

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES FOR REGULAR MEETING, APRIL 23, 2015

1. Call to Order: By Acting Chair Halstead at 7:00 pm.
2. Roll Call: Present: Halstead, Lake, Lyons, and Benak. Absent and excused was Bowen. Also present were Ron Popp, Acting Zoning Administrator and Ronda Robinson, Recording Secretary. Four citizens were present in the audience.
3. Set/Adjust Meeting Agenda: None
4. Approval of Minutes: Motion by Benak and seconded by Lake to approve the minutes of the 02-26-2015 Regular Meeting. Carried.
5. Scheduled Public Hearings:
  - A) Public Hearing on Appeal #A-15-003, The applicant, BC management, together with Brett Campbell, P.O. Box 1932 Traverse City, Michigan, 49686, (Tax ID #28-13-136-013-10) are requesting a variance from Article 10.10 (A) and 12.11 of the Whitewater Township Zoning Ordinance. Specifically, the applicant is requesting a XX sq. ft. variance from the required forty thousand (40,000) sq. ft. minimum lot size. The parcel in question is located at 6488 Skegemog Point Road, Traverse City, MI. 49696.
    - aa) Open Public Hearing: By Halstead at 7:05 pm.
    - bb) Zoning Administrator Presentation: Popp explained the parcel was created in 1967 when MDOT bought a slice of the parcel for the new M-72. The parcel has not changed size or shape since 1967, prior to zoning. The house and barn were built with permits. A permit was issued for the barn to change use to a residential dwelling in 1990. A prior owner had been denied for the same variance.
    - cc) Petitioner Presentation: Campbell, BC Management explained that he purchased this lot along with the two houses. Both houses are rentals. They have separate septic fields but share a well. He is asking for a variance for lot size with the intention of splitting the lot in two each with a dwelling, making one lot conforming which would leave the second lot nonconforming.
    - dd) Report on Site Visit:
      - Lake-The lot is too small and there is no driveway permit for the second lot.
      - Benak-The parcel is already nonconforming.
      - Halstead- The lot is really not big enough.
    - ee) Correspondence: None.
    - ff) Public Speaking in Favor of Appeal: None.
    - gg) Public Speaking in Opposition of Appeal: None.
    - hh) Anyone in Attendance Who Wish to Speak on This Appeal That Has Not Already Commented: None.

ii) Close Public Hearing on Appeal #A-15-003: By Halstead at 7:30 pm.

jj) Discussion on Appeal: The Board mentioned that the State would need to approve the driveway, which is a deciding factor. Also, they stated that Campbell inherited this problem and it wasn't contrary to Zoning in the 1990's. They also discussed that the set-backs are not adequate but the problem arose when MDOT changed M-72. The Board added that by separating the houses it would clean up some assessing difficulties.

Halstead offered Campbell the option to get a survey with the legal septic fields and wells located, to supply the dimensions of both new lots, and to get approval from the State for the second driveway. Then to bring the case back for the full Board to hear. Campbell agreed.

B) Public Hearing on Appeal #A-15-004, Ron Fasel, 2027 Broomhead Road, Williamsburg, Michigan, 49690, (Tax ID #28-13-022-003-20) is requesting a variance from Article 11 of the Whitewater Township Zoning Ordinance. Specifically, the applicant is requesting full use and rights of the existing 3.82 acre parcel as if it were a five (5) acre parcel. The parcel in question is located at 2027 Broomhead Road, Williamsburg, MI. 49690.

aa) Open Public Hearing: By Halstead at 7:55 pm.

bb) Zoning Administrator Presentation: The property has been in the applicant's family since 1955. The parcel was created in 1980.

cc) Petitioner Presentation: Dave Heim, architect, stated the goal is to build a single family residence and accessory structure, at a later time. Fasel wishes to receive the variance so he can proceed with the building without going to the ZBA with every new step. The cabin on the property will be removed.

dd) Report on Site Visit:  
Lyons and Halstead visited the property.

ee) Correspondence: None.

ff) Public Speaking in Favor of Appeal: Vaughn Harshfield, 4404 N. Broomhead Road, supports this variance.

gg) Public Speaking in Opposition of Appeal: None.

hh) Anyone in Attendance Who Wish to Speak on This Appeal That Has Not Already Commented: None.

ii) Close Public Hearing on Appeal #A-15-004: By Halstead at 8:22.

jj) Discussion on Appeal: The Board discussed the Michigan Zoning Enabling Act 125.3208 Nonconforming Uses of Structures. They agreed this State Law supports granting the variance.

kk) Findings of Fact:

1. The parcel did exist before the five acre minimum lot zoning was put in place.
2. Granting the request won't be contrary to public interest.
3. Granting the request wouldn't cause any significant adverse impact to property in the zoning district.
4. Granting the variance wouldn't establish any use in the district that isn't permitted.
5. This variance would give substantial justice to the applicant by allowing future use of the property without ZBA action.

6. The property owner will have to comply with all other setbacks and required uses of the district. Any decision on appeal shall not bestow on the property owner any special development rights that are not giving to other property owners in the district or might cause substantial reverse impact or endanger the public's health, safety or welfare.

7. It is allowed in the Michigan Zoning Enabling Act.

ll) Conclusion: The variance should be granted to the applicant.

mm) Reasons for Conclusion: The reason for this conclusion is the Finding of Fact.

oo) Motion: Lake made a motion to grant Appeal #A-15-004 supported by Lyons. Roll Call: Yes: Halstead, Lake, Lyons, and Benak. No: None. Approved.

#### 6. Other Matters to be Reviewed By the Zoning Board of Appeals

A) Correspondence Received: None.

B) Annual Review of ZBA By-Laws: Consensus to Table until next meeting or a Full Board.

C) Selection of ZBA Officers: Consensus to Table until next meeting or a Full Board.

7. Report of Planning Commission Representative: Lake said the Planning Commission has approved the draft of the Master Plan. It has been sent to the other entities who need to be notified. Then the PC will hold a public meeting. The Township Board has the final say on approving the Master Plan. Next they will start working on the Zoning Ordinance.

8. Report of the Township Board Representative: Benak stated the Board has approved the hire of Josh Veigh as Zoning Administrator, he is currently working at Torch Lake. The budget is completed. Benak has electronically closed with the County. The audit will be started soon.

9. Report of the Zoning Administrator: Popp asked the ZBA for ideas to make the packets easier to review.

10. Adjournment: Motion to adjourn at 9:00 pm by Lyons and supported by Lake. Carried.

SKIP LAKE, SECRETARY  
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

RONDA ROBINSON, RECORDING SECRETARY  
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTON  
PRIOR TO THEIR ADOPTION