

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
REGULAR MEETING OF September 28, 2017
5777 Vinton Road, Williamsburg, Michigan

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

Roll Call: Bowen, Benak, Halstead, Hooper, Lake

Absent: None

Also in attendance: Clerk Goss and Zoning Administrator, Dennis Habedank and Mike Beehler

Set / Adjust Agenda:

Motion by Lake, second by Bowen to set agenda as is. On voice vote, all in favor. Motion carried.

Declaration of Conflict of Interest: None

Approval of Minutes:

Motion to approve meeting minutes of July 27, 2017, by Hooper, second by Halstead. On voice vote, all in favor. Motion carried.

Scheduled Public Hearing:

- A. Public Hearing on Appeal #17-002, Beehler.
 - a. Open Public Hearing on Appeal ##17-002, at 7:05 p.m. Michael and Amy Beehler of 11825 Russell Ridge Rd., Williamsburg, MI 49690. Property of request is 10444 Orchard Lane, Williamsburg, parcel number 28-13-110-002-02. They also own 28-13-110-002-03 where the home is located. The Beehlers are requesting a dimensional variance to the setback requirements imposed by the Whitewater Township Zoning Ordinance Article 12 which requires 30' front and 30' rear setbacks, based on practical difficulty. Request for a front yard setback of 22'- 1 & 13/16", a variance of 7'-10 & 3/16". Request for a rear yard setback of 5', a variance of 25'.
 - b. Zoning Administrator Presentation Dennis Habedank stated that Mrs. Beehler filled out an application for a variance. The Beehlers would like to build an accessory building on the very north end of a piece of property they own on Orchard Lane. They want a 5' rear yard setback and a little over 22' in the front. They are able to put the building within the side yard setback. There is little space to build if the strict guidelines of the ordinance are followed. The lot does qualify for a variance. It will be the ZBA's decision as to what is reasonable. When the home was constructed about 3 years ago, the second lot the building is supposed to go on has a drain field, an easement on the north side, overhead power lines and a 20' road easement. There is not much room on the lot. The building being planned is 2,160 sq. feet on a lot that is 20,000 sq. feet.
 - c. Petitioner Presentation: Mike Beehler is present. When he first built the home, he didn't realize all the setbacks were built to the easement and then a setback on the lot. He would like a place to store boats, trailers and other items. He has talked to all his neighbors and they have no problem with it. Mr. Hayden (at the rear) has no problem with it. Beehler would like to at least build some sort of a storage building there. He would like to park his snowplow there. The road is a mile long. It is going to be a stick built structure with the same siding as the house. He would like his request to be approved.
 - d. Report on Site visit: All members visited the site. Proposed size of the building was discussed. Site conditions were discussed. Members note: Hooper: Because of the unusual way the easement goes through the property I don't think we will be setting a precedence. Would rather see people have storage in a building than outside.
 - e. Correspondence. Habedank notes that he received a request from a neighbor, Mr. Columbo, who wanted to see the drawing. He is a member of the Traverse City Board of Appeals and after he reviewed the drawing, he thanked Habedank for sending it and would concur that a variance is appropriate for this situation.
 - 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 #17-002 at 7:28 p.m.
- j. Discussion of appeal: The practical difficulties of the site and the advantages of granting the variance were discussed.
- k. Findings of Fact: It is a practical difficulty. Inside storage is more safe than outside storage. Granting the variance will not be contrary to the public interest. It is not self-created. The requested variance is the minimum necessary to permit reasonable use of the land. Excessive burden. It will not cause adverse effect to property in the vicinity or the zoning district or Township. It will do substantial justice to the applicant but the decision shall not bestow special development rights not enjoyed by other properties in the same district.
- l. Conclusion: Grant the variance that Habedank has put together for the Beehlers.
- m. Reasons for Conclusion: Based on the findings of fact.
- n. Decision: Grant the variance.
- o. Motion by Lake to grant the variance for a required front yard setback of 22' and 1&13/16" (a variance of 7'-10 & 3/16") and a variance for a 5' rear yard setback (a variance of 25'), based on the findings of fact; second by Benak.
On voice vote, all in favor. Motion carried.

Other Matters to be Reviewed by the Zoning Board of Appeals: None.

Planning Commission Representative report: Hooper stated the PC has had a number of public hearings as they are going through the zoning ordinance. They are trying to bring it up to date and make it more reasonable to understand and use. They are trying to simplify things and make it easier to get through the process.

Township Board Representative report: Benak reported that there has not been anything exciting going on. The board is looking at putting some new park benches in. The construction on the fire station is going strong on schedule for November completion. This year's Halloween Party is being moved to the park. There will be camping. It is all going to be new. There was disappointing information from the health department concerning the new flush toilets at the park. There will be extra cost due to having to pump the sewage uphill. It is more than what was anticipated. The project is on hold. The handrails were redone at the township hall. The exterior of the building has been cleaned. The recycle bins have been fenced due to a neighbor complaint of trash on his land. The board is looking at purchasing the MDOT property behind the fire station and must do a stage one environmental study and title search. We are done collecting the medical marijuana surveys and will be creating the analysis soon. We had people from Traverse City at the meeting on Tuesday asking about the medical marijuana. Benak also reported that Habedank is now employed 32 hours a week in Whitewater Township.

Zoning Administrator report: None.

Next meeting, if needed will be November 16, 2017, a change from the normal fourth Thursday, due to the Thanksgiving holiday.

Adjourned at 8:09 p.m.

Respectfully submitted by
Recording Secretary
Lois MacLean