

**D R A F T**  
**Whitewater Township Zoning Board of Appeals**  
**Minutes of 11/10/2010 Regular Meeting**

**Call to Order**

Millar called meeting to order at 7:00

**Roll Call**

Members Present: Benak, Bowen, Miller, Lake and Millar

Members Absent: None

Also Attending: Planning/Zoning Administrator Meyers,  
Recording Secretary MacLean, recognize Don Fedrigo  
Representing Glory Wiltjer, plus one member of audience

**Set/Adjust Agenda**

No changes.

**Public Comment – None**

**Approval of Minutes**

Bowen motioned for approval, seconded by Miller, to approve the 6/15/10 Regular Meeting Minutes.

**Motion Approved 5-0.**

**Business Session:**

Item 1:

**Public Hearing on Appeal #A4-10, Glory E. Wiltjer; 28-13-123-025-00;  
8109 Skegemog Pt. Rd., Williamsburg, Michigan. (application attached)**

Hearing to request exemption from Article VII (D) Width to Depth Ratio, of the Whitewater Township General Ordinance #26 – Land division. Applicant is requesting to create a parcel of land that will measure 100' in width at Skegemog Rd. and have a depth of approximately 1700', resulting in a width to depth ratio of not more than 1:17.

**Open Public Hearing**

Millar opened the public hearing at 7:03.

**Zoning Administrator Presentation – report attached.**

Notice of Public Hearing posted October 21, 2010.

Letters of notification sent to property owners of 11 nearby parcels.  
(notice and list attached)

Background information on the property:

This parcel is a metes and bounds parcel consisting of 18.04 acres.

Parcel is currently 360' wide by an average of 1638' deep. The north property line is 1736.67'

And the south property line is 1574'.

The parcel is zoned R-1 Residential.

The parcel currently contains a home with associated outbuildings.

The driveway provides access to the property and the Taylor parcel, directly to the south.

The current residence was built in 1962.

Zoning Department Findings:

Land Division Ordinance #26 is a general ordinance. The current Ordinance allows for a 1:4 ratio and further allows for a greater ratio if specific standards in the Ordinance are met, as stated in Section VII (D).

The Skegemog Point overview area shows the proposal is reasonably compatible with the surrounding area.

The Township Fire Chief was consulted about the ability to adequately provide fire protection to the area. After many discussions the fire chief respectfully requests that either the new home be constructed with a residential sprinkler system or that an additional 1000' of fire hose be provided to the Fire Department.

The Department recommends **approval** of the request for a variance from General Ordinance #26 Section VII (D) for a width to depth variance not to exceed 1:17 based on the following conclusions:

1. Granting the variance will not be contrary to the public interest nor the spirit and intent of the ordinance.
2. Granting the variance will not cause any significant adverse effect to property in the vicinity.
3. The requested variance is the minimum necessary variance.
4. The practical difficulty is not self created.
5. The greater ratio is very compatible with the area.

With a contingency on the provision that a residential sprinkler system be installed in the future residence or 1000' of fire hose be provided to the fire department.

Discussion: The proposed parcel would be about 5.5 acres. It meets the 100' road width requirement. It is a width to depth ratio issue. The house to the south (Taylors) uses the existing driveway. One more house, making 3, wouldn't be a serious burden. If there is a fourth house, then it would have to be a road and meet road standards. There are legal easements in place.

Miller: Question and concern about a legal document regarding who is going to maintain the drive.

Meyers: There could be a maintenance agreement.

Fedrigon: This has been discussed and it would not be a problem. The main driveway is only paved 9' wide but you can get two trucks past each other. Can get something in writing if necessary. Fire suppression is a good idea in municipal water system area. Not realistic with a winterized home. Question the 1000' of hose. Possible buried plastic pipe? Dry hydrant?-probably not Drop a hose into the lake? Pave or gravel a turn out in the driveway.

Meyers likes the maintenance idea. It provides legal grounding for future problems regarding the drive.

Benak: Who paid for the paving? Who keeps the drive plowed now? Would the Taylors keep a turn out plowed?

#### **Petitioner Presentation**

Don Fedrigon, representative for Glory Wiltjer. Road maintenance and turn out seems reasonable.

Additional topography, east of existing Taylor drive is wetland area. The drain field and replacement field would be up the hill. Additional depth is required for perking.

#### **Report on Site Visits**

Miller: It is a nice road like driveway; can see that it is better than many in the area. I question the fire suppression system.

Bowen: Questioning the fire suppression issue, this is really a size / ratio issue for our board. The property cannot be split any other way. This is the way property is on Skegemog Point Road.

#### **Correspondence**

None.

#### **Public Speaking in favor of Appeal:**

None

#### **Public Speaking in Opposition of Appeal:**

None.

#### **Anyone in attendance wishing to speak on this appeal:**

Kim Halstead: It is better than most (the driveway). There is no need to take out trees to get the fire trucks down there, has plenty of open space all the way down. No need for fire suppression. Restrictions like that on a person's property should not be there, in my opinion.

#### **Close Public Hearing on Appeal #A4-10 at 7:40 p.m.**

**Discussion on Appeal:**

Millar: The variance request relates to width to depth ratio. Not sure what to do about the fire issue. Increasing the number of parcels / homes increases the odds of a fire but nothing else has changed. One of the questions we are to ask is if the property cannot be used without the variance. Should she just sell all or none of the property.

Lake: Is there a question about sanitary and sewer ? That is handled by the County Health Department.

Bowen: A 1:17 ratio is considerably different than the 1:4 ratio.

Miller: When you look at the map, every property looks like a bowling alley.

Fedrigon: The Land Division Act of 1997 was not implemented for water front property.

Millar: This is a planning issue.

Benak: The drive just south would not get a fire truck down. Fire chief is asking for more than anyone has been asked to do. There is adequate room on the drive now.

Bowen: 1:4 ratio is by state law with provisions

Miller: As an ex-fire fighter, this drive way is not a problem.

Millar: In the purchases best interest to deal getting a fire truck in. They will have to deal it themselves. I suggest we review our land division ordinance. I am coming to terms with what is being asked here. Can we live with the ratio? It is similar to all surrounding properties.

Bowen: Is the fire issue this board's problem? Is it in our realm? I don't think so. The property dimensions are in line with area properties.

Millar: Do we want to grant this ratio to be no greater than 1:17?

Miller: Are we going to require a maintenance agreement? Unanimous: No

Millar: We can strongly suggest or recommend a maintenance agreement or a turn out on the drive.

Bowen: It is not our issue

Motion by Miller to grant applicant's request for width to depth ratio to be not more than 1:17 as it is consistent with the area and because there are exceptional topographical or physical conditions, seconded by Benak.

Roll call vote, a yes vote will be in favor of granting width to depth ratio:

Millar-yes, Miller-yes, Lake-yes, Benak-yes, Bowen-yes. **Motion Approved 5-0.**

**Zoning Administrator Report: Attached**

With no other matters to discuss, Millar adjourns the meeting at 8:10 p.m.

Respectfully submitted by  
Lois MacLean  
Recording Secretary