



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

231-267-5141  
[www.whitwatertownship.org](http://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

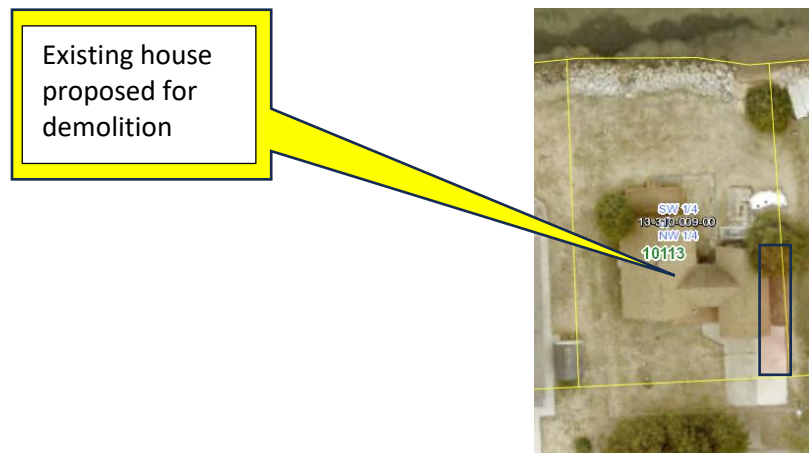
Property Description [28-13-310-009-00]- LOT 9 CLEARWATER BEACH.

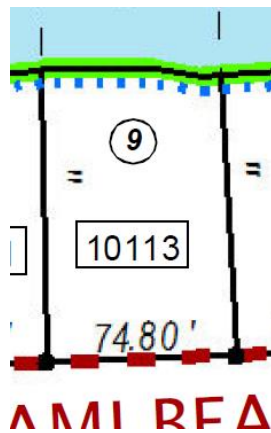
Zoned: R1-Residential

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.

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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.*

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**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

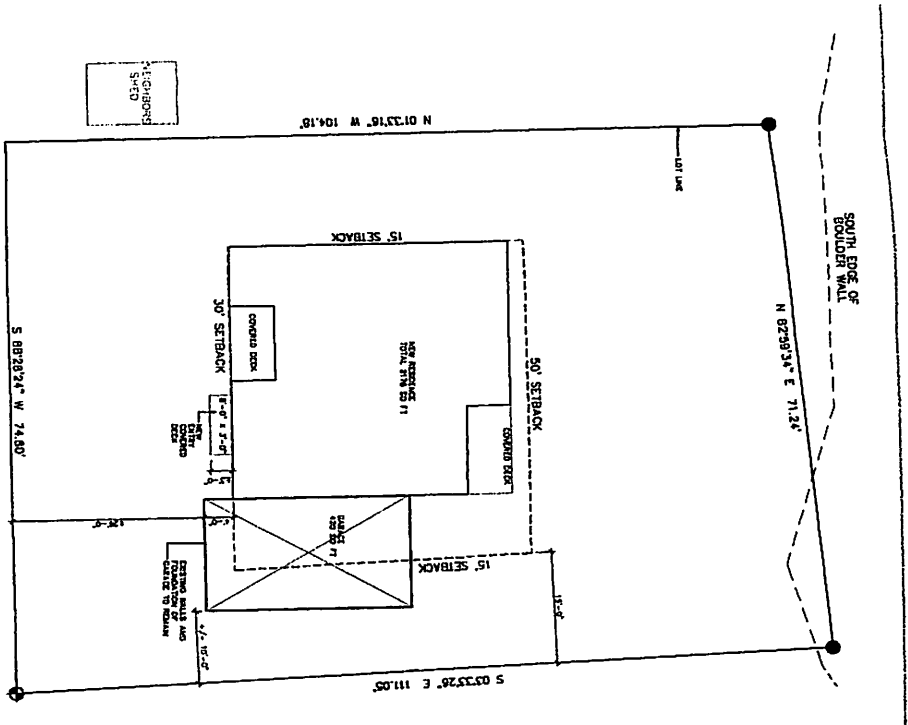
Phone: (507) 923 - 8030 Fax: ( ) - E-Mail: mjjjms@gmail.com

Applicant (if different from owner): Asherpark Custom Homes

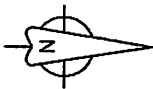
Mailing Address: PO Box 156 City: Acme State: MI Zip: 49610

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

# ELK LAKE



10113 MIAMI BEACH RD.  
WILLIAMSBURG, MI 49690



## PROPOSED SITE PLAN

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

### SHEET INDEX

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

SHEET  
5

JOHNSTON & SCHULTZ

SQUARE FOOTAGE	
NET LEVEL	1911
SECOND LEVEL	1016
TOTAL	2927

DATE:

01/25/23



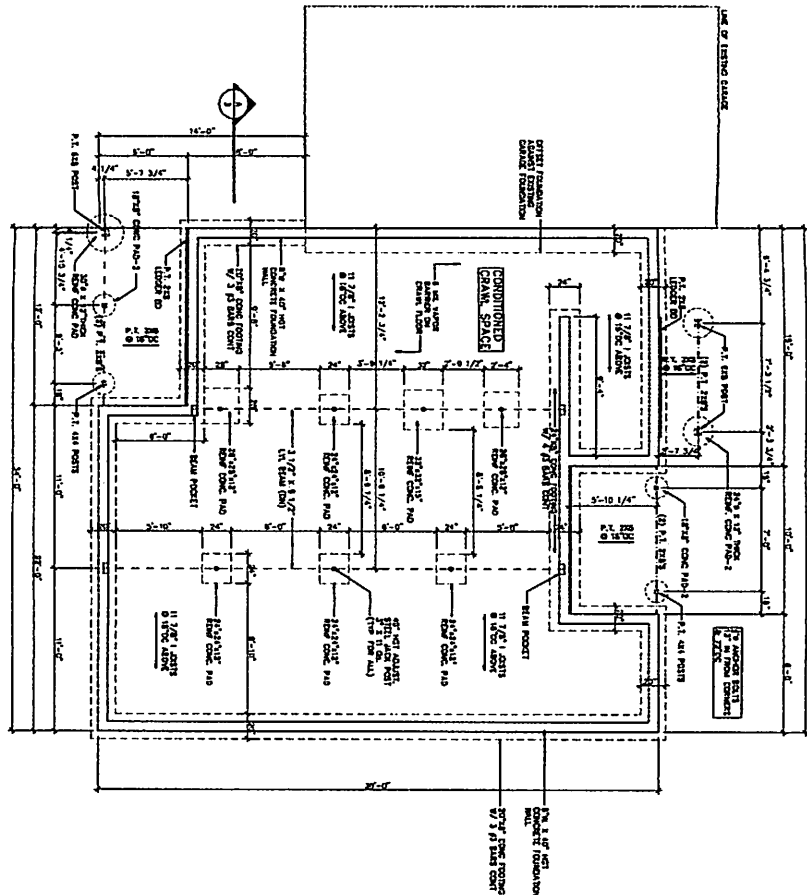
CENTRIC DESIGN LLC  
THESEALPAMPYALDO.COM  
PHONE: 227-527-1364





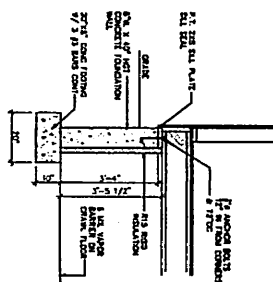
# FOUNDATION PLAN

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

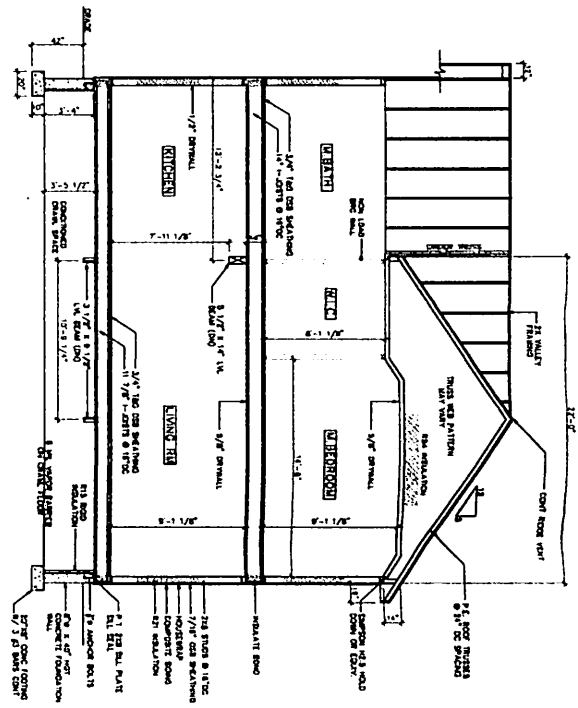


# FOUNDATION SECTION

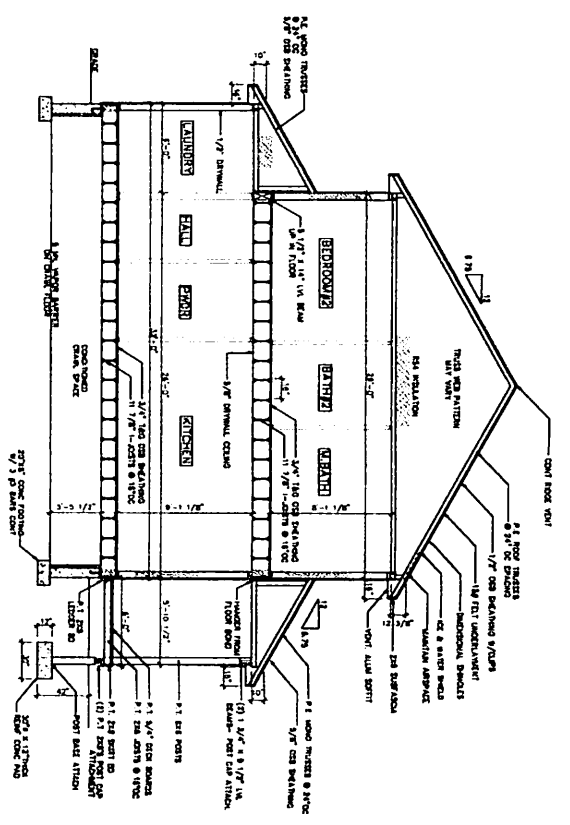
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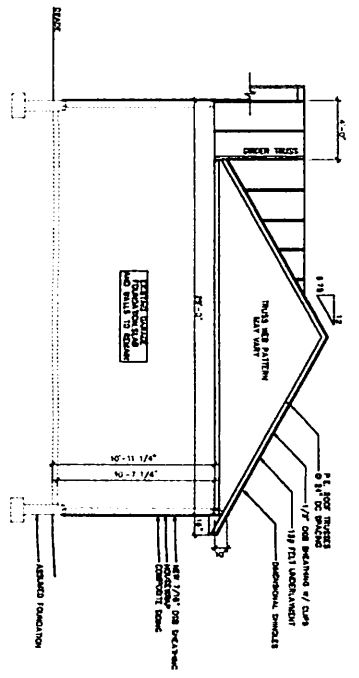




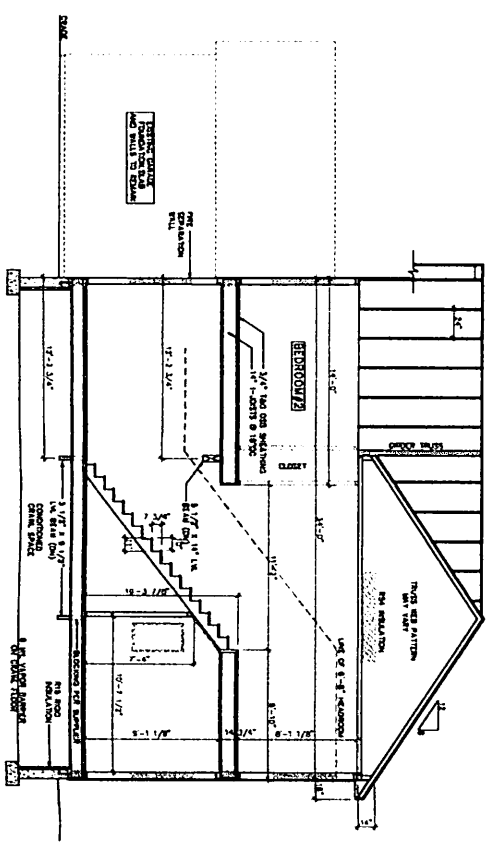
**A**  
BUILDING SECTION  
SCALE: 1/4" = 1'-0"



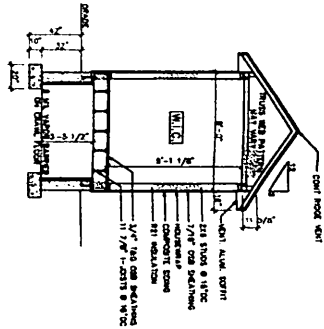
**B**  
BUILDING SECTION  
SCALE: 1/4" = 1'-0"



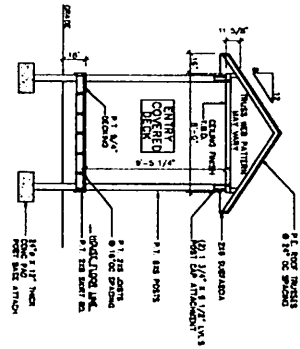
**C**  
BUILDING SECTION  
SCALE: 1/4" = 1'-0"



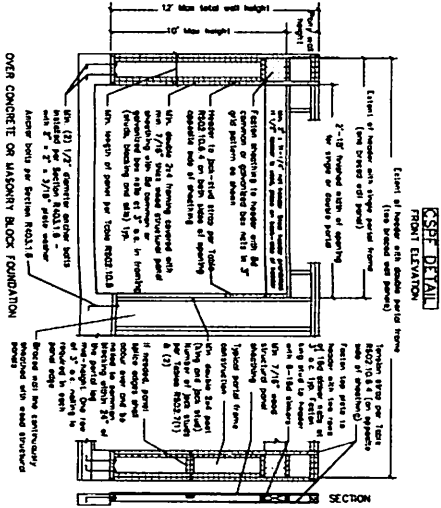
**D**  
BUILDING SECTION  
SCALE: 1/4" = 1'-0"



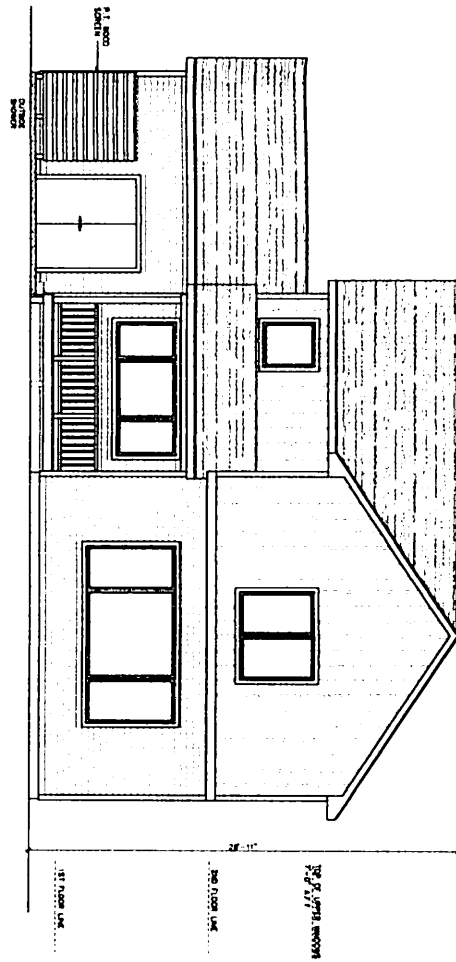
**A**  
**BUILDING SECTION**  
SCALE: 1/4" = 1'-0"



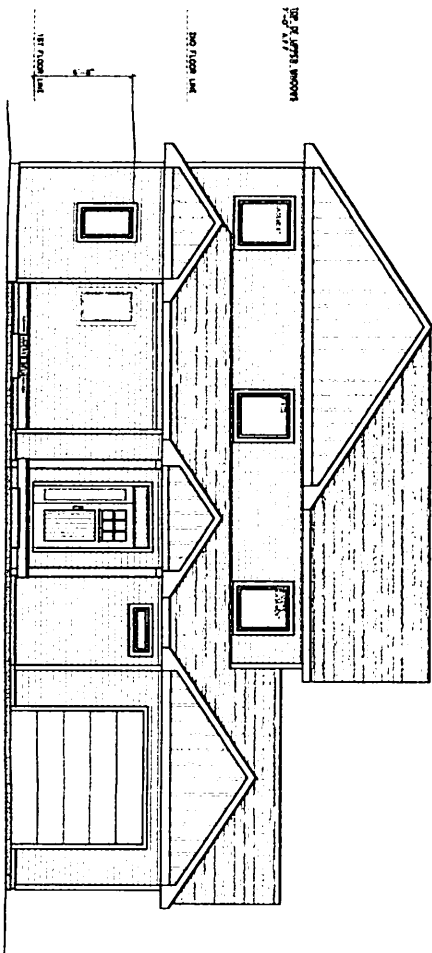
**B**  
**BUILDING SECTION**  
SCALE: 1/4" = 1'-0"



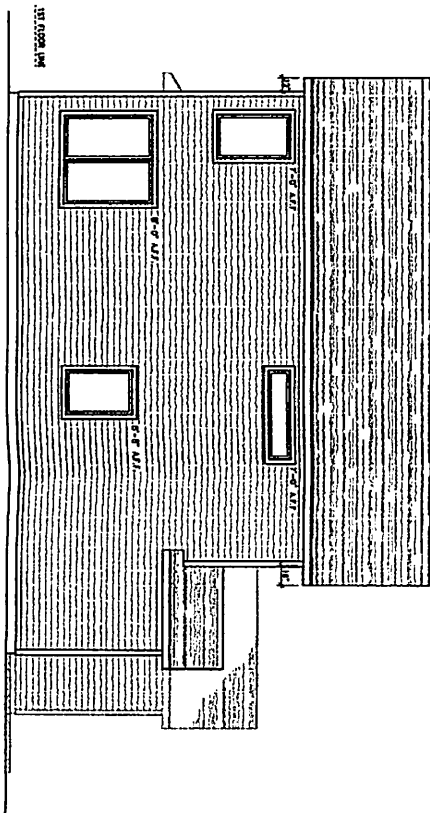
DESIGN CRITERIA	
GROUND SNOW LOAD AREA	80#
TOP CHORD LIVE LOAD	48.2 P.S.F.
TOP CHORD DEAD LOAD	7 P.S.F.
BOTTOM CHORD DEAD LOAD	10 P.S.F.
BOTTOM CHORD LIVE LOAD	63 P.S.F.
FOUND. BASED ON 2000 PSF SOL. BRG. CAPACITY	
EXP. CATEGORY	7B
WIND	115 MPH



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

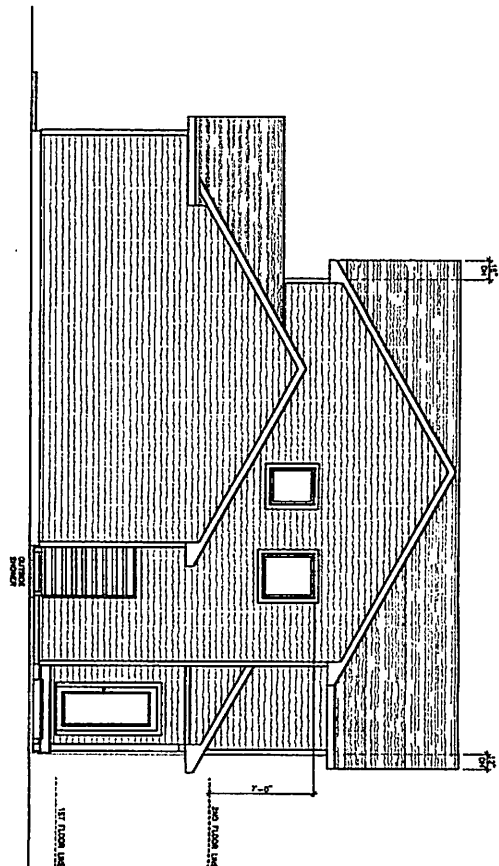


ROAD ELEVATION  
(REAR) SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

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



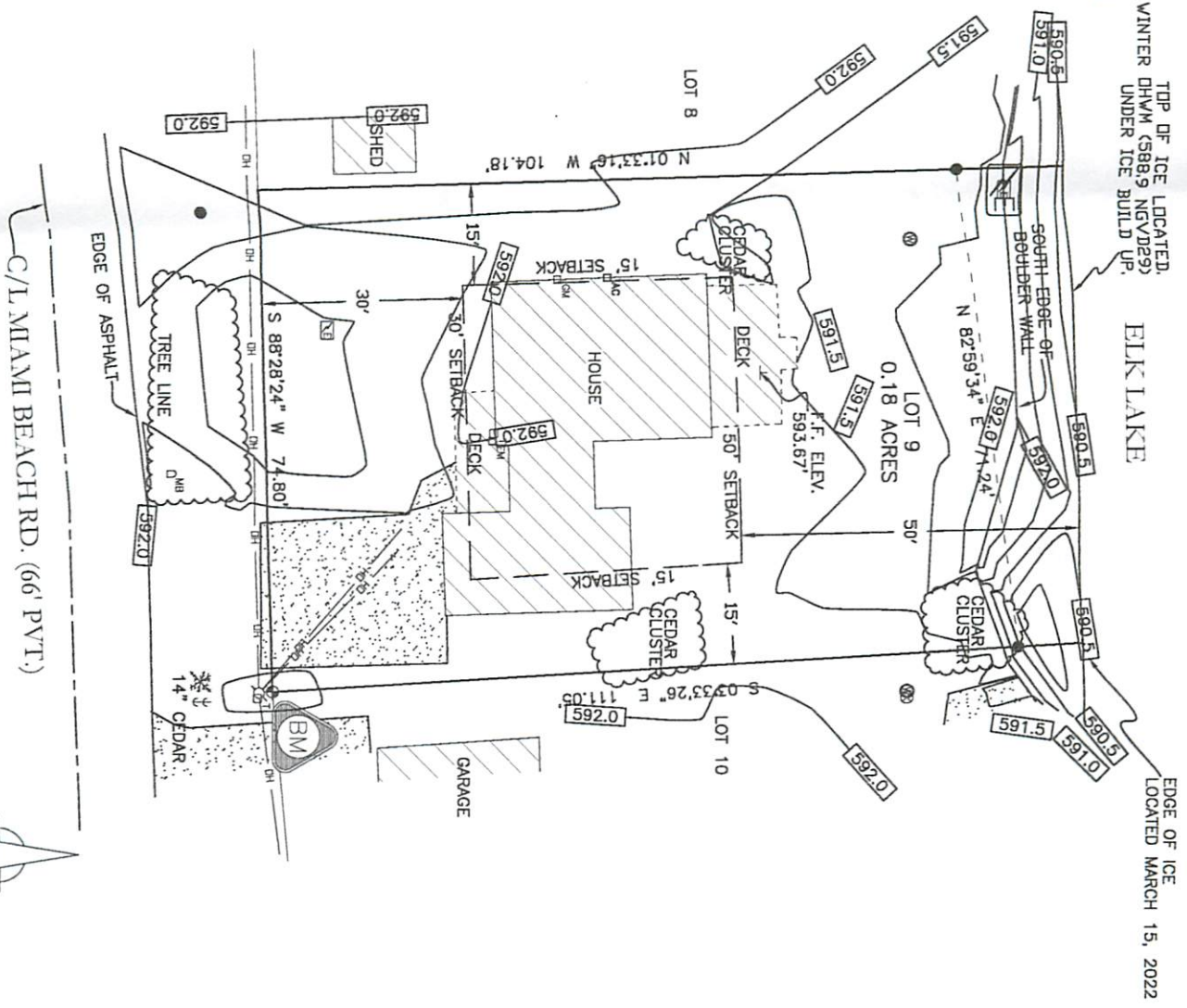
LEFT ELEVATION

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

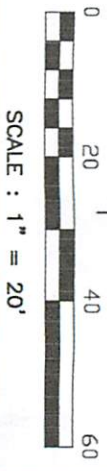
DESIGN SURVEY

LEGEND:

- = FOUND IRON
- = FOUND MONUMENT
- △ = SET 1" REBAR & CAP
- ▲ = SET PK NAIL
- ▲ = FOUND PK NAIL
- ⊗ = WATER VALVE
- ⊕ = POWER / UTILITY POLE
- ⊙ = GUY WIRE ANCHOR
- ⊙ = TELEPHONE RISER
- ⊙ = ELECTRIC METER
- ⊙ = GAS METER
- ⊙ = MAILBOX
- ⊙ = POST
- ⊙ = ELECTRICAL BOX
- ⊙ = WELL
- = CONCRETE



C/L MIAMI BEACH RD. (66' PVT.)



SCALE : 1" = 20'

SURVEY



BENCHMARK  
SET 60D NAIL IN WEST  
FACE OF UTILITY POLE  
ELEV. = 592.57'

PARCEL NO. 13-310-009-00

PARCEL ADDRESS:  
10113 MIAMI BEACH RD.  
WILLIAMSBURG, MI 49690

ACTUAL ZONING REQUIREMENTS TO BE CONFIRMED WITH  
GOVERNING MUNICIPALITY.

DRAWING SHOWN AS FEATURES WERE FOUND IN THE FIELD.

HORIZONTAL DATUM BASED ON STATE PLANE COORD. MI CENTRAL  
PROJECTION, NAD 83.

BOUNDARY DIMENSIONS ARE SHOWN AS MEASURED.

SETBACKS:

ZONING: R1 - RESIDENTIAL

- 30' FRONT
- 15' SIDE (AGGREGATE)
- 50' REAR (OHV)

NOTES:



**Kelly M. Simmer, PS**  
Professional Land Surveyor  
404 W. Mesick Ave • Mesick, MI 49668  
Cell: (231) 429-4914  
ksimmer@simmerlandsurvey.com

DESIGN SURVEY  
LOT 9, CLEARWATER BEACH, SEC. 26,  
T28N, R9W, WHITEWATER TWP., GRAND  
TRAVERSE CO., MICHIGAN

DATE:  
MARCH 15, 2022

JOB NO.:  
449522T

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

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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  
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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

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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

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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](http://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