

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

Agenda for Regular Meeting on Thursday, March 28, 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 January 24, 2019
6. Scheduled Public Hearing: Appeal #19-002 Robert & Christine Jurs (on behalf of Catherine Alfred), 8212 Okaiyoka Road, Williamsburg, MI 49690, are requesting a use variance. Parcel is in the R-1 Zoning District. Parcel #28-13-122-015-00.
 - a. Open Public Hearing on Appeal #19-002
 - 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 OF January 24, 2019
5777 Vinton Road, Williamsburg, Michigan

Call to order by Chair at 7:08 p.m.

Roll Call: Bowen, Halstead, Hooper, Shaffer

Absent: Benak, Lake, Alternate Garza

Also in attendance: Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Approval of Minutes:

Motion to approve meeting minutes of November 29, 2018, as adjusted by Hooper, second by Bowen. On voice vote, all in favor. Motion carried.

Scheduled Public Hearing:

- A. Public Hearing on Appeal #19-001. Pat and Lori Lannen, 10101 Miami Beach Rd., Williamsburg, MI 49690, is requesting a dimensional variance. Parcel #28-13-310-008-00 is in the R-1 (Residential) Zoning District.
 - a. Open Public Hearing on Appeal #19-001 at 7:12 p.m. for Pat and Lori Lannen, parcel #28-13-310-008-00 at 10101 Miami Beach Rd, Williamsburg, Michigan. Requesting a dimensional variance of Article XII, Section 12.11 – Schedule of Regulations – R-1, Minimum Side-yard setback and minimum rear-yard setback. Requesting a side-yard setback variance of 8'3" on the east side and a 28'6" variance rear-yard (road side) setback from the required 15' side-yard setback and 30' rear-yard setback for construction of a garage to be attached to existing home.
 - b. Zoning Administrator Presentation: The legal notice of public hearing was posted in the Record Eagle January 6, 2019. Notices were also sent out to eleven property owners within 300 ft. of the property. Summary of staff report: Ten variances have been granted on Miami Beach road for various setbacks. Water run-off has been a concern. Noticed while driving through the area, and even though it is not a busy road, there is a sign indicating it is a deaf child area. Need to grant a variance with the least amount of encroachment into the setbacks.
 - c. Petitioner Presentation: Pat Lannen: Thank you for your time and attention. It is a standard two car garage plus storage. Regarding the safety issue of a deaf child. There is no deaf child in the area. There is 25' from the garage to the road. Water run-off will be completed as the house is with rock. Trying to be mindful of the plan and layout of the house and land. Many people in the area have been granted variances. Moving the addition further in from the side yard setback would cover the entrance and possibly a window.
 - d. Report on Site visits: Halstead: The shed will be moved to be within the set back or removed.
Bowen: The garage is going to be very close to the road.
Hooper: There is one similar on it is about 25' from the garage to the road as this one would be.
Hooper: It is a 66' road right of way.
 - e. Correspondence: Haggard Plumbing and Heating has no problem with granting the variance. One neighbor verbally indicated support of the variance.

- 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 #19-001 at 7:37 p.m.
- j. Discussion of appeal: Hooper: Do not think it is a problem with the rear yard setback. It is still quite a bit off the road. Do have a problem with the side yard setback. It can be moved over.
Bowen: Wrestling with this being self-created since they are the ones who built the house.
Hooper: We have done the rear yard setback. We have not this on the side yard setback. Covering the door may not be optimum but it is do-able and would help with how much of a variance is needed.
Bowen: One of the questions we must address is: "Is it the minimum that is needed?".
Halstead: It could be moved over, over the door.
Shaffer: Concerned with the side yard setback for safety in getting medical or fire equipment through.
Bowen: There are work arounds to not having to go through the garage to get into the house if it were moved.
Shaffer: You can see where there is a need.
Hooper: Our responsibility is to grant the minimum necessary.
- 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 ☐

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. These dwellings can include an attached garage or detached.

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.

The promotion of health, safety, and general welfare of the inhabitants of the Township is accomplished through: Securing safety from fire and other dangers and providing for safety in traffic, adequacy of parking and reduction in hazards to life and property (Article II Section 2.10(2)). It would be appropriate for the applicant to demonstrate how they will safely exit the proposed garage. The measurement from the eave is 1'6" away from the rear property line, which is located along Miami Beach Road (a private road). There are several other structures in close vicinity– from my best aerial measurement they appear to be at least 5'-6' from the property line/ROW.

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 this 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, "The house was built in 2003 without a garage. Because of the high water table there is no basement or crawl space for storage. The garage cannot be built to the west of the current cement driveway because of the underground 2 stage septic tank with electric pump and drain pipes to the community system. The new natural gas line is also on the west side of the lot. Moving the garage to the west side would also cover the entrance into the house." In this case practical difficulty may be identified as a high water table.

To be determined by the Zoning Board of Appeals. YES ☒ and 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. There are several others who have been granted a variance to construct an attachment or accessory building within the permitted setbacks in this neighborhood. 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. The current appeal must be explored to ensure that it will not adversely impact properties in the vicinity (refer to standard 3).

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.

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

Zoning Board of Appeals-01/24/2019

DRAFT

7. The practical difficulty is not self-created.

The lot is part of a platted subdivision: Lot 8 Clearwater Beach Subdivision. This platted subdivision was created on September 19, 1960. The lot was purchased by the applicant in 1999. Due to the 50' setback from the water and the size of the lot (Lot Dimensions: 70' x 150' (10,500 ft²) approximately 0.241 acres of land) there is not a large building envelope.

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

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.

It is also important to note: Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one (1) year after granting of the variance. An extension, not to exceed one year may be granted upon request of the applicant (Section 18.80(C)).

Based on the seven questions.

As a group we seem to be in consensus that we have done similar variances in the area.

- l. Conclusion: Grant a variance to approve the request for the rear yard setback. Not approve the side yard setback variance. There is sufficient space for the garage without encroaching on the side yard setback. You can conform without a variance.
Zoning Administrator Wolf notes that the fire chief indicates the emergency vehicles require a minimum of 10'.
- m. Reasons for Conclusion: Rear yard setback is similar to other variances and garage settings in the area. Side yard setback is very close.
- n. Based on the findings of fact as presented.
- o. Decision: Grant rear yard setback. Not grant the side yard setback.
- p. Motion by Hooper, second by Bowen to grant the request for a rear yard setback variance of 28'6" and to not grant the requested side yard setback on the ZBA Appeal #19-001.
Roll call vote: Halstead-Yes; Hooper-Yes; Benak-NA; Shaffer-Yes; Lake-NA; Garza-NA. Motion carried.

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

- 1. Correspondence Received - None
- 2. Election of 2019 Officers:

Hooper recommends that we keep the officers the same, second by Halstead. Bowen accepts to continue as Chair. Halstead accepts to continue as Vice Chair. Lake is not present but he can deny at the next meeting.

Roll Call vote: Bowen-Yes; Halstead-Yes; Lake-NA; Hooper-Yes; Benak-NA; Shaffer-Yes; Garza-NA.
All in favor. Motion carried.

3. Annual review of ZBA By-laws. No changes.

Motion by Halstead, second by Shaffer to keep the by-laws the same. All in favor. Motion carried.

4. Resolution ZBA19-01, Fiscal year 2019/2020 Regular Meeting Dates.

Motion by Bowen, second by Hooper to adopt the 2019/2020 meeting Resolution ZBA 19-01.

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

All in favor. Motion carried.

Planning Commission Representative report: Hooper: Recodification moving forward. We have been asked about Event Barns. We feel a need to address the issue of event barns because someone, at some time, is going to want one and we just want to be ready. They help to maintain large tracts of land. Each PC member is doing a short bio for the April Newsletter. Maybe the ZBA will be asked to do that also.

Township Board Representative report: Benak: NA

Zoning Administrator report: Working on getting a survey together regarding event barns. We are just looking for feed-back at this point. Master Plan is due for a review in the next year. Putting out a monthly e-newsletter.

Decision form and Resolution signed by all present members.

Next regularly scheduled meeting will be February 28, 2019, if it is necessary.

Adjourned at 8:35 p.m.

Respectfully submitted by
Recording Secretary
Lois MacLean

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

ORDER CONFIRMATION

Salesperson: DENISE LINGERFELT Printed at 03/06/19 15:00 by dling

Acct #: 2055 Ad #: 514281 Status: New WHOLD

WHITEWATER TOWNSHIP CLERK Start: 03/10/2019 Stop: 03/10/2019
CHERYL GOSS Times Ord: 1 Times Run: ***
P.O. BOX 159 STDAD 3.00 X 3.67 Words: 274
WILLIAMSBURG MI 49690 Total STDAD 11.01
Class: 147 LEGALS
Rate: LEGAL Cost: 110.80
Affidavits: 1

Contact: Ad Descript: LEGAL NOTICE WHITEWATER T
Phone: (231)267-5141 Given by: EMAIL CHERYL GOSS
Fax#: P.O. #:
Email: clerk@whitewatertownship.org Created: dling 03/06/19 14:50
Agency: Last Changed: dling 03/06/19 14:59

PUB ZONE EDT TP START INS STOP SMTWTFS
RE A 97 W Sun 03/10/19 1 Sun 03/10/19 SMTWTFS
IN AIN 97 W Sun 03/10/19 1 Sun 03/10/19 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: DENISE LINGERFELT

Printed at 03/06/19 15:00 by dling

Acct #: 2055

Ad #: 514281

Status: New WHOLD WHOI

LEGAL NOTICE

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

Please be advised that on THURSDAY MARCH 28, 2019 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. The public hearing will be to consider the following:

The applicants Robert & Christine Jurs are requesting a variance to enlarge a nonconforming use. There are multiple livable units on the parcel. The applicant is requesting an addition of 160 sq. feet to one of the units. 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. The property is located at 8212 Okaiyoka Road Williamsburg, MI 49690. Parcel ID# 28-13-122-015-00. Case # A-19-002.

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 until March 28, 2019 and should be addressed to the Whitewater Township Zoning Department, PO BOX 159, Williamsburg, MI 49690. Whitewater Township will provide necessary reasonable auxiliary aid and services to individuals with disabilities who plan on attending. Contact the Township Clerk at (231)267-5141 ext. 24 as soon as possible or the TDD at 800-649-3777.

Cheryl A. Goss
Whitewater Township Clerk

March 10, 2019-1T

514281



WHITEWATER TOWNSHIP



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

Case No. A 19-002

Date Rec. 3 / 5 / 19

Fee: \$250

PD: ch#3274

Property Information

Date Filed: 2 / 28 / 19

Tax ID #: 28-13-122-015 Subdivision: SECTION 22 Lot #: 4 Zoning District: R-1

Flood Plain: NA Property Address: 8212 OKAIYOKA RD. Year Property was Acquired: _____

Size of Lot: Front 146.34 Rear: 135.00 Side 1: 1194.37 Side 2: 1264.05

Present Use of Property: RESIDENTIAL Past Variances on Property in Question (Y / (N)) (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: REQUEST ADDITION TO SMALL SLEEPER COTTAGE
ON NORTH SIDE. WOULD BRING COTTAGE TO ADA STANDARD.
FAMILY MEMBER IS TURNING 99 THIS YEAR

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

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

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

Size of Addition: 1100 S.F. Size of Existing Structure 320 S.F. Size of Existing Structure + Addition: 480 S.F.

Ordinance in Question (if any): _____

Owner/Applicant Information

Owner Name: CATHERINE ALFED

Mailing Address: 3765-2 LANDER RD City: CHAGRIN FALLS State: OH Zip: 44022

Phone: (440) 223 - 9259 Fax: () - E-Mail: N.A

Applicant (if different from owner): ROBERT & CHRISTINE JURS

Mailing Address: 20816 BEACONSFIELD BLVD City: ROCKY RIVER State: OH Zip: 44116

Phone: (440) 343 - 6320 Fax: (440) 953 - 0580 E-Mail: RJURS@GGENGINEERS.COM

RECEIVED
3/11/19

March 2, 2019

Dear Lindsey Wolf,

As owner of 8212 on
Akanyoka Road I give
permission to Christine Jurs
and Robert Jurs (daughter and
Son-in-law) to represent me
at the zoning hearing
on March 28, 2019. I
am unable to attend.

Sincerely,

Catherine C. Alfred

Parcel # 28-13-122-015-00
Alfred properties LTD
3765 Lander Rd #2
Chagrin Falls, Oh 44022



MEMO

DATE: March 6, 2019

TO: Whitewater Township
Board Members

FROM: Robert and Christine Jurs

SUBJECT: Alfred Cottage Request

The Zoning Administrator has asked us to please explain the desired expansion of our Family Cottage. This cottage/property was purchased around 1932, along with 8 colleagues from the University of Chicago. All parties were part of the universities Badminton Club. The main house was built a short time after that. This cottage contains 4 bedrooms a traditional living room, dining room kitchen and bath. In the late 50's the single-floor cottage immediately to the north was built. That cottage contains 2 bedrooms a living room, kitchen and Bath. Not long after that in around 1962 the building in question was built, this cottage contains 2 bedrooms and family has been using this cottage every summer. For the 15 years, we have had a Porta-Potty delivered for the summer for use at that cottage. The Alfred's have owned this cottage since it was built, this cottage has never been used as rental property, not even for a day, this is a family cottage and will stay that way. The families have continued to grow, and the intent is for the family to be part of the community for the next 85 plus years.

For background in the summer of 2017 Myself, my wife and my mother-law met with the existing zoning Administrator. In our meeting we discussed the plan for the "Studio" and discussed what would need to be done to accomplish this undertaking. The first thing we were told what we needed to accomplish to move forward. First, we needed to upgrade the septic system to allow for 8 bedrooms. At the direction of the existing Zoning Administrator we obtained permits for an 8-bedroom septic system. During the permit process, it was determined that a new well would be needed along with the new septic system. In the summer of 2018, we accomplished both projects. We removed what was a clay tennis court and replaced it with a septic system that would support the 8 bedrooms that were required. A new well was also installed to meet the separation requirements of the county. Once the final inspection for both were completed, we contacted Whitewater Township to request a building permit. To our surprise the Zoning Administrator had passed, and a temporary Zoning Administrator was filling in. A series of flags were raised, and we all took a step back and waited for a new administrator to be selected.

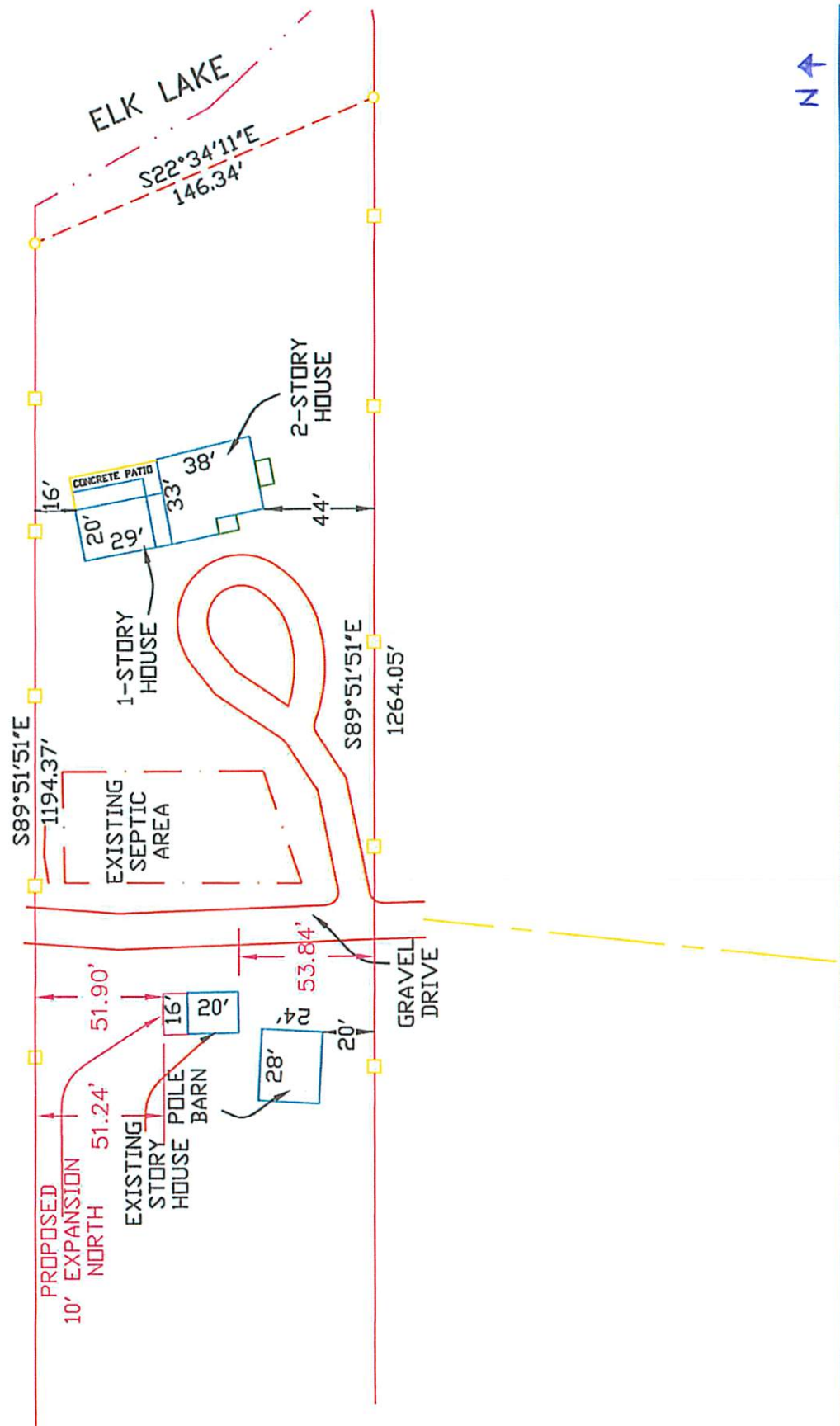
That brings us to today. Our request seems simple (at least to us), we are requesting to take the 2 existing bedrooms and make them a small kitchen and bathroom. Based upon the space we lose in the cottage we would like to add 2 bedrooms to the north side of cottage. We have discussed this project with all our neighbor and have found no objections to this proposal.

As a side note, with parents aging this cottage would make the entrance of the cottage completely ADA (wheelchair access), the cottage would have no stairs and the front porch and door would make this an ideal place for folk that would typically need assistance.

Our reasons for improvements are growing family and commitment to staying in the community our family has been a part of for 87 years. Grandchildren and great grandchildren are now loving Elk Lake. We want to provide our family with comfortable living quarters so we can continue to enjoy the lake and property for future generations. There have been no structural improvements since the studio was built. We are not adding any new structures, just making an existing structure comfortable and livable. Our new septic system and well demonstrates our desire to enhance property that is environmentally appropriate and sustainable for future as well.

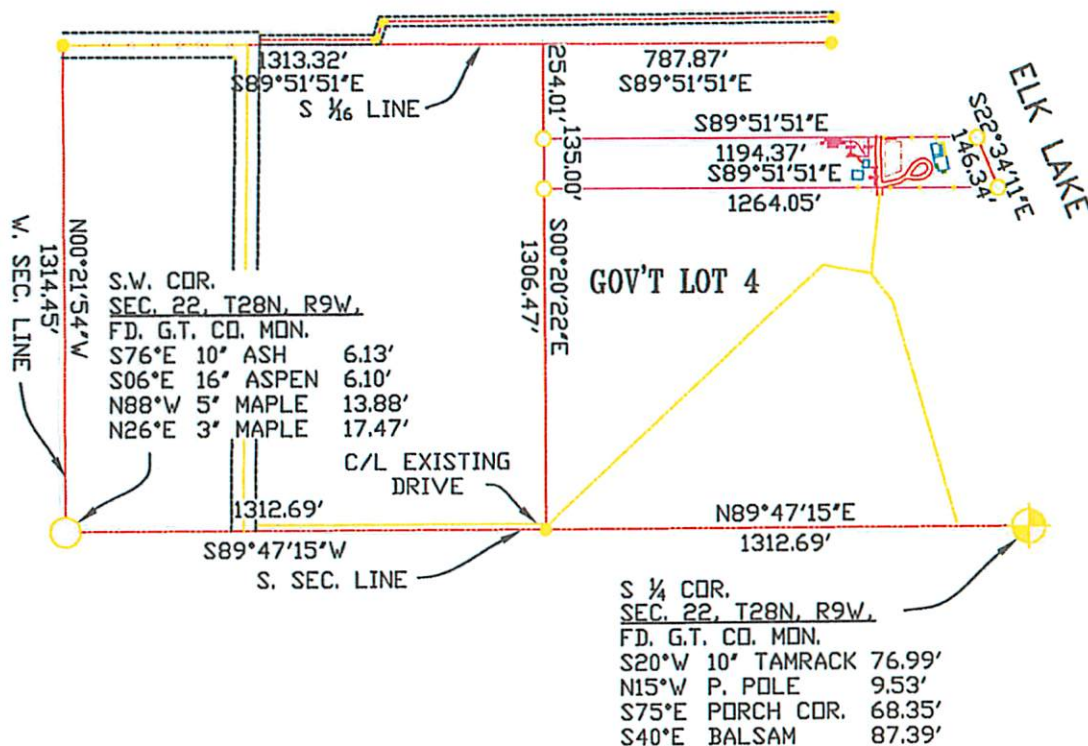
Sincerely,

Robert and Christine Jurs
20816 Beaconsfield Blvd
Rocky River, Oh 44116



Survey Provided by:
Bob Mitchell and Associates
April 2017

OWNER: CATHRINE ALFRED
ADDRESS 8212 OKAIOKA RD.
WILLIAMSBURG MICHIGAN



DESCRIPTION: A parcel of land situated in the Township of Whitewater, County of Grand Traverse, State of Michigan and described as follows to-wit:

Part of Government Lot 4, Section 22, Town 28 North, Range 09 West, described as; the South 135 feet of the North 389 feet of said Government Lot 4

AND ALSO

a 1/9 interest in the South 163 feet of Government Lot 4

AND ALSO

A 1/9 interest in the South 20 feet of the Southwest 1/4 of the Southwest 1/4 lying East of Cram Road.

SUBJECT TO all agreements, covenants, easements, right-of-ways, reservations and restrictions of record, if any.

I, William P. Mitchell, a Licensed Professional Surveyor in the State of Michigan, hereby certify that I have surveyed and mapped the above parcel of land; That the ratio of closure of the unadjusted field observations was within the accepted limits and that I have fully complied with the requirements of P.A. 132 of 1970.

William P. Mitchell
Professional Surveyor No. 57370

ERROR OF CLOSURE IS 1/10,000
BASIS OF BEARING: NAD 83 MI CENT SPCS

Bob Mitchell & Associates P.C.



SURVEYING / ENGINEERING

404 West Main Street P.O. Box 308
Kingsley, MI 49649
(231) 263-5463 • FAX (231) 263-7921
Toll Free in Michigan 1-800-533-6627
email wm@mapcivilsurvey.com
NORTH 1ST STREET
Harrison, MI 48625

CLIENT:

CATHERINE C ALFRED

LOCATION:

PART OF GOVENMENT LOT 4,
SECTION 22, TOWN 28 NORTH, RANGE 09 WEST,
WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY,
MICHIGAN.

DWN. WPM

DATE 4-28-17

FILE NO. 20170066

CK. RFM

FLD. BK. X

PG. X

SHEET 1 OF 2

Google Maps Cram Rd



Imagery ©2018 Google, Map data ©2018 Google 50 ft

**SEPTIC
AREA**

Cram Rd

Williamsburg, MI 49690



GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH SEPTIC AND/OR WELL APPLICATION

- ☐ BOTH
☐ SEPTIC PERMIT
☐ WELL PERMIT
☐ NEW CONSTRUCTION
☐ REPLACE EXISTING
☐ NON-FAILURE
☐ FAILURE (slow drainage, ponding, back-up, etc.)

PROPERTY ADDRESS: 8114 CRAM ROAD (8212 OKA YOKA) TAX ID: _____

CITY: WILLIAMSBURG ZIP: 49690 TOWNSHIP: WHITEWATER SECTION: 22

SUBDIVISION: _____ LOT #: _____

☒ RESIDENTIAL
 BEDROOMS: 8
 BATHROOMS: 3
☐ COMMERCIAL
 MAX EMPLOYEES/DAY: _____
 BATHROOMS: _____
 TYPE OF FACILITY: _____
 MAX PEOPLE SERVED PER DAY: _____
 BUILDING SQUARE FOOTAGE: _____

GARBAGE DISPOSAL:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	GEOTHERMAL:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
DISHWASHER:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	FUEL OIL TANKS:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
LAUNDRY:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WATER SOFTENER:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
BASEMENT PLUMBING:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	WALKOUT BASEMENT:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SEWAGE EJECTOR:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	WHIRPOOL/HOT TUB:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
HVAC HUMIDIFIER:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	SHARED WELL:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
OLD WELL TO BE RETAINED FOR USE (requires health department approval):			<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A UNSURE

OTHER: 3 BLDGS - 1 BLDG HAS WASHER DRYER & DISHWASHER

OWNER NAME: CATHRINE C. ALFRED PHONE: 440-343-6320

ADDRESS: 8114 CRAM ROAD (8212 OKA YOKA) WILLIAMSBURG MI 49690

APPLICANT NAME (if other than owner): ROBERT LURS PHONE: 440-343-6320

ADDRESS: 20816 BEACONSFIELD BLVD ROCKY RIVER, OH 44116

ALL APPLICATIONS MUST BE ACCOMPANIED BY AN ACCURATE SITE PLAN. PLEASE PROVIDE ADDITIONAL SHEETS AS NECESSARY OR YOU MAY USE THE BACK OF THIS PAGE TO DRAW A DIAGRAM. PLEASE INCLUDE STRUCTURE(S), DRIVEWAY, ROAD NAMES AND DIRECTION, EXISTING AND/OR PROPOSED WELL AND SEPTIC LOCATIONS.

I hereby authorize Grand Traverse County Health Department to evaluate the above described property to determine its suitability for the development plans indicated, and to conduct such tests as may be necessary in order to obtain the information required for this evaluation. I also agree to comply with the Environmental Health Regulations for Grand Traverse County, and with the applicable laws of the State of Michigan.

SIGNATURE (owner or agent) [Signature] DATE: 8/1/18

s/e

Grand Traverse County Health Department
2650 LAFRANIER RD
TRAVERSE CITY, MI 49686
231-995-6051

ENTERED ☒
SEPTIC _____
WELL _____
COFO _____
GT #: **38585**

OWNER **CATHERINE ALFRED**
CURRENT
MAILING ADDRESS **8212 OKAIYOKA RD**
Williamsburg, MI 49690 PH. **440-343-6320**
NEW No EXISTING Replacement **↳ Rob**
TYPE OF ESTABLISHMENT Residential
PROPERTY ADDRESS **8212 OKAIYOKA RD**
SUBDIVISION _____
CITY **Williamsburg** LOT # _____
TOWNSHIP **Whitewater Twp.** SECTION **22**

SOIL: **Sandy loam Topsoil 0-4"**
Clay 4"-8"
SOIL TYPE TO A DEPTH OF 6"
Loamy Sand 8"-24"
Sandy Clay loam 24"-45"
Loamy Sand 45"-72"
No GW

DEPTH TO GROUND WATER **Lake Road**

SEPTIC TANK SIZE **1200g DBL 1000g DBL** NUMBER OF BEDROOMS **8**

PUMP CHAMBER **700g / 500g** NUMBER OF BATHS **3**

EFFLUENT FILTER **Required** LAUNDRY **YES**

DRAIN BED **21' x 62'** DISHWASHER **YES**

LINEAL FEET **540** GARBAGE DISPOSAL **NO**

SQUARE FEET **1674** BASEMENT PLUMBING **NO**

TILE LINES ON **3.0.1c** SEWAGE EJECTOR **NO**

TILE FIELD _____ EXISTING FUEL TANKS **NO**

TRENCH WIDTH _____ SHARED WELL **YES**

LINEAL FEET _____ OTHER _____

ADDITIONAL PERMIT SPECIFICATIONS:

- See attached
- Double Header
- Effluent Filters
- Lakeside (2-story, 1-story)
- 1200g DBL, 1200g single, 700g Pump chamber (150g/dose)
- Roadside (1-story, Garage)
- 1000g DBL, 500g pump (75g/dose)

SEE REVERSE SIDE FOR DRAWING AND CONSTRUCTION DETAILS

CERTIFICATION OF INSPECTION
(PERMIT TO COVER)

SEWER _____ SEPTIC TANK _____ PUMP CHAMBER _____

MANUFACTURER OF SEPTIC TANK _____

FINAL DISPOSAL _____ ISOLATION DIST _____

NOTES _____

INSPECTION BY _____ DATE _____

CONTRACTOR _____

SEPTIC _____

WELL _____

APPROVAL OF A PLAN AND THE INSTALLATION CANNOT BE CONSIDERED BY THE OWNER AS A GUARANTEE THAT SUCCESSFUL OPERATION IS ASSURED. THERE ARE MANY WAYS A SYSTEM CAN BE ABUSED CAUSING FAILURE.

PROPERTY TAX # - 281312201500

WATER SUPPLY INFORMATION

CITY _____ WELL **4" or 6" P. HESS**

WELL TYPE **Type III**

DEPTH _____

EXISTING WELL TO BE ABANDONED AND PLUGGED **YES 2(wells)**

APPROVED _____

WATER SAMPLE RESULTS

BACTERIOLOGICAL _____ DATE SAMPLED _____

NITRATES _____ PPM DATE SAMPLED _____

WATER SAMPLING REQUIREMENT

- (1) Before placing a new, repaired, or reconditioned water supply system into service, and after all traces of chlorine have been flushed out, 1 or more water samples shall be collected from the sampling faucet. Organisms of the coliform group shall not be present in the sample or samples.
- (2) The water supply owner shall be responsible for collecting the water sample or shall arrange for the owner's designated representative to collect the sample. The well drilling contractor or pump installer shall notify the water supply owner of the owner's responsibility for collecting the water sample.

AGREEMENT

I HEREBY AGREE TO COMPLY WITH REQUIREMENTS OF THE SANITARY CODE FOR THE COUNTY OF GRAND TRAVERSE, AND THE APPLICABLE LAWS OF THE STATE OF MICHIGAN IN THE INSTALLATION OF A SEPTIC TANK SEWAGE DISPOSAL SYSTEM & /OR WELL INSTALLATION ON THE ABOVE DESCRIBED PROPERTY, AND TO CONSTRUCT THE SAME ACCORDING TO THE PLANS AND SPECIFICATIONS AS DESCRIBED AND APPROVED ABOVE; OTHERWISE I UNDERSTAND, THE PERMIT WILL BE VOID.

THE FINAL INSPECTION REQUIRED BEFORE COVERING, ONE DAY NOTICE SHALL BE GIVEN FOR INSPECTION.

SIGNED **on file - see attached** DATE **8/7/18**
OWNER OR AGENT **jm**

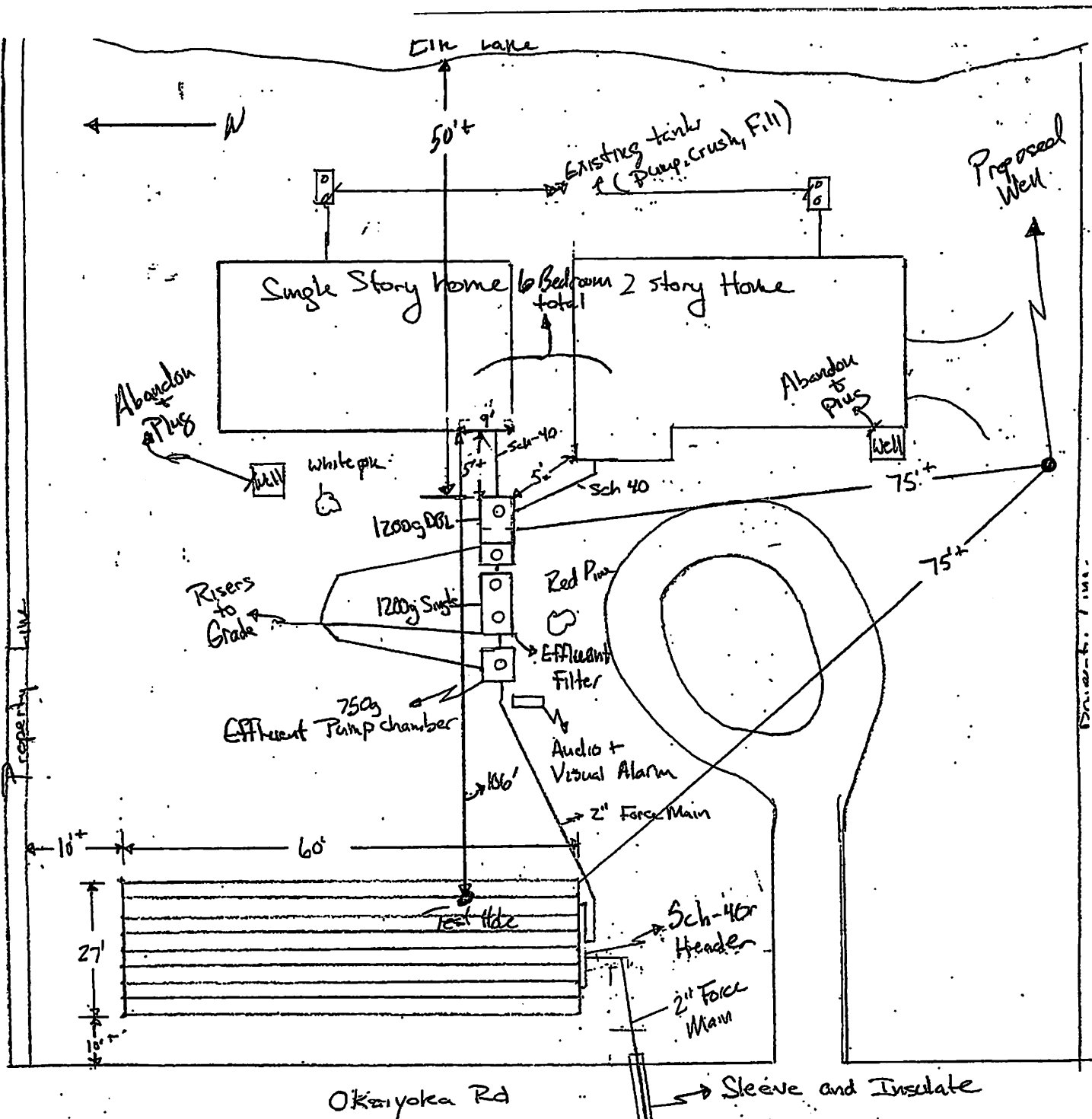
THE SPECIFICATIONS AS STATED ON THIS PERMIT MEET WITH MINIMUM REQUIREMENTS OF THE SANITARY CODE. THE OWNER SHOULD BE ADVISED THAT ADDITIONAL CONSTRUCTION OPTIONS MAY BE AVAILABLE WHICH COULD EXTEND THE LIFE EXPECTANCY OF THE SEWAGE SYSTEM. CONSULT WITH THE HEALTH DEPARTMENT REGARDING THESE OPTIONS.

PERMIT TO INSTALL, CONSTRUCT OR REPLACE
EXPIRES 2 YEARS AFTER DATE OF ISSUE
PERMIT IS NON-TRANSFERABLE TO PERSON OR PLACE

ISSUED TO **Catherine Alfried**
DATE **8-7-18** BY _____
HEALTH DEPT. REPRESENTATIVE

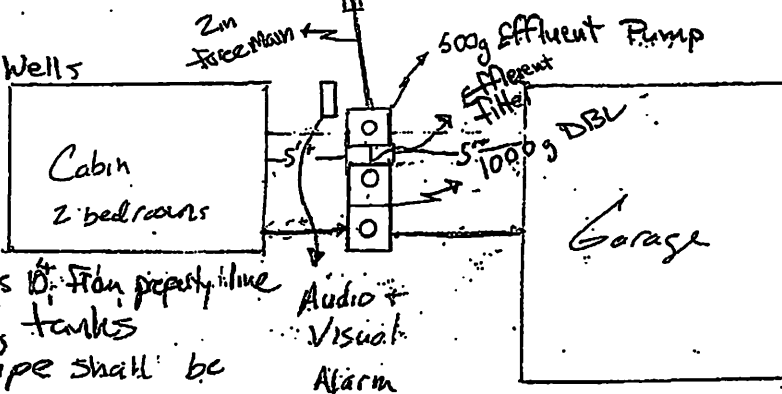
RECEIPT # **46139** DATE **8/16/18**

RECEIVED
\$305.00 septic permits
\$225.00 well permits



Installer shall:

- Properly Plug + Abandon existing Wells
- Remove Sandy Clay loam from $\approx 24"$ - $45"$ and Fill with Clean medium Sand
- Verify isolation of 75' from well for tank + field, verify field is 10' from property line
- Pump crust + Fill existing tanks
- If chambers are used pipe shall be hung the length of chambers





GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH SOIL EROSION AND SEDIMENTATION CONTROL (SESC) PERMIT

Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, (1994 PA 451, as amended) and/or Grand Traverse County SESC Ordinance.

Property Owner (Permittee): CATHERINE ALFRED
Mailing Address: 3765 LANDER RD #2
City, State, Zip: Chagrin Falls, OH 44022
Phone: 440-343-6320

Permit #: 18-00138
Type: RESIDENTIAL
Date Issued: 08/14/18
Site Priority: High (4)
Expiration: 08/14/19
Fee: \$450.00
Receipt #: _____
Renewal: _____

Contractor/On-Site Responsible Person:

Name: MEL'S EXCAVATION
Mailing Address: 186 US-31
City, State, Zip: Kewadin, MI 49648
Phone: 231-499-8087
Email: _____

DEQ PERMIT (if applicable)

Permit #: WRP012197
Issue Date: 06/28/18

PROJECT LOCATION

Site Address: 8212 OKAIYOKA RD Township: WHITEWATER
Tax Number: 13-122-015-00 Section: 22 Town: 28N Range: 9W
Subdivision: _____ Lot #: _____

PERMITTED ACTIVITY:

SHORELINE STABILIZATION, REPLACEMENT WELL AND SEPTIC

PERMIT CONDITIONS

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the attached general and specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
3. Permittee shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

THIS PERMIT ALONG WITH THE SOIL EROSION SITE PLAN AND GREEN CARD MUST BE POSTED AT THE PROJECT SITE

GENERAL CONDITIONS

In accordance with Rule 1709 promulgated under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

SPECIFIC CONDITIONS

THIS PERMIT IS APPROVED ACCORDING TO THE SITE PLAN RECEIVED ON AUGUST 1, 2018 WITH THE FOLLOWING ADDITIONAL REQUIREMENTS:

1. IT SHOULD BE NOTED THAT THE SHORELINE STABILIZATION WAS PERFORMED AND COMPLETED WITHOUT A PERMIT FROM THIS OFFICE, THEREFORE THIS PERMIT IS BEING ISSUED AFTER THE FACT FOR THAT PORTION OF THIS PROJECT.

**** INSTALL AND MAINTAIN TURBIDITY CURTAIN AS REQUIRED IN MDEQ PERMIT PER MANUFACTURER'S SPECIFICATIONS.**

**** PLACE GEOTEXTILE FABRIC UNDER RIPRAP SEAWALL TO PREVENT SETTLING AND EROSION.**

2. WITHIN 5 DAYS OF FINAL GRADING, PLACE SEED AND STRAW MULCH OVER ALL DISTURBED AREAS. IT IS HIGHLY RECOMMENDED TO PLACE 4 INCHES OF TOPSOIL ON ALL DISTURBED AREAS TO SPEED VEGETATION GROWTH. A LACK OF TOPSOIL MAY INHIBIT VEGETATION GROWTH AND DELAY SITE STABILIZATION.

3. ANY VEGETATION SHALL BE WELL ESTABLISHED AND SHOW SIGNIFICANT GROWTH IN ORDER TO FINAL THIS PERMIT.

4. IF A CERTIFICATE OF OCCUPANCY IS REQUESTED AND THE SITE IS NOT STABILIZED, A SURETY AS DETERMINED BY THE SANITARIAN WILL BE REQUIRED. IT IS RETURNED ONCE THE SITE RECEIVES AN APPROVED FINAL INSPECTION FROM THIS OFFICE.



SESC Issuing Sanitarian
FRED MORSE, 231-995-6057

08/14/18
Issue Date

**WHITEWATER TOWNSHIP PLANNING & ZONING DEPARTMENT STAFF REPORT
MARCH 28, 2019**

Request for Variance: Appeal #19-002

On 3/5/2019, a request for a variance was received from Robert and Christine Jurs 20816 Beaconsfield Blvd, Rocky River, OH 44116 (on behalf of property owner, Catherine Alfred 3765-2 Lander Road Chargin Falls, OH 44022) for the property located at 8212 Okaiyoka Road, Williamsburg, MI 49690. The Jurs are requesting a variance to construct a 160ft² addition to a nonconforming structure in the Residential R-1 Zoning District. A public hearing notice was published in the Record Eagle on March 10, 2019, and put on the Township website. A total of eleven (11) 300' notices were mailed on March 12, 2019.

There are multiple livable units on one lot in the R-1 District – this variance request is a use variance. The request for variance is based upon finding that an unnecessary hardship exists, which must be determined by the Zoning Board of Appeals. Summary: The applicant states, the property was purchased in 1932. A short time after that the main two-story cottage was built containing 4 bedrooms, traditional living room, dining room, kitchen and bath. In the late 50's an additional single-floor cottage was built next to it containing 2 bedrooms, living room, kitchen, and bath. In 1962 the building for the requested variance was built towards the western end of the property. Currently, this unit only contains 2 bedrooms. This unit does not contain any form of sewage/sanitation disposal and requires a porta-potty to be delivered every summer. They would like to expand the unit by 160 ft² to include a small kitchen and bathroom. The unit is quite outdated and would be built to current ADA code to allow for it to be used by family members of all ages (the current owner is turning 89 this year). These are not rented to the public - strictly family units.

Applicable Zoning Ordinance Section(s):

Article III Definitions

Dwelling: any building or structure or portion thereof legally occupied as a home, residence, or sleeping place of one more persons.

If the Board of Appeals decides to grant the variance they would be **granting a variance to 6.10 uses permitted in the Residential R-1 District – this district does not allow for multiple livable units/dwellings on one lot.** A PUD allows for this (permitted by special use in A-1, RC, R-2, R-3) per Article 31.

Article XV Sanitation Requirements, Section 15.10 County Health Ordinance

Compliance shall be had in all land uses and in all structures erected, altered, or moved upon a premise with all provisions of the County Health Ordinance in force in the Grand Traverse County entitled "Sanitary Code of Minimum Standards Regulating Sewage Disposal, Water Supplies, and Sanitation of Habitable Buildings in Grand Traverse County Michigan" as the same may be amended from time to time, and violation of any provision of that Ordinance shall constitute a violation of this Ordinance.

Article IV Section 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.

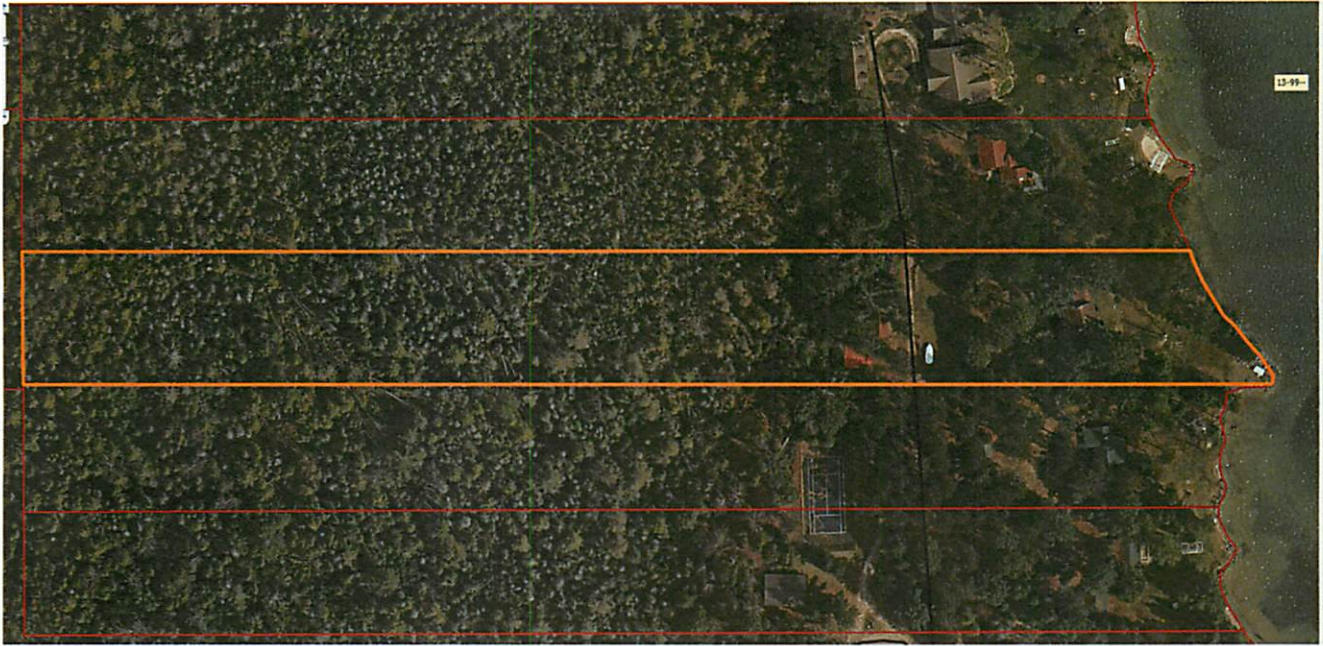
Property Description:

Tax ID #: 28-13-122-015-00

Size: 3.625 Acres

Zoned: R1 Residential; surrounding properties: R1 to north and south, A1 to west

Legal Description: 8212 OKAIYOKA RD S 135' OF N 389' GOV LT 4 & 1/9 INT IN S163' OF GOV LT 4 & 1/9 INT IN S 20' SW 1/4, SW 1/4 E OF CRAM RD. SEC 22-28-9



Section 18.70 Application of Variance Power:

A variance grants permission to depart from a requirement or limitation of the zoning ordinance. There are two types of variances:

1. Use Variance
2. Non-Use Variance

In this specific case, we are dealing with a **Use Variance request**.

Use Variance. The Zoning Board of Appeals may grant a use variance only upon finding that an **unnecessary hardship** exists. A use variance is a variance that permits a use that is otherwise prohibited in a zoning district. **To obtain a use variance a finding of an unnecessary hardship shall require demonstration by the applicant of the following:**

1. **The property cannot be reasonably used for any purpose permitted in the zoning district without the variance.**

The nonconforming use on the property is a use that was legal at the time it was created but which has since become impermissible because of subsequent modification or adoption of the zoning ordinance in 1972. The applicant states the variance would allow relatives of all ages to utilize the property.

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

2. **The need for the variance is due to unique circumstances particular to the property and not generally applicable in the area or to others properties in the same zoning district.**

The applicant states the property was purchased in 1932, along with 8 colleagues. There have been several additions (3 cabins, pole barn, clay tennis court) that have taken place over the years that are particular to this property before current zoning came into effect.

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

3. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

As stated, the property was purchased in 1932, along with 8 colleagues. There have been several additions (3 cabins, pole barn, clay tennis court) that have taken place over the years. There is no sanitary waste disposal (bathroom) in the unit requesting to be altered. The property card contains a quit-claim deed to Catherine Alfred (current property owner) on January 7th, 1975. Sanitation requirements in the current ordinance did not come into effect until July 28, 2017.

Article XV Sanitation Requirements, Section 15.10 County Health Ordinance

Compliance shall be had in all land uses and in all structures erected, altered, or moved upon a premise with all provisions of the County Health Ordinance in force in the Grand Traverse County entitled "Sanitary Code of Minimum Standards Regulating Sewage Disposal, Water Supplies, and Sanitation of Habitable Buildings in Grand Traverse County Michigan" as the same may be amended from time to time, and violation of any provision of that Ordinance shall constitute a violation of this Ordinance. Granting the requested variance would bring the property/structures into compliance with Grand Traverse County Health Codes/this Ordinance; as well as ADA building code(s) for aging owner.

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

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

This indicates that if approved, the variance will not depreciate the neighborhood- 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. As Zoning Administrator, it is my belief that the removal of the porta-potty will enhance the neighborhood, and prevent a possible nuisance per say that could result in the odor from the raw sewage. If the porta-potty were to leak it would have negative impacts on the environment/water quality (Section 2.10(6) purpose of Ordinance to protect water quality).

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

Determining the answers to the four (4) 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.

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.

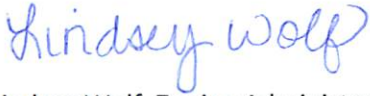
Also important to note a variance from Article XII, Section 12.10(A) each dwelling hereafter erected shall have a foundation and minimum of 700 square feet of floor space. The size of the existing structure is 320 ft² + 160 ft² addition = 480 ft² total would bring further into compliance.

A land division is not a solution in this case, as it would create a parcel that exceeds the width to depth ratio 1:4 for parcels larger than an acre.

The applicant has no infractions that would impair the granting of the variance.

Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one (1) year after granting of the variance. An extension, not to exceed one year may be granted upon request of the applicant (Section 18.80(C)) .

Respectfully Submitted,



Lindsey Wolf, Zoning Administrator
Whitewater Township
zoning@whitewatertownship.org
(231)267-5141 Ext. 21

Haggard's

PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

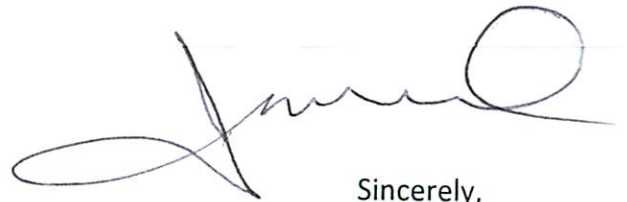
Date: March 11th, 2019

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

RE: Applicant Robert and Christine Jurs are requesting a variance to enlarge a nonconforming use. Located at 8212 Okaiyoka Rd. Williamsburg, MI 49690 Parcel#28-13-122-015-00 Case#A-19-002

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 at all 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 of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and county to do all we can to improve and promote growth in any way possible.



Sincerely,

JOHN HAGGARD

March 14, 2019

RECEIVED
3/18/19
L. Wolf

Lindsey Wolf
Zoning Administrator
Whitewater Township
5777 Vinton Rd; P.O. Box 159
Williamsburg, MI 49690

Re: Alfred Cottage

Dear Ms. Wolf,

We are writing this letter to give our support to the plans submitted by the Alfred Family. We have known Catherine Alfred and her and the family since they purchased this property on Elk Lake in the 1930's.

We understand there is some concern about the potential use of this property as a rental space. We have carefully reviewed the plan that has been submitted for the studio and they have our full support as we know the Alfred's have never rented the space. The Colony known as Okaiyoka is a very close-knit community and not one house in this area has ever been used as rental property. These are family retreats and the plan is to stay that way.

Sincerely,



We have carefully reviewed the plan that has been submitted for the studio and they have our full support.

Carolyn Scott Hudson
327 Lewis St NW
Vienna, Va 22180