

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
Agenda for Regular Meeting on Thursday, February 22, 2024 at 7 p.m.
Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Set/Adjust Agenda
5. Declaration of Conflict of Interest
6. Public Comment – not related to the public hearings
7. Approval of Minutes of August 24, 2023
8. Scheduled Public Hearings:
 - 1 - Case #ZBA-2023-04 Marc and Lorraine Wistrand requesting a dimensional variance
 - 2 - Case #ZBA-2023-05 Kirk Vuillemot requesting a use variance
 - 3 - Case #ZBA-2024-01 Jean Schultz and Michael Johnston requesting a dimensional variance
9. Other Matters to be Reviewed by the Zoning Board of Appeals
 - a. Correspondence Received
 - b. Resolution ZBA 24-01, 2024/2025 Meeting Schedule
 - c. Election of Officers
 - d. Review of Bylaws
 - e. Zoning Board of Appeals Member comments
10. Report of Planning Commission Representative
11. Report of Township Board Representative – none assigned
12. Report of Zoning Administrator
13. Training and Training Opportunities
14. Public Comment
15. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township supervisor at 231-267-5141.

DRAFT
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
Minutes for Regular Meeting on Thursday, August 24, 2023
7:00 p.m. at the Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

Call to Order by Chair at 7:00 p.m.

Roll Call: Bowen, Lake, Garza, Wroubel

No alternate to the ZBA, Board Representative-unassigned

17 on zoom

Set/Adjust Agenda - Set

Declaration of Conflict of Interest - None

Public Comment -

Kim Elliott – count in the room is at 65

Approval of Minutes:

MOTION by Lake, second by Garza, to approve minutes of May 25, 2023.

Roll call: Lake-yes; Garza-yes; Wroubel-yes; Bowen-yes. Motion carried.

Scheduled Public Hearings:

Case #ZBA-2023-ZA Parcel Id: 28-13-136-001-02, zoned A1-Agriculture, 6631 Baggs Road, Williamsburg, Michigan

a. Open Public Hearing on Appeal #ZBA-2023-ZA at 7:07 p.m.

Applicant: Baggs Partners, LLC, 53 Easthampton Ct. NE, Grand Rapids, Michigan

Owners: Derek Van Solkema, Ryan Sheffer

Agent: Gary Van Solkema

Requesting an appeal of the May 3, 2023 administrative decision of the Whitewater Township Board and seeking a variance from the 4:1 depth to width ratio stated in section 7.D of Ordinance No. 26 (Land Division Ordinance)

Public hearing notice was posted in the Record Eagle on August 6, 2023, and notices were sent to property owners as in the tax rolls per the assessor of Clearwater Township and Whitewater Township, within 300' of the property subject to this public hearing at least 15 days prior to the public hearing.

b. Zoning Administrator Presentation: In addition to the report in packet, Hall notes: Contrary to the actual application to appeal the Township Board decision, this is only a request for a variance as stated in the ZA report and the township attorney report.

This is different than most cases we normally see at the ZBA. You have been referred a variance from the Township Board.

Make it known that there is a lot of complicated material.

The township attorney is here to answer questions if you have any regarding their report.

Appellants are given an opportunity to share their information.

ZBA bylaws allow the ZA to make an opinion. This is not an appeal on something the zoning administrator has made a decision on. This is an appeal as referred by the Township Board.

c. Petitioner Presentation: In addition to the information provided in the packet, Ryan Sheffer representing Baggs Partner LLC, states, "Our goal is to be a good neighbor. We would like to move into this area. Surprised we are here."

There are five conditions that must be met regarding the appeal:

Exceptional topography – that is why the ZA allowed the land division in 2020.

Strict compliance to #26 - there are hundreds of parcels in the township that do not meet the 4:1 ratio.

Not cause harm. Tax values should increase. Neighbor split 10 acres into 5 parcels.

Health, welfare and safety. Best practices will be followed.

Minimum variance. It is the last ditch effort to save our property.

Derek Van Solkema – thank you for coming out and hearing our request. We want to be a part of this community. Coming here for 22 years and have had a dream of living here like so many others here. We did our due diligence before purchasing. This whole thing has been very taxing on our family. We want to be part of the community. Purchased in 2022 and the ensuing 20 months have been a nightmare. Land split was approved in May of 2020. We reviewed all documents and did our diligence. Why was it not an issue when the Debonos were looking to build a home? Our country allows and respects personal property rights.

Grand Traverse County Road Commission did not have a problem with the road.

Derek read through an email of support.

Neighbors have expressed the ratio issue, but it did not come up previous to that. Why are we being targeted?

People are trespassing on our property.

A minority of voices want to control property they do not have control over. FOIA request produced a lot of redacted information.

Derek read an email from Clerk Goss regarding the Supervisor working with the Hymores before a complaint was formally presented to the Board.

Paying full taxes for a property that is deemed unbuildable.

Have never received any response from emails to the Supervisor.

It is wrong that it was handled the way it was.

We stand before you tonight to request approval of the variance.

Michael Herring, Van Solkema attorney:

It comes down to a split made in 2020 based on the ordinance.

Unreasonable burden is taking away 80%-90% of the value. That is \$200,000 taken away of the land value based on a decision by the township board.

Request for variance.

Property is similar to surrounding properties.

Passed out some emails from the Township Treasurer regarding cases of the 4:1 ratio during her time as the Board Representative to the ZBA.

There are over 100 properties on Skegemog Point Road that do not meet the 4:1 ratio.

All we are trying to do is make it buildable.

No health, safety and welfare concerns.

d. Report on Site Visits:

Bowen notes that it is a big parcel.

Lake has questions about water run-off.

Wroubel saw the trees in the back and the low area to the south. Did not see anything troublesome. We are talking about this one 30 acre parcel and the 4:1 ratio. Anything over the 10 acres is not susceptible to the 4:1 ratio rule. Do not understand why we are here and why the township made the decision they did. I see this as a taking of property without due process.

Garza notes that the only issue is the 4:1 ratio of the 30 acre parcel.

e. Correspondence received in response to the public notice that was published is included as Public Comment specific to this appeal and variance request.

Read into public comment:

1 – Denny & Jan Fox, opposed, referenced township law

2 – Bonnie Babcock – opposed, referenced following the ordinance and the condo development

- 3 – Jamie & Mindy Gallagher – opposed, referenced condo development and need to follow ordinances
- 4 – Mark Rickey – opposed, referenced condo development
- 5 – Deborah Gale –opposed, referenced condo development, township ordinance laws and rural character
- 6 – Albert Brown – opposed, referenced condo development, rural character and zoning
- 7 – John Boucher – opposed, referenced regulations and granting variances and setting precedence
- 8 – Jonothan – in favor, referenced state law, following ordinance and authorization of Board
- 9 – Lois MacLean – in favor, referenced following the ordinance, state law, single 30 acre parcel
- 10 – John King – opposed, referenced following the ordinance
- 11 – Robin Kettlewell – opposed, referenced condo development, follow ordinance
- 12 – Emilee Bruce – opposed, referenced condo development, high density housing, traffic and rural character
- 13 – Anonymous – opposed, referenced condo development, rural character and traffic

f. Public Speaking in Favor of Appeal:

Charles Manny - Open Meadow Lane TC, referenced Master Plan, rural character in general not specific, laws and restrictions, personal property and property rights.

Ted Hooper, 6575 Cook Rd., past Zoning Administrator, past Planning Commission member, past ZBA member, feels the Zoning Administrator made the right decision based on the ordinance, property rights, develop property properly.

g. Public Speaking in Opposition to Appeal:

Connie Hymore, Baggs Road, played March 2, 2022, Planning Commission meeting recording of ZA Hall, referenced local law and general ordinances.

Shawn Boyd, Baggs Road, referenced condo development and an old ordinance.

Corey Haskell, 6699 Baggs Road, referenced traffic concerns, development, ordinances and laws.

Frank Hymore, Baggs Road, passed out a written comment, referenced ordinance and laws, variance application, conflict of interest of the ZA, concern of attorney interpretation and its presentation to the ZBA

Vicki Beam, 6847 Baggs Road, referenced a conflict of interest of the ZA, shared a map, developer lawsuit, ordinances and laws, condo development, stated that it is unfortunate it is unbuildable and setting a precedence

Michelle Pescatello, referenced ordinance, condo development, rural character, quality of life, M72 corridor study and traffic concerns (over time limit)

Linda Slopsema, referenced the packet and the Hymore complaint, ordinance and laws, previous variances allowed by the ZBA were at the time of the application, financial burden is not a ZBA criteria and concern of setting a precedence

John King, Skegemog Point Road, continued Michelle Pescatello note: referenced the overlook view, rural character, condo development and wildlife

Cameron Boyd, Baggs Road, referenced condo development

Arnie Boyd, Baggs Road, referenced rural character, traffic concerns, condo development and wildlife and the need for new people on the township boards and committees

Connie Clark, Elk Lake Trail, indicated the owners' fight is with the realtor for misrepresentation

Kim Elliott, referenced property rights, ordinances and rules

Vern Gutknecht, Bunker Hill Road, referenced consequences of actions, facts and data, laws, constitution and ordinances

Eileen Cianciolo, 11670 Lossie Road, referenced ordinances, laws, rules, processes and condo development

John Freeman, Baggs Road, referenced ordinance and laws, board deemed property unbuildable, ZBA cannot address this request, rural character and development

Alex, 8555 Wheeler Pine, ordinance and laws

h. Anyone Wishing to Speak on the Appeal Who Has Not Already Commented:

Gary Buczkowski, Elk Lake Trail, rural character, division does not take away rural character. Should not be here for this. This is about the 30 acres not a development.

i. Close Public Hearing on Appeal #ZBA-2023-ZA at 9:11 p.m.

j. Discussion:

Bowen: Where in the ordinance does it mention the 10 acres?

Wroubel: The state indicates that the 4:1 ratio does not apply on acreage over 10 acres. We do not have anything in our ordinance that says it should be related over the 10 acres. There will be a lot of public input at the Planning Commission. Does the 4:1 rule apply to anything over the 10 acres?

Twp. Attorney Patterson: 4:1 ratio of 10+ acres is not specifically mentioned in the township ordinance. The language is vague in the ordinance. Address the standards. Statute and ordinance do not necessarily go well together. Address the standards and merits.

Michael Herring, Baggs Partners attorney: "may approve" is stated in the packet and in the ordinance.

Lake: Appreciate everyone here expressing interest. Mr. Hall has done a good job. Here to make a decision on a situation that has been blamed on Mr. Hall. To the Baggs Partner, who are the owners? (Derek and Gary Van Solkema indicate they are the owners.) Does not want to see traffic problems on M72. Thanked everyone for coming out tonight.

Bowen: Read through some of the standards for approval of land divisions.

Garza: This is not about condo use; this is about the one parcel. Condo development is of concern to the general public that is here. The township mission statement must be followed up with goals.

Bowen: It was within the ZA jurisdiction to allow the variance of the 4:1 ratio. Read through some of the standards of approval of the variance, zoning board handbook.

Wroubel: This case has nothing to do with the condo development. This is a single parcel. Does the ratio apply?

Lake noted that any development will have to be addressed by the PC, the Board or this Board in the future.

Wroubel: This is a variance request. The ZBA has issued many ratio variances in the past.

Bowen read through the request.

Lake noted that the township ordinance will have to be addressed.

k. Findings of Fact: The ZBA finds as follows based upon the Land Division Ordinance, the Application, information and comments received by the Applicant, its representative and the Township Attorney, and based on input (both through comments and written submissions) received during the public hearing. Facts as indicated in attorney information from the packet:

1. By majority vote on June 20, 2023 the Township Board directed the ZBA to accept all relevant information and hear the application for a Land Division Ordinance variance for the Parcel.

2. Pursuant to the Land Division Ordinance, Section VII and Section VIII and the action of the Township Board, the ZBA has been delegated and does have the authority to hear the request for a variance.

3. Applicant is the owner of 6631 Baggs Road, Williamsburg, Michigan, the subject of this appeal. The parcel is vacant with no structures on the property.

4. Previous owner, Morrison Acres, applied for the land division of a 125-acre parent parcel in 2020.

5. In 2020, the Zoning Administrator approved the application for a land division, and the division created the parcel at issue, which is approximately 30 acres in size.

6. On or about May 18, 2020, the parcel was sold to former owner Debono.

7. On or about January 14, 2022, the parcel was sold to Derek Van Solkema.

8. On or about February 2, 2022, the parcel was quit-claimed to Baggs Partners, LLC.

9. On August 29, 2022, the Township received a complaint alleging that the parcel was improperly split

because it did not conform with the 4:1 width to depth ratio under Section VII of the Land Division Ordinance.

10. At a special meeting of the Township Board on May 3, 2023, the Township Board made a number of findings, including that the parcel is noncompliant with the Land Division Ordinance, specifically the ratio requirement. The Township Board further found that the parcel is “not eligible for any building permits or zoning approvals such as special land use approval or site plan approval.”

11. The application followed, requesting a variance of the ratio requirement.

ZBA findings of fact standards discussed:

12. Whether the applicant has shown that exceptional or extraordinary circumstances exist such as exceptional topographical or physical conditions, the ZBA finds: No consensus, yes, no, yes, no.

OR

that the greater ratio would be reasonably compatible with the surrounding lands, the ZBA specifically finds: Consensus, yes.

13. Whether the applicant has shown that strict compliance with the regulations of this ordinance will unreasonably prevent the applicant from developing the property, the ZBA finds: Consensus - Yes.

14. Whether the applicant has shown that the requested variance will not cause an adverse impact on the development of surrounding property, property values, the ZBA finds: No consensus, yes, yes, no, yes.

15. Whether the applicant has shown that the health, safety and welfare will not be compromised, the ZBA specifically finds: no health, safety or welfare will be compromised.

We do not get to decide what they want to use the land for.

16. Whether the applicant has shown that the requested variance is the minimum variance necessary to permit reasonable use of the land, the ZBA specifically finds: Consensus – yes.

l. Conclusion: Bowen: Stuck on the topographical and the adverse effect of the surrounding area.
Garza: No to the variance.

m. Reasons for Conclusion: Based on the findings of facts as presented.

n. Decision: Grant the request.

o. MOTION by Bowen, second by Wroubel to grant the Appeal #ZBA-2023-ZA, application for a depth to width variance based on the stated findings of fact on record.

Roll call vote: Lake – yes; Garza – no; Wroubel – yes; Bowen – yes. Motion carried.

Signing of the Variance Decision Certification Forms.

Other Matters to be reviewed by the Zoning Board of Appeals

a. Correspondence Received – training opportunity in Harbor Springs October 3 & 4

Report of Planning Commission Representative, Wroubel: Master Plan survey got 600+ returned. There will be two workshops.

Report of Township Board Representative, Unassigned: Not available

Report of Zoning Administrator, Hall: A couple comments: ZA job is to administrate the ordinance. Procedures are very important. Question to the ZBA: the board made the parcel unbuildable, does this decision to grant the variance affect the board decision? Is there further action due by the board?

No answer to the questions.

Public Comment:

Frank Hymore noted errors and that the ZBA went against the ordinance.

Bowen noted the ZBA voted on a variance request.

Connie Hymore referenced the zoning ordinance book and the variance at the time of division. Believes there were improper procedures.

Gary Van Solkema, complimented the ZBA for doing their job, making the decision. Hall is very experienced.

Adjournment: 10:38 p.m.

Respectfully submitted,
Recording Secretary
Lois MacLean



Whitewater Township
5777 Vinton Road
P.O. Box 159
Williamsburg, Michigan 49690

231-267-5141
www.whitwatertownship.org

STAFF REPORT/Zoning Board of Appeals
Case # ZBA-2023-04

1. Applicant(s)

Applicant(s) / Owners: Wistrand, Marc and Lorraine
 2942 Five Mile Road
 Traverse City, Michigan 49686

Site Address, 10400 Orchard Lane | Williamsburg, Michigan 49690
 Parcel ID# 28-13-110-002-01

Property Description [28-13-110-002-01]- PT OF GOV LOT 2 SEC 10 T28N R9W BEING THE S 200' OF N 300' OF S 700' OF SAID GOV LOT; EXCEPT W 649.6' MORE FULLY DESCRIBED AS; COM W 1/4 CRN OF SAID SEC 10 ALSO SW CRN OF GOV LOT 2; TH S 89 DEG 31'56" E 649.58' TH N 400.61' TO POB; TH CON N 200' TH S 89 DEG 32'0" E 379.46' TO PT ON SHORE OF ELK LAKE; TH S 06 DEG 06'09" W 200.96' TH N 89 DEG 32'0" W 358.09' TO POB. SAID PARCEL EXTENDS ESTRLY TO WATERS OF ELK LK WITH RIPARIAN RIGHTS THEREON. SUBJ TO EXISTING ESMT, AND 20' ROW, RESERVATIONS AND RESTRICTIONS OF RECORD. AKA PARCEL 1.

Zoned: R1-Residential

Site Plan: [illustrations / drawings attached]

2. Development Proposal

- 2.1 The property owner seeks to build a residential accessory structure that will encroach into the rear yard required setback approximately 20' to within approximately 10' of the west property line on Parcel #28-13-110-002-01.

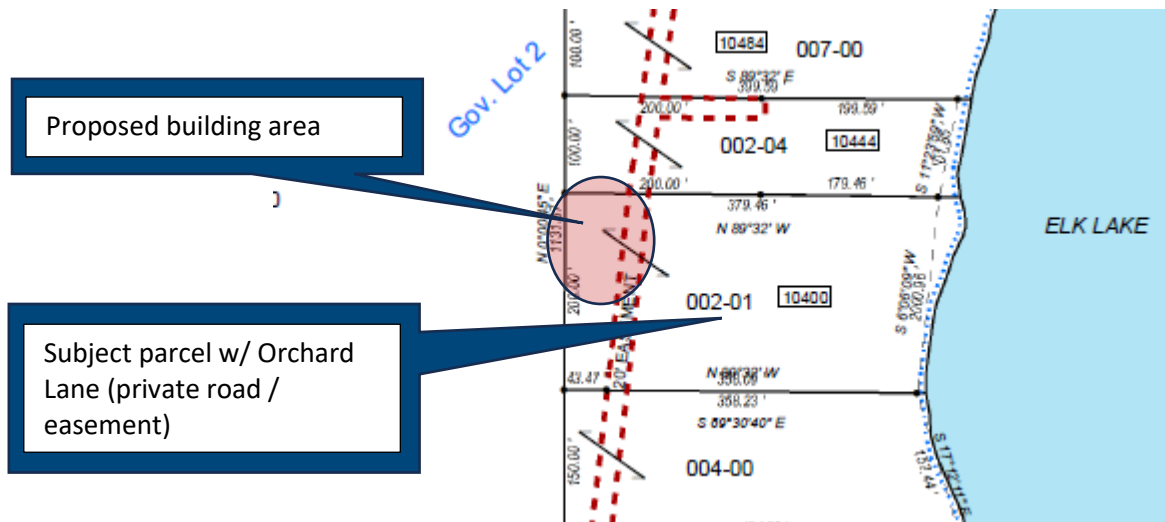


2.2 Action Report – The Applicant is:

- 1) Property owner is requesting a dimensional variance from the required 30' rear yard setback foot from the west property line required in Article XII, **Building Sizes, Lot Sizes, and Yard Requirements**, Schedule of Regulations in order to permit an encroachment of approximately 20' (to be within 10' of the west / rear property line).

2.3 Background:

1. The applicant initiated contact regarding the buildable area of the subject property in relationship to the required R1 zoning district setbacks and Orchard Lane, a private road.
2. The applicant(s) submitted the application, site plan, and requisite fee to the Zoning Administrator in July of 2023. The application and supporting materials lacked sufficient detail. The applicant and the zoning administrator met on site at least twice to confirm details required for a site plan to be submitted to the ZBA
3. Posting, publication, and notification were all performed at least 15 days prior to the scheduled February 22, 2024 public hearing of the Zoning Board of Appeals.



See detailed drawings / survey sketches provided by applicant and included in this packet.

Staff Comment: *Although NOT required by the Whitewater Township Zoning Ordinance, staff recommended and the applicant agreed to submit a basic site plan / visual image to aid the Zoning Board of Appeals in the review and decision-making process.*

A Non-Use variance is subject to the ZBA finding that a Practical Difficulty exists demonstrated by the applicant based up the following review standards:

1. Granting the variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
2. Granting the variance shall not permit the establishment within a zoning district of any use, which is not permitted by right within the district.

Staff Comment: This is NOT a use variance request – customary residential uses such as dwelling and accessory buildings and structures are permitted by right.

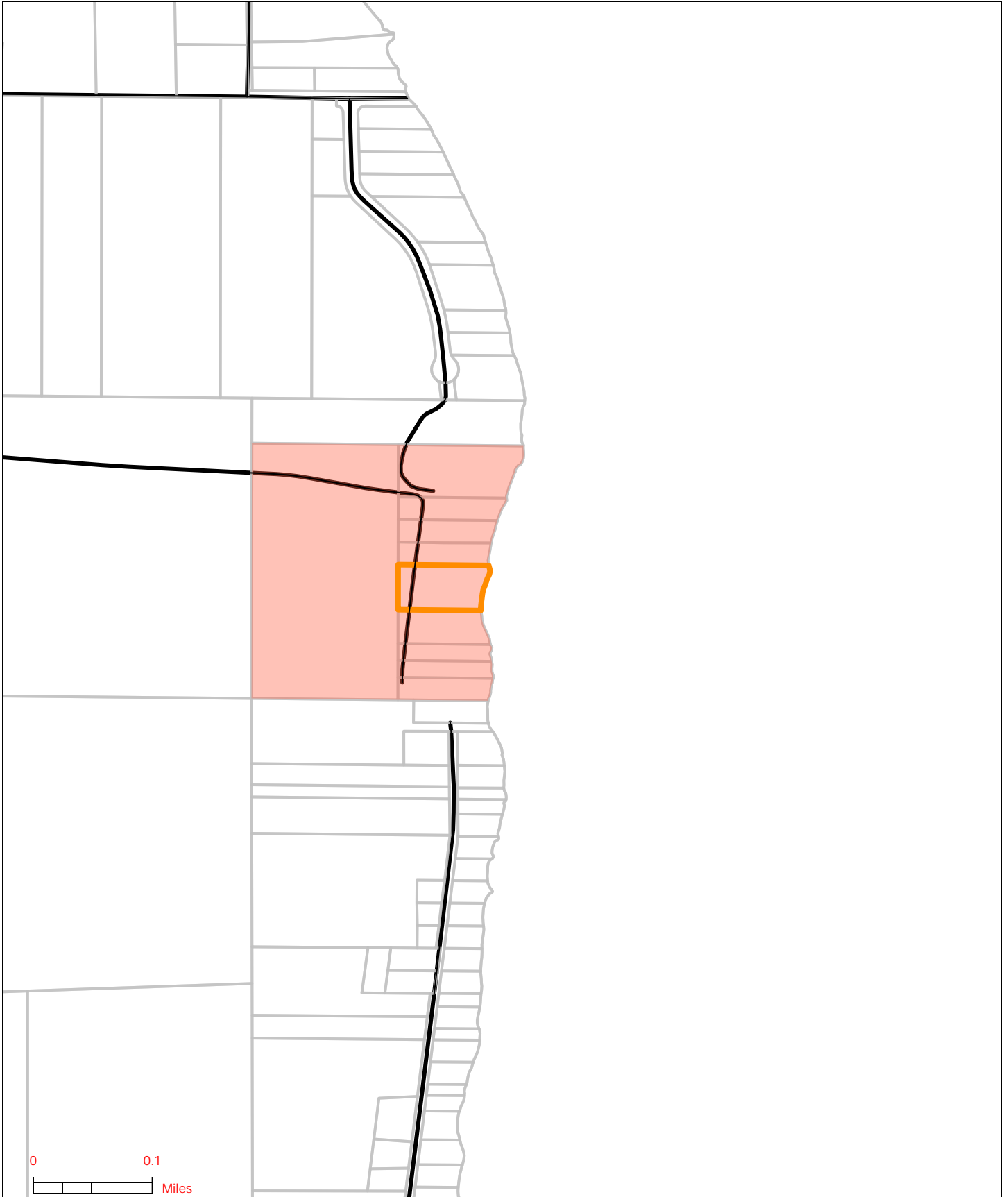
3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township.
4. There are practical difficulties on the site which unreasonably prevent the owner from using the property for a permitted purpose without presenting an excessive burden and the practical difficulty not resulting from any act of the applicant.
5. The variance will do substantial justice to the applicant, but the decision shall not bestow the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity which may endanger the public health, safety or welfare.
6. The requested variance is the minimum necessary to permit reasonable use of the land.
7. The practical difficulty is not self-created.

Respectfully submitted for consideration by the Whitewater Township Zoning Board of Appeals,



Robert (Bob) Hall
Zoning Administrator

WHITEWATER



28-13-110-002-01
WISTRAND MARC W & LORRAINE F
2942 FIVE MILE RD
TRAVERSE CITY MI 49686

28-13-110-002-04
BEEHLER MICHAEL & AMY
10444 ORCHARD LN
WILLIAMSBURG MI 49690

28-13-110-003-00
PETHERICK JEFFREY C & GINA M
6944 OAKHURST RIDGE
SHELBY TWP MI 48348

28-13-110-004-00
COLOMBO LOUIS E TRUST
1111 LAKE RIDGE DR UNIT 305
TRAVERSE CITY MI 49684

28-13-110-006-00
DCHJ LLC
10225 ELK LAKE TRL
WILLIAMSBURG MI 49690

28-13-110-007-00
DEBOER SCOTT & ANGELA K
6270 NEW HOLLAND ST
HUDSONVILLE MI 49426

28-13-110-008-00
HARBIN PHYLLIS M
1665 W CRYSTAL VIEW RD
SCOTTVILLE MI 49454

28-13-110-009-02
CAMERON CRAIG R & LAURA J
10522 INNIS LN
WILLIAMSBURG MI 49690

28-13-110-010-00
RETTIG MAXIMILIAN K & KRISTINE B
10326 ORCHARD LN
WILLIAMSBURG MI 49690

28-13-110-011-00
STEINER JENNIFER J
HAWLEY ELAIN J & BARRON BARBARA A
2769 NIXON RD
ANN ARBOR MI 48105

To Bob Hall and whom it may concern,
Mara & Corranie Wistrand
Proposed Garage / Building

I am asking to have only a 10' foot setback on proposed building west side that is owned by Don Hayden (Heit Farms). He has given us written permission to build closer than current rules, as he also did for our neighbors, just north of us (Mike and Amy Beele).

The private road right of way on the east side of proposed building, and Heit Farms fence on the west severely limit the depth of my proposed building. With a 10' foot setback allowance from the west fence to my building, I would be able to build a deep enough building to park all my trailers and vehicles and have a clean property. This building would be tastefully built to match the future remodel of our home.

This is really the only good space to build this building. It is high and dry and the rest of the property has future plans for it.

Thank you for this consideration, we are trying to keep Orchard Lane looking good.

Mara Wistrand

To whom it may concern,

I have given Marc & Lorraine Wistrand at 10400 Orchard Lane Williamsburg Mi permission to build their garage up to 10', to my Agricultural fence line. This fence line is on the west side of their property. I have already given permission to their neighbors Mike & Amy Beehler for this same purpose. I have already walked the proposed garage AREA on their property and approve going closer than Township setbacks on this garage building.

Dr Hayden

Don Hayden
H & H Farm

date 8-30-2022



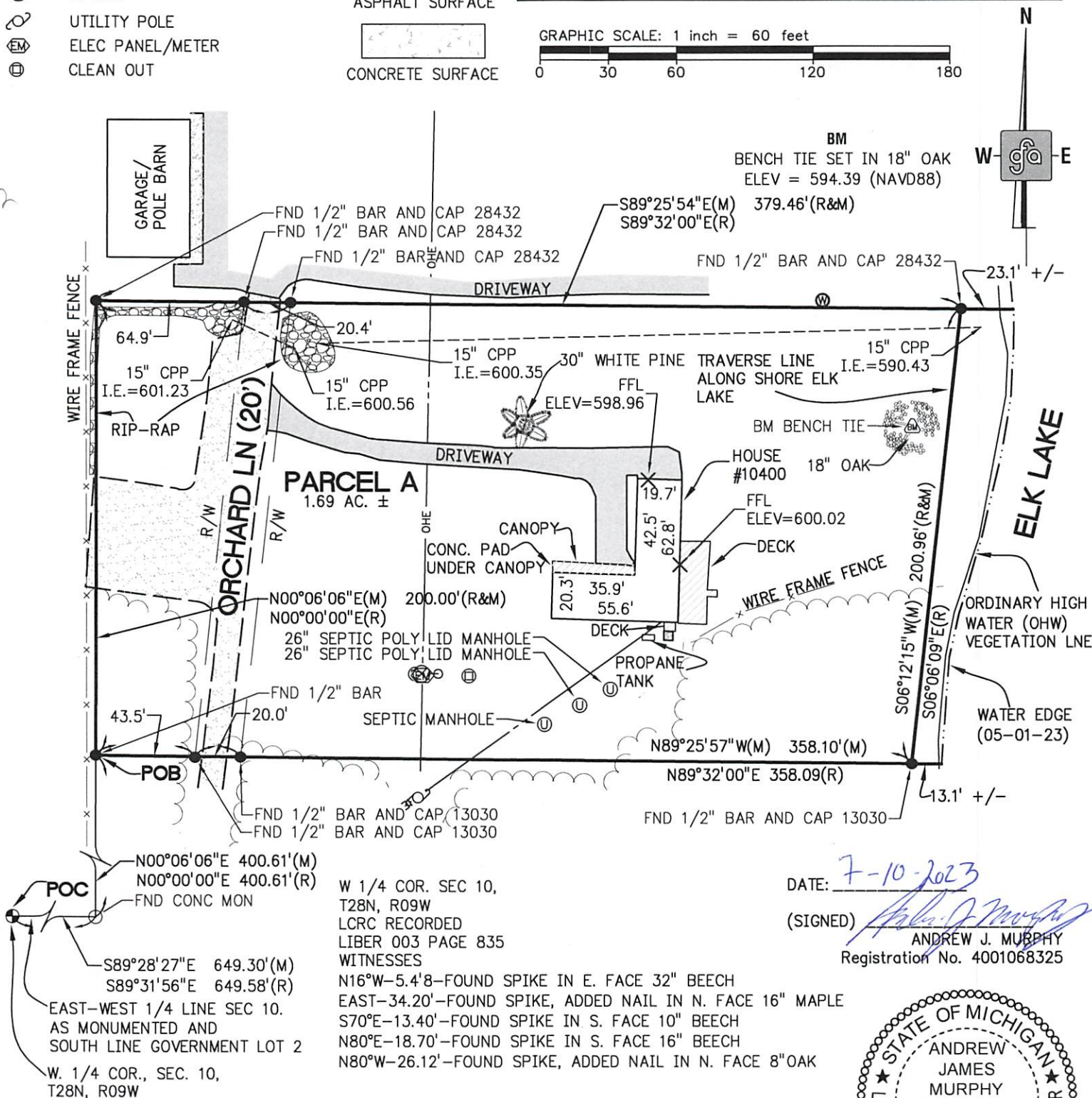
SURVEY LEGEND

- | | | | |
|-----|------------------------------|---|-----------|
| ● | FND IRON (AS NOTED) | Ⓢ | SEPTIC MH |
| ⊙ | FND MONUMENT (AS NOTED) | Ⓦ | WELL |
| ⚡ | BENCHMARK | | |
| ⊙ | GOVERNMENT CORNER (AS NOTED) | | |
| ⊙ | SET MONUMENT (AS NOTED) | | |
| (R) | RECORD | | |
| (M) | MEASURED | | |
| ⊗ | SPIGOT | | |
| ⌋ | UTILITY POLE | | |
| Ⓜ | ELEC PANEL/METER | | |
| Ⓢ | CLEAN OUT | | |

2023S-00080
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED 07/11/2023 01:38:57 PM
PEGGY HAINES REGISTER OF DEEDS
PAGE 1 OF 2

THIS SPACE RESERVED FOR REGISTER OF DEEDS

GRAPHIC SCALE: 1 inch = 60 feet



I, ANDREW J. MURPHY, MICHIGAN LICENSED PROFESSIONAL SURVEYOR NO.4001068325, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PARCEL(S) HEREON DESCRIBED AND HAVE NOT EXCEEDED A MAXIMUM ALLOWABLE RELATIVE POSITIONAL PRECISION OF 2 CM (0.07 FEET) PLUS 50 PARTS PER MILLION (BASED ON MULTIPLE INDEPENDENT OBSERVATIONS ON THE CORNERS SET OR CORNERS UTILIZED IN THE BOUNDARY DETERMINATION) AND THAT ALL THE REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

DATE: 7-10-2022

(SIGNED)

ANDREW J. MURPHY
Registration No. 4001068325



PREPARED FOR: **MARC WISTRAND**

BASIS OF BEARINGS: MI. STATE PLANE COORD. SYSTEM, CENTRAL ZONE, NAD83(2011)

**ENGINEERING
SURVEYING
TESTING & OPERATIONS**



 <http://gfa.tc>
 231.946.5874 (p)
 231.946.3703 (f)

Location: 10400 ORCHARD LN, WILLIAMSBURG
PART OF GOVERNMENT LOT 2
SECTION 10, TOWN 28 NORTH, RANGE 9 WEST
WHITEWATER TWP., GRAND TRAVERSE CO., MI

DATE: July 10, 2023	
P.M.: ANDREW MURPHY	
DR.: JSF	CKD.: AJM
23109	
SHT 1	OF 2

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

RFV:

CERTIFICATE OF SURVEY

PARCEL A





Part of Government Lot 2, Section 10, Town 28 North, Range 09 West, Whitewater Township, Grand Traverse County, Michigan, more fully described as:

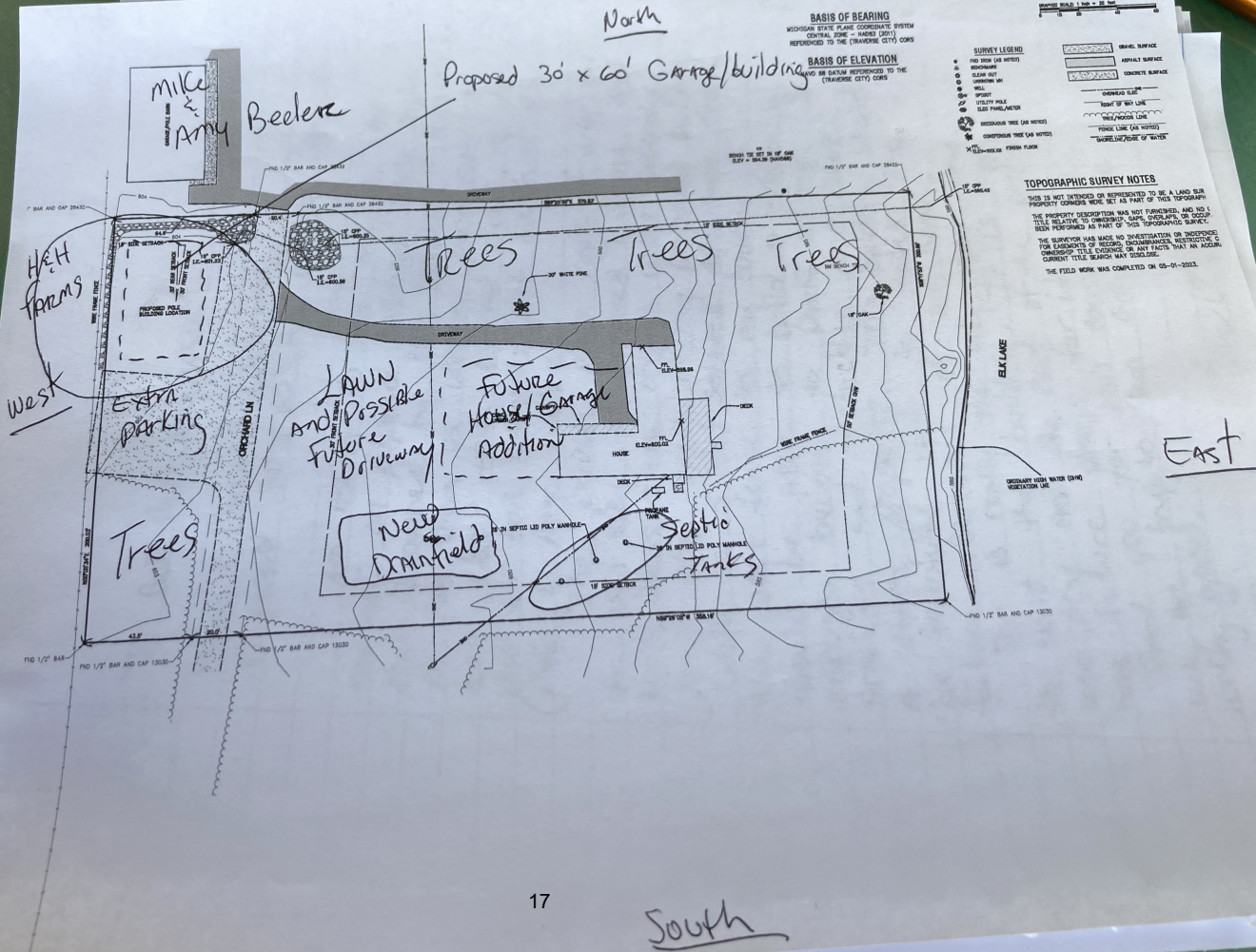
Commencing at the West one-quarter corner of said section 10;
thence South 89°28'27" East, 649.30 feet;
along the East-West one quarter line of said section 10;
thence North 00°06'06" East, 400.61 feet;
to the **Point of Beginning**.
thence continuing North 00°06'06" East, 200.00 feet;
thence South 89°25'54" East, 379.46 feet,
to an intermediate traverse line along the shore of Elk Lake;
thence South 06°12'15" West, 200.96 feet,
along said traverse line;
thence North 89°25'57" West, 358.10 feet;
to the **Point of Beginning**.

Said Parcel contains 1.69 acres more or less.

Subject to the right of way of Orchard Ln over a portion thereof.

Subject to other easements or restrictions, if any.

PREPARED FOR: MARC WISTRAND		BASIS OF BEARINGS: MI, STATE PLANE COORD. SYSTEM, CENTRAL ZONE, NAD83(2011)		
<div>ENGINEERING SURVEYING TESTING & OPERATIONS</div> <div>123 West Front Street Traverse City, MI 49684</div>		<div> http://gfa.tc</div> <div> 231.946.5874 (p)</div> <div> 231.946.3703 (f)</div>	Location: 10400 ORCHARD LN, WILLIAMSBURG PART OF GOVERNMENT LOT 2 SECTION 10, TOWN 28 NORTH, RANGE 9 WEST WHITEWATER TWP., GRAND TRAVERSE CO., MI	DATE: July 10, 2023
				P.M.: ANDREW MURPHY
				DR.: JSF CKD: AJM
				23109
THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.				
T: \PROJECTS\23109\DWG\SURVEY\23109_132.DWG (07-10-23 10:14 AM) JFEWINS		REV: .		



T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 13:23 by mobri

Acct #: 2055

Ad #: 611615

Status: New WHOLD

WHITEWATER TOWNSHIP CLERK
CHERYL GOSS
P.O. BOX 159
WILLIAMSBURG MI 49690

Start: 02/04/2024 Stop: 02/04/2024
Times Ord: 1 Times Run: ***
STDAD 3.00 X 3.34 Words: 241
Total STDAD 10.02
Class: 147 LEGALS
Rate: LEGAL Cost: 133.45
Affidavits: 1

Contact:

Ad Descrpt: LEGAL NOTICE WHITEWATER T
Given by: *

Phone: (231)267-5141

P.O. #:

Fax#:

Created: mobri 02/02/24 13:18

Email: clerk@whitewatertownship.org

Last Changed: mobri 02/02/24 13:23

Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W Sun 02/04/24 1 Sun 02/04/24 SMTWTFS
IN AIN 97 W Sun 02/04/24 1 Sun 02/04/24 SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 13:23 by mobri

Acct #: 2055

Ad #: 611615

Status: New WHOLD WHOI

**LEGAL NOTICE
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

Please be advised that on February 22, 2024, the Whitewater Township ZONING BOARD OF APPEALS will conduct a public hearing at a regular meeting at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690. The public hearing will be to consider the following:

The applicants are requesting that the Zoning Board of Appeals grant a 20' dimensional variance in the R1-Residential zoning district from the required 30' rear yard setback for the placement of an accessory building within 10' of a property line. The subject property is located at 10400 Orchard Lane, parcel #28-13-110-002-01.

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received up and until the time of the meeting on February 22, 2024, and should be addressed to the Whitewater Township Zoning Department, P.O. Box 159, Williamsburg, MI 49690.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who plan on attending. Contact the Township Supervisor at (231) 267-5141 ext 23 as soon as possible.

If a Zoom facilitator is available, the meeting may be available remotely. Check www.whitwatertownship.org for a link to this meeting on the Zoning Board of Appeals page a few days in advance of the meeting.

February 4, 2024- 1T

611615



Whitewater Township
5777 Vinton Road
P.O. Box 159
Williamsburg, Michigan 49690

231-267-5141
www.whitewatertownship.org

USE VARIANCE REQUEST
STAFF REPORT/Zoning Board of Appeals
Case # ZBA-2023-05

1. Applicant(s)

Applicant(s) / Owners: Vuillemot, Kirk
1916 S Racine
Chicago, Illinois 60608

Site Address, 400 Island View Drive | Williamsburg, Michigan 49690
Parcel ID# 28-13-630-025-10

Property Description [28-13-630-025-10]- W 50' OF LOT 31 NICKERSON'S SUB NO 1.

Zoned: R1-Residential

Site Plan: [illustrations / drawings attached]

2. Development Proposal

2.1 The property owner is seeking a **USE VARIANCE** to build a residential accessory structure without a principal use being established on Parcel #28-13-630-025-10

2.2 Action Report – The Applicant is:

1) Property owner is requesting a **USE VARIANCE**

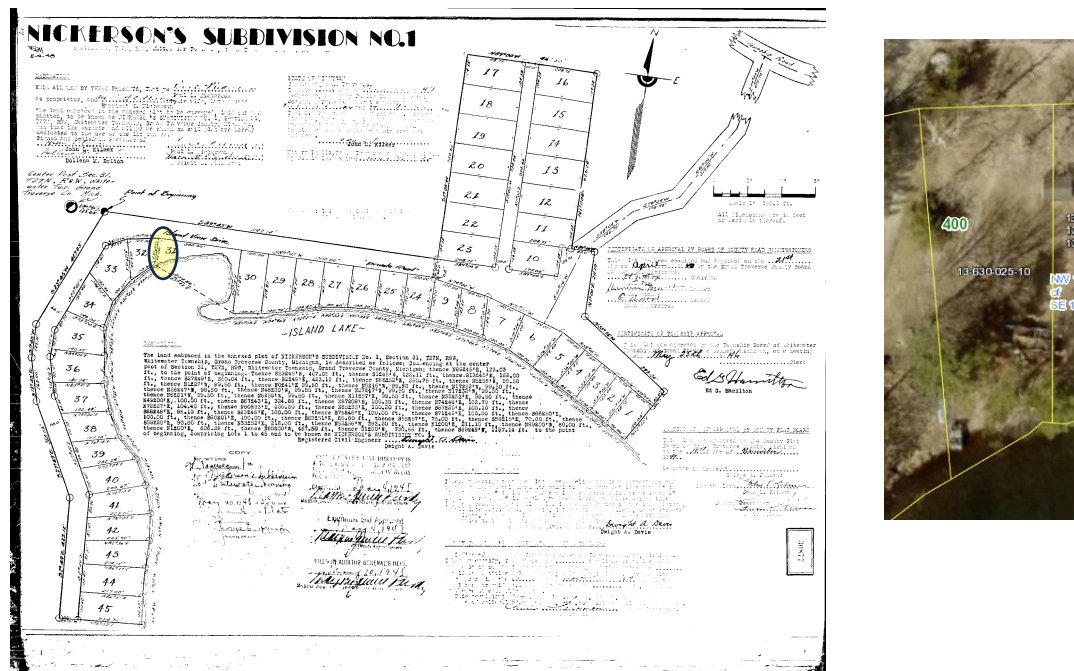
2.3 Background:

1. The applicant initiated contact regarding the possibility of a ‘use variance’ to allow the construction of an accessory structure without first or coincidentally constructing a principal use such as a dwelling.
2. The applicant(s) submitted a Land Use application, site plan, and requisite fee to the Zoning Administrator in September of 2023. The application and supporting materials lacked sufficient detail. The applicant and the zoning administrator coordinated the additional materials to be submitted to the ZBA

3. Posting, publication, and notification were all performed at least 15 days prior to the scheduled February 22, 2024 public hearing of the Zoning Board of Appeals.
4. While the property shows 'vacant' there is actually an older shed / accessory building (approximately 8' x 12') that is proposing to be removed and replaced with an 18' x 24' accessory building / structure.

See detailed drawings / survey sketches provided by applicant and included in this packet.

Staff Comment: *Although NOT required by the Whitewater Township Zoning Ordinance, staff recommended and the applicant agreed to submit a basic site plan / visual images to aid the Zoning Board of Appeals in the review and decision-making process.*



A USE VARIANCE is subject to the ZBA finding that a Unnecessary Hardship exists demonstrated by the applicant based up the following review standards:

1. The property cannot be reasonably used for any purpose permitted in the zoning district without a variance.
2. The need for the variance is due to unique circumstances particular to the property and not generally applicable in the area or to other properties in the same zoning district.
3. The problem and resulting need for the variance has not been self-created by the applicant and / or the applicant's predecessors.
4. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and

pattern of land uses in the area and the natural characteristic of the site and the surrounding area will be considered.

Respectfully submitted for consideration by the Whitewater Township Zoning Board of Appeals,



Robert (Bob) Hall
Zoning Administrator

WHITEWATER TOWNSHIP



5777 Vinton Road, PO Box 159 • Williamsburg, MI 49690 • PH (231) 267-5141 Fax (231) 267-9020

Case No. _____ Date Rec. ____/____/____ Fee: \$250

Property Information

Date Filed: Feb./ 1 / 2024 Reference: Land Use Permit filed: 9/25/23
Tax ID # 28-13-630-025-10 Subdivision: West 501 Lot #: 31 Zoning District: Nickerson's Sub #1
Flood Plain: NO Property Address: 400 Island View Drive Year Property was Acquired: 1999
Size of Lot: Front 55' Rear: 50' Side 1: 150' Side 2: 140'
Present Use of Property: Access lot for residence on island Past Variances on Property in Question (Y ☒ N)
If So State Case No. and Resolution of Appeal: _____

Request Information

Request: ☐ Dimensional Variance ☒ Use Variance ☐ Ordinance Interpretation ☐ Appeal Zoning Administrator Decision
Description of Request: To build a garage on the lot, which is used to access the adjacent residence on the island in Island Lake. For year-round use, a garage is a necessity, and it would be a hardship to be without one.

Square Feet of Existing Structure to be demolished (if any): 192

New Structure ☒ (Y) N If So, Size of Proposed Structure (Square Feet): 432

New Addition to Existing Structure (Y / N) If So,

Size of Addition: _____ Size of Existing Structure _____ Size of Existing Structure + Addition: _____

Ordinance in Question (if any): _____

Owner/Applicant Information

Owner Name: Kirk and Risa Vuillemot

Mailing Address: 1916 S Racine Ave. City: Chicago State: IL Zip: 60608

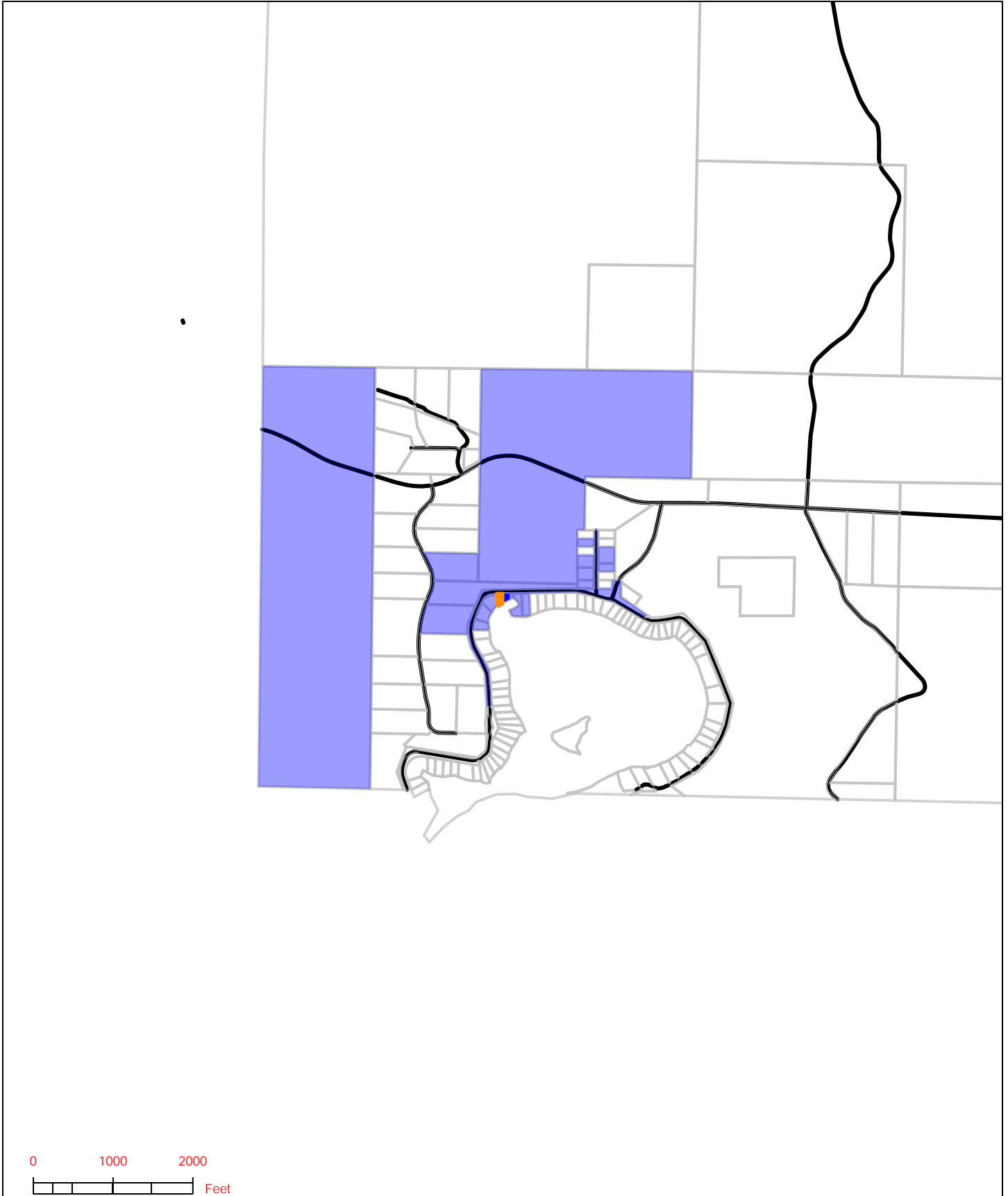
Phone: (312) 505 - 2798 Fax: (_____) _____ - _____ E-Mail: kirkvuillemot@gmail.com

Applicant (if different from owner): _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: (_____) _____ - _____ Fax: (_____) _____ - _____ E-Mail: _____

WHITEWATER



28-13-031-001-00
STATE OF MICHIGAN EXEMPT

28-13-031-005-07
DEYOUNG KEITH L
DEYOUNG TERI A
586 STARFLOWER LN
TRAVERSE CITY MI 49686

28-13-031-005-10
WILLIS WILLIAM E & GAIL G
821 GRAND RIVER NE
ADA MI 49301

28-13-031-005-11
SCHERRER KIM TTEE
SCHERRER KIM TRUST
454 STARFLOWER LN
TRAVERSE CITY MI 49686

28-13-630-000-00
NICKERSON'S SUBD. NO. 1 COMMON AREA

28-13-630-010-01
MILLER JACQUELYN Y TRUSTEE
602 SHELLY B LN
TRAVERSE CITY MI 49686

28-13-630-011-26
CLAUSEN PAUL R & MELISSA J
509 SHELLY B LN
TRAVERSE CITY MI 49686

28-13-630-011-27
DANN ERIC W
567 SHELLY B LN
TRAVERSE CITY MI 49686

28-13-630-011-28
LEPPIEN CRAIG A & ABBY M
527 SHELLY B LN
TRAVERSE CITY MI 49686

28-13-630-012-00
MILLER JACQUELYN
602 SHELLY B LN
TRAVERSE CITY MI 49686

28-13-630-014-01
WEST MARY MH & ANDREW J
607 SHELLY B LN
TRAVERSE CITY MI 49686

28-13-630-024-00
BAZZETT GARY D & WENDY JO
410 ISLAND VIEW DR
TRAVERSE CITY MI 49686

28-13-630-025-10
VUILLEMOT KIRK D & RISA S
1916 S RACINE
CHICAGO IL 60608

28-13-630-025-20
LEPPIEN CRAIG & ABBY
527 SHELLY B LN
TRAVERSE CITY MI 49686

28-13-630-026-00
BAZZETT GARY D & WENDY
410 ISLAND VIEW
TRAVERSE CITY MI 49686

28-13-630-027-00
SCHWARTZ PETER & SYDNEY
398 ISLAND VIEW DR
TRAVERSE CITY MI 49696

28-13-630-029-00
GULICK PETER G & CHARLOTTE A TTEE
CULICK PETER G & CHARLOTTE A TRUST
1839 PINE KNOLL DR
OKEMOS MI 48864

28-13-630-030-01
RIMMEL REX A REV TRUST
RIMMEL DOLORES M REV TRUST
178 W ST CHARLES RD
ITHACA MI 48847



NICKERSON'S SUBDIVISION NO. 1

5-4-48

Section 31, T27N, R9W, Whitewater Township, Grand Traverse County, Michigan

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we, Paul L. Nickerson, as proprietor, and Harriett E. Nickerson, his wife, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as NICKERSON'S SUBDIVISION NO. 1, Section 31, T27N, R9W, Whitewater Township, Grand Traverse County, Michigan, and that the streets and alleys as shown on said plat are hereby dedicated to the use of the lot owners.

Signed and sealed in presence of
John L. Kilmer
Dollena M. Bolton

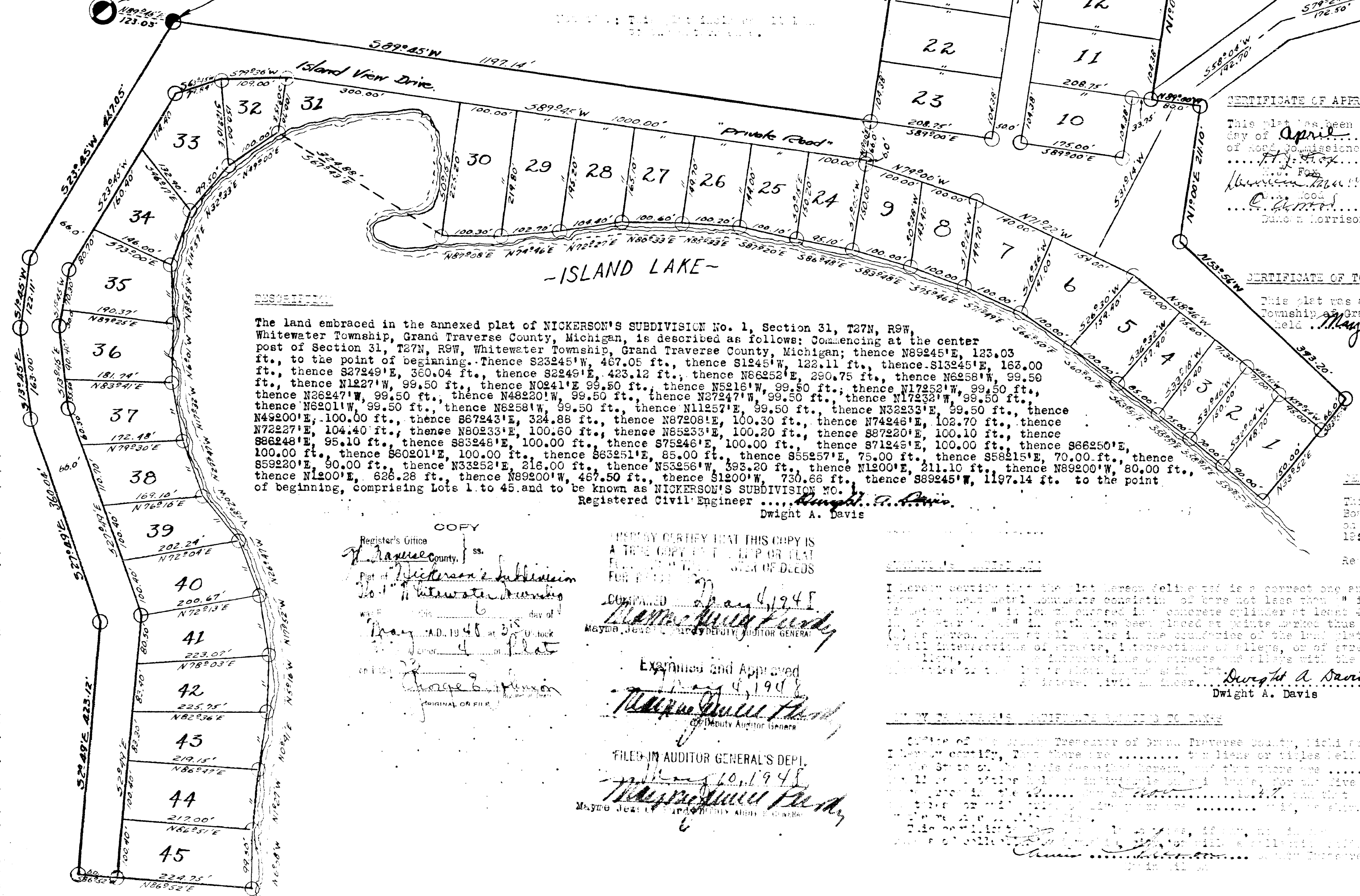
Paul L. Nickerson
Harriett E. Nickerson

STATE OF MICHIGAN
County of Grand Traverse
On this 1st day of April, 1948, before me, a Notary Public in and for said County, personally appeared the above named Paul L. Nickerson and Harriett E. Nickerson, his wife, known to me to be the persons who executed the foregoing instrument, and acknowledged to me to be their free act and deed.

John L. Kilmer
Notary Public, Grand Traverse County, Michigan

Center Post Sec. 31,
T27N, R9W, White-
water Twp. Grand
Traverse Co. Mich.

Point of Beginning



The land embraced in the annexed plat of NICKERSON'S SUBDIVISION NO. 1, Section 31, T27N, R9W, Whitewater Township, Grand Traverse County, Michigan, is described as follows: Commencing at the center post of Section 31, T27N, R9W, Whitewater Township, Grand Traverse County, Michigan; thence N89°45'E, 123.03 ft., to the point of beginning. Thence S23°45'W, 467.05 ft., thence S12°45'W, 122.11 ft., thence S13°24'E, 163.00 ft., thence S27°24'E, 360.04 ft., thence S22°49'E, 423.12 ft., thence N86°25'E, 290.75 ft., thence N62°58'W, 99.50 ft., thence N12°27'W, 99.50 ft., thence N02°41'E, 99.50 ft., thence N52°16'W, 99.50 ft., thence N17°52'W, 99.50 ft., thence N28°24'W, 99.50 ft., thence N48°20'W, 99.50 ft., thence N27°24'W, 99.50 ft., thence N17°32'W, 99.50 ft., thence N62°01'W, 99.50 ft., thence N82°58'W, 99.50 ft., thence N11°57'E, 99.50 ft., thence N32°23'E, 99.50 ft., thence N49°00'E, 100.00 ft., thence N87°24'E, 324.88 ft., thence N87°20'E, 100.30 ft., thence N74°24'E, 102.70 ft., thence N72°27'E, 104.40 ft., thence N80°33'E, 100.60 ft., thence N85°23'E, 100.20 ft., thence N87°20'E, 100.10 ft., thence N86°24'E, 95.10 ft., thence S83°24'E, 100.00 ft., thence S75°24'E, 100.00 ft., thence S71°24'E, 100.00 ft., thence S66°25'E, 100.00 ft., thence S60°20'E, 100.00 ft., thence S63°25'E, 85.00 ft., thence S55°27'E, 75.00 ft., thence S58°15'E, 70.00 ft., thence S59°20'E, 90.00 ft., thence N33°52'E, 216.00 ft., thence N53°56'W, 393.20 ft., thence N12°00'E, 211.10 ft., thence N89°20'W, 80.00 ft., thence N12°00'E, 626.28 ft., thence N89°20'W, 467.50 ft., thence S12°00'W, 730.66 ft., thence S89°24'W, 1197.14 ft. to the point of beginning, comprising Lots 1 to 45, and to be known as NICKERSON'S SUBDIVISION NO. 1.

Registered Civil Engineer Dwight A. Davis
Dwight A. Davis

COPY
Register's Office
Grand Traverse County, ss.
Plat of Nickerson's Subdivision
No. 1, Whitewater Township
May 4, 1948 at 3:15 o'clock
Dwight A. Davis
Original on File

I hereby certify that this copy is
a true copy of the plat or plat
as shown to me by the owner of deeds
for record in the
County of Grand Traverse
May 4, 1948
Dwight A. Davis
Examined and Approved
May 4, 1948
Dwight A. Davis
Deputy Auditor General

FILED IN AUDITOR GENERAL'S DEPT.
May 10, 1948
Dwight A. Davis
Deputy Auditor General

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS
This plat has been examined and approved on the 21st day of April, 1948 by the Grand Traverse County Board of Road Commissioners.
Chairman
Member
Member

CERTIFICATE OF TOWNSHIP APPROVAL
This plat was approved by the Township Board of Whitewater Township of Grand Traverse County, Michigan, at a meeting held May 25th, 1948.
Clerk
Ed G. Hamilton

CERTIFICATE OF APPROVAL BY COUNTY PLAT BOARD
This plat was approved by the County Plat Board of Grand Traverse County, Michigan on the 10th day of November, 1947.
Register of Deeds
County Clerk
County Treasurer

I hereby certify that the plat hereon delineated is a correct one and that the same contains a correct and true copy of the original plat as shown to me by the owner of deeds for record in the County of Grand Traverse. This plat was approved by the County Plat Board of Grand Traverse County, Michigan on the 10th day of November, 1947.
Dwight A. Davis
Deputy Auditor General

30877

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 13:35 by mobri

Acct #: 2055

Ad #: 611616

Status: New WHOLD

WHITEWATER TOWNSHIP CLERK
CHERYL GOSS
P.O. BOX 159
WILLIAMSBURG MI 49690

Start: 02/04/2024 Stop: 02/04/2024
Times Ord: 1 Times Run: ***
STDAD 3.00 X 3.23 Words: 237
Total STDAD 9.69
Class: 147 LEGALS
Rate: LEGAL Cost: 133.95
Affidavits: 1

Contact:

Ad Descrpt: LEGAL NOTICE WHITEWATER T
Given by: *

Phone: (231)267-5141

P.O. #:

Fax#:

Created: mobri 02/02/24 13:25

Email: clerk@whitewatertownship.org

Last Changed: mobri 02/02/24 13:32

Agency:

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W Sun 02/04/24 1 Sun 02/04/24 SMTWTFS
IN AIN 97 W Sun 02/04/24 1 Sun 02/04/24 SMTWTFS

AUTHORIZATION

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We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 13:35 by mobri

Acct #: 2055

Ad #: 611616

Status: New WHOLD WHOI

LEGAL NOTICE
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

Please be advised that on February 22, 2024, the Whitewater Township ZONING BOARD OF APPEALS will conduct a public hearing at a regular meeting at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690. The public hearing will be to consider the following:

The applicants are requesting that the Zoning Board of Appeals grant a 'use' variance in the R1-Residential zoning district for the placement of an accessory building without first or consecutively establishing a principal use. The subject property is vacant, located at 400 Island View Drive, parcel #28-13-630-025-10.

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received up and until the time of the meeting on February 22, 2024, and should be addressed to the Whitewater Township Zoning Department, P.O. Box 159, Williamsburg, MI 49690.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who plan on attending. Contact the Township Supervisor at (231) 267-5141 ext 23 as soon as possible.

If a Zoom facilitator is available, the meeting may be available remotely. Check www.whitwatertownship.org for a link to this meeting on the Zoning Board of Appeals page a few days in advance of the meeting.

February 4, 2024- 1T

611616



Whitewater Township
5777 Vinton Road
P.O. Box 159
Williamsburg, Michigan 49690

231-267-5141
www.whitwatertownship.org

STAFF REPORT/Zoning Board of Appeals
Case # ZBA-2024-01

1. Applicant(s)

Applicant(s) / Owners: Schultz, Jean and Johnston, Michael
1443 Echo Ridge Street NW
Rochester, Minnesota 55902

Site Address, 10113 Miami Beach Road | Williamsburg, Michigan 49690
Parcel ID# 28-13-310-009-00

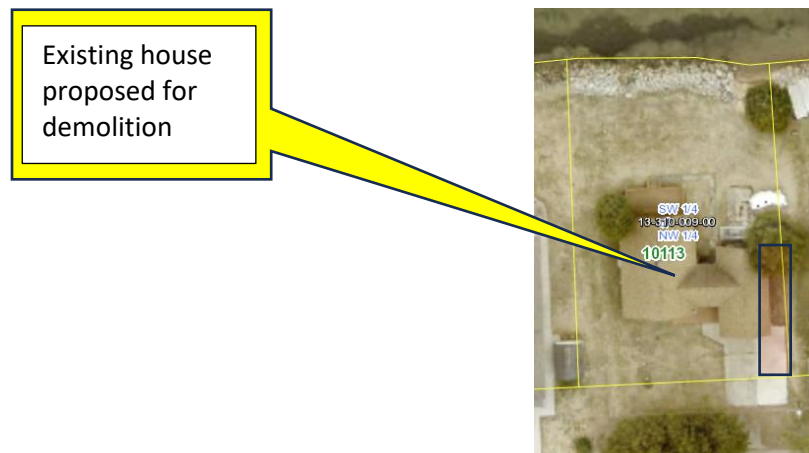
Property Description [28-13-310-009-00]- LOT 9 CLEARWATER BEACH.

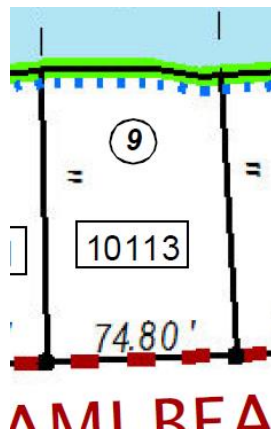
Zoned: R1-Residential

Site Plan: [illustrations / drawings attached]

2. Development Proposal

- 2.1 The property owner seeks to demolish an existing residential dwelling with an attached accessory structure and then rebuild new that will encroach into the east side yard required setback approximately 7' to within approximately 8' of the east property line on Parcel #28-13-310-009-00.





Tax Map image of
subject property

2.2 Action Report – The Applicant is:

- 1) Property owner is requesting a dimensional variance from the required 15' side yard setback from the east property line required in Article XII, **Building Sizes, Lot Sizes, and Yard Requirements**, Schedule of Regulations in order to permit an encroachment of approximately 7'

2.3 Background:

1. The applicant initiated contact inquiring about the ability to demolish and rebuild while maintaining the encroachment into the required side yard setback by the existing garage.
2. The applicant(s) submitted the application, site plan, and requisite fee to the Zoning Administrator in January of 2024.
3. Posting, publication, and notification were all performed at least 15 days prior to the scheduled February 22, 2024 public hearing of the Zoning Board of Appeals.

See detailed drawings / survey sketches provided by applicant and included in this packet.

Staff Comment: *Although **NOT** required by the Whitewater Township Zoning Ordinance, staff recommended and the applicant agreed to submit a basic site plan / visual image to aid the Zoning Board of Appeals in the review and decision-making process.*

A Non-Use variance is subject to the ZBA finding that a Practical Difficulty exists demonstrated by the applicant based up the following review standards:

1. Granting the variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.

2. Granting the variance shall not permit the establishment within a zoning district of any use, which is not permitted by right within the district.

Staff Comment: This is NOT a use variance request – customary residential uses such as dwelling and accessory buildings and structures are permitted by right.

3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township.
4. There are practical difficulties on the site which unreasonably prevent the owner from using the property for a permitted purpose without presenting an excessive burden and the practical difficulty not resulting from any act of the applicant.
5. The variance will do substantial justice to the applicant, but the decision shall not bestow the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity which may endanger the public health, safety or welfare.
6. The requested variance is the minimum necessary to permit reasonable use of the land.
7. The practical difficulty is not self-created.

Respectfully submitted for consideration by the Whitewater Township Zoning Board of Appeals,



Robert (Bob) Hall
Zoning Administrator

WHITEWATER TOWNSHIP



5777 Vinton Road, PO Box 159 • Williamsburg, MI 49690 • PH (231) 267-5141 Fax (231) 267-9020

Case No. ZBA202401

Date Rec. 01/04/2024

Fee: \$250

Property Information

Date Filed: 12 / 28 / 23

Tax ID #: 13-310-009-00 Subdivision: _____ Lot #: 9 Zoning District: _____

Flood Plain: _____ Property Address: 10113 Miami Beach Rd Year Property was Acquired: 2021

Size of Lot: Front 74.8 Rear: 71.24 Side 1: 104.18 Side 2: 111.05

Present Use of Property: Second home Past Variances on Property in Question (Y / N)

If So State Case No. and Resolution of Appeal: _____

TREASURER: Lori MacLean DATE 1-5-2024 **PAID**

Request Information

Request: ☒ Dimensional Variance ☐ Use Variance ☐ Ordinance Interpretation ☐ Appeal Zoning Administrator Decision

Description of Request: Demo current structure and rebuild house with attached garage.

The current garage is in the 15 ft side setback. We would like to rebuild the new garage in the same footprint as the existing garage.

Square Feet of Existing Structure to be demolished (if any): 1,120 sq ft

New Structure (Y / N) If So, Size of Proposed Structure (Square Feet): 2176 sq ft

New Addition to Existing Structure (Y / N) If So,

Size of Addition: _____ Size of Existing Structure _____ Size of Existing Structure + Addition: _____

Ordinance in Question (if any): _____

Owner/Applicant Information

Owner Name: Jean Schultz & Michael Johnston

Mailing Address: 1443 Echo Ridge St SW City: Rochester State: MN Zip: 55902

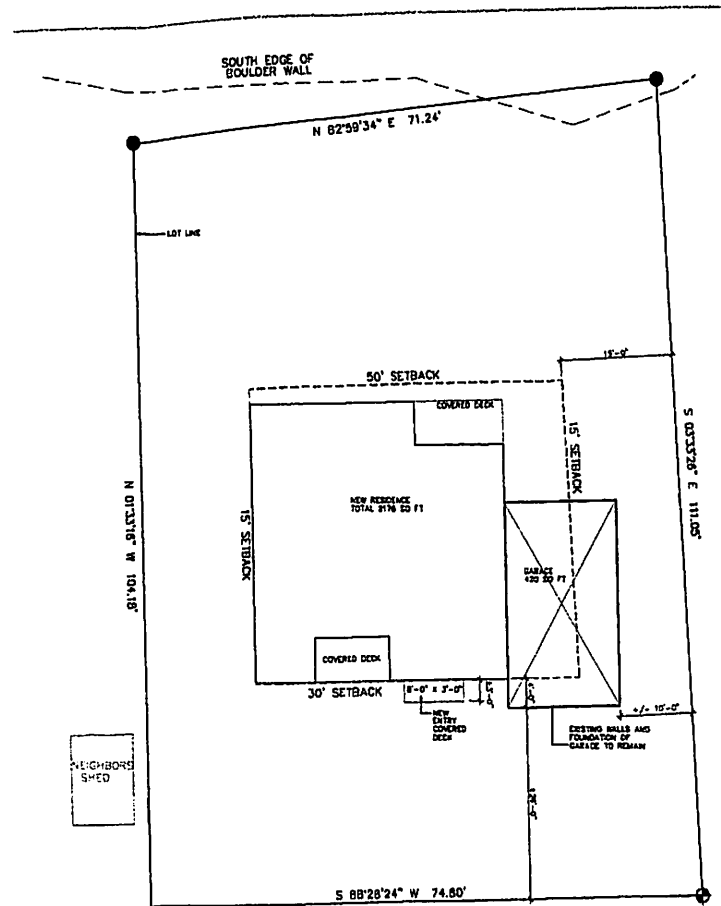
Phone: (507) 923 - 8030 Fax: () - E-Mail: mjjjms@gmail.com

Applicant (if different from owner): Asherpark Custom Homes

Mailing Address: PO Box 156 City: Acme State: MI Zip: 49610

Phone: (231) 590 - 9824 Fax: () - E-Mail: asherparkcustomhomes@gmail.com

ELK LAKE



PROPOSED SITE PLAN

NEW SCALE: 1/8" = 1'-0"

10113 MIAMI BEACH RD.
WILLIAMSBURG, MI 49690

SHEET INDEX	
5	PROPOSED SITE PLAN
1	EXISTING FLOORPLANS
2	NEW MAIN & UPPER FLOORPLANS
3	FOUNDATION PLAN / DECK FRAMING
4	BUILDING SECTIONS
5	BUILDING SECTIONS
6	BUILDING ELEVATIONS
7	BUILDING ELEVATIONS

CENTRIC DESIGN LLC
TERRILL AMP LUDLOW
P/E 19, 27-02-041

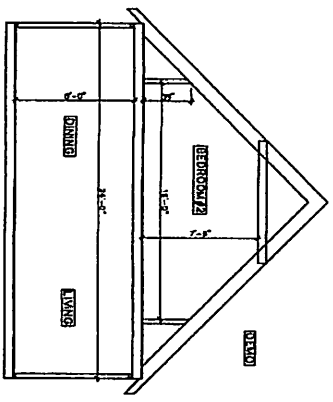
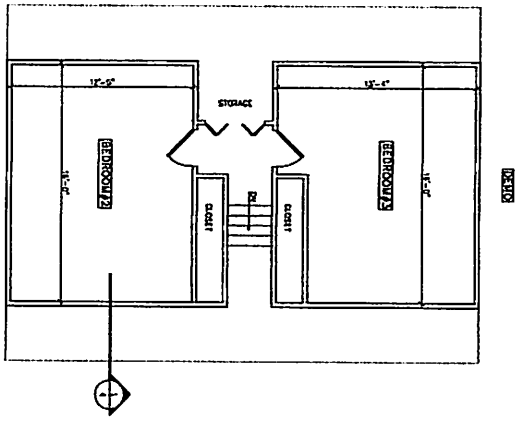
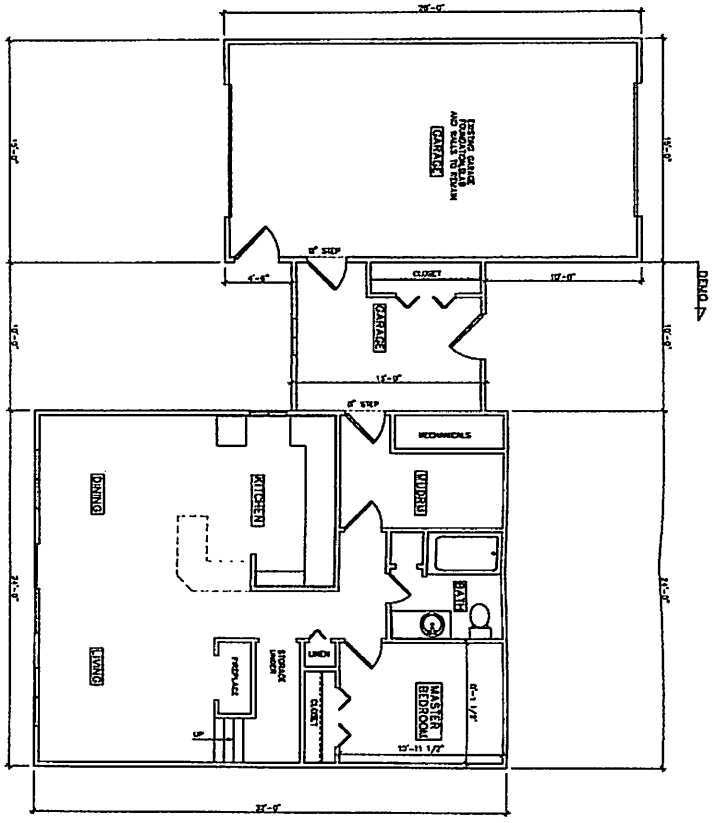


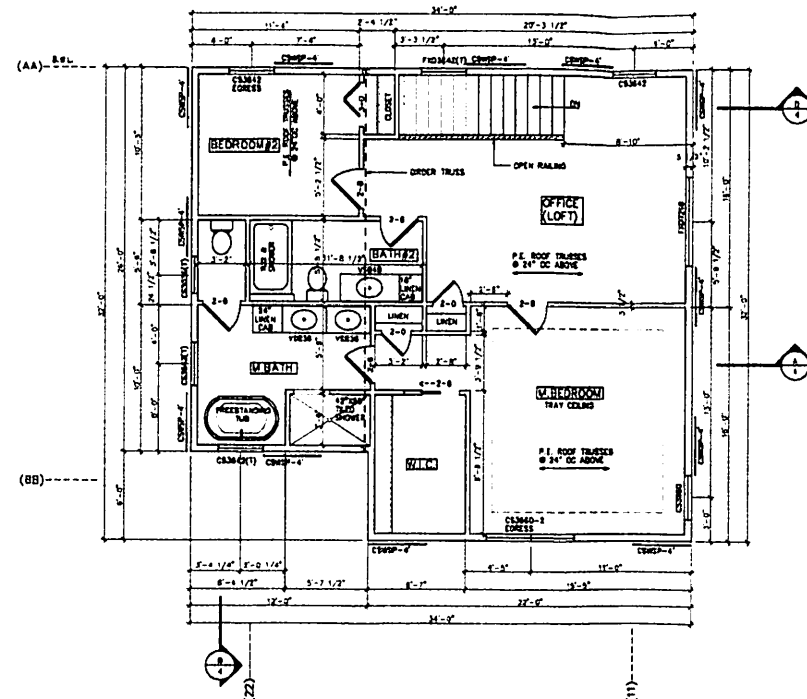
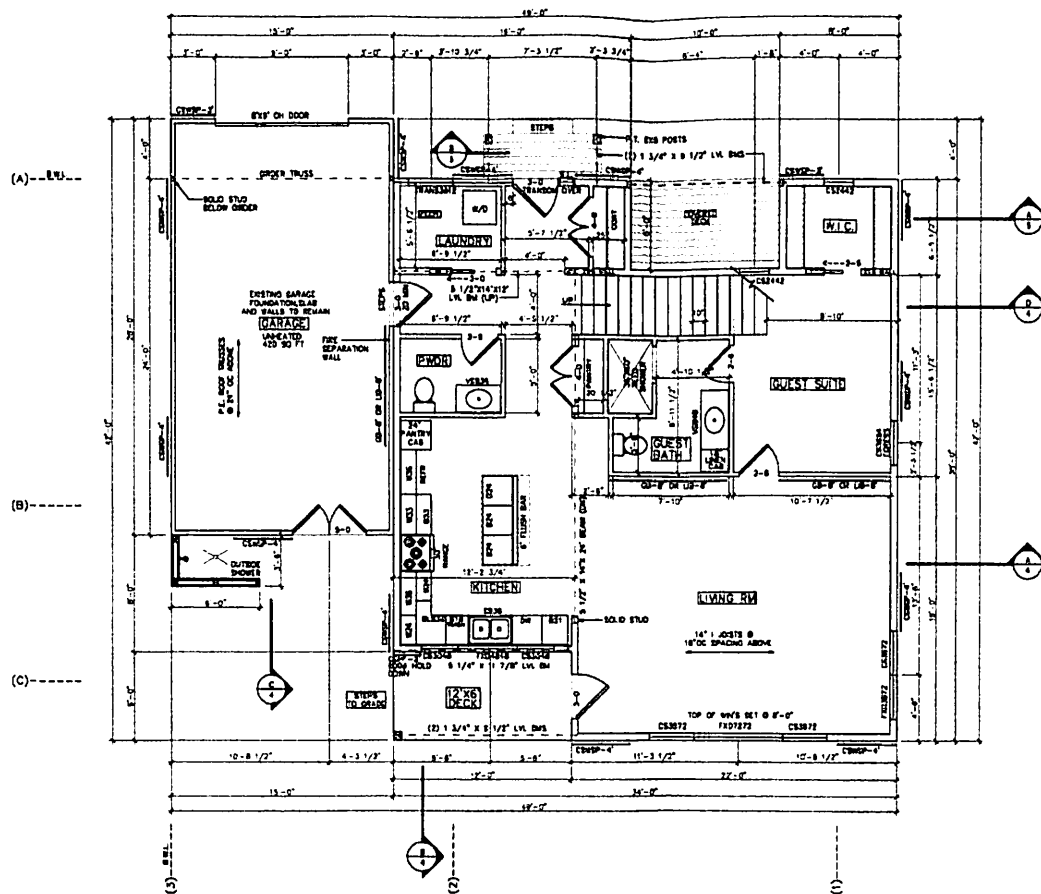
DATE:
01/26/23

SQUARE FOOTAGE	NEW	EXISTING	TOTAL
NEW	2176	0	2176
EXISTING	0	0	0
TOTAL	2176	0	2176

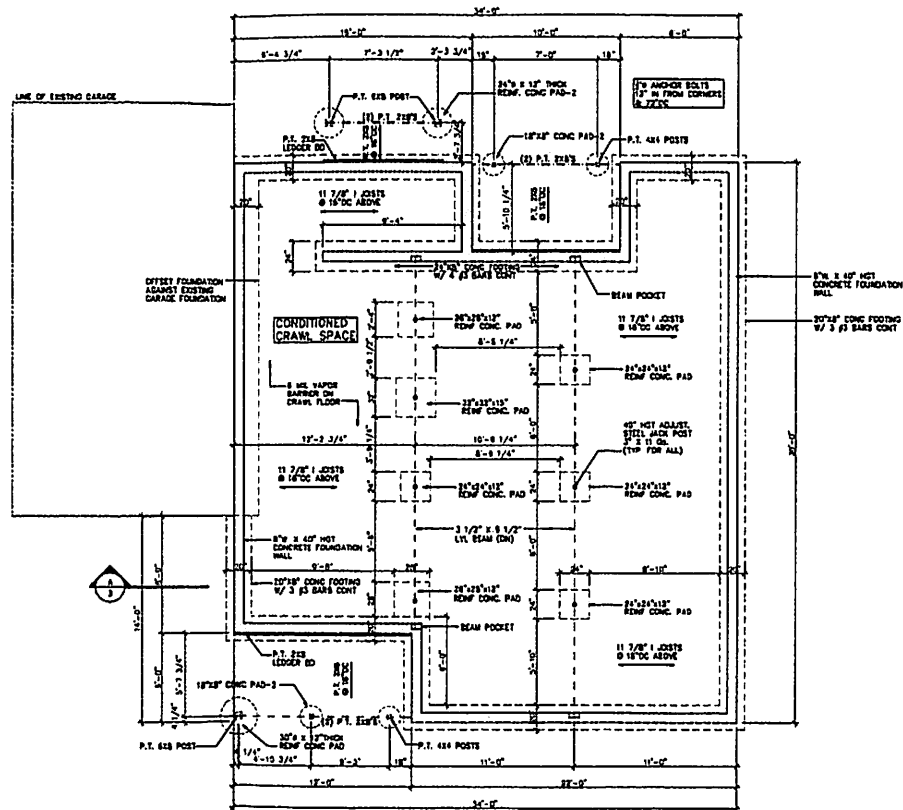
JOHNSTON & SCHULTZ

SHEET
5



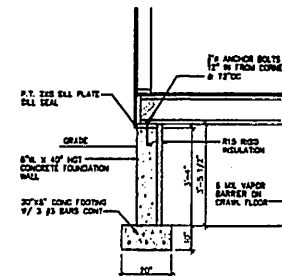


- NOTES:**
1. EXTERIOR WALLS OF HOUSE ARE DRAWN AT 5/16" WIDE (2X6 STUDS). GARAGE WALLS ARE DRAWN AT 3/16" WIDE. INTERIOR WALLS ARE DRAWN AT 3/16" WIDE UNLESS NOTED OTHERWISE.
 2. WINDOWS EXAMPLE: C63840 = CASEMENT 24"X48"
 3. WOOD BRACING METHODS USED - PER AISC 882.15.4
 - CS-REP: CONT. SHEATHED AND STRUCTURAL PANELS. WOOD BRACING 3/4" THICKNESS W/AS SPACING 8" EDGES & 16" IN THE FIELD.
 - CSPT: CONT. SHEATHED PORTAL FRAME. WOOD BRACING 1/4" THICKNESS W/AS SPACING 2" OC W/ PER DET 882.15.4.4 USE.
 - CS: SPACING BRACING 1/4" THICKNESS BRID COMMON WALLS 7" TIEBOLTS AND 1" IN THE FIELD.
 - LB: LET IN BRACING.
 - 12A OR APPROVED METAL STRAPS 840-127 ANCHORS.



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



FOUNDATION SECTION
SCALE: 1/2" = 1'-0"

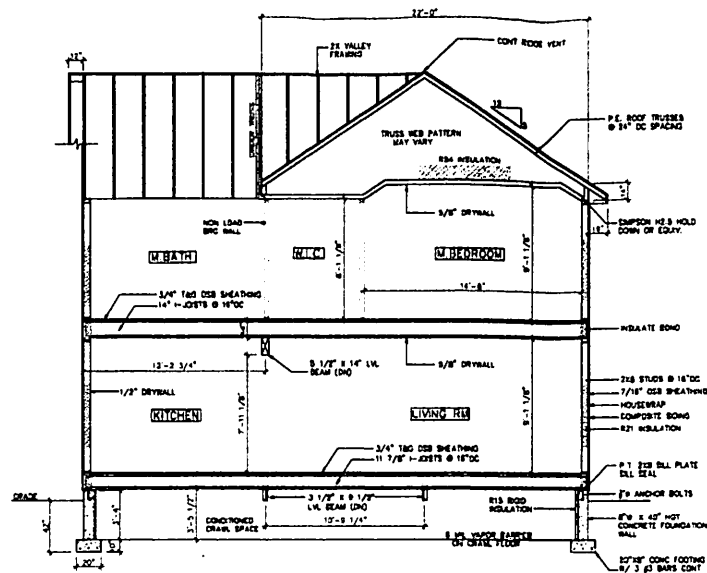


DATE:
01/26/22

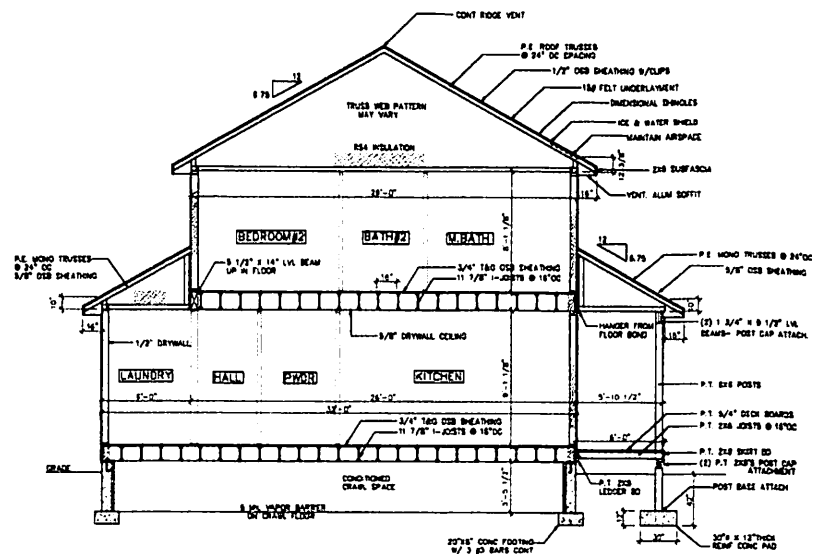
SQUARE FOOTAGE
MAIN FLOOR 1100
SECOND FLOOR 2176
TOTAL 3276

JOHNSTON & SCHULTZ

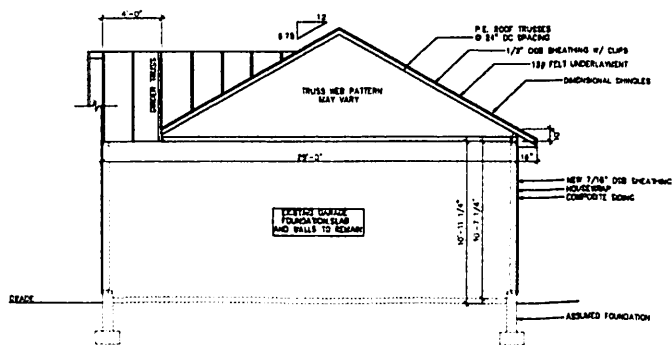
SHEET
3



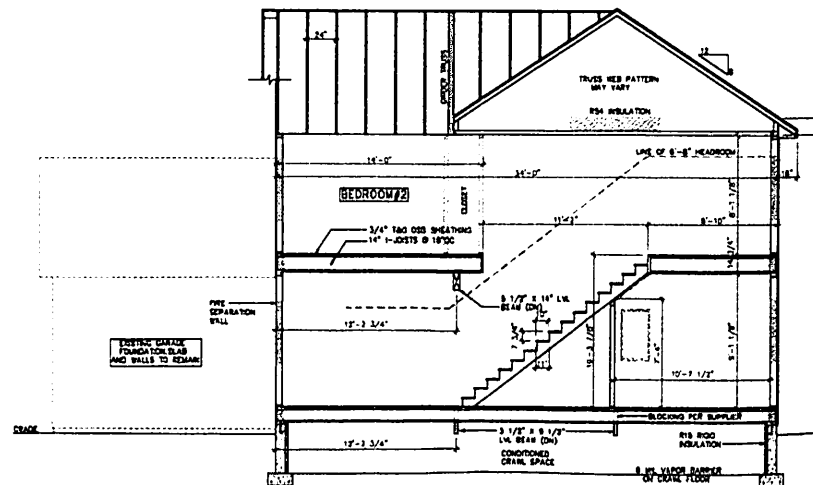
A BUILDING SECTION
SCALE: 1/4" = 1'-0"



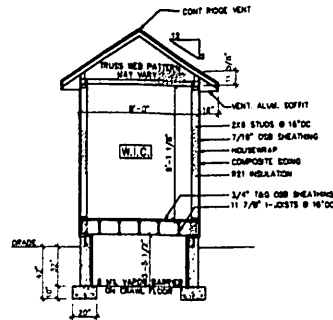
B BUILDING SECTION
SCALE: 1/4" = 1'-0"



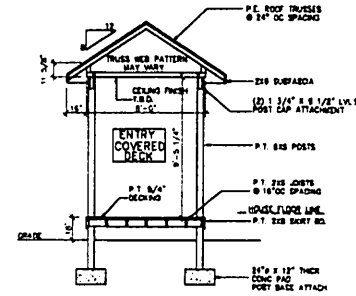
C BUILDING SECTION
SCALE: 1/4" = 1'-0"



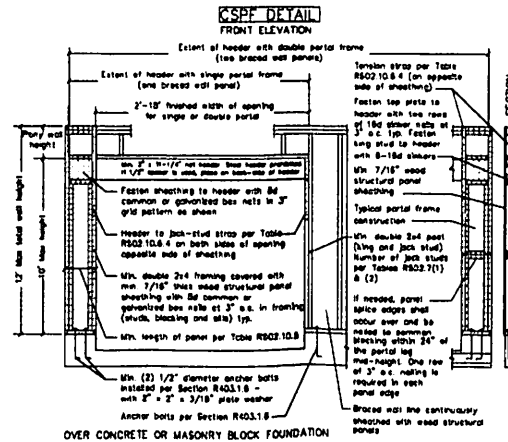
D BUILDING SECTION
SCALE: 1/4" = 1'-0"



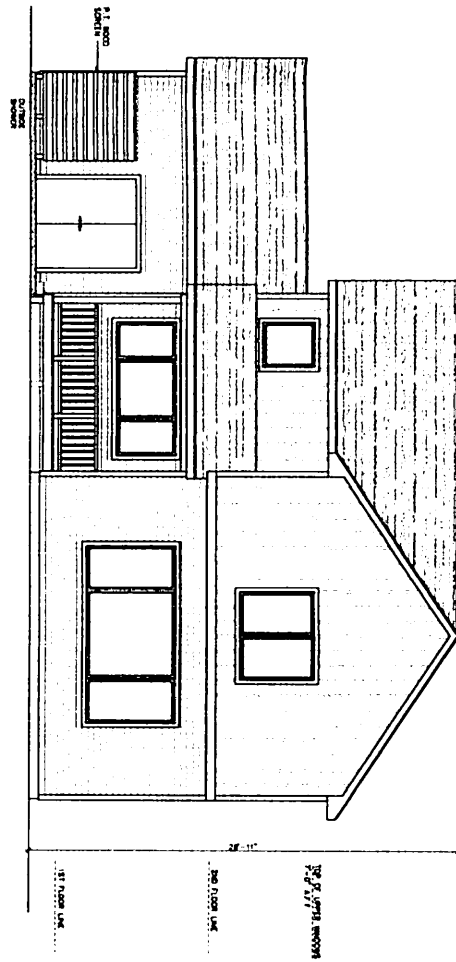
BUILDING SECTION
A
SCALE: 1/4" = 1'-0"



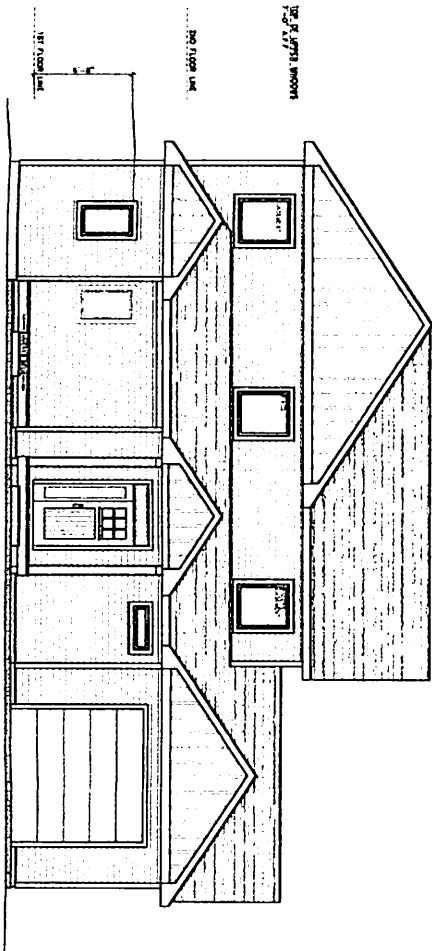
BUILDING SECTION
B
SCALE: 1/4" = 1'-0"



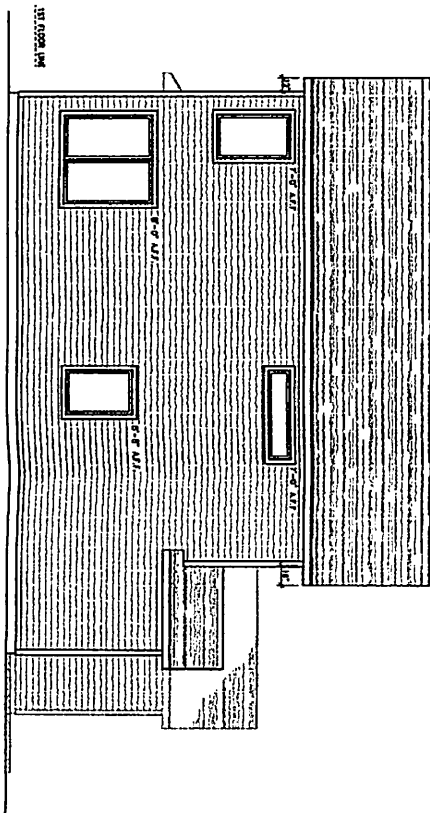
DESIGN CRITERIA
GROUND SNOW LOAD AREA: 800
TOP CHORD LIVE LOAD: 48.2 P.S.F.
TOP CHORD DEAD LOAD: 7 P.S.F.
BOTTOM CHORD DEAD LOAD: 10 P.S.F.
TOTAL ROOF LOAD: 63.2 P.S.F.
FOUND. BASED ON 2000 PSF SOIL BRG CAPACITY
EXP. CATEGORY "B"
WIND 115 MPH



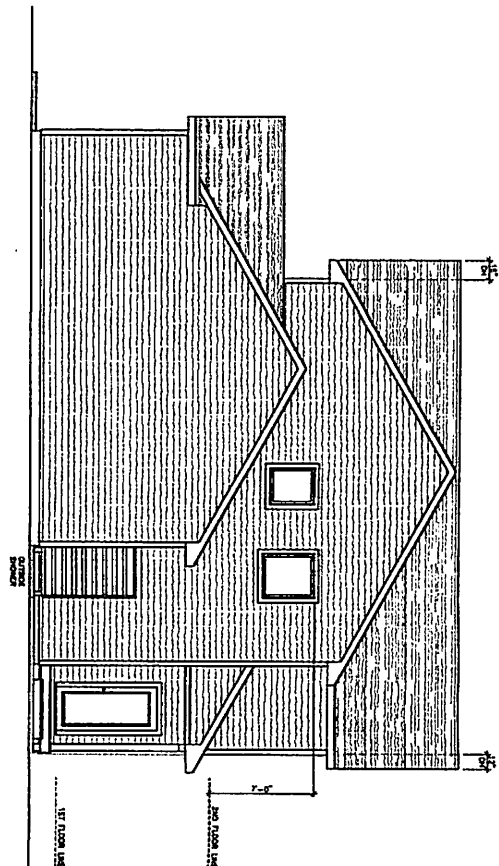
LAKE ELEVATION
(FRONT) SCALE: 1/4" = 1'-0"



ROAD ELEVATION
(REAR) SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

2

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 14:07 by mobri

Acct #: 2055

Ad #: 611617

Status: New WHOLD

WHITEWATER TOWNSHIP CLERK
CHERYL GOSS
P.O. BOX 159
WILLIAMSBURG MI 49690

Start: 02/04/2024 Stop: 02/04/2024
Times Ord: 1 Times Run: ***
STDAD 3.00 X 3.34 Words: 247
Total STDAD 10.02
Class: 147 LEGALS
Rate: LEGAL Cost: 133.45
Affidavits: 1

Contact:

Phone: (231)267-5141

Fax#:

Email: clerk@whitewatertownship.org

Agency:

Ad Descrpt: LEGAL NOTICE WHITEWATER T
Given by: *

P.O. #:

Created: mobri 02/02/24 14:03

Last Changed: mobri 02/02/24 14:07

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	Sun 02/04/24	1	Sun 02/04/24	SMTWTFS
IN	AIN	97	W	Sun 02/04/24	1	Sun 02/04/24	SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 14:07 by mobri

Acct #: 2055

Ad #: 611617

Status: New WHOLD WHOI

**LEGAL NOTICE
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

Please be advised that on February 22, 2024, the Whitewater Township ZONING BOARD OF APPEALS will conduct a public hearing at a regular meeting at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690. The public hearing will be to consider the following:

The applicants are requesting that the Zoning Board of Appeals grant a dimensional variance in the R1-Residential zoning district from the required 15' side yard setback to allow an attached accessory building to a proposed new dwelling within approximately 8' of the side property line. The subject property is located at 10113 Miami Beach Road, parcel #28-13-310-009-00.

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received up and until the time of the meeting on February 22, 2024, and should be addressed to the Whitewater Township Zoning Department, P.O. Box 159, Williamsburg, MI 49690.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who plan on attending. Contact the Township Supervisor at (231) 267-5141 ext 23 as soon as possible.

If a Zoom facilitator is available, the meeting may be available remotely. Check www.whitewatertownship.org for a link to this meeting on the Zoning Board of Appeals page a few days in advance of the meeting.

February 4, 2024- 1T

611617

Resolution #ZBA24-01

Resolution for Whitewater Township Zoning Board of Appeals
Regular Meeting for 2024/2025
Whitewater Township
Grand Traverse County, Michigan

Be It Resolved that the Whitewater Township Zoning Board of Appeals will meet in regular sessions, as needed, for the 2024/2025 fiscal year on the following dates at 7 p.m. at the Whitewater Township Hall, 5777 Vinton Rd., Williamsburg, Michigan.

Thursday, April 25, 2024
Thursday, May 23, 2024
Thursday, June 27, 2024
Thursday, July 25, 2024
Thursday, August 22, 2024
Thursday, September 26, 2024
Thursday, October 24, 2024
Thursday, November 21, 2024*
Thursday, December 19, 2024*
Thursday, January 23, 2025
Thursday, February 27, 2025
Thursday, March 27, 2025

*November and December meetings are different than the normal fourth Thursday due to the holidays.

A motion to adopt the foregoing Resolution was made by _____ and seconded by _____.

Upon roll call vote, the following voted:

Bowen -

Lake -

Garza –

Wroubel, Planning Commission Representative -

No Board Representative assigned

Resolution declared adopted.

I, _____, Secretary of the Whitewater Township Zoning Board of Appeals, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Whitewater Township Zoning Board of Appeals of said municipality at a regular meeting held on February 22, 2024, relative to the adoption of Resolution #ZBA24-01.

Whitewater Township

Zoning Board of Appeals Bylaws

The following rules of procedure are hereby adopted by the Whitewater Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, *et seq.*

SECTION 1: Officers

- A. Selection and Tenure**—At the first regular meeting in January of each year, the Zoning Board of Appeals shall select from its membership a Chairperson, Vice Chairperson and Secretary. An elected Township Official shall not serve as Chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson**—The Chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the Zoning Board of Appeals or Township Board.
- C. Vice Chairperson**—The Vice Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of Vice Chairperson for the unexpired term.
- D. Secretary** – The Secretary shall act in the capacity of the Chairperson in the event that both the Chairperson and Vice Chairperson are absent. The Secretary shall also sign all minutes of the Zoning board of Appeals upon approval.
- E. Planning Commission Representative**

The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.
- F. Township Board Representative**

The Township Board representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Township Board and update the Zoning Board of Appeals on actions by the Township Board that relate to the functions and duties of the Zoning Board of Appeals.

SECTION 2: Meetings

- A. Meetings**—Meetings of the Zoning Board of Appeals shall be held on the Fourth Thursday of each month, or as noted below. All meetings shall take place at Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690 at 7:00 P.M. The January meeting shall be mandatory in order to elect officers, review bylaws, and approve next fiscal year meeting dates.
- B. Notice**—Meetings which include a public hearing shall be noticed in the Township's newspaper of record not less than 15 days prior to the hearing. Notices shall also be mailed to property owners within 300' of the subject property. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.

As Adopted by the Whitewater Township Board on 02/11/2020

- C. Public Records**—All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. Quorum**—A majority of the membership of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.
- E. Voting**—To pass or deny any variance, appeal or other official action required by the Zoning Ordinance, an affirmative vote of at least a majority of the total membership of the Zoning Board of Appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any Zoning Board of Appeals member or directed by the Chairperson. All Zoning Board of Appeals members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.
- F. Agenda**—The Chairperson and the Zoning Administrator shall be responsible for preparing an agenda for Zoning Board of Appeals meetings. The order of business for meetings shall be as follows:
1. Call to Order
 2. Pledge of Allegiance
 3. Roll Call
 4. Set/Adjust Agenda
 5. Declaration of Conflict of Interest
 6. Public Comment (unrelated to Public Hearing(s))
 7. Approval of Minutes
 8. Scheduled Public Hearings
 9. Other Matters to be Reviewed by the Zoning Board of Appeals
 - a. Correspondence Received
 - b. Zoning Board of Appeals Members
 10. Report of Planning Commission Representative
 11. Report of Township Board Representative
 12. Report of Zoning Administrator
 13. Public Comment
 14. Adjournment
- G. Public Hearings**—All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals. The following rules of procedure shall apply to public hearings held by the Zoning Board of Appeals:
1. Chairperson opens public hearing and announces the subject.
 2. Chairperson summarizes procedures/rules to be followed during the hearing.
 3. Applicant presents request.
 4. Township Zoning Administrator presents a summary or analysis of the request.
 5. Persons wishing to comment on the request are recognized.
 6. Chairperson closes public hearing and returns to the regular/special meeting.
 7. Zoning Board of Appeals deliberates and decides.

To ensure that everyone has the opportunity to speak, the Zoning Board of Appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.

All comments by the public and the Zoning Board of Appeals shall be directed to the chairperson.

- H. Special Meetings**—Applicants to the Zoning Board of Appeals may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants. The business the Zoning Board of Appeals may

As Adopted by the Whitewater Township Board on 02/11/2020

perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special meetings shall also be noticed as required by the Michigan Zoning Enabling Act, as amended, the Open Meetings Act and these bylaws.

- I. **Recording Secretary**—A recording secretary shall be provided to the Zoning Board of Appeals. The recording secretary shall execute documents in the name of the Zoning Board of Appeals, perform the duties hereinafter listed below and shall perform such other duties as the Zoning Board of Appeals may determine.
 1. **Minutes**—The recording secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 2. **Correspondence**—The recording secretary shall be responsible for presenting all communications to the Zoning Board of Appeals.
 3. **Attendance**—The recording secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and report those records annually to the Zoning Board of Appeals for inclusion in the annual report to the Township Board.

SECTION 3: Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall perform the following duties:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, *et seq.*
- B. Prepare an annual budget and annual report for the Zoning Board of Appeal's activities and submit to the Township Board.
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Zoning Board of Appeals member, and for which appropriations of funds have been approved by the Township Board, as needed.
- D. Perform other duties and responsibilities as requested by the Township Board or as may be specified in another Township Ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

SECTION 4: Duties of the Zoning Administrator

- A. The Zoning Board of Appeals shall be assisted by the Zoning Administrator in performing the duties of the Zoning Board of Appeals, as noted in Section 3.
- B. The Zoning Administrator shall be responsible for the professional and administrative work in coordinating the functions of the Zoning Board of Appeals.
- C. The Zoning Administrator shall:
 1. Accept applications for matters to be reviewed by the Zoning Board of Appeals and ensure that such applications are complete.
 2. Forward application materials to the Zoning Board of Appeals at least one week prior to the meeting at which such matters will be considered.
 3. Inform the Zoning Board of Appeals of administrative and enforcement actions taken on behalf of the Township related to the Zoning Ordinance or other appropriate ordinance.
 4. Prepare written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Zoning Board of Appeals.
 5. Perform other duties as may be directed by the Zoning Board of Appeals.

As Adopted by the Whitewater Township Board on 02/11/2020

- D. The Zoning Board of Appeals may be assisted by other professional or Township staff as needed, including the Township Attorney, Township Engineer or other person or agency.

SECTION 5: Absences, Removals, Resignations, Vacancies and Alternates

- A. To be excused, Zoning Board of Appeals members shall notify the Zoning Administrator, Zoning Board of Appeals Chairperson or other Zoning Board of Appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B. Members of the Zoning Board of Appeals may be removed by the Township Board, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent.
- C. A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Supervisor, Township Board or Zoning Board of Appeals Chairperson.
- D. Vacancies shall be filled by the Township Board within one month of resignation or removal of a member of the Zoning Board of Appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission representative, whose term shall run consecutively with the term as Planning Commissioner.
- E. The Township Board may appoint not more than two alternates to the Zoning Board of Appeals. The alternate member may be called to sit as a regular member as provided in the Zoning Ordinance and the Michigan Zoning Enabling Act.

SECTION 6: Conflict of Interest

- A. Zoning Board of Appeals members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
 - 1. A relative or other family member is involved in any request for which the zoning board of appeals is asked to make a decision;
 - 2. The Zoning Board of Appeals member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association;
 - 3. The Zoning Board of Appeals member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance, or
 - 4. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
 - 5. The Zoning Board of Appeals member is also a member of the Planning Commission or the Township Board and voted on the same matter as a member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- B. The Zoning Board of Appeals member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the zoning board of appeals. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the Zoning Board of Appeals as a representative of the proposal.

SECTION 7: Amendments

These bylaws may be amended at any meeting by a vote of a majority of the membership of the zoning board of appeals.

Adopted by the Whitewater Township Board at their regular meeting on February 11, 2020.