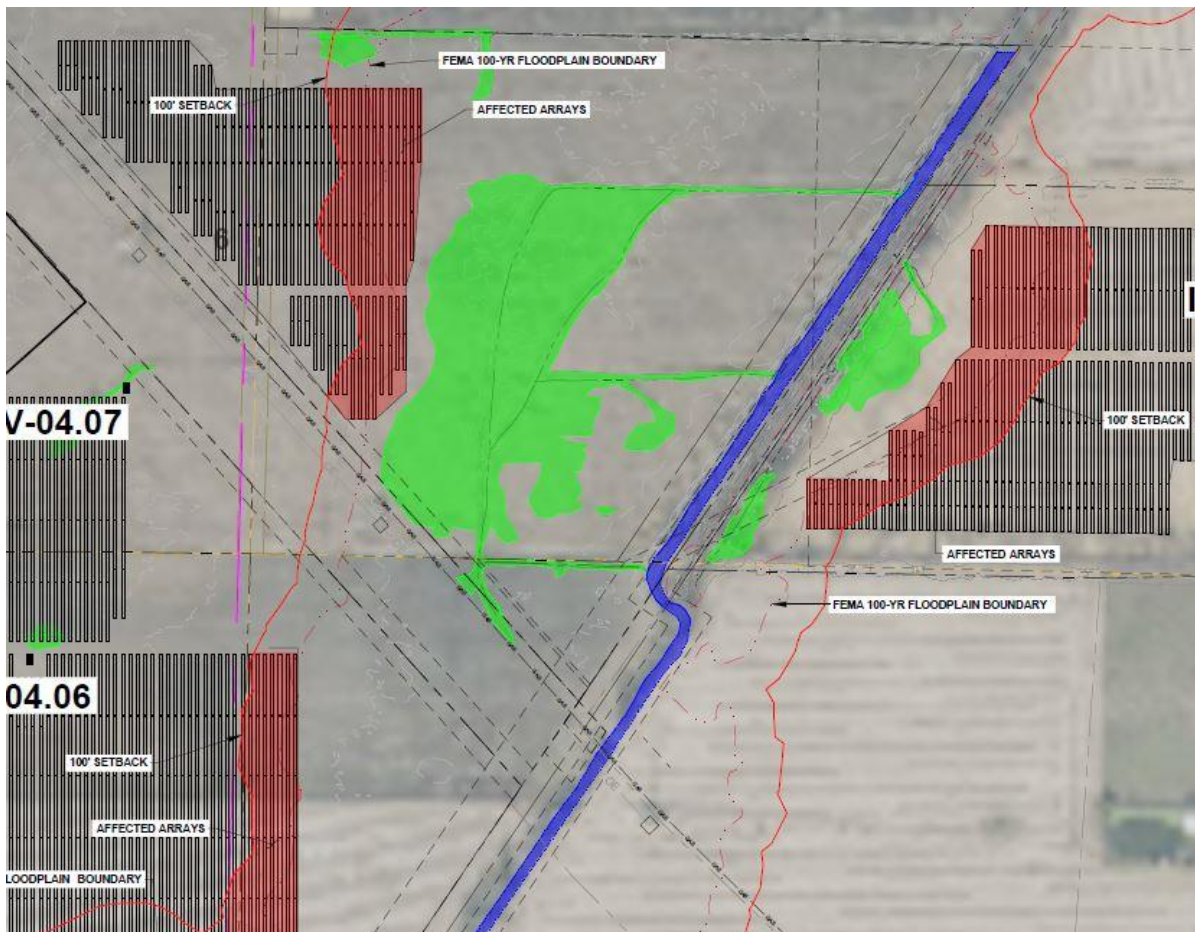
Section 157.056.D.2.a.2.e of the Ordinance requires the following setback:

“Setback distance shall be measured from the closest property line, building wall, natural feature, or road right-of-way or easement to the closest point of the solar array at minimum tilt or any other SES components as follows:

e. One hundred (100) feet from a stream, river, pond, lake, wetland, drain, or lands located within a 100-year floodplain as identified by the Federal Emergency Management Agency.

The applicant wishes to locate a solar array within the 100-year flood plain and is therefore seeking a variance of 100 feet. See illustration below from the applicant.

Please note that Michigan Public Act 233 of 2023 which regulates the siting of solar energy facilities does not require a setback from the 100 year flood plain.



SECTION 157.389. VARIANCE PERMITTED.

(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.

*(B) The Board of Appeals may grant such variances only upon finding that **all** of the following conditions exist:*

(1)Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;

FINDINGS

Based on the site plan provided by the applicant and our review of the parcel involved in this variance request, there does not appear to be any practical difficulty relative to this parcel that prevents the applicant from complying with the 100 feet Ordinance setback requirement as the project could be reconfigured to meet the required setback. **While the applicant’s narrative states that without the variance the project is not viable, however, ensuring the viability of a project is not a Zoning Ordinance standard for the approval of a variance.**

The existence of wetlands on this parcel may be considered as an exceptional topographic condition involving or creating a practical difficulty in siting the proposed solar project to meet the required 100 feet setback from the 100-year flood plain.

However, the applicant is not seeking to protect the wetlands, which might justify the requested 100 feet variance in this case but is instead seeking a separate variance to place solar arrays closer than the required setback from the wetlands. **The practical difficulty created by the exceptional topographic condition would therefore no longer exist and this variance standard may not be met.**

The applicant’s narrative states that “Allegan Solar cannot simply make the project smaller to avoid both prime farmlands and other topographical characteristics within the setback limitations, including wetlands and floodplains.”

The land proposed for the solar facility, however, are also considered prime farmland and the area within the 100-year flood plain has historically been farmed. The applicant’s statement is basically asking the Board to decide if it is more important to protect prime farmland or the 100-year flood plain. In considering this tradeoff, please note that approvals to locate the project in the 100-year flood plain will need to be obtained from the Michigan Department of Environment, Great Lakes and Energy (EGLE).

(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done; and

FINDINGS

The alleged practical difficulty is difficult to confirm given the size of the parcel and the applicant's intent to encroach upon protected wetlands with the solar arrays.

The applicant's narrative states that public safety will be promoted through the granting of this variance and the other variances requested through reductions in farming caused pollution to bodies of water, in this case Bear Creek. **The narrative cites a Wisconsin study to confirm the applicant's assertion regarding public safety and to provide support to meet this variance approval standard.**

However, it has not been demonstrated by the applicant that this property, which has been farmed for many years, has resulted in pollution to Bear Creek.

Other statements in the applicant's narrative seek to make the case that converting farmed floodplains to solar installations is the more advantageous use of the property which it seeks to develop for a utility scale solar facility. This would seem to conflict with one of the Objectives of the Township's Master which is to "Strictly limit non-agricultural development in areas planned for long-term agricultural use and preservation. In areas designated for agricultural use, land uses and activities that could conflict with farming or adversely affect the long-term investment in farm operations will be discouraged."

(3) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.

FINDINGS

Utility scale solar facilities similar to the applicant's request are not common developments. Therefore, the variances being sought would not be such a recurrent event that the Zoning Ordinance would need to be amended to avoid similar variance requests. This standard is met.

CONCLUSION

Section 157.389(B) requires that the Board of Appeals must find that **all three standards** must be met to grant this variance request. While Standard three is clearly met Standards one and two are questionable. **The Board should discuss whether a practical difficulty exists relative to the property which prevents the applicant from constructing the project in accordance with the 100 foot setback requirement from the 100-year flood plain.**

157.390 VARIANCES PROHIBITED.

No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to

adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, **at least two of the following facts and conditions exist:**

(C) There exist exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone.

FINDINGS

The applicant's narrative states that "The specific property in question satisfies a unique confluence of factors amenable to utility-scale solar development, including: the avoidance of prime farmland, suitable land available for lease, nearby transmission, and compliance with local solar ordinances..... This combination of the unique property attributes constitutes "extraordinary circumstances" not generally applicable to other properties in the same zone."

While the combination of factors does satisfy the applicant's needs for siting a solar facility the project will in fact be located on prime farmland, which is not an extraordinary circumstance in Hopkins Township

(D) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and

FINDINGS

The Ordinance allows solar facilities of this type in the Agricultural Zoning District by Special Land Use provided all Ordinance requirements are met including setbacks. The applicant's narrative states that without the variance the project is not viable. **Based on this it could be argued that the reason for the variance is based solely on financial return considerations which, according to this standard, shall not be grounds for a variance.**

(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.

FINDINGS

Utility scale solar facilities similar to the applicant's request are not common developments. Therefore, the variances being sought would not be such a recurrent event that the Zoning Ordinance would need to be amended to avoid similar variance requests. This standard is met.

CONCLUSION

Standard A may be met provided the Board agrees with the applicant's rationale regarding the extraordinary circumstances applying to the property.

Standard B does not appear to be met as the reason for the variance stated by the applicant is based solely on financial return considerations which according to this standard shall not be grounds for a variance.

Standard C is clearly met.

The Board may approve, deny, or modify this variance request and may attach conditions to an approval. Any motion should include language as to how the variance request does or does not meet the standards for the granting of a variance.

Attached is a Findings of Fact page that the Board should use to support its motion.

VARIANCE REQUEST 3 SETBACK FROM WETLANDS

RELEVANT ORDINANCE LANGUAGE

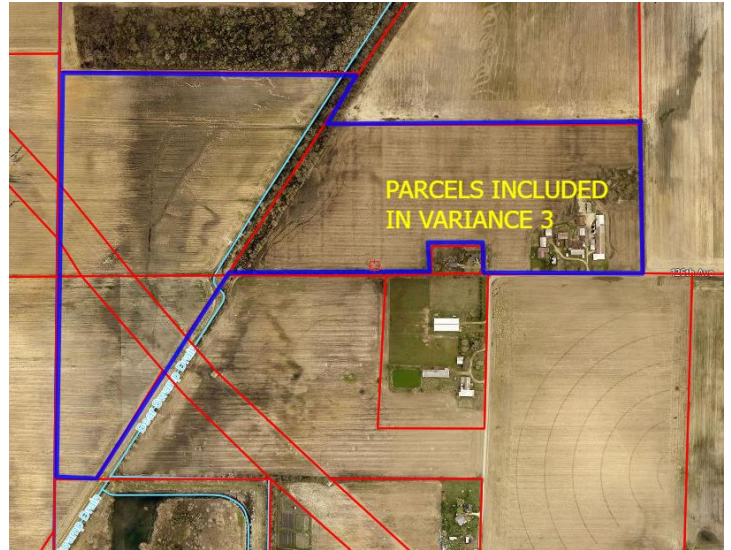
Section 157.056.D.2.a.2.e of the Ordinance requires the following setback:

“Setback distance shall be measured from the closest property line, building wall, natural feature, or road right-of-way or easement to the closest point of the solar array at minimum tilt or any other SES components as follows:

e. One hundred (100) feet from a stream, river, pond, lake, wetland, drain, or lands located within a 100-year floodplain as identified by the Federal Emergency Management Agency.

The applicant wishes to locate a solar array 25 feet from the edge of a wetland and is therefore seeking a variance of 75 feet. See illustration below from the applicant.

Please note that Michigan Public Act 233 of 2023 which regulates the siting of solar energy facilities does not require a setback from wetlands.



SECTION 157.389. VARIANCE PERMITTED.

(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.

*(B) The Board of Appeals may grant such variances only upon finding that **all** of the following conditions exist:*

- (1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;*

FINDINGS

Based on the site plan provided by the applicant and our review of the parcel involved in this variance request, there does not appear to be any practical difficulty relative to this parcel that prevents the applicant from complying with the 100 feet Ordinance setback requirement as the project could be reconfigured to meet the required setback. **While the applicant's narrative states that without the variance the project is not viable, however, ensuring the viability of a project is not a Zoning Ordinance standard for the approval of a variance.**

The existence of the Bear Creek 100-year flood plain and the wetlands on this parcel may be considered as exceptional topographic conditions involving or creating a practical difficulty in siting the proposed solar project to meet the required 100 feet setback from the wetlands.

However, the applicant is not seeking to protect these exceptional topographic conditions which might justify the requested 75 feet variance in this case but is instead seeking a separate variance to place solar arrays actually within the flood plain. **The practical difficulty created by the exceptional topographic conditions would therefore no longer exist and this variance standard may not be met.**

The applicant's narrative states that "Allegan Solar cannot simply make the project smaller to avoid both prime farmlands and other topographical characteristics within the setback limitations, including wetlands and floodplains."

The land proposed for the solar facility, however, is also considered prime farmland and the area within the 100-year flood plain has historically been farmed. The applicant's statement is asking the Board to decide if it is more important to protect prime farmland or the 100-year flood plain. In considering this comparison, please note that approvals to locate the project in the 100-year flood plain will need to be obtained from the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done; and

FINDINGS

The alleged practical difficulty is difficult to confirm given the size of the parcel and the applicant's intent to encroach upon protected wetlands with the solar arrays.

The applicant's narrative states that public safety will be promoted through the granting of this variance and the other variances requested through reductions in farming caused pollution to bodies of water, in this case Bear Creek. **The narrative cites a Wisconsin study to confirm the applicant's assertion regarding public safety and to provide support to meet this variance approval standard.**

However, it has not been demonstrated by the applicant that this property, which has been farmed for many years, has resulted in pollution to Bear Creek.

Other statements in the applicant's narrative seek to make the case that converting farmed floodplains to solar installations is the more advantageous use of the property which it seeks to develop for a utility scale solar facility. This would seem to conflict with one of the Objectives of the Township's Master which is to "Strictly limit non-agricultural development in areas planned for long-term agricultural use and preservation. In areas designated for agricultural use, land uses and activities that could conflict with farming or adversely affect the long-term investment in farm operations will be discouraged."

(3) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.

FINDINGS

Utility scale solar facilities similar to the applicant's request are not common developments. Therefore, the variances being sought would not be such a recurrent event that the Zoning Ordinance would need to be amended to avoid similar variance requests. This standard is met.

CONCLUSION

Section 157.389(B) requires that the Board of Appeals must find that **all three standards** must be met to grant this variance request. While Standard three is clearly met Standards one and two are questionable. **The Board should discuss whether a practical difficulty exists relative to the property which prevents the applicant from constructing the project in accordance with the 100 foot setback requirement from wetlands.**

157.390 VARIANCES PROHIBITED.

No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to

adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, **at least two of the following facts and conditions exist:**

(E) There exist exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone.

FINDINGS

The applicant's narrative states that "The specific property in question satisfies a unique confluence of factors amenable to utility-scale solar development, including: the avoidance of prime farmland, suitable land available for lease, nearby transmission, and compliance with local solar ordinances..... This combination of the unique property attributes constitutes "extraordinary circumstances" not generally applicable to other properties in the same zone."

While the combination of factors does satisfy the applicant's needs for locating a solar facility the project will in fact be located on prime farmland, which is not an extraordinary circumstance in Hopkins Township

(F) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and

FINDINGS

The Ordinance allows solar facilities of this type in the Agricultural Zoning District by Special Land Use provided all Ordinance requirements are met including setbacks. The applicant's narrative states that without the variance the project is not viable. **Based on this it could be argued that the reason for the variance is based solely on financial return considerations which, according to this standard, shall not be grounds for a variance.**

(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.

FINDINGS

Utility scale solar facilities similar to the applicant's request are not common developments. Therefore, the variances being sought would not be such a recurrent event that the Zoning Ordinance would need to be amended to avoid similar variance requests. This standard is met.

CONCLUSION

Standard A may be met provided the Board agrees with the applicant's rationale regarding the extraordinary circumstances applying to the property.

Standard B does not appear to be met as the reason for the variance stated by the applicant is based solely on financial return considerations which according to this standard shall not be grounds for a variance.

Standard C is clearly met.

The Board may approve, deny, or modify this variance request and may attach conditions to an approval. Any motion should include language as to how the variance request does or does not meet the standards for the granting of a variance.

Attached is a Findings of Fact page that the Board should use to support its motion.

**HOPKINS TOWNSHIP BOARD OF APPEALS
FINDINGS OF FACT WORKSHEET
VARIANCE STANDARDS**

SECTION 157.389 VARIANCE PERMITTED.

(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.

The request ___ complies _____ does not comply with this standard.

Reasons: _____

*(B) The Board of Appeals may grant such variances only upon finding that **all** of the following conditions exist:*

(1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(3) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.

The request ___ complies _____ does not comply with this standard.

Reasons: _____

SECTION 157.390 VARIANCES PROHIBITED.

*No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals **unless** it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, **at least two of the following facts and conditions exist:***

(A) There exists exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;

The request complies does not comply with this standard.

Reasons: _____

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and

The request complies does not comply with this standard.

Reasons: _____

(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.

The request complies does not comply with this standard.

Reasons: _____

The Zoning Board of Appeals has determined that the request meets all three of the standards in Section 157.389.B above.

TRUE FALSE

The Zoning Board of Appeals has determined that the request meets at least two of the standards in Section 157.390 above.

TRUE FALSE

If the answer to both of the above statements is TRUE, an approval or approval with conditions to secure the general health, safety and welfare is appropriate.

If the answer to one or both of the above statements is FALSE, an approval would not be appropriate within the standards of the Ordinance.

Any motions made should include the evidence as considered in this Findings of Fact worksheet.

Applicant should be notified in writing by providing a copy of the approval or denial and conditions, if any, at the time of the meeting.

HOPKINS TOWNSHIP BOARD OF APPEALS

NOTIFICATION OF DECISION

Applicant: Allegan Solar LLC

Property Addresses: 2281 126th Avenue, and 2 unaddressed landlocked parcels

Also known as parcel numbers: 03-10-030-011-00, 03-10-008-01, 03-10-031-005-00

For the following request(s): Relief from Section 157.056.D.2.a.2.e to construct and operate a utility scale solar energy system closer than 100 feet from a 100-year floodplain as identified by FEMA.

Findings of Fact:

The findings of fact determine that ___ of the four required standards are met per Section 157.389. **(all four must be met to qualify for approval)**

The findings of fact determine that ___ of the three required standards are met per Section 157.390. **(minimum two standards must be met to qualify for approval).**

Based on the standards and findings included within the attached Findings of Fact worksheet, the request(s) for variance have been:

___ **Approved** as presented.

___ **Approved** with the following conditions:

___ **Denied.**

I certify that copy of this notice has been transmitted to the applicant on this date via:

___ First Class Mail

___ Personal Service

___ Email or other electronic form of communication (please specify:_____)

ZBA CHAIR, SECRETARY OR ZONING ADMINISTRATOR (PLEASE PRINT AND SIGN)

DATE

**HOPKINS TOWNSHIP BOARD OF APPEALS
FINDINGS OF FACT WORKSHEET
VARIANCE STANDARDS**

SECTION 157.389 VARIANCE PERMITTED.

(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.

The request ___ complies _____ does not comply with this standard.

Reasons: _____

*(B) The Board of Appeals may grant such variances only upon finding that **all** of the following conditions exist:*

(1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(3) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.

The request ___ complies _____ does not comply with this standard.

Reasons: _____

SECTION 157.390 VARIANCES PROHIBITED.

*No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals **unless** it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, **at least two of the following facts and conditions exist:***

(A) There exists exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.

The request ___ complies _____ does not comply with this standard.

Reasons: _____

The Zoning Board of Appeals has determined that the request meets all three of the standards in Section 157.389.B above.

___ TRUE _____ FALSE

The Zoning Board of Appeals has determined that the request meets at least two of the standards in Section 157.390 above.

___ TRUE _____ FALSE

If the answer to both of the above statements is TRUE, an approval or approval with conditions to secure the general health, safety and welfare is appropriate.

If the answer to one or both of the above statements is FALSE, an approval would not be appropriate within the standards of the Ordinance.

Any motions made should include the evidence as considered in this Findings of Fact worksheet.

Applicant should be notified in writing by providing a copy of the approval or denial and conditions, if any, at the time of the meeting.

HOPKINS TOWNSHIP BOARD OF APPEALS

NOTIFICATION OF DECISION

Applicant: Allegan Solar LLC

Property Address: 2281 126th Avenue

Also known as parcel numbers: 03-10-030-011-00

For the following request(s): Relief from Section 157.056.D.2.a.2.e to construct and operate a utility scale solar energy system closer than 100 feet from a wetland.

Findings of Fact:

The findings of fact determine that ___ of the four required standards are met per Section 157.389. **(all four must be met to qualify for approval)**

The findings of fact determine that ___ of the three required standards are met per Section 157.390. **(minimum two standards must be met to qualify for approval).**

Based on the standards and findings included within the attached Findings of Fact worksheet, the request(s) for variance have been:

___ **Approved** as presented.

___ **Approved** with the following conditions:

___ **Denied.**

I certify that copy of this notice has been transmitted to the applicant on this date via:

___ First Class Mail

___ Personal Service

___ Email or other electronic form of communication (please specify:_____)

ZBA CHAIR, SECRETARY OR ZONING ADMINISTRATOR (PLEASE PRINT AND SIGN)

DATE

**HOPKINS TOWNSHIP BOARD OF APPEALS
FINDINGS OF FACT WORKSHEET
VARIANCE STANDARDS**

SECTION 157.389 VARIANCE PERMITTED.

(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.

The request ___ complies _____ does not comply with this standard.

Reasons: _____

*(B) The Board of Appeals may grant such variances only upon finding that **all** of the following conditions exist:*

(1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and

The request ___ complies _____ does not comply with this standard.

Reasons: _____

(3) Where it is alleged that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.

The request ___ complies _____ does not comply with this standard.

Reasons: _____

SECTION 157.390 VARIANCES PROHIBITED.

*No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals **unless** it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, **at least two of the following facts and conditions exist:***

(A) There exists exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;

The request complies does not comply with this standard.

Reasons: _____

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and

The request complies does not comply with this standard.

Reasons: _____

(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.

The request complies does not comply with this standard.

Reasons: _____

The Zoning Board of Appeals has determined that the request meets all three of the standards in Section 157.389.B above.

TRUE FALSE

The Zoning Board of Appeals has determined that the request meets at least two of the standards in Section 157.390 above.

TRUE FALSE

If the answer to both of the above statements is TRUE, an approval or approval with conditions to secure the general health, safety and welfare is appropriate.

If the answer to one or both of the above statements is FALSE, an approval would not be appropriate within the standards of the Ordinance.

Any motions made should include the evidence as considered in this Findings of Fact worksheet.

Applicant should be notified in writing by providing a copy of the approval or denial and conditions, if any, at the time of the meeting.

HOPKINS TOWNSHIP BOARD OF APPEALS

NOTIFICATION OF DECISION

Applicant: Allegan Solar LLC

Property Address: 2281 126th Avenue

Also known as parcel numbers: 03-10-030-011-00

For the following request(s): Relief from Section 157.056.D.2.a.2.c to construct and operate a utility scale solar energy system closer than 300 feet from a non-associated dwelling.

Findings of Fact:

The findings of fact determine that ___ of the four required standards are met per Section 157.389. **(all four must be met to qualify for approval)**

The findings of fact determine that ___ of the three required standards are met per Section 157.390. **(minimum two standards must be met to qualify for approval).**

Based on the standards and findings included within the attached Findings of Fact worksheet, the request(s) for variance have been:

___ **Approved** as presented.

___ **Approved** with the following conditions:

___ **Denied.**

I certify that copy of this notice has been transmitted to the applicant on this date via:

___ First Class Mail

___ Personal Service

___ Email or other electronic form of communication (please specify:_____)

ZBA CHAIR, SECRETARY OR ZONING ADMINISTRATOR (PLEASE PRINT AND SIGN)

DATE

Hopkins Township
142 E. Main St. Hopkins, MI 49328
Zoning Board of Appeals
Notice of Special Meeting and Public Hearing

Notice is hereby given that pursuant to PA 110 of 2006, the Michigan Zoning Enabling Act, the Hopkins Township Zoning Board of Appeals will hold a regular meeting and Public Hearing on Monday, February 23, 2026, at 7:30 p.m. at Hopkins Township Hall, 128 South Franklin, Hopkins MI, 49328.

The following items will be heard, considered, and possibly have action taken upon them:

1. Three requests from Matthew Kirsch of Allegan Solar, LLC, interested party as described below:
 - a. Relief from Section 157.056.D.2.a.2.c of the Hopkins Township Zoning Ordinance to construct and operate a utility scale solar operation closer than three hundred feet from a non-associated dwelling. The parcel upon which the applicant wishes to construct and operate the operation is 2281 126th Ave. also known as parcel 03-10-030-011-00.
 - b. Relief from Section 157.056.D.2.a.2.e to construct and operate a utility scale solar energy system closer than 100 feet from a 100-year floodplain as identified by FEMA. The applicant's request is for relief from this requirement upon the following parcels:
 - i. 2281 126th Ave. also known as parcel 03-10-030-011-00
 - ii. An unaddressed, 40.13 acres landlocked property adjacent to the Bear Swamp Drain in Section 29, also known as parcel number 10-030-008-01
 - iii. An unaddressed, 14 acres landlocked property adjacent to the Bear Swamp Drain in Section 31, also known as parcel number 10-030-005-00
 - c. Relief from Section 157.056.D.2.a.e to construct and operate a utility scale solar energy system closer than 100 feet from a wetland. The applicant's request is for relief from this requirement upon the following parcels:
 - i. 2281 126th Ave. also known as parcel 03-10-030-011-00
 - ii. An unaddressed, 40.13 acres landlocked property adjacent to the Bear Swamp Drain in Section 29, also known as parcel number 10-030-008-01
 - iii. An unaddressed, 14 acres landlocked property adjacent to the Bear Swamp Drain in Section 31, also known as parcel number 10-030-005-00
2. Any other such business that comes properly before the Zoning Board of Appeals

All interested parties are invited to be present at the aforesaid time and place to offer input for the consideration of the Board of Appeals. Comments may also be directed in writing to the attention of the Hopkins Zoning Board of Appeals in care of the Township Clerk at the email and postal addresses noted below.

PLEASE TAKE FURTHER NOTICE that Hopkins Township will provide necessary, reasonable auxiliary aids and services at the hearing to individuals with disabilities upon five (5) days written notice to the Township Clerk at PO Box 217, Hopkins, MI 49328, by phone 269-793-3188 or by email to clerk@hopkinstownship.org.

A copy of agenda items, draft documents and public hearing notice is available for viewing online at www.hopkinstownship.org.

HOPKINS TOWNSHIP CLERK

STACEY TIMMER

269-793-3188

mapping_id	ownername1	propstre_3	OWNER ADDRESS	CITY	STATE	ZIP
10-019-009-00	PT FARMS	2811 24TH ST	PO BOX 271	HAMILTON	MI	49419
10-019-009-10	HOPKINS PUBLIC SCHOOLS	128TH AVE	400 CLARK ST	HOPKINS	MI	49328
10-019-010-00	PEARCE AARON N & BAYLEE M	128TH AVE	642 W MAIN ST	HOPKINS	MI	49328
10-030-001-00	BRENNER DEBORAH SUE TRUST	FULTON	2450 130TH AVE	HOPKINS	MI	49328
10-030-005-00	PUSCHEL PAUL E	2721 24TH ST	2721 24TH ST	ALLEGAN	MI	49010
10-030-006-00	PUSCHEL PAUL E	2721 24TH ST	2721 24TH ST	ALLEGAN	MI	49010
10-030-008-01	COLLIER FARM PROPERTIES LLC	24TH ST	2691 26TH ST	ALLEGAN	MI	49010
10-030-009-00	COLLIER FARM PROPERTIES LLC		2691 26TH ST	ALLEGAN	MI	49010
10-030-010-00	CONSUMERS ENERGY		ONE ENERGY PLAZA	JACKSON	MI	49201
10-030-011-00	CLAWSON FARM LLC	2281 126TH AVE	2281 126TH AVE	HOPKINS	MI	49328
10-030-012-00	DREVERS BERTUS	2307 126TH AVE	2307 126TH AVE	HOPKINS	MI	49328
10-030-014-00	BRENNER BROTHERS AND SONS	22ND ST	2538 132ND AVE	HOPKINS	MI	49328
10-030-015-00	BRENNER BROTHERS AND SONS	126TH AVE	2538 132ND AVE	HOPKINS	MI	49328
10-031-001-00	KUPERUS BRIAN J & CATHY S	2510 22ND ST	2510 22ND ST	HOPKINS	MI	49328
10-031-003-00	BARNHARDT GREGORY C & PAULA S	2582 23RD ST	2582 23RD ST	HOPKINS	MI	49328
10-031-004-00	BRENNER BROTHERS AND SONS	126TH AVE	2538 132ND AVE	HOPKINS	MI	49328
10-031-005-00	COLLIER FARM PROPERTIES LLC		2691 26TH ST	ALLEGAN	MI	49010
10-031-006-00	COLLIER FARM PROPERTIES LLC		2691 26TH ST	ALLEGAN	MI	49010
10-031-017-00	CONSUMERS ENERGY	22ND ST	ONE ENERGY PLAZA	JACKSON	MI	49201
16-024-010-00	E & S WAMHOFF FARM PROPERTIES LLC		2091 130TH AVE	HOPKINS	MI	49328
16-025-001-00	KERBER BROTHERS	2437 127TH AVE	2437 127TH AVE	ALLEGAN	MI	49010
16-025-014-00	KERBER BROS		2437 127TH AVE	ALLEGAN	MI	49010
16-025-015-00	COLLIER FARM PROPERTIES LLC	2514 127TH AVE	2691 26TH ST	ALLEGAN	MI	49010
16-025-016-00	COLLIER FARM PROPERTIES LLC		2691 26TH ST	ALLEGAN	MI	49010
16-025-017-00	CONSUMERS ENERGY		ONE ENERGY PLAZA	JACKSON	MI	49201
44-019-002-00	PEARCE AARON N & BAYLEE M	642 W MAIN ST	642 W MAIN ST	HOPKINS	MI	49328
44-019-021-11	WEICK TERRY L	608 W. MAIN ST	608 W. MAIN ST	HOPKINS	MI	49328
44-019-021-12	ADRIANSON KAYLA	628 W MAIN ST	628 W MAIN ST	HOPKINS	MI	49328
44-019-022-00	NOBLE GLENN & TRUDY	630 W MAIN ST	630 W MAIN ST	HOPKINS	MI	49328
44-030-001-00	PUSCHEL PAUL E	128TH AVE	2721 24TH ST	ALLEGAN	MI	49010
44-030-019-00	BRENNER DEBORAH SUE TRUST		2450 130TH AVE	HOPKINS	MI	49328
44-700-009-00	NORMAN FAMILY TRUST	605 W MAIN ST	605 W MAIN ST	HOPKINS	MI	49328
44-700-012-00	MARTIN RACHEL	621 MAIN ST	621 MAIN ST	HOPKINS	MI	49328
44-700-014-00	BRENNER DEBORAH SUE TRUST		2450 130TH AVE	HOPKINS	MI	49328
44-700-052-00	BRENNER DEBORAH SUE TRUST	WISE	2450 130TH AVE	HOPKINS	MI	49328