

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
Minutes for Regular Meeting on Thursday, October 28, 2021
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, Alternate Shaffer Absent: Garza

Board Representative, unassigned, PC Representative, unassigned

Set/Adjust Agenda - Set

Declaration of Conflict of Interest - None

Public Comment - None

Approval of Minutes:

MOTION by Shaffer, second by Lake, to approve minutes of September 23, 2021.

On voice vote, all in favor. Motion carried.

Scheduled Public Hearing:

Appeal #ZBA-2021-02, Owner, Grand Traverse Plastics Corp of 5780 Moore Road, Williamsburg, Michigan and Agent, AMAG LLC of 4488 W Bristol Road Suite 200, Flint, Michigan, are requesting a side yard setback (dimensional) variance from the required 60' of approximately 18'. The property is zoned N-Industrial.

Parcel 28-13-004-012-32, 5814 Moore Road, Williamsburg, Michigan.

a. Open Public Hearing on Appeal #ZBA-2021-02 at 7:09 p.m.

Public hearing was posted in the Record Eagle on October 10, 2021, and notices were sent to property owners within 300' of the property subject to this public hearing, October 7, 2021.

b. Zoning Administrator Presentation: Grand Traverse Plastics received site plan approval from the Planning Commission and Land Use Permit #2021-22 was issued. Communication between Grand Traverse Codes, AMAG and Whitewater Township determined that the site plan that includes the required fire suppression tanks and pump room encroaches into the required side yard setback area.

Did not make a recommendation to approve or deny the variance based on the standards.

Interpretation of the Industrial side yard setback of "total of 30% of (lot) width but not less than 15' " as part of 12.11 Schedule of Regulations is a proposed setback of approximately 42', a variance of 22.65' from the required 64.65' setback.

c. Petitioner Presentation: John Asselin of AMAG, LLC, Architect on the project. Had been in discussion with the Tribe but the water project did not come to fruition thus requiring a fire suppression system. There is an existing retention pond and some severe topography. Feel that the topography, retention pond and truck traffic makes the north side the best available and meets the practical difficulty. Will be putting in a turn-around based on the request from the fire department. Requesting an 18' relief.

d. Report on Site Visit: Bowen notes the location and parking area. It is built up. The pond is 15' – 20' lower and it is all sand.

Lake notes that he is comfortable with where it is proposed and how it is set up.

e. Correspondence: None.

f. Public Speaking in Favor of Appeal: .

g. Public Speaking in Opposition to Appeal: None

h. Anyone Wishing to Speak on the Appeal Who Has Not Already Commented: None

i. Close Public Hearing on Appeal #ZBA-2021-02 at 7:30 pm.

j. Discussion: Lake: Appears to be plenty of room to drive. Please with the way it is set up and planned. Shaffer: In favor. I like the way they have made the buildings. A lot of fill was used and made the property nicer and have kept some water flow improvements. Lake feels that that side is the best place for the water to be.

k. Findings of Fact:

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. Consensus - yes

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. Consensus - yes

3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township. Consensus - yes

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. Consensus - yes

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. Consensus – yes, because it keeps the rest of the property safe (regarding traffic)

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

7. The practical difficulty is not self-created. Consensus – yes, because of the grade and wet land.

l. Conclusion: Approve.

m. Reasons for Conclusion: Based on the findings of facts as presented. The grade and retention pond make it very difficult. Based on the zoning administrator information.

n. Decision: Approve as requested.

o. MOTION by Shaffer, second by Bowen, to approve Appeal #ZBA-2021-02, variance as requested by Grand Traverse Plastic, based on the stated findings of fact.

Upon roll call vote: Lake-Yes; Bowen-Yes; Garza-NA; Shaffer-Yes. Motion carried.

Signing of the Variance Decision Certification Form.

Other Matters to be reviewed by the Zoning Board of Appeals

a. Correspondence Received - None

b. Zoning Board of Appeals Members - None

Report of Planning Commission Representative, Unassigned: None

Report of Township Board Representative, Unassigned: None

Report of Zoning Administrator, Hall: Shared Planning and Zoning News as continuing education.

Public Comment: None

There is no ZBA case on the docket for the next regularly scheduled meeting on November 18, 2021.

Adjournment: 8:04 p.m.

Respectfully submitted by Recording Secretary, Lois MacLean

Zoning Board of Appeals – 10/28/2021

DRAFT