

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
Minutes for Special Meeting on Thursday, June 13, 2024
7:00 p.m. at the Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

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

Roll Call: Bowen, Lake, Garza, Wroubel

No alternate to the ZBA, Board Representative-unassigned

Set/Adjust Agenda - Set

Declaration of Conflict of Interest - None

Public Comment not related to public hearing - none

Scheduled Public Hearings:

#ZBA-2024-02

- a. Open Public Hearing on Appeal #ZBA-2024-02 at 7:05 p.m.

Parcel Id: 28-13-127-017-00, 7923 Cook Road, Williamsburg, Michigan

Applicant/Owners: David and Tina Brier requesting a dimensional variance to build a 720 sf addition to an existing non-conforming structure including a variance spanning 20 feet starting at 5 feet angled to 11 feet of the structure from the east property line. Owner is requesting a review of Article 4.15 of the Whitewater Township Zoning requiring the approval of the ZBA.

Publication in the Record Eagle was on May 29, 2024. Notifications and postings were performed at least 15 days prior to the scheduled Special Meeting.

- b. Petitioner Presentation: In addition to the information provided in the packet: David indicates they have loved coming to the area for many years. The parcel is 15 acres. Previously owned by the Halsteads. Wants to add a small addition to the cabin that is currently there. The building envelope is rather small there in trying to keep from developing in a way that would require more environmental changes. New septic and well. Have cleaned up a lot of fallen trees. Have met all of the neighbors over the last year. Found the original sign "Sunny Brook" that was the name of the cabin. Appreciate the ZBA working with us. Most of the 15 acres is on the other side of the creek. That area is mixed wet and dry. A couple questions on specifics of the property. Explain why you need the variance. Building encroaches on the front yard setback.
- c. Zoning Administrator Presentation: In addition to the report in packet, Graber notes: Want to keep the authenticity of the area and preserve the cabin. Standing water was a concern. Recommended they contact the county for the septic. They have gotten approvals from the county. They have raised the foundation footers. This is the least intrusive and invasive to keep the cabin and property as near to what it is now. Encouraged them to keep away from the water which moved them closer to the road. Encroaching on the east side. There are three or four properties past their cabin on the easement "road". Neighbors are supportive. Neighbors are very nice. Williamsburg Creek meanders through the property. The "road" is an easement that cuts through their property. Properties were built long before zoning.

d. Correspondence Bowen read one that came in after the packet came out, in support.

e. Public Speaking on Appeal:

Ryan Brier: in favor. Will keep the property nice.

f. Close Public Hearing on Appeal #ZBA-2024-02 at 7:36 p.m.

g. Discussion:

Lake: The area is much nicer than it used to be. The logs of the cabin are good and sturdy. It seems they are going about things in the right way. Keeping it the way it is as much as possible.

Bowen: It seems very tight. Glad they are staying away from the creek.

Wroubel: Rear portion to the creek is close. Septic holding tanks not a septic field. Rather they stay away from the water. There are a lot of tight places in the area. Seems okay, though. Don't see a problem.

This type of community has been here for years and years and they want to make a nice place out of it.

Willing to cut them some slack on setbacks.

Lake: It seems the two points aren't going to be an issue for the neighbors. Willing to cut them some slack.

Garza: Saw the corner as a possible issue. It appears close. Could it be a problem with bigger vehicles? Consider making smaller. Health department approved the well by the creek and the holding tanks are a good option.

They were able to get the big, temporary storage pod in there.

It is a combo request: set back and attaching to the existing cabin.

h. Findings of Fact: Bowen read through the following and then asked for input:

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.

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.

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

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 is not resulting from any act of the applicant.

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 and welfare.

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

7. The practical difficulty is not self-created.

8. The unique lot characteristics were not self-created.

9. Six letter of support from neighboring properties presented.

All in agreement with the statements.

i. Decision: Approve as requested.

j. **MOTION** by Wroubel, second by Lake to Appeal #ZBA-2024-02, the dimensional variance including the attachment to the existing structure as requested based on the stated findings of fact.

Roll call vote: Lake – yes; Garza – yes; Wroubel –yes ; Bowen – yes. Motion carried.

Signing of the Variance Decision Certification Forms

Public Comment: None

Graber suggests a meeting on the regular scheduled date in June to approve minutes. Graber is willing to also do a training. She has a 2.5 hour video training available that she is willing to share as a separate training.

Next meeting June 27, 2024, 7 p.m. approval of minutes and training. No cases scheduled.

Adjournment: 8:04 p.m.

Respectfully submitted,
Recording Secretary
Lois MacLean