

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS  
MEETING MINUTES OF MARCH 19, 2013

Call to Order by (Vice) Chair Halstead at 7:01 p.m.

Roll Call: Lake, Lyons, Halstead, Recording Secretary-MacLean, acting Zoning Administrator-Popp and 2 in audience.

Absent: Benak and Bowen

Public Comment (For items not on the agenda) None

Approval of Minutes of 2/19/13 Regular Meeting. Motion to approve by Lyons with change, seconded by Lake ; all in favor. Motion carried.

Business Session

Notices were sent out and posted in the newspaper.

- 1) Open Public Hearing at 7:10 on Appeal #A13-002, of applicant: Thomas Kellogg, parcel #28-13-310-012-00

Zoning Administrator Presentation: Popp: Notice posted in the Record Eagle and mailed to near properties. A request for a variance of 7' from Article 12.11 Schedule of Regulations of the Whitewater Township Ordinance, to construct a 36' wide x 32 deep' accessory structure. Specifically 7' off from the 30' front yard set back.

Applicants have gotten permit #22331 from soil and erosion regarding the wetland setback.

Background information, other lots in the area have been granted similar requests.

Customary use.

Recommends granting of the variance with modifications:

Not contrary to public interest.

Additional requirements:

Final grade of the lot and suitable eave trough.

Petitioner Presentation: Kellogg rep, Ryan Williams: Trying to stay away from the wetland as much as possible. Can run drain tile directly into the swamp and not the opposite direction.

There will be a hard apron at the front, slope east and west, sloping to the back.

Fedrigon: Notes that the water drainage is not going to fill the swamp in back.

Correspondence : Two letters from the same person, from Farrell, opposing. Concerned about water/rain run-off. Lake: The concerns are being addressed in the additional requirements. No reason to put in a culvert, use a French drain, possibly crushed rock.

Report on site visit: Lake: Notes that the house/property across the road is about 5 inches lower than the road. Popp: Face of garage will be consistent with the others that are there. Questions the over-all height, twice as high as everything else on the street. Williams indicates that Kelloggs are wanting a storage over top. People have been known to take advantage of such "opportunities". Lake: look over regulations that we can "tie the building up" so it cannot happen. Williams says Kellogg has no intention of doing anything like that but who knows about future owners. Kellogg does not own the "extra" sewer tap. Popp: this is already set as an accessory structure. Halstead: Looks like it should support.

Public Comment:

In favor: None

In opposition: None

Any Comment on this Appeal: None

Close Public Hearing: 7:40 p.m.

Discussion: No more needed.

Findings of Fact: For a 36x32 foot structure. Not contrary to public interest and will not be contrary to the spirit and intent of the Ordinance. Other parcels in the area have similar structures. Granting the variance shall not permit the establishment within a zoning district of any use, which is not permitted by right within the district. The variance will do substantial justice to the applicant but 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 and welfare.

Conclusion: Grant the request.

Reasons for Conclusion: Based on the findings of fact, customary use and health, safety and welfare are not in jeopardy.

Decision: Grant the request.

**Motion by Lake to grant a variance of 7' from Article 12.11 Schedule of Regulations of the Whitewater Township Ordinance based on the findings of fact, including the additional requirements of (i) Final grade level of the lot not to be higher than the level of Miami Beach Road. Any non-porous apron, approaches or driveways shall be graded as to return storm water run-off away from structure and to the wetland area south of the road. (ii) A suitable eave trough system shall be required to return roof water run-off to the wetland area, seconded by Halstead. Roll call: Lake – yes; Lyons – yes; Halstead - yes. All in favor. Motion carried.**

Adjournment at 7:48 p.m.

Respectfully Submitted by Recording Secretary MacLean