

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

Agenda for Rescheduled Regular Meeting, August 15, 2019

7:00 p.m. at the Whitewater Township Hall

5777 Vinton Road, Williamsburg, MI 49690

Phone: 231-267-5141/Fax: 231-267-9020

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. Approval of Minutes of April 25, 2019
6. Scheduled Public Hearing: Appeal #19-004, Dennis and Barbra Reese, 11364 Trails End N, Williamsburg, MI 49690, are requesting a dimensional variance. Parcel is in the R-1 Zoning District. Parcel #28-13-103-004-10.
 - a. Open Public Hearing on Appeal #19-004
 - b. Zoning Administrator Presentation
 - c. Petitioner Presentation
 - d. Report on Site Visit
 - e. Correspondence
 - f. Public Speaking in Favor of Appeal
 - g. Public Speaking in Opposition of Appeal
 - h. Anyone Wishing to Speak on the Appeal Who Has Not Already Commented
 - i. Close Public Hearing
 - j. Discussion of Appeal
 - k. Findings of Fact
 - l. Conclusion
 - m. Reasons for Conclusion
 - n. Decision
 - o. Motion
7. Other Matters to be Reviewed by the Zoning Board of Appeals
 - a. Correspondence Received
8. Report of Planning Commission Representative
9. Report of Township Board Representative
10. Report of Zoning Administrator
11. Adjournment

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING April 25, 2019
5777 Vinton Road, Williamsburg, Michigan

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

Roll Call: Benak, Bowen, Halstead, Hooper, Alternate Garza

Alternate Shaffer

Absent: Lake

Also in attendance: Recording Secretary MacLean, Zoning Administrator Wolf

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Approval of Minutes:

Motion to re-approve meeting minutes of January 24, 2019, as amended by Bowen, second by Halstead . On voice vote, all in favor. Motion carried.

Motion to approve meeting minutes of March 28, 2019, by Benak, second by Bowen . On voice vote, all in favor. Motion carried.

Scheduled Public Hearing:

A. Public Hearing on Appeal #19-003. Bruce and Jennifer Brown, 8955 Skegemog Point Road, Williamsburg, Michigan, are requesting a dimensional variance. Parcel is in the R-1 Zoning District. Parcel #28-13-123-006-02.

a. Open Public Hearing on Appeal #19-003 at 7:03 p.m. Bruce and Jennifer Brown, 8955 Skegemog Point Road, Williamsburg, Michigan, parcel #28-13-123-006-02, requesting a dimensional variance of 10' to construct a detached garage within the required 15' side yard setback.

b. Zoning Administrator Presentation: The legal notice of public hearing was posted in the Record Eagle April 7, 2019. Notices were also sent out to 21 property owners within 300 ft. of the property.

Summary of staff report:

The request for variance is based upon practical difficulty due to unique conditions and circumstances of the land, which must be determined by the Zoning Board of Appeals. The applicant states, "Our lot received a substantial hit from the August 2015, storm and lost dozens of mature trees. This setback variance would allow us to keep ~8 trees that are ~50-75 feet tall."

If the Board of Appeals decides to grant the variance they would be granting a variance to Article XII, Section 12.11 – Schedule of Regulations – R-1 Minimum side-yard setback.

In this case we are dealing with a Non-Use (Dimensional) Variance request.

Pictures provided to members.

Could it be moved? Could it be made smaller? Personal preference? 26x56 building.

c. Petitioner Presentation: Bruce and Jennifer Brown. It is a pole building. We lost a lot of trees in 2015. Prefer not to take the trees down. Share pictures of the views. We have been trying to save the trees. We've had the forester out to help us save the trees. The neighbor does not want to see the building. Shifting the building would make us have to remove the trees. Hemlock and maple trees are in this area. It was a vacant lot when first purchased after the 2015 storm.

Working with a builder.

Trying to put it where the fewest number of trees have to be removed.

Halstead: Making a non-conforming structure can cause a problem in the future for selling and doing anything different.

d. Report on Site visits:

Hooper: Move toward the road and you can comply with zoning. Reduce the size of the building. It can fit on the lot without the variance. It can set precedence.

Halstead: Looks like it could be built without a variance.

Bowen: There are two nice trees and six smaller trees. There is ample space to put the building in. Empathize but we have to follow the rules.

Benak: There is a really nice open area but by the rules we have to go by it is considered self-made. You can build within the setbacks.

e. Correspondence: Haggard Plumbing and Heating has no problem with granting the variance.

Concerned and affected neighbor: Does not approve. Does not want to look at it out the door.

f. Public speaking in favor of appeal None.

g. Public speaking in opposition of appeal: None.

h. Anyone wishing to speak on the appeal None.

i. Close Public Hearing on Appeal #19-003 at 7:27 p.m.

j. Discussion of appeal: We are bound by specific rules.

k. Findings of Fact:

To obtain a nonuse (dimensional) variance, the applicant must show that a practical difficulty exists on the property by demonstrating that the applicable following review standards are met:

- 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.**

Observing the spirit of the Ordinance means that the Zoning Board of Appeals understands the potential effects one or several variances could have on the effectiveness of the Ordinance. The fundamental purpose is to promote the health, safety, and general welfare of the inhabitants of the Township.

To be determined by the Zoning Board of Appeals. YES ____ NO x__

- 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.**

Accessory structures are a permitted use within the R-1 Residential Zoning District when the structure is located on the same lot or a lot contiguous to the primary building. There is a primary building on this lot.

To be determined by the Zoning Board of Appeals. YES ____ NO x__

3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township.

This indicates that if approved, the variance will not create an unsafe condition - it also applies to others who might be affected by the variance, such as neighboring property owners. It is appropriate for the Zoning Board of Appeals to take the comments from the public into consideration to determine whether or not the variance may adversely affect nearby properties, zoning district, or the Township. A letter of support and also a letter that did not support the request were received.

To be determined by the Zoning Board of Appeals. YES ____ NO x

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.

Meeting this standard requires the requested variance be related to the characteristics of the property and not to the personal situation of the applicant.

As stated earlier, the request for a variance is based upon practical difficulty due to unique conditions and circumstances of the land, which must be determined by the Zoning Board of Appeals. The applicant states, "Our lot received a substantial hit from the August 2015 storm and lost dozens of mature trees. This setback variance would allow us to keep ~8 trees that are ~50-75 + feet tall." The location of the septic/drain field is shown on the plan. In this case the practical difficulty may be identified as tree loss due to the storm of 2015.

Would the removal of the trees have a negative impact on the property? I do not believe the removal of the trees would impact soil erosion due to the distance from the water. This could be viewed as the variance being requested due to the personal preference of the applicant.

To be determined by the Zoning Board of Appeals. YES ____ NO x

5. The variance will do substantial justice to the applicant, but the decision shall not bestow the property special development rights not enjoyed by the 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.

Property owners are given certain rights to use their property within the limits allowed by the Ordinance. Have there been any other variances granted in this area? It is also important to note that each variance granted on a case by case basis –because one variance is granted does not mean that another be granted in the same district. There are other properties in the area that have additional accessory structures. Due to the tree coverage this structure would be more visible from the road.

To be determined by the Zoning Board of Appeals. YES ____ NO x

6. The requested variance is the minimum necessary to permit reasonable use of the land.

Section 18.08 (B) states: No more than the minimum variance from the terms of the Ordinance shall be granted which is necessary to relieve the practical difficulty or necessary hardship. The size of the proposed structure on the application states 1,240 sq. ft – the site plan shows a 26' x 56' (1,456 sq. ft) structure – what is the correct size? What is this going to be used for/could it be made smaller to fit the building envelope/for a lesser variance?

To be determined by the Zoning Board of Appeals. YES ____ NO x__

7. The practical difficulty is not self-created.

The applicant states, "Our lot received a substantial hit from the August 2015 storm and lost dozens of mature trees. This setback variance would allow us to keep ~8 trees that are ~50-75 + feet tall."

To be determined by the Zoning Board of Appeals. YES ____ NO x__ It is a personal preference

Determining the answers to the seven (7) review standards should give us a well-supported foundation in regards to approving or denying the requested variance; as well as a well-supported foundation in case of an appeal to Circuit Court. Decisions related to zoning are rarely easy, and they are not usually a matter of right and wrong. The duties of the Zoning Board of Appeals require a balancing of the needs of the community and the rights of a property owner.

- l. Conclusion: Deny.
- m. Reasons for Conclusion: As discussed. Applicant can still use the property without the variance.
- n. Based on the findings of fact as presented.
- o. Decision: Deny variance.
- p. Motion by Bowen, second by Halstead to not grant the request for a non-use variance to construct a detached garage within the 15' setback on ZBA Appeal #19-003.
Roll call vote: Halstead-Yes; Hooper-Yes; Benak-Yes; Shaffer-; Lake-NA; Garza-Yes; Bowen-Yes.
Motion carried.

Decision form and Resolution signed by all present members.

Scheduled Public Hearing:

- B. Public Hearing on Appeal #19-004. Suzanne Conant, 8032 Lakeside Trail, Williamsburg, Michigan, is requesting a variance to expand a nonconforming structure. Parcel #28-13-430-003-00.
- q. Open Public Hearing on Appeal #19-004 at 7:44 p.m. Suzanne Conant, 8032 Lakeside Trail, Williamsburg, Michigan, is requesting a variance to expand a nonconforming structure. The existing structure is within the 15' side-yard setback in the Residential R-1 Zoning District. The proposed additional would expand the nonconforming structure by 80 sq. ft.
- r. Zoning Administrator Presentation: The legal notice of public hearing was posted in the Record Eagle April 7, 2019. Notices were also sent out to 12 property owners within 300 ft. of the property.
Summary of staff report:
The request for variance is based upon practical difficulty due to unique conditions and circumstances of the land, which must be determined by the Zoning Board of Appeals. The applicant states, "We would like to add on to the existing entryway for safety concerns. Currently the entry door opens to the basement stairs with little room to maneuver around the door. Also, the stairs are small, steep and you must duck when going down the stairs. This addition would allow more footage away from the

stairs to enter safely. It would also give us the space to correct the stairs to current building codes. The foundation was poured in 1969, prior to current set back ordinances."

If the Board of Appeals decides to grant the variance they would be granting a variance to Article IV Section 4.15 Extension of Nonconforming Use or Structure.

Believe it would be safer for the occupants. Would be able to bring the steps up to current code.

- s. Petitioner Presentation: Suzanne and Paul Conant. Asking just to add a small addition. It will structurally make the house more appealing. The whole slanted part will be removed and add another 8x10 straight toward the drive way. The peak will match the current house. House was built before zoning was established. Want to make the stairs larger for safety (will bring to building code). This is the main entrance.
- t. Report on Site visits: Bowen did see in the window and could see that the height was a problem. Benak: The addition does not encroach any further into the setback. Hooper: It is an existing non-conformity so it must come before the ZBA.
- u. Correspondence: Haggard Plumbing and Heating has no problem with granting the variance. Letter of support received by neighbor, Thomas and Sheila McClure.
- v. Public speaking in favor of appeal None.
- w. Public speaking in opposition of appeal: None.
- x. Anyone wishing to speak on the appeal None.
- y. Close Public Hearing on Appeal #19-004 at 7:58 p.m.
- z. Discussion of appeal: Can see that the stairs are a problem. Will make is safer.
- aa. Findings of Fact:

To obtain a nonuse (dimensional) variance, the applicant must show that a practical difficulty exists on the property by demonstrating that the applicable following review standards are met:

- 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.**

Observing the spirit of the Ordinance means that the Zoning Board of Appeals understands the potential effects one or several variances could have on the effectiveness of the Ordinance. The fundamental purpose is to promote the health, safety, and general welfare of the inhabitants of the Township.

To be determined by the Zoning Board of Appeals. YES x NO

- 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.**

Single family dwellings are a permitted use within the R-1 Zoning District.

To be determined by the Zoning Board of Appeals. YES ☒ NO ☐

- 3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township.**

This indicates that if approved, the variance will not create an unsafe condition - it also applies to others who might be affected by the variance, such as neighboring property owners. It is appropriate for the Zoning Board of Appeals to take the comments from the public into consideration to determine whether or not the variance may adversely affect nearby properties, zoning district, or the Township. A letter of support was received from the neighbors directly to the east (8016 Lakeside Trail). The addition will be built outside of the setbacks/will not further encroach upon the neighbors/fits in with the character of the surrounding neighborhood.

To be determined by the Zoning Board of Appeals. YES ☒ NO ☐

- 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.**

Meeting this standard requires the requested variance be related to the characteristics of the property and not to the personal situation of the applicant.

As stated earlier, the request for a variance is based upon practical difficulty due to unique conditions and circumstances of the land, which must be determined by the Zoning Board of Appeals. The applicant states, "We would like to add on to the existing entryway for safety concerns. Currently, the entry door opens to the basement stairs with little room to maneuver around the door. Also, the stairs are small, steep and you must duck when going down the stairs. This addition would allow more footage away from the stairs to enter safely. It would also give us the space to correct the stairs to current building codes. The foundation was poured in 1969, prior to current set back ordinances." In this case, practical difficulty is the structure was built prior to the Zoning Ordinance (1972)/before setbacks were established. The real estate summary sheet confirms this being built in 1971.

To be determined by the Zoning Board of Appeals. YES ☒ NO ☐

- 5. The variance will do substantial justice to the applicant, but the decision shall not bestow the property special development rights not enjoyed by the 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.**

Property owners are given certain rights to use their property within the limits allowed by the Ordinance. This variance will bring the current structure up to code, and it safer for the occupants. Have there been any other variances granted in this area? It is also important to note that each variance granted on a case by case basis –because one variance is granted does not mean that another be granted in the same district.

To be determined by the Zoning Board of Appeals. YES ☒ NO ☐

6. The requested variance is the minimum necessary to permit reasonable use of the land.

Section 18.08 (B) states: No more than the minimum variance from the terms of the Ordinance shall be granted which is necessary to relieve the practical difficulty or necessary hardship. The size of the proposed structure on the application states 80 sq. ft; this addition would allow more footage away from the stairs to enter safely. It would also give us the space to correct the stairs to current building codes.

To be determined by the Zoning Board of Appeals. YES ☒ NO ☐

7. The practical difficulty is not self-created.

The foundation was poured in 1969, prior to current set back regulations. In this case the Zoning Ordinance has created the problem.

To be determined by the Zoning Board of Appeals. YES ☒ NO ☐

Determining the answers to the seven (7) review standards should give us a well-supported foundation in regards to approving or denying the requested variance; as well as a well-supported foundation in case of an appeal to Circuit Court. Decisions related to zoning are rarely easy, and they are not usually a matter of right and wrong. The duties of the Zoning Board of Appeals require a balancing of the needs of the community and the rights of a property owner.

bb. Conclusion: It seems reasonable.

cc. Reasons for Conclusion: They are doing the minimum necessary. Zoning created the problem.

dd. Based on the findings of fact as presented.

ee. Decision: Approve because zoning created the nonconformity, creating a practical difficulty, zoning was established in 1972, will make the stairs safer.

Motion by Benak , second by Bowen to grant the request for a non-use variance to expand the nonconforming structure by 80 sq. ft. because zoning created the nonconformity, on ZBA Appeal #19-004.

Roll call vote: Bowen-Yes; Halstead-Yes; Hooper-Yes; Benak-Yes; Lake-NA; Garza-Yes. Motion carried.

Decision form and Resolution signed by all present members.

Other Matters to be Reviewed by the Zoning Board of Appeals:

Correspondence Received: - Wolf received an email that there may be a case coming up. Waiting for the application to come in.

Planning Commission Representative report: Hooper: Waiting on info on recodification. Working on various items in the mean time.

Township Board Representative report: Benak: Newsletter went out.

Would like to intro the ZBA members in the July newsletter.

Clean-up day June 8.

Supervisor Popp is on temporary leave. Deputy Supervisor is helping with office type work.

Approved a preliminary conceptual plan for upgrades at the park to expand boat launch.

The bears are back.

Looking for a handy-man for work around the township.

ZBA alternates pay plan.

Zoning Administrator report: In the midst of investigating the 5 acre minimum in the RC district.

Keeping busy with zoning questions.

Next meeting we will need to cover the procedure regarding alternates.

Discussion regarding the 5 acre minimum.

Comment: Tim Shaffer: Supervisor made derogatory comments at the township board meeting about the ZBA not doing their job. If the Supervisor wants to make derogatory statements about this board he needs to come to the meeting or put it in writing to present to the Township Board.

Next regularly scheduled meeting will be May 23, 2019, if it is necessary.

Adjourned at 8:47 p.m.

Respectfully submitted by

Recording Secretary

Lois MacLean

**LEGAL NOTICE
WHITEWATER TOWNSHIP
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that Whitewater Township Zoning Board of Appeals will hear a request by Dennis and Barbra Reese, property address 11364 Trails End North, Williamsburg, MI, Tax ID 13-103-004-10. Applicants wish to remodel and add on to an existing legal non-conforming structure. The request requires a variance from Article IV, Section 4.15, Extension of Nonconforming Structures. A portion of structure and its deck encroach into the required 50' waterfront setback. All new construction conforms to all required setbacks. This hearing will be held on August 15, 2019 at 7:00 PM at the Whitewater Township Hall, 5777 Vinton Road, PO Box 159, Williamsburg, MI 49690. A full copy of the application is available at the Township to view.

Interested parties may comment in person at the meeting or comment in writing by 5 pm on the day of the hearing at the address above or emailed to clerk@whitewatertownship.org.

Cheryl A. Goss, Whitewater Township Clerk

13-103-004-10
Dennis and Barbra Reese
11364 Trails End North
Williamsburg, MI 49690

13-103-004-00
Audrey Lau et al
8780 Carns Road
Williamsburg, MI 49690

13-103-010-00
Gary & Kathleen Sargent
11370 Trails End North
Williamsburg, MI 49690

13-103-009-00
Michael & Karen Dontje
11398 Trails End North
Williamsburg, MI 49690

13-103-013-00
ALW LLC
3618 Starshine Trail
Brighton, MI 48116

13-103-008-00
Glenn & Ann Patton
11420 Trails End North
Williamsburg, MI 49690

13-103-011-00
13-104-015-00
Dennis & Barbara Dean
8778 Carns Rd
Williamsburg, MI 49690

13-103-012-00
Dennis & Barbra Dean
8778 Carns Road
Williamsburg, MI 49690

WHITEWATER TOWNSHIP

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



Case No.	Date Rec. <u>6 / 28 / 19</u>	Fee: \$250
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CK# 2423

Property Information

Date Filed: 6/26/2019

Tax ID #: 13-103-004-10 Subdivision: NA Lot #: NA. Zoning District: 401- Residential Improved

Flood Plain: No Properly Address: 11364 Trails end N. Williamsburg MI. 49690 Year Property was Acquired: 1993

Size of Lot: Front 107.98' Rear: 100.32' Side 1: 177.48' (south) Side 2: 209.01' (north)

Present Use of Property: Residential Past Variances on Property in Question: No

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 rebuild existing south east corner (the area that is non-conforming), both the foundation and main level exterior walls, in the exact location of the existing structure. The geotechnical engineer deemed the soils on the site will require engineered soils, and the structural engineer concluded that the existing foundation is too shallow and will need to be replaced. The new home has been designed as not to encroach beyond the exist home boundaries.

Square Feet of Existing Structure to be demolished (if any): 908 sq.ft.

New Structure: No If So. Size of Proposed Structure (Square Feet): _____

New Addition to Existing Structure Yes If So.

Size of Addition: Main Level: 1,338 sq.ft (with garage 2,190sq. ft.) Upper Level: 1,097 sq. ft. Total (without garage): 2,435 sq. ft.

Size of Existing Structure: 908 sq. ft. Size of Existing Structure + Addition: 3,343 sq. ft.

Ordinance in Question (if any): See last page

Owner/Applicant Information

Owner Name: Dennis and Barbara Reese

Mailing Address: 3898 Baulistrol Dr. City: Okemos State: MI. Zip: 48864


Phone: (616)308-1952. Fax: (_____) _____ - _____ E-Mail: breese715@gmail.com

Applicant (if different from owner): Eric Mansuy (Designer)

Mailing Address: 1010 Rose St. City: Traverse City State: MI. Zip: 49686. Email: emansuy.arch@gmail.com PH: 231-499-6768

Request for variance based on:

- The existing non-conforming home was built in 1971 before the zoning ordinance was adopted.
- The existing home has been used as a cottage by the Reese's since 1993. This will now be their permanent home (retirement) so more square footage is required.
- The new home will be in scale and character of neighboring homes (see photo's)
- To support new structure on existing foundation will create a lot of extra expense, replacing the foundation, and main level exterior wall would allow these extra costs to be avoided.

From: Eric Mansuy emansuy.arch@gmail.com 
Subject: Reese ZBA Application
Date: June 26, 2019 at 4:49 PM
To: zoning@whitewatertownship.org

Hi Lindsey,

This is Eric Mansuy, we talked last Friday about the Reese home on Trails end. See attached for the application, I didn't see where is requested plans, but of course I will supply anything you may need. Feel free to call if I didn't so something right, or need to provide more information.

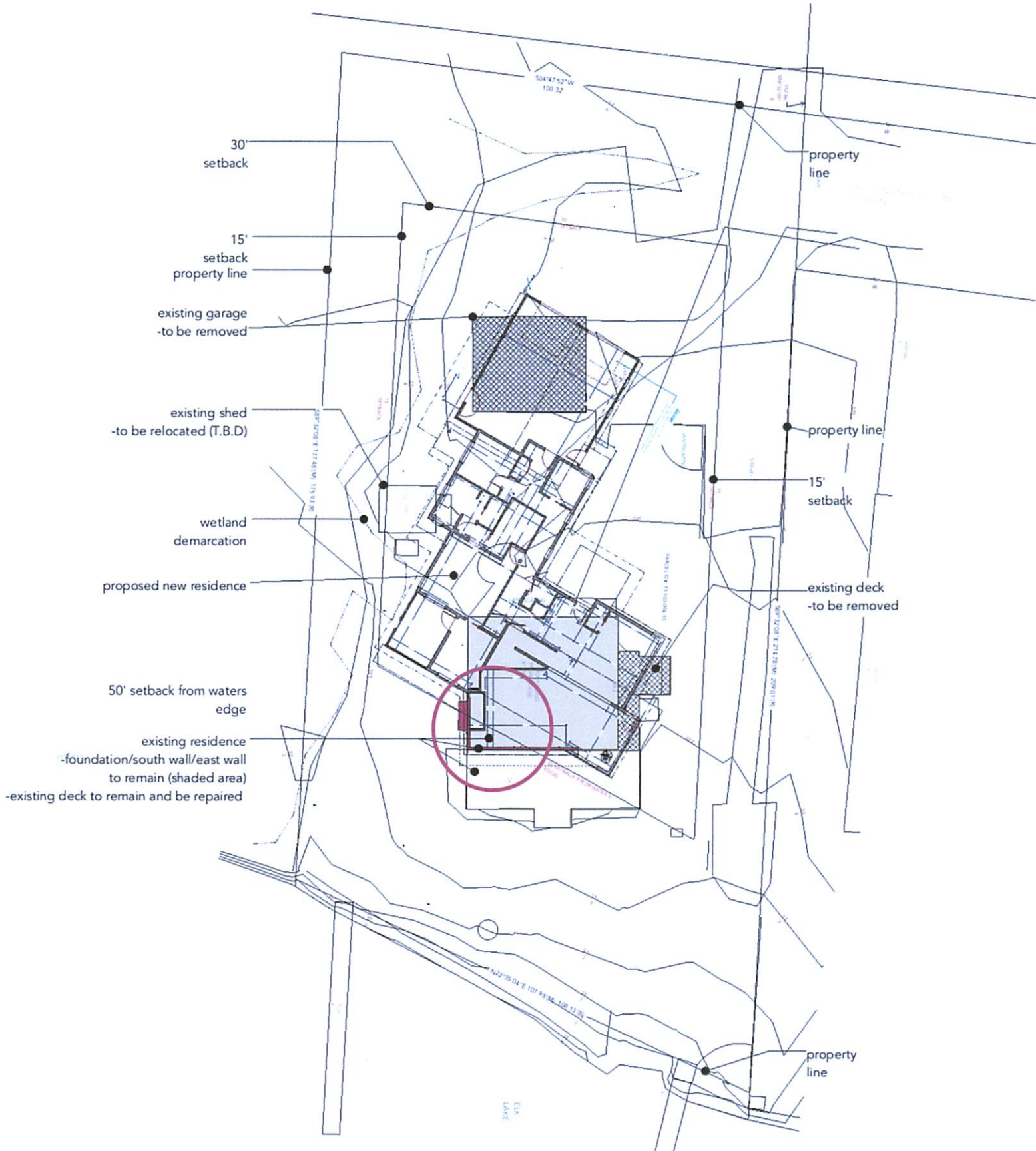
Thanks,
Eric Mansuy
231.499.6768

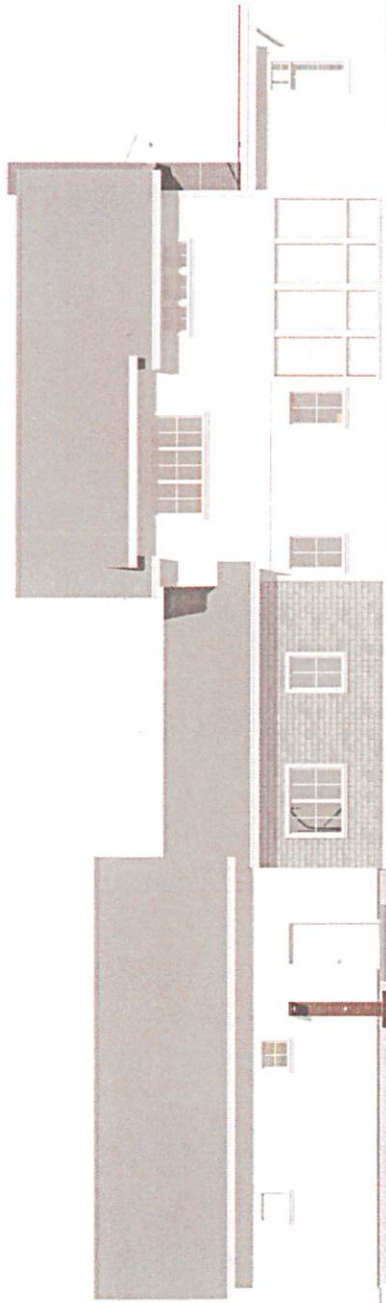


Reese ZBA
application.pdf

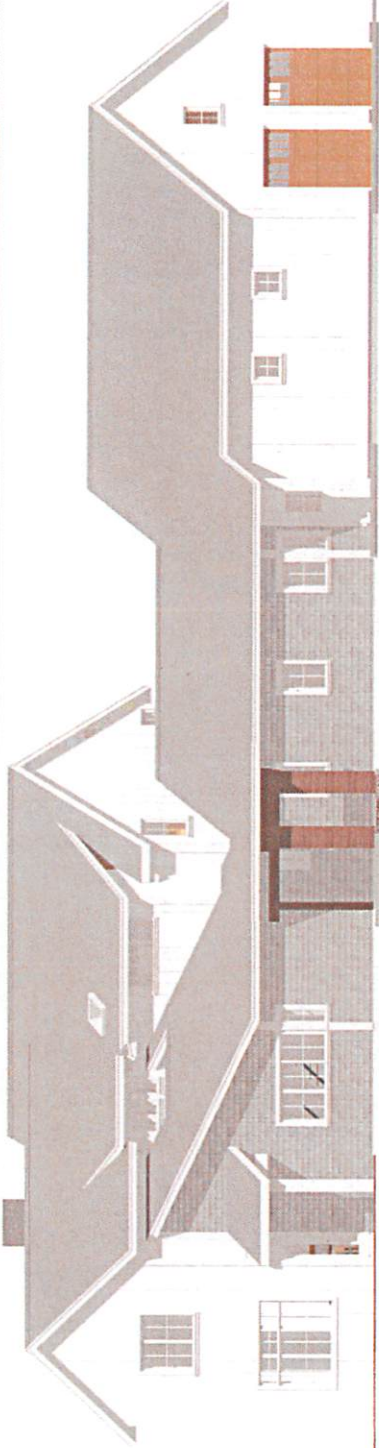




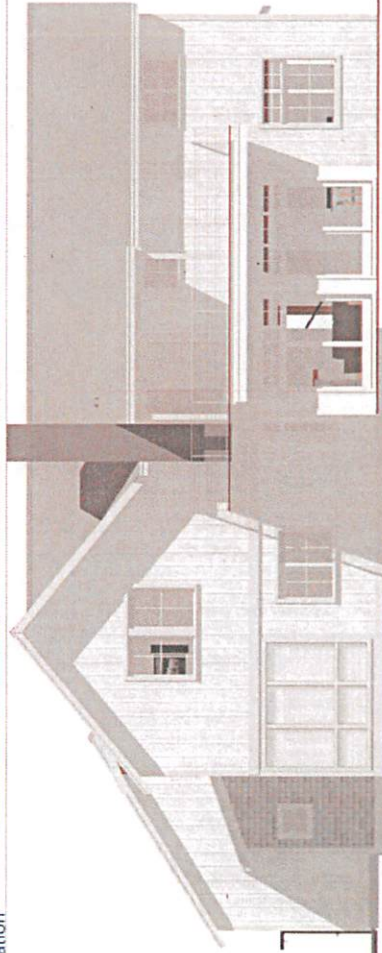




South Elevation



North Elevation



East Elevation

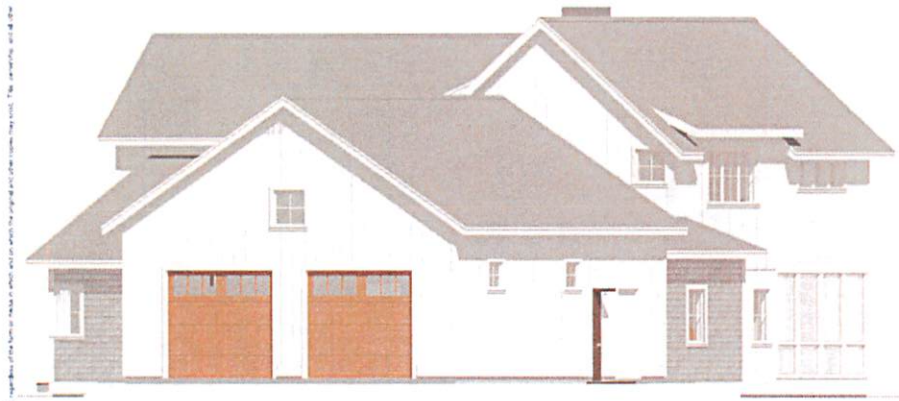
PRELIMINARY NOT FOR CONSTRUCTION

Exterior Elevations
A4.1
Preliminary

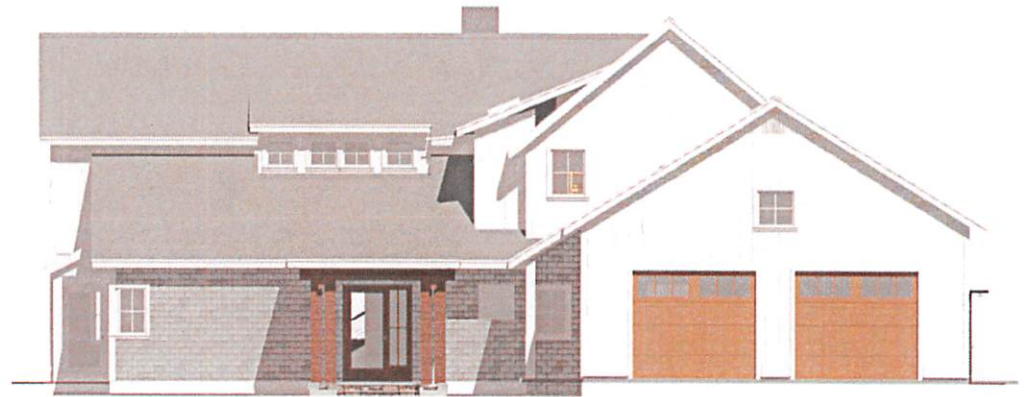
Project Name: [illegible]
Project Location: [illegible]
Project Number: [illegible]
Scale: 1/8" = 1'-0"

Architect: [illegible]
Client: [illegible]
Date: [illegible]

Avanti
[illegible]
[illegible]



West Elevation
1/4" = 1'-0"



North Elevation
1/4" = 1'-0"






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2016 AERIAL PHOTO MAP

Showing Parcel Lines and Labels

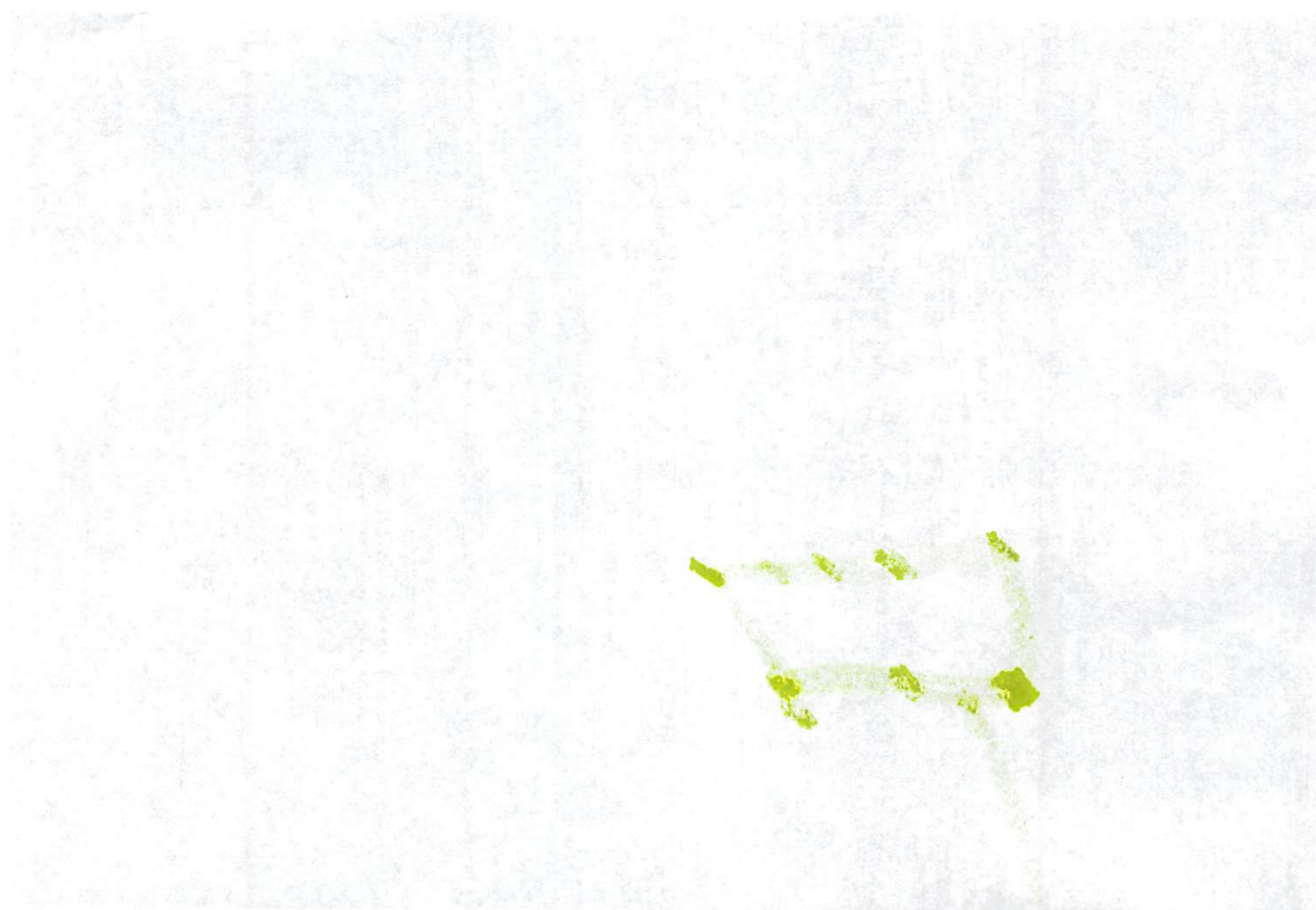


ARISE

-  2016 Digital Orthophotograph
-  Municipal Name Municipal Border
-  Roads
-  Property Lines
-  Property Lines

2016 AERIAL PHOTO MAP

2016 AERIAL PHOTO MAP



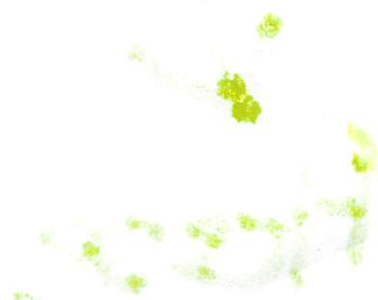
2016 AERIAL PHOTO MAP

2016 AERIAL PHOTO MAP

2016 AERIAL PHOTO MAP

2016 AERIAL PHOTO MAP

2016 AERIAL PHOTO MAP





THE
PLANNING
T·E·A·M

734.777.2335

July 30, 2019

Whitewater Township Zoning Board of Appeals
5777 Vinton Road, PO Box 159
Williamsburg, MI 49690

RE: ZBA Application for Dennis and Barbra Reese, Tax ID # 13-103-004-10
11364 Trails End North, Williamsburg, MI 49690. Request for a waterfront setback reduction of 10' for a distance of 15' to reconstruct a new home within the existing footprint.

Dear Zoning Board of Appeals Members:

I have been asked on behalf of the Whitewater Township Board to review and comment on the ZBA case for Dennis and Barbra Reese for their home located at 11364 Trails End North.

The property is zoned R1-Residential and is a metes and bounds parcel approximately 20,000 square feet (or less than ½ acre). A portion of the parcel is also used for the right of way for Trails End North. It is important to note that the parcel is at the end of the road and there is no formal turnaround as the rear yard has become a defacto cul-de-sac.

The home was built prior to zoning and while in line with the neighboring homes and cottages, a small portion of the current structure does not meet today's current setback of 50'. It is the owner's intent to convert the cottage into their primary residence and they wish to place the home within the same footprint. This will allow the line of sight from the home to remain the same.

Upon review of the Zoning Ordinance, Article 4.15 – EXTENSION OF NONCONFORMING USE OR STRUCTURE:

The extension of any nonconforming use or addition to any nonconforming structure for the purpose of extending such nonconforming use or structure throughout all or a portion of a given lot or parcel of land may be granted by the Zoning Board of Appeals if it shall first be determined that such extension shall not be inimical to public health, safety or welfare, particularly with regard to surrounding property owners.

The plan and intent of the Reese Family is to remove the existing detached garage at the west side of the property (rear yard) and add on to the existing home. The home will become 2 stories, but the current non-conforming portion will remain single story and will not encroach further than currently exists. Therefore, the owners will require a variance to proceed.

As noted in Article 18.70 (B):

Non-Use Variance. The Zoning Board of Appeals may grant a non-use variance only upon finding that practical difficulty exists. A non-use variance is variance from any standard or requirement of the Ordinance, such as, but not limited to, a deviation from density, bulk, setback, parking landscaping and sign standard requirements. A finding of practical difficulty shall require demonstration by the applicant of the following:

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. **The Master Plan and the Zoning Ordinance encourage respect of property rights, promoting orderly development and promoting and protecting property values. This variance allows for this.**
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. **The applicant proposes to continue the use as residential.**
3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township. **Granting the variance will allow the applicant and properties within vicinity the opportunity to continue their use of the property as has historically been enjoyed, both structurally and visually.**
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. **The neighboring properties have been built in such a way that they all “naturally align.” If the 50’ setback is applied to the Reese property, they will be set behind the site line of the home to the north.**
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. **If granted, the variance will allow for continuance of the rights currently enjoyed. There will be no adverse impacts on neighboring properties.**
6. The requested variance is the minimum necessary to permit reasonable use of the land. **If granted, the variance will allow for the alignment of the homes to continue.**
7. The practical difficulty is not self-created. **The alignment of the homes was not created by the homeowners.**

Based on the finding of facts, it would be appropriate for the ZBA to grant a waterfront setback variance of 10 feet for a distance of 15’ for the purpose of the Reese’s home reconstruction project.

Sincerely,

Leslie Meyers
Principal

Haggard's
PLUMBING and HEATING
"Business of Quality and Service"
"Charlevoix-the-Beautiful"
haggardsinc@hotmail.com

Date: July 29, 2019

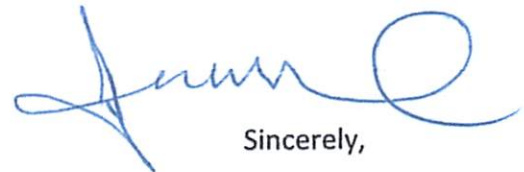
RECEIVED
7-31-19
EG

To: Whitewater Township Hall
P.O. Box 159
Williamsburg, MI 49690

RE: Request by Dennis and Barbra Reese property located at 11364 Trails End N. Williamsburg,
MI Parcel#13-103-004-10

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view with the above case's requests. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.



Sincerely,

JOHN HAGGARD