

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING OF June 23, 2016
5777 Vinton Road, Williamsburg, Michigan

Call to order by Chair at 7:01 p.m.

Roll Call: Bowen, Benak, Halstead, Lyons

Absent: Lake

Also in attendance: Recording Secretary-MacLean; ZA, Josh Vey

Set / Adjust Agenda: Correct minutes to be approved.

Approval of Minutes:

Motion to approve regular meeting minutes of October 22, 2015, by Lyons, second by Bowen to approve minutes.

All in Favor. Motion Carried.

Motion to approve special meeting minutes of March 10, 2016, by Lyons, second by Bowen to approve minutes.

All in Favor. Motion carried.

Scheduled Public Hearing:

A. Public Hearing on Appeal A-16-001:

- a. Open Public Hearing on Appeal #A-16-001, at 7:05 p.m. Kenneth Finch, 5355 Moore Rd., Williamsburg, MI 49690, 28-13-005-016-11. Requesting a variance from the required 15 foot side yard setback as mandated by Article 12.11 Schedule of Regulation of the Whitewater Township Zoning Ordinance. Specifically requesting a variance of 11 feet at one corner of structure and 6 feet from the other corner of the structure to assemble a portable steel carport.
- b. Petitioners Presentation Looking for a variance to property line set back. It is okay with the neighbor. The house is set on an odd angle. Trying to keep in lined up nicely.
ZA Presentation: Wants to put up a storage building. Approximately 40% will be over the side yard setback. Because of the hill it would be tough to have it anywhere else.
Question: If it is a portable structure why does he have to have a variance. The ordinance references a structure, no differentiating between temporary or permanent structure. The definition of a structure does fit this steel carport.
- c. Report on Site visit: Members note: Looks like the most appropriate place on the property without removing a tree. It seems like an appropriate place to put the structure. There is no other level area to accommodate.
- d. Correspondence. Note from Jim Pappas, 5351 Moore Road, indicates that he has no issue with it.
- e. Public speaking in favor of appeal None.
- f. Public speaking in opposition of appeal None .
- g. Anyone wishing to speak on the appeal None.
- h. Close Public Hearing on Appeal #A-16-001 at 7:20 p.m.
- i. Discussion of appeal: In the situation it looks like the only place that you could put a structure. The well and propane tank are right there. A tree would have to come out to move it closer to the house. Finch indicates that the neighbor on the property line is fine with it. Her house is quite a ways from the property line. Water runoff will not be an issue. Snow removal will be a straight shot.
- j. Findings of Fact: Granting the variance will not be contrary to the public interest. It is a use that is permitted by right within the district. It will not cause adverse effect to property in the vicinity or zoning district or Township. There are practical difficulties which are not self-created due to the lay of the land. It will do substantial just to the applicant but the decision shall not bestow special development rights not enjoyed by other properties in the same district. The requested variance is the minimum necessary to permit reasonable use of the land.
- k. Conclusion: Seems appropriate.

- l. Decision: Grant the variance.
- m. Motion by Lyons to grant the Variance from the required 15 foot side yard setback as mandated by Article 12.11 Schedule of Regulation of the Whitewater Township Zoning Ordinance. Specific variance request of 11 feet at one corner and 6 feet at the other corner of the structure to assemble a portable steel carport based on the findings of fact, second by Halstead.
Roll call vote: Lyons-yes; Benak-yes; Halstead-yes; Bowen-yes. Motion carried.

B. Public Hearing on Appeal A-16-002

- a. Open Public Hearing on Appeal #A-16-002, at 7:30 p.m. Andy Kokinakes, 16637 W. Albain Rd., Petersburg, MI 49270. Parcel 28-13-103-006-00, 11468 Trails End North, Williamsburg, MI 49690. Requesting a variance from the required 15 foot side yard setback as mandated by Article 12.11 Schedule of Regulation of the Whitewater Township Zoning Ordinance. Specifically requesting a variance of 2 feet on the north side and 6 inches on the south side of proposed addition overhang. No portion of the foundation would encroach into any setback.
ZA Presentation: Addition to the house to connect house and garage. The lot is legal non-conforming. Previous ZBA case was to put the garage up, approved but did not build that close to the side yard line. The house and garage would line up evenly with it. Viewing of blue-prints.
- b. Petitioners Presentation We want to make an addition to make a year round livable space that will work. Need the extra space for wheel chair accessibility. The neighbor has indicated that he is on board with the project.
- c. Report on Site visit: Members note: Looks like a nice lot with trees that block the neighbors. It is such a small variance, if you made the foot print just a little bit smaller or is there a design issue. He needs a five foot radius to turn the wheel chair. House will be level with the garage floor. Over hang is the same as the garage currently.
- d. Correspondence. None.
- e. Public speaking in favor of appeal None.
- f. Public speaking in opposition of appeal None.
- g. Anyone wishing to speak on the appeal None.
- h. Close Public Hearing on Appeal #A-16-001 at 7:43 p.m.
- i. Discussion of appeal: Since the foot print / foundation is not any larger and it is only the over-hang. Aesthetically it is best this way. Making it smaller would take away the need for an easement but the ADA type requirements would not be met. We have seen this type of issue in this area. Kokinakes and Vey have been looking at this for many months. It is pretty much the bare minimum. Anything other than granting it will cause a serious practical difficulty. Looks like the best plans that he could come up with for his needs with.
- j. Findings of Fact: Granting the variance will not be contrary to the public interest. It is a use that is permitted by right within the district. It will not cause adverse effect to property in the vicinity or zoning district or Township. There are practical difficulties which are not self-created. It will do substantial just to the applicant but the decision shall not bestow special development rights not enjoyed by other properties in the same district. The requested variance is the minimum necessary to permit reasonable use of the land.
- k. Conclusion: In agreement .
- l. Decision: Grant the variance.
- m. Motion by Bowen in favor of the appeal to grant the Variance from the required 15 foot side yard setback as mandated by Article 12.11 Schedule of Regulation of the Whitewater Township Zoning Ordinance. Specific variance request of 2 feet on the north side and 6 inches on the south side of proposed addition overhang. No portion of the foundation would encroach into any setback based on

the findings of fact, second by Benak.

Roll call vote: Lyons-yes; Benak-yes; Halstead-yes; Bowen-yes. Motion carried.

Planning Commission Representative report: Lyons: Tackling the private road ordinance. Will need the actual directive from the Board. Lawson to bring it back to the Planning Commission. Vey will find the minutes.

Tim Shaffer may be interested in being the alternate member of the ZBA.

Township Board Representative report: Benak: Dealing with Rural Fire Department (RFD). Green Lake is pulling out of RFD and Grant will likely follow suit. We have to look at all of the information and make a decision. There are funding concerns. We like a lot of things about staying with RFD but it may be cost prohibitive. May approach other local departments for an "enhanced mutual aid agreement."

A suggestion by Drew Jeurink, Supervisor candidate for the township, to put together a synopsis of what is going on within the various committees and commissions.

We are real close to getting the final approval for the fire station upgrade.

We are putting in a request for the GTB 2% grant.

The next board meeting will be regarding fire department.

Next meeting July 28, 2016, if needed.

Adjourned at 8:14 p.m.

Respectfully submitted by
Recording Secretary
Lois MacLean