



Whitewater Township
5777 Vinton Road
P.O. Box 159
Williamsburg, Michigan 49690

231-267-5141
www.whitewatertownship.org

STAFF REPORT/Zoning Board of Appeals
Case # ZBA-2023-04

1. Applicant(s)

Applicant(s) / Owners: Wistrand, Marc and Lorraine
 2942 Five Mile Road
 Traverse City, Michigan 49686

Site Address, 10400 Orchard Lane | Williamsburg, Michigan 49690
 Parcel ID# 28-13-110-002-01

Property Description [28-13-110-002-01]- PT OF GOV LOT 2 SEC 10 T28N R9W BEING THE S 200' OF N 300' OF S 700' OF SAID GOV LOT; EXCEPT W 649.6' MORE FULLY DESCRIBED AS; COM W 1/4 CRN OF SAID SEC 10 ALSO SW CRN OF GOV LOT 2; TH S 89 DEG 31'56" E 649.58' TH N 400.61' TO POB; TH CON N 200' TH S 89 DEG 32'0" E 379.46' TO PT ON SHORE OF ELK LAKE; TH S 06 DEG 06'09" W 200.96' TH N 89 DEG 32'0" W 358.09' TO POB. SAID PARCEL EXTENDS ESTRLY TO WATERS OF ELK LK WITH RIPARIAN RIGHTS THEREON. SUBJ TO EXISTING ESMT, AND 20' ROW, RESERVATIONS AND RESTRICTIONS OF RECORD. AKA PARCEL 1.

Zoned: R1-Residential

Site Plan: [illustrations / drawings attached]

2. Development Proposal

- 2.1 The property owner seeks to build a residential accessory structure that will encroach into the rear yard required setback approximately 20' to within approximately 10' of the west property line on Parcel #28-13-110-002-01.

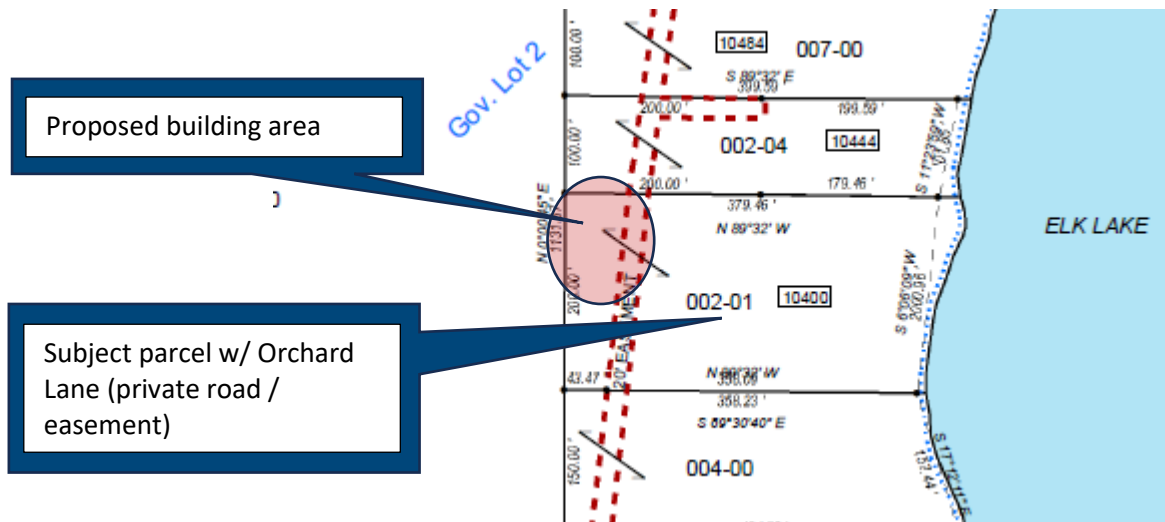


2.2 Action Report – The Applicant is:

- 1) Property owner is requesting a dimensional variance from the required 30' rear yard setback foot from the west property line required in Article XII, **Building Sizes, Lot Sizes, and Yard Requirements**, Schedule of Regulations in order to permit an encroachment of approximately 20' (to be within 10' of the west / rear property line).

2.3 Background:

1. The applicant initiated contact regarding the buildable area of the subject property in relationship to the required R1 zoning district setbacks and Orchard Lane, a private road.
2. The applicant(s) submitted the application, site plan, and requisite fee to the Zoning Administrator in July of 2023. The application and supporting materials lacked sufficient detail. The applicant and the zoning administrator met on site at least twice to confirm details required for a site plan to be submitted to the ZBA
3. Posting, publication, and notification were all performed at least 15 days prior to the scheduled February 22, 2024 public hearing of the Zoning Board of Appeals.



See detailed drawings / survey sketches provided by applicant and included in this packet.

Staff Comment: *Although NOT required by the Whitewater Township Zoning Ordinance, staff recommended and the applicant agreed to submit a basic site plan / visual image to aid the Zoning Board of Appeals in the review and decision-making process.*

A Non-Use variance is subject to the ZBA finding that a Practical Difficulty exists demonstrated by the applicant based up the following review standards:

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.

Staff Comment: This is NOT a use variance request – customary residential uses such as dwelling and accessory buildings and structures are permitted by right.

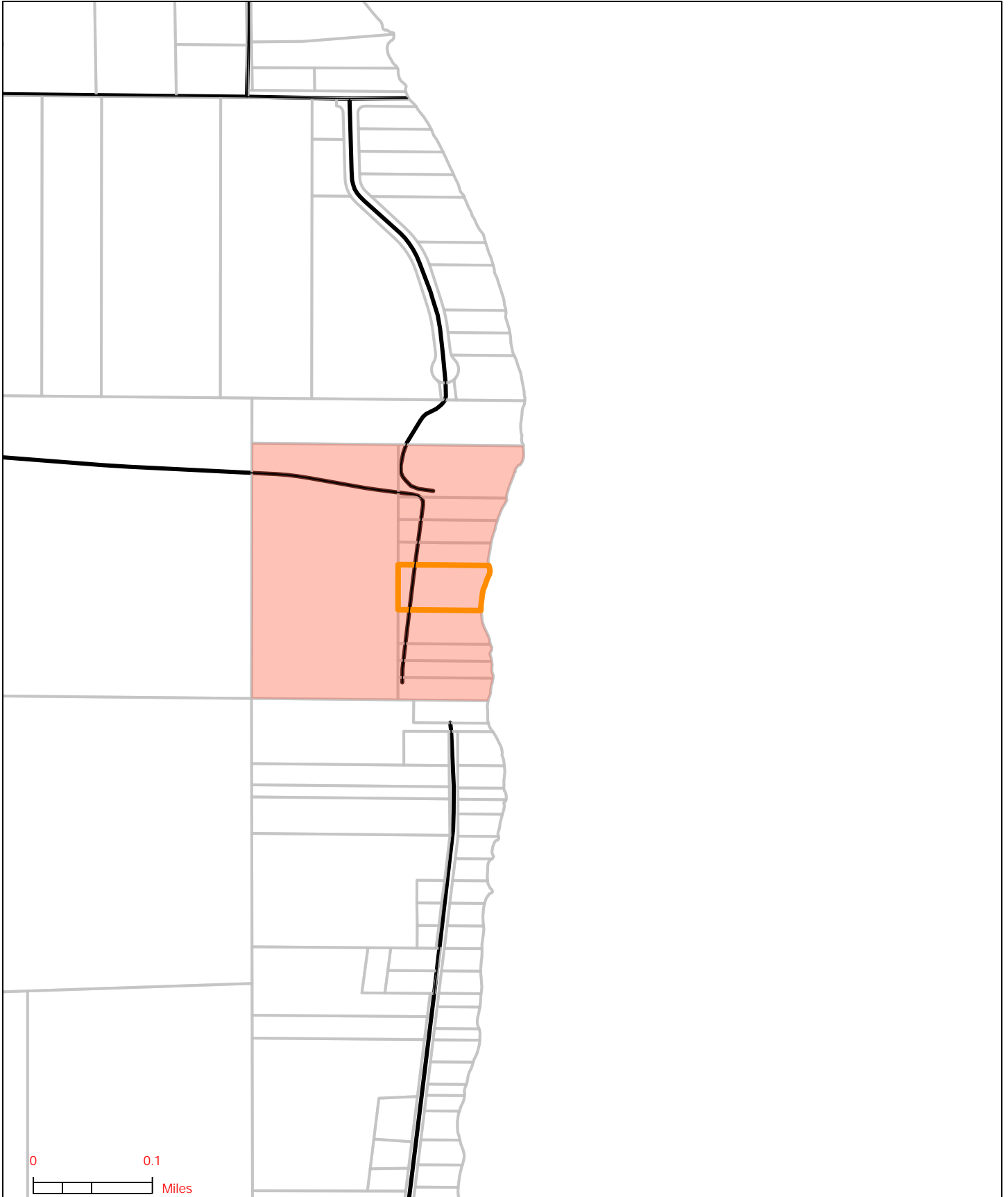
3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township.
4. There are practical difficulties on the site which unreasonably prevent the owner from using the property for a permitted purpose without presenting an excessive burden and the practical difficulty 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 or welfare.
6. The requested variance is the minimum necessary to permit reasonable use of the land.
7. The practical difficulty is not self-created.

Respectfully submitted for consideration by the Whitewater Township Zoning Board of Appeals,



Robert (Bob) Hall
Zoning Administrator

WHITEWATER



28-13-110-002-01
WISTRAND MARC W & LORRAINE F
2942 FIVE MILE RD
TRAVERSE CITY MI 49686

28-13-110-002-04
BEEHLER MICHAEL & AMY
10444 ORCHARD LN
WILLIAMSBURG MI 49690

28-13-110-003-00
PETHERICK JEFFREY C & GINA M
6944 OAKHURST RIDGE
SHELBY TWP MI 48348

28-13-110-004-00
COLOMBO LOUIS E TRUST
1111 LAKE RIDGE DR UNIT 305
TRAVERSE CITY MI 49684

28-13-110-006-00
DCHJ LLC
10225 ELK LAKE TRL
WILLIAMSBURG MI 49690

28-13-110-007-00
DEBOER SCOTT & ANGELA K
6270 NEW HOLLAND ST
HUDSONVILLE MI 49426

28-13-110-008-00
HARBIN PHYLLIS M
1665 W CRYSTAL VIEW RD
SCOTTVILLE MI 49454

28-13-110-009-02
CAMERON CRAIG R & LAURA J
10522 INNIS LN
WILLIAMSBURG MI 49690

28-13-110-010-00
RETTIG MAXIMILIAN K & KRISTINE B
10326 ORCHARD LN
WILLIAMSBURG MI 49690

28-13-110-011-00
STEINER JENNIFER J
HAWLEY ELAIN J & BARRON BARBARA A
2769 NIXON RD
ANN ARBOR MI 48105

To Bob Hall and whom it may concern,
Mara & Corranie Wistrand
Proposed Garage / Building

I am asking to have only a 10' foot setback on proposed building west side that is owned by Don Hayden (Heit Farms). He has given us written permission to build closer than current rules, as he also did for our neighbors, just north of us (Mike and Amy Beele).

The private road right of way on the east side of proposed building, and Heit Farms fence on the west severely limit the depth of my proposed building. With a 10' foot setback allowance from the west fence to my building, I would be able to build a deep enough building to park all my trailers and vehicles and have a clean property. This building would be tastefully built to match the future remodel of our home.

This is really the only good space to build this building. It is high and dry and the rest of the property has future plans for it.

Thank you for this consideration, we are trying to keep Orchard Lane looking good.

Mara Wistrand

To whom it may concern,

I have given Marc & Loraine Wistrand at 10400 Orchard Lane Williamsburg Mi permission to build their garage up to 10', to my Agricultural fence line. This fence line is on the west side of their property. I have already given permission to their neighbors Mike & Amy Beehler for this same purpose. I have already walked the proposed garage AREA on their property and approve going closer than Township setbacks on this garage building.

Dr Hayden

Don Hayden
H & H Farm

date 8-30-2022



DocId:8390290

Tx:4240820

CERTIFICATE OF SURVEY

SURVEY LEGEND

- FND IRON (AS NOTED)
- FND MONUMENT (AS NOTED)
- △ BENCHMARK
- ⊙ GOVERNMENT CORNER (AS NOTED)
- SET MONUMENT (AS NOTED)
- (R) RECORD
- (M) MEASURED
- ⊗ SPIGOT
- ⊕ UTILITY POLE
- ⊖ ELEC PANEL/METER
- ⊙ CLEAN OUT
- ⊙ SEPTIC MH
- ⊖ WELL
- GRAVEL SURFACE
- ASPHALT SURFACE
- CONCRETE SURFACE

2023S-00080

STATE OF MICHIGAN

GRAND TRAVERSE COUNTY

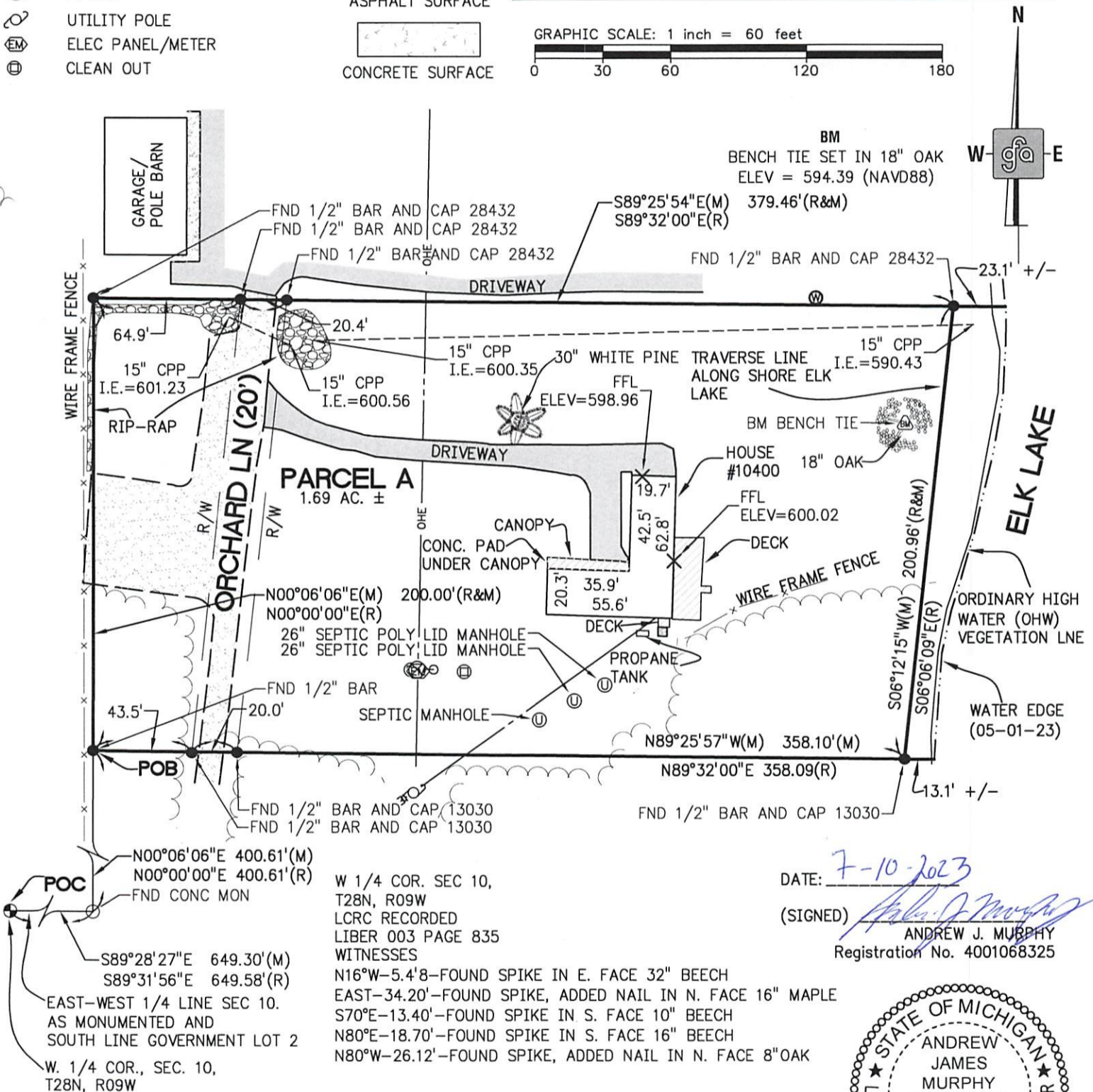
RECORDED 07/11/2023 01:38:57 PM

PEGGY HAINES REGISTER OF DEEDS

PAGE 1 OF 2

THIS SPACE RESERVED FOR REGISTER OF DEEDS

GRAPHIC SCALE: 1 inch = 60 feet



DATE: 7-10-2023

(SIGNED)

ANDREW J. MURPHY
Registration No. 4001068325



I, ANDREW J. MURPHY, MICHIGAN LICENSED PROFESSIONAL SURVEYOR NO.4001068325, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE PARCEL(S) HEREON DESCRIBED AND HAVE NOT EXCEEDED A MAXIMUM ALLOWABLE RELATIVE POSITIONAL PRECISION OF 2 CM (0.07 FEET) PLUS 50 PARTS PER MILLION (BASED ON MULTIPLE INDEPENDENT OBSERVATIONS ON THE CORNERS SET OR CORNERS UTILIZED IN THE BOUNDARY DETERMINATION) AND THAT ALL THE REQUIREMENTS OF P.A. 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

PREPARED FOR: MARC WISTRAND

BASIS OF BEARINGS: MI. STATE PLANE COORD. SYSTEM, CENTRAL ZONE, NAD83(2011)

ENGINEERING SURVEYING TESTING & OPERATIONS 123 West Front Street Traverse City, MI 49684		http://gfa.tc 231.946.5874 (p) 231.946.3703 (f)	Location: 10400 ORCHARD LN, WILLIAMSBURG PART OF GOVERNMENT LOT 2 SECTION 10, TOWN 28 NORTH, RANGE 9 WEST WHITEWATER TWP., GRAND TRAVERSE CO., MI	DATE: July 10, 2023
				P.M.: ANDREW MURPHY DR: JSF CKD: AJM 23109 SHT 1 OF 2

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

T:\PROJECTS\23109\DWG\SURVEY\23109_132.DWG (07-10-23 1:30 PM) JFEWINS

REV: .

CERTIFICATE OF SURVEY

PARCEL A





Part of Government Lot 2, Section 10, Town 28 North, Range 09 West, Whitewater Township, Grand Traverse County, Michigan, more fully described as:

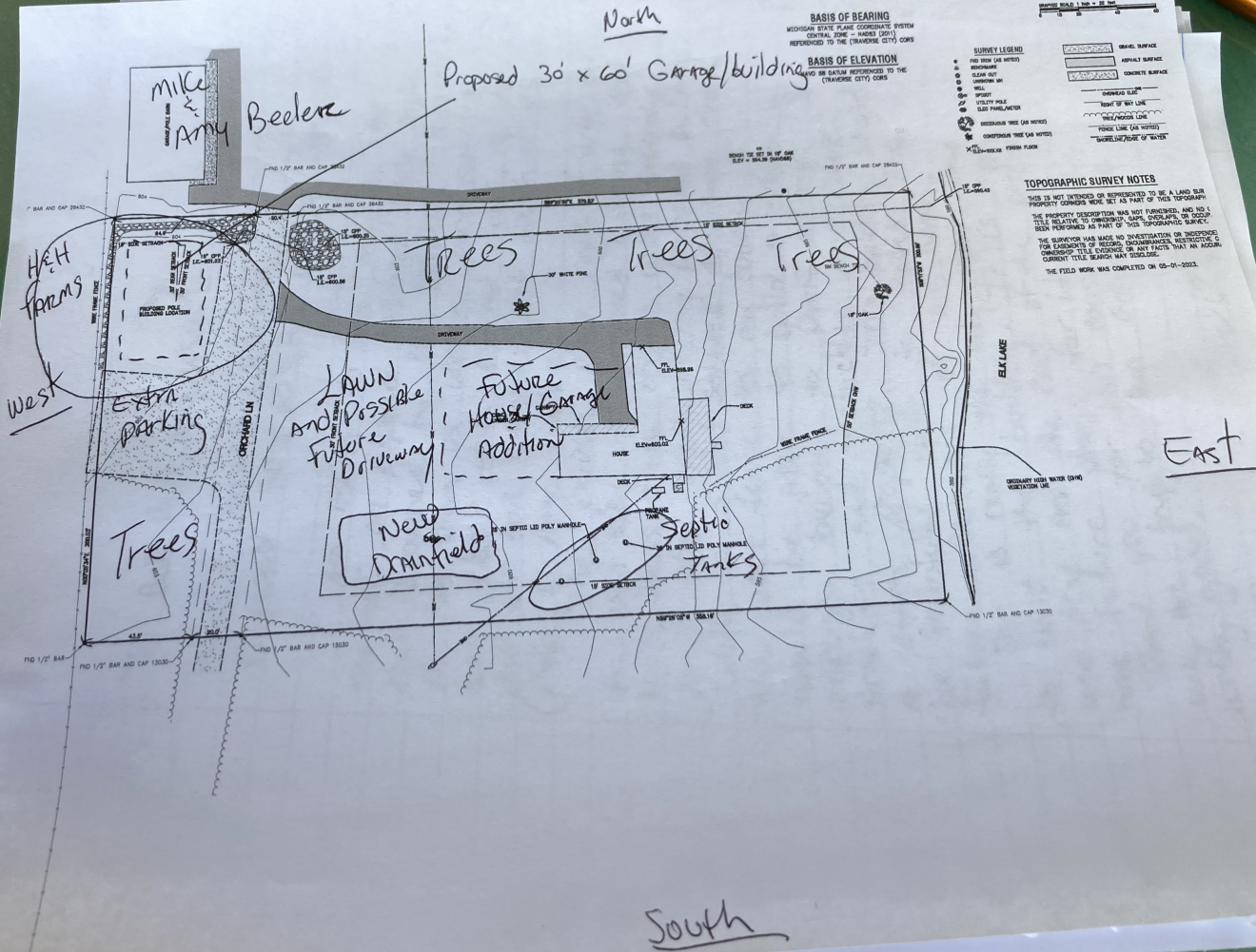
Commencing at the West one-quarter corner of said section 10;
thence South 89°28'27" East, 649.30 feet;
along the East-West one quarter line of said section 10;
thence North 00°06'06" East, 400.61 feet;
to the **Point of Beginning**.
thence continuing North 00°06'06" East, 200.00 feet;
thence South 89°25'54" East, 379.46 feet,
to an intermediate traverse line along the shore of Elk Lake;
thence South 06°12'15" West, 200.96 feet,
along said traverse line;
thence North 89°25'57" West, 358.10 feet;
to the **Point of Beginning**.

Said Parcel contains 1.69 acres more or less.

Subject to the right of way of Orchard Ln over a portion thereof.

Subject to other easements or restrictions, if any.

PREPARED FOR: MARC WISTRAND		BASIS OF BEARINGS: MI. STATE PLANE COORD. SYSTEM, CENTRAL ZONE, NAD83(2011)		
<div>ENGINEERING SURVEYING TESTING & OPERATIONS</div> <div>123 West Front Street Traverse City, MI 49684</div>		<div> http://gfa.tc</div> <div> 231.946.5874 (p)</div> <div> 231.946.3703 (f)</div>	Location: 10400 ORCHARD LN, WILLIAMSBURG PART OF GOVERNMENT LOT 2 SECTION 10, TOWN 28 NORTH, RANGE 9 WEST WHITEWATER TWP., GRAND TRAVERSE CO., MI	DATE: July 10, 2023
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			DR.: JSF	CKD.: AJM
			23109	
SHT 2 OF 2				
THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.				
T: \PROJECTS\23109\DWG\SURVEY\23109_132.DWG (07-10-23 10:14 AM) JFEWINS		REV: .		



T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 13:23 by mobri

Acct #: 2055

Ad #: 611615

Status: New WHOLD

WHITEWATER TOWNSHIP CLERK
CHERYL GOSS
P.O. BOX 159
WILLIAMSBURG MI 49690

Start: 02/04/2024 Stop: 02/04/2024
Times Ord: 1 Times Run: ***
STDAD 3.00 X 3.34 Words: 241
Total STDAD 10.02
Class: 147 LEGALS
Rate: LEGAL Cost: 133.45
Affidavits: 1

Contact:

Phone: (231)267-5141

Fax#:

Email: clerk@whitewatertownship.org

Agency:

Ad Descrpt: LEGAL NOTICE WHITEWATER T
Given by: *

P.O. #:

Created: mobri 02/02/24 13:18

Last Changed: mobri 02/02/24 13:23

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
RE	A	97	W	Sun 02/04/24	1	Sun 02/04/24	SMTWTFS
IN	AIN	97	W	Sun 02/04/24	1	Sun 02/04/24	SMTWTFS

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN O'BRIEN

Printed at 02/02/24 13:23 by mobri

Acct #: 2055

Ad #: 611615

Status: New WHOLD WHOI

**LEGAL NOTICE
WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

Please be advised that on February 22, 2024, the Whitewater Township ZONING BOARD OF APPEALS will conduct a public hearing at a regular meeting at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690. The public hearing will be to consider the following:

The applicants are requesting that the Zoning Board of Appeals grant a 20' dimensional variance in the R1-Residential zoning district from the required 30' rear yard setback for the placement of an accessory building within 10' of a property line. The subject property is located at 10400 Orchard Lane, parcel #28-13-110-002-01.

All persons are welcome and will be heard concerning the request. A copy of the application and zoning ordinance are available for viewing at the township hall. Written comments will be received up and until the time of the meeting on February 22, 2024, and should be addressed to the Whitewater Township Zoning Department, P.O. Box 159, Williamsburg, MI 49690.

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who plan on attending. Contact the Township Supervisor at (231) 267-5141 ext 23 as soon as possible.

If a Zoom facilitator is available, the meeting may be available remotely. Check www.whitewatertownship.org for a link to this meeting on the Zoning Board of Appeals page a few days in advance of the meeting.

February 4, 2024- 1T

611615