WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141

Agenda for Special Meeting
Thursday, August 28, 2025, at 6 p.m.

Zoom:
https://us06web.zoom.us/meeting/tZErcOGqqzsiHtbHTPdRG1SgGX9zTd6BpFLJ/ics?icsToken=DAHmfBJUvEl762F8AgAALAAAAFpS7vhDdu4pgpWI3g7DFTjOhG6p4kuGEiXxRRWiZfi4oFDuMU2Vn1QLKtVm73ByvrasY1L116QVuGL8UTAwMDAwMQ

Join Zoom Meeting:

https://us06web.zoom.us/j/85678250842?pwd=9DbrPyqFlfE5G3LzTCmfoB7wc0wneR.1

Meeting ID: **856 7825 0842** Passcode: **551614**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Set/Adjust Agenda
5. Declaration of Conflict of Interest
6. Public Comment
7. Approval of Minutes of January 23, 2025
8. Hearing – none
9. Training
10. Report from Planning Commission Representative - Wroubel
11. Report from Township Board Representative - Hoeksema
12. Report from Zoning Administrator - Graber
13. Public Comment
14. Adjournment

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690
231-267-5141 Phone

REGULAR MEETING
DRAFT MINUTES

Thursday, January 23, 2025, 7:00 p.m.

CALL TO ORDER:
Vice Chairperson Garza called the meeting to order at 7:09 p.m.
The Pledge of Allegiance was recited.

ROLL CALL:
Vice Chairperson Garza called Roll.

Present:
Roberto Garza, Vice Chairperson
Therowin (Skip) Lake, Secretary
Wendy Hoeksema, Township Board Representative
Carl Wroubel, Planning Commission Chair
Richard Boyd, ZBA Board Member

A quorum was established.

Absent:
None.

ALSO PRESENT:
Eric Gall, Alternate ZBA Board Member
Zoning Administrator Deb Graber
Recording Secretary Kay Held

SET/ADJUST AGENDA:
Vice Chairperson noted the "Position of the Findings" is now prior to "Discussion" on the Agenda.

Board Action:
Mr. Wroubel made a motion to approve the Agenda as amended. Mr. Boyd seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

DECLARATION OF CONFLICT OF INTEREST:
None.

PUBLIC COMMENT (unrelated to Public Hearing):

In the Township Hall:

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690
Ms. Vollmuth stated she has attended municipal meetings for many years and has studied the materials related to this evening's meetings. She referenced the Michigan Townships Association and Roberts Rules of Order as well as the addition of Zoom requirements. She displayed and believes the MTA handbook is an important resource for the Board in providing an explanation of variances and ZBA Board responsibilities.

Via Zoom:

Ms. Connie Hymore, 6761 Baggs Road, Williamsburg, MI 49690

Ms. Hymore welcomed the new Zoning Board of Appeals. She noted the laws of Whitewater Township including research and investigation of Zoning and General Ordinances. Her comment concerns a 2023 variance regarding a parcel divided incorrectly, subsequently creating a non-conforming parcel. It had a depth-wide ratio of greater than 4:1 (almost 6:1), a 45% error. At a ZBA meeting, a Board Member repeatedly stated the 4:1 depth-width ratio does not apply as the parcel was over 10 acres. This repeated rhetoric was pivotal in the ZBA granting a variance, although this case should not have come before the ZBA. This Board Member has recently stated he now knows what he stated is not true. Consequently, a lawsuit has resulted in a cost to taxpayers exceeding $100k.

General Ordinance 26, Section 7, Paragraph B states the ratio of depth to width of any parcel created by the division does not exceed the 4:1 ratio. General Ordinance Section 9 states the ZBA cannot grant variances on non-compliant parcels of land.

Ms. Hymore stated variances should be granted rarely and for proper reason. She asked the ZBA to please know the law as the Township cannot afford more lawsuits. Ms. Hymore thanked the ZBA for their service.

PUBLIC HEARING – ZBA2025-01–HAZERGIAN:

Board Action:
Mr. Boyd made a motion to open the Public Hearing. Mr. Lake seconded the motion.

ROLL CALL VOTE:
Wroubel-Y, Lake-Y, Boyd-Y, Garza-Y, Hoeksema-Y. Motion carried.

Note: The Public Hearing opened at 7:24 p.m.

Vice Chairperson Garza stated Ms. Mikaela Hazergian is requesting a dimensional variance and summarized Ms. Hazergian's appeal (#ZBA2025-01-Hazergian). All documentation from her appeal application was provided in the meeting packet.

In summary, Ms. Hazergian is requesting a 9-foot variance from the north side and a 24-foot variance from the east back side to allow her shed to remain where it sits.

Zoning Administrator Presentation:
Zoning Administrator Graber outlined the history of this case. After noticing a new shed on a residential lot in September, 2024, she spoke with property owner Mr. Hunter Lapierre. She had no record of a Land Use Permit. Mr. Lapierre stated he was unaware one was required. ZA Graber reported the shed was encroaching on the north side setback and the rear east setback. The structure is 13'x20', totaling approximately 260 sq. ft. A structure greater than 200 sq. ft., requires a County Building Permit. In the Township, a Land Use Permit is required. She provided written correspondence to Mr. Lapierre. Ms. Hazergian responded in person. The residents were provided 30 days to remove the shed in order to be in compliance. She informed Ms. Hazergian of the ZBA appeal option.

Ms. Graber noted to the Board the four items on the ZBA website which indicate causes for denial.

Applicant Presentation:
Applicant Ms. Mikaela Hazergian of 6158 Cook Road delivered her appeal presentation. In addressing the ZBA, Ms. Hazergian apologized for not taking proper steps in placing the cement pad and shed on her property. As a first-time homeowner, she was unaware of the Zoning and Permit requirements. Had she been aware of the requirements, she would have followed them.

Ms. Hazergian stated the County is aware this structure was built without a permit. She will be required to pay the Permit fee. She stated the County does not want her to take it down but does want to look into it.

Ms. Hazergian displayed a large diagram of the one that is in her appeal packet. She also provided statements from neighbors with no opposition. No vehicle access is impeded to her home or any others, and there is utility access. She explained the structure's aesthetics match the house and stores equipment that would otherwise be in the yard. There are no safety concerns. The shed is not near the septic or utility lines. It is also away from the driveway and house in the event of any future home expansion. The current site is also flat.

Ms. Hazergian believes it would be helpful if the township made its Zoning requirements more widely known to avoid situations like hers. She referenced the letters of support in her packet.

She understands this is the ZBA's wheelhouse and they understand Zoning. If put in her shoes as a NICU Nurse, ZBA Members would not be aware of the procedures of her job and asked for grace in her lack of understanding the Zoning requirements.

Correspondence Received:
Correspondence in support was received from:

Ms. Janice Pappas, 5351 Moore Road, Williamsburg, MI 49690
Ms. Mary Pray, Whitewater Township (no address provided in packet documentation)
Mr. Winson Nim, 6184 Cook Road, Williamsburg, MI 49690
Mr. James Beaton, 6175 Elk View Drive, Williamsburg, MI 49690
Ms. Sarah Morgan, 6130 Cook Road, Williamsburg, MI 49690

Public Comments:

In the Township Hall:

Mr. Denver Baker, 5950 Cook Road, Williamsburg, MI 49690
Mr. Baker stated he appeared before the ZBA 10/24/24 with a ZBA appeal regarding a deck he built without a Land Use Permit. He built within the setback, minus two feet. He realized his mistake, received support from neighbors in writing and in person, and his appeal was denied. Mr. Baker will comply in taking his deck down by 4/24/25 as required and reapply for a proper Permit.

Mr. Baker stated he supports Ms. Hazergian and has no problem whatsoever with her shed. However, he does not believe a precedent should be set in the case before them tonight.

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690:
Ms. Vollmuth encouraged compliance with the Open Meetings Act (OMA) rules. She directly addressed Mr. Wroubel, and displayed a sign at the podium stating "Welcome Whitewater Township. We are a Zoned community. Start your homework." Ms. Vollmuth stated a variance should not be given away. Once done so, everyone wants one. There are reasons for rules whether zoning, law enforcement, etc. Sometimes people are ignorant; however, actions have consequences.

She previously sought a variance and was told 85% of variances asked for were denied. She believes too many variances were allowed by the prior ZBA Board. She does not support the applicant's request.

Via Zoom:
None.

Board Action:
Mr. Boyd made a motion to close the Public Hearing. Mr. Wroubel seconded the motion.

ROLL CALL VOTE:
Wroubel-Y, Boyd-Y, Lake-Y, Garza-Y, Hoeksema-Y. Motion carried.

Note: The Public Hearing closed at 7:50 p.m.

FINDINGS OF FACT IDENTIFIED:

Discussion of Appeal by Board Members:

Mr. Lake: The issue is self-created. He has visited the site. The neighbors support it and it is a neutral color. He stated if there is a need to set a precedence to make it easier for people to live on their own property, then perhaps one needs to be set.

Mr. Boyd: Mr. Boyd stated Ms. Hazergian said the County is looking into her situation. He has visited the site, understands the applicant's concern and that the neighbors are supportive of Ms. Hazergian. As the laws state and as pointed out here tonight, everything indicates the ZBA should not entertain approval of the variance.

ZA Graber noted the County cannot approve a building permit without approval of the Township. She contacted the County to alert them to red tag the site as there was construction on the property without Township or County approval, and there were no Zoning or Building Permits. Ms. Hazergian responded to the 5-day notice from the County.

Mr. Wroubel: It is the duty of the ZBA to enforce the Ordinances wherever possible. While conflicted, the rules are the rules. He understands the applicant was not aware of the requirement. However, the problem was caused by the property owner. There was no reason the shed couldn't be put within the setback requirements; construction is way over the limits. For those two reasons alone, this variance should not be approved. He cannot make an exception in this case.

Ms. Hoeksema: Ms. Hoeksema understands Ms. Hazergian did not know the requirements. She asked Ms. Hazergian for her reasoning for placement of the shed, if it would fit a vehicle, and whether she has a garage. She understands the neighbors have no concerns; however, future neighbors might. Ms. Hoeksema noted that as a nurse, Ms. Hazergian has specific protocols to follow in her job, for example, not giving drugs without orders. This situation is essentially the same concept.

Mr. Lake: Mr. Lake suggested moving the building and leaving the slab. Mr. Wroubel believes the application stated the building is affixed to the slab.

Mr. Garza: Mr. Garza stated the applicant is asking for a dimensional variance. This relates to practical difficulty. There was discussion and disagreement among the Board.

FINDINGS OF FACT:

1. There is no practical difficulty.

Board Action:
Mr. Wroubel made a motion there is no finding of a practical difficulty. Mr. Garza seconded the motion.

ROLL CALL VOTE:
Wroubel-Y, Hoeksema-Y, Garza-Y, Lake-Y, Boyd-Y. Motion carried.

2. There was no permit.

Board Action:
Mr. Boyd made a motion stating there were no permits acquired by the Township or County to build the structure. Mr. Garza seconded the motion.

ROLL CALL VOTE:
Hoeksema-Y, Garza-Y, Lake-Y, Boyd-Y, Wroubel-Y. Motion carried.

Mr. Garza asked Ms. Hazergian why she submitted an application for an agricultural building code exemption affidavit in her packet. She responded she simply believed it was part of the application that needed to be completed. ZA Graber confirmed it is not applicable.

3. The need for the variance is self-created:

Board Action:
Mr. Lake made a motion that the need for the variance was self-created. Ms. Hoeksema seconded the motion.

ROLL CALL VOTE:
Garza-Y, Lake-Y, Boyd-Y, Wroubel-Y, Hoeksema-Y. Motion carried.

4. There is sufficient acreage to place the shed elsewhere, inside the building envelope.

Board Action:

Mr. Garza made a motion the applicant could have placed the shed at a different location. Mr. Wroubel seconded the motion.

ROLL CALL VOTE
Boyd-Y, Wroubel-Y, Hoeksema-Y, Garza-Y, Lake-Y. Motion carried.

5. The problem is due to a unique situation not shared in common with nearby property owners.

Board Action:
Ms. Hoeksema made a motion this property has no unique situation that would cause it to be different than the neighbors. Mr. Garza seconded the motion.

ROLL CALL VOTE:
Lake-Y, Boyd-Y, Wroubel-Y, Hoeksema-Y, Garza-Y. Motion carried.

6. The rear setback for an R-1 property is 30' for the resident's zoning district. The side setback for an R-1 property is 15'. The resident is in an R-1 district.

Board Action:
Mr. Boyd made a motion that the applicant's property is in the R-1 zoning district; the rear setback is 30' and the side setback is 15'. The applicant is in violation of the rear and side setbacks. Ms. Hoeksema seconded the motion.

ROLL CALL VOTE:
Wroubel-Y, Hoeksema-Y, Garza-Y, Lake-Y, Boyd-Y. Motion carried.

DECISION:

MOTION:

Board Action:
Mr. Garza made a motion to deny the applicant's request based on the six Findings of Fact regarding case #ZBA 2025-01–HAZERGIAN. Mr. Boyd seconded the motion.

ROLL CALL VOTE:
Hoeksema-YES
Garza-YES
Lake-NO
Boyd-YES
Wroubel-YES

Motion carried.

Mr. Wroubel commented the Chairman should vote last per the rules.

APPROVAL OF MINUTES OF OCTOBER 24, 2024:
ZA Graber reported there has been a change in the Township Clerk's office since the 10/24/24 meeting. She reviewed the Draft Minutes. It appeared many of the comments and some verbiage in the 10/24/24 meeting were taken from a Special Meeting last summer. Some names were changed and other content adjusted. Ms. Graber reported the Draft Minutes did not accurately reflect what took place and what was spoken at that meeting. She contacted the Township Attorney

Mr. Lake previously provided the recording to former Township Clerk Cheryl Goss who did not leave the recording. New Township Clerk Hoeksema does not have a copy of the recording. Ms. Graber is uncertain who compiled the original Minutes. ZA Graber included content in the Draft, in red, her recollection of that meeting. The Township Attorney authorized her to do so. The ZBA should review the Minutes closely.

Ms. Graber informed the Board that if an individual is denied an appeal and chooses to take it to a higher court in the State of Michigan, it would go to Circuit Court. She emphasized it is critical to ensure Minutes are correct and that the appeals process is followed.

Board Action:
Mr. Garza made a motion to approve the October 24, 2024, Minutes as amended by the Zoning Administrator. Mr. Wroubel seconded the motion.

VOTE:
Hoeksema-Y, Garza-Y, Boyd-Y, Lake-Y, Wroubel-Y. Motion carried.

Note: The Zoning Administrator and Clerk will submit the amended Minutes to the Township Board.

OTHER MATTERS FOR REVIEW BY THE ZONING BOARD OF APPEALS:

Election of Officers:

Chairperson:

Board Action:
Mr. Wroubel made a motion to nominate Mr. Roberto Garza as Chairperson of the Whitewater Township Zoning Board of Appeals. There were no other nominations or volunteers for the position. Mr. Boyd seconded the motion.

ROLL CALL VOTE:
Hoeksema-Y, Lake-Y, Boyd-Y, Wroubel-Y, Garza-Y. Motion carried.

The term is for the 2025/2026 calendar year.

Vice Chairperson:

Board Action:
Mr. Garza made a motion to nominate Mr. Dick Boyd as Vice Chairperson of the Whitewater Township Zoning Board of Appeals. There were no additional nominations or volunteers. Mr. Lake seconded the motion.

ROLL CALL VOTE:
Wroubel-Y, Hoeksema-Y, Garza-Y, Lake-Y, Boyd-Y. Motion carried.

The term is for the 2025/2026 calendar year.

Secretary:
Ms. Hoeksema volunteered for the role.

Board Action:
Mr. Boyd made a motion to nominate Ms. Wendy Hoeksema as Secretary of the Whitewater Township Zoning Board of Appeals. There were no other nominations or volunteers. Mr. Garza seconded the motion.

ROLL CALL VOTE:
Lake-Y, Boyd-Y, Wroubel-Y, Hoeksema-Y, Garza-Y. Motion carried.

The term is for the 2025/2026 calendar year.

Resolution #ZBA25-01, 2025/2026 Meeting Schedule:
The proposed ZBA 2025/2026 Meeting Schedule was included in the meeting packet and reviewed by Board Members.

Board Action:
Mr. Boyd made a motion to approve Resolution #ZBA24-01, 2025/2026 Meeting Schedule as presented. Mr. Lake seconded the motion.

ROLL CALL VOTE:
Boyd-Y, Lake-Y, Hoeksema-Y, Wroubel-Y, Garza-Y. Motion carried.

Secretary Hoeksema will distribute the executed document to the Township Board.

Review of By-Laws:
The current ZBA By-Laws were included in the meeting packet. There was Board discussion.

Section 2, H regarding Special Meetings:
Change sentence 2 FROM: "The business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act."
TO: "The business of the Zoning Board of Appeals shall be conducted at a public meeting in compliance with the Open Meetings Act."

Section 2, G regarding Public Hearing:
Switch the order of Items #3 (Applicant presents request) and #4 (Township Zoning Administrator presents a summary or analysis of the request).

Section 5, B regarding Alternates:
The statement reads: "Alternates shall be notified to attend a meeting any time a regular member will be absent."
ZA Graber suggested Alternates attend each meeting in order to be familiar with operations of the ZBA and be available if there is no quorum. Every member and alternate is given meeting packets in order to have information related to the ZBA.

There was Board discussion, including with Alternate Gall. That sentence will be deleted from the By-Laws.

Board Action:
Mr. Garza made a motion to approve By-Laws as amended. Mr. Lake seconded the motion.

ROLL CALL VOTE:
Boyd-Y, Wroubel-Y, Hoeksema-Y, Garza-Y, Lake-Y. Motion carried.

2025/26 Budget:
The proposed 2025/2026 Budget was in the meeting packet.

Board Action:
Mr. Garza motion to approve the 2025/26 ZBA Budget as presented. Mr. Lake seconded the motion.

ROLL CALL VOTE:
Lake-Y, Boyd-Y, Wroubel-Y, Hoeksema-Y, Garza-Y. Motion carried.

Correspondence Received:
None.

Zoning Board of Appeals Members:
Secretary Hoeksema reported the ZBA By-Laws state a roll call vote is not required unless requested by a Member. Voice votes are acceptable.

There was discussion. ZA Graber noted that Zoom attendees may want to hear a roll call vote. She and Secretary Hoeksema pointed out that the By-laws state voice votes are acceptable. Ms. Graber noted the By-laws also do not reference meetings being carried via Zoom.

Note: Ms. Vollmuth interjected from the public seating area that Zoom requires a motion to adjourn and a roll call vote but not a second in dismissing a meeting.

REPORT of PLANNING COMMISSION REPRESENTATIVE:
Planning Commission Representative Wroubel reported the Planning Commission finalized the new Master Plan Draft. It was submitted to other Townships for the required 63-day comment period. A Public Hearing is scheduled at the Planning Commission's February 5, 2025, meeting.

REPORT OF TOWNSHIP BOARD REPRESENTATIVE – Ms. Wendy Hoeksema:
There was no report from Ms. Hoeksema as this is her first meeting as Township Board Representative.

There was discussion and a request for written reports from the Planning Commission and Township Representatives moving forward.

REPORT OF ZONING ADMINISTRATOR – Deb Graber:
The Zoning Administrator's Report and 2024 Annual Report are in the meeting packet.

There has been a significant increase in the number of permits issued. This report highlighted Zoning activity including Land Use Permits, Site Plan & Special Use Reviews, ZBA Appeals and Land Divisions/Combos for the year 2024 as well as historical data for the years 2020-2023.

Of note:

- There were 85 Land Use Permits granted in 2024; the majority of which were issued since April when she assumed the ZA role. Year-to-date 2025: 4
- There were four Site Plan/Special Use Reviews in 2024. (2020: 0, 2021: 2, 2022: 3, 2023: 0)
- There were three ZBA Appeals in 2024. (2020: 0, 2021: 2, 2022: 3, 2023: 4)
- There were 15 Land Divisions/Combos in 2024.

Additionally, there were 30+ new accessory dwellings and 21 new homes last year.

The Zoning Administrator's Annual Report has been distributed to the constituent Boards.

The Master Plan is in its final stages toward approval. A Public Hearing will be held at the Planning Commission meeting on February 5, 2025. The ZBA is welcomed to attend. It will also be carried via Zoom. A copy of the draft is on the Township website for viewing.

The Planning Commission prepared the consolidated Zoning Ordinance and Zoning District Map. Large physical maps will be on display in the Township Hall. Once published, the consolidated Zoning Ordinance goes into effect after seven days. Article numbers were modified in the consolidation effort and Amendments from the past 15-20 years have been compiled into one place.

ZA Graber asked Board to familiarize themselves with the new Zoning Ordinance once approved as they will be referencing it.

Mr. Boyd inquired whether content was changed or primarily reorganized and consolidated. Ms. Graber stated there were minimal content changes; however, articles, amendments, charts, maps and resolutions are incorporated into the document. She anticipates it to be approved in the next 30 days.

ZA Graber encouraged ZBA Board Members to also attend Planning Commission meetings to become more familiar with the business of the PC.

Ms. Graber provided the ZBA with a copy of a court hearing report from the Michigan Court of Appeals (November 18, 2024) which states a Planning Commission did not adequately articulate the basis for a denial of a Special Land Use application. She emphasized in this case the PC did not do their Findings of Fact, did not enumerate them, and did not vote on them. Competent material and substantial evidence must be on the record. This was distributed to the ZBA for informational purposes.

PUBLIC COMMENT:

In the Township Hall:

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690
Ms. Vollmuth produced the MTA Township Planning & Zoning Decision Making book and encouraged the ZBA Board to read it. Ms. Vollmuth encouraged the ZBA to read the Master Plan.

Regarding the new Zoning Map, every point was resurveyed and taxpayers spent nearly $8,000 on it. If anyone sees any errors, please contact Mr. Randy Mielnik. She complimented the Board on tonight's meeting.

Mr. Denver Baker, 5950 Cook Road, Williamsburg, MI 49690
Mr. Baker stated when his appeal was denied, he did not receive anything in written form from any entity. The Minutes from the 10/24/24 meeting were approved 1/23/25; this is the only formal written document with that decision. While he agrees

his six months to remove the deck began on 10/24/24, theoretically someone could assume those six months might begin today.

ZA Graber verified there was no meeting in December, 2024, to approve the Minutes. Now that they are approved, she will execute written documentation to Mr. Baker.

Board Member, Mr. Skip Lake:
Mr. Lake addressed Ms. Vollmuth regarding her background. Ms. Vollmuth responded that she moved her 10 years ago, has attended nearly every Township meeting and served as Trustee on the Township Board for four years with Ms. Cheryl Goss. She is attending tonight as a private citizen.

Mr. Lake expressed displeasure with Ms. Vollmuth earlier parading a sign across the room as well as her contentious comments and interruptions from the public seating area. Mr. Lake and Ms. Vollmuth continued their discussion with disagreements.

Chair Garza interjected that as a citizen, Ms. Vollmuth, has the right to Public Comment. Chair Garza stated he invited Ms. Vollmuth to the microphone to respond to Mr. Lake on how she is tied to this township.

Board Member, Mr. Carl Wroubel:
Mr. Wroubel responded to Ms. Connie Hymore's Public Comment, stating her comments are not entirely correct. He deferred her and others to the Minutes and recording of August, 2023 regarding her question whether the 4:1 rule applied to over 10 acres or not. Information was received from both attorneys.

The attorney for the Baggs Road group questioned whether the 4:1 rule applied to over 10 acres or not; they said in the State land division, it only applied to 10 acres or less and that Townships could apply it to over 10 acres if so specified in the Ordinance. At the meeting, the Township's attorney repeated the notes in the meeting package. The issue was whether the owner was entitled to a variance. The decision was based upon the input received. He has never stated the 4:1 rule doesn't apply. He asked the Planning Commission to clarify.

Via Zoom:

Ms. Connie Hymore, 6761 Baggs Road, Williamsburg, MI 49690
Ms. Hymore encouraged everyone to go back to watch the recording Mr. Wroubel referenced.

Regarding this evening's Public Hearing, every ZBA Member voted yes on every Finding of Fact; however, one Member voted no on denying the variance. She doesn't believe this makes sense and recommended that individual, who is appointed, take classes and follow the law. The ZBA works for the citizens of the Township. She agreed with the variance decision, although it is unfortunate for the resident. She expressed thanks to Mr. Garza for chairing the meeting.

Note, at this time, it appeared Ms. Hymore's Zoom connection was lost.

Ms. Mikaela Hazergian, 6158 Cook Road, Williamsburg, MI 49690:
Ms. Hazergian asked Mr. Lake why he voted against granting the variance to her. Mr. Lake stated the Ordinance must be followed, and it was not a personal decision. He also stated it is something she can make right.

ZA Graber asked the ZBA how long Ms. Hazergian has to move her shed and any penalties. She suggested it be included in the written motion and ZBA Decision Form. There was Board discussion regarding this matter

Board Action:
Mr. Boyd made motion to amend the denial of Appeal # ZBA 2025-01–HAZERGIAN to reflect the owner needs to relocate out of the setback and remove the building within six months, by July 23, 2025, or face penalties. Mr. Garza seconded the motion.

ROLL CALL VOTE:
Hoeksema-Y, Boyd-Y, Garza-Y, Lake-Y, Wroubel-Y. Motion carried.

ADJOURNMENT:
Mr. Garza made a motion to adjourn the meeting. Mr. Boyd seconded the motion.

ROLL CALL VOTE:
Wroubel-Y, Hoeksema-Y, Boyd-Y, Lake-Y, Garza-Y. Motion carried.

The meeting adjourned at 9:29 p.m.

Submitted by: Kay Z. Held, Recording Secretary

DRAFT

WHITEWATER TOWNSHIP

5777 Vinton Road • P.O. Box 159 • Williamsburg, MI 49690 (231)
267-5141 • FAX (231) 267-9020

www.whitewatertownship.org zoning@whitewatertownshipmi.gov

Zoning Administrator Report
as of July 30, 2025

Planning and Zoning

Issued 12 new permits since June 25, 2025, report.

DATE	ZONE	LU PERMIT #	TAX ID #	OWNER NAME	ADDRESS	PROJECT DESCRIPTION	AMT	RCPT #
7/2/2025	R1	2025-45	28-13-350-002-00	Schade, Steve	9590 Elk Lake Trail	32'x50' home 20'x24' att gar	$ 75.00	26346
6/26/2025	RC1	2025-46	28-13-016-006-15	Lutzke, Jeffrey	3110 Williamsburg Rd	30'x40' Garage	$ 50.00	26327
6/29/2025	A1	2025-47	28-13-128-012-20	Jensen, Jami - Basset Proper	8550 Sunflower Peak	40'x74' home 26'x36' att	$ 75.00	26344
7/16/2025	C1	2025-48	28-13-005-008-20	Classic Equine	7542 E M72 HWY	fence property NEED APP	$ 75.00	26345
7/9/2025	A1	2025-49	28-13-001-008-00	Emond, Peter and Patricia	11252 Watson road	House & Garage - Renewal	$ 75.00	26343
7/3/2025	A1	2025-50	28-13-136-002-08	Zebolsky, Michael & Tamara	11811 E M72	Temp Camping Permit	$ 10.00	26347
7/16/2025	R1	2025-51	28-13-127-017-00	Brier, David	7923 Cook Road	construction trailer	$125.00	26348
7/16/2025	R1	2025-52	28-13-127-017-00	Brier, David	7923 Cook Road	Temp Camping Permit	$ 10.00	26348
7/23/2025	RC-1	2025-53	28-13-015-001-10	VanDeusen, Kurt & Patricia	3953 N Broomhead Rd	Demo barn	NC	NC
7/23/2025	RC-1	2025-54	28-13-015-001-10	VanDeusen, Kurt & Patricia	3953 N Broomhead Rd	14'x20' 20' high	$ 50.00	26349
7/30/2025	A-1	2025-55	28-13-122-022-43	Soper, Matthew	9345 Palaestrum	90'x64' House/Garage Shop	$ 75.00	26351
7/28/2025	R-1	2025-56	28-13-127-015-00	Moothart, Nancy	7811 Cook Rod	DEMO Garage	NC	NC

Land Division

One new land division at 8733 Gay Road. LD-2025-06

DATE	ZONE	LAND DIVISION #	TAX ID #	OWNER NAME	ADDRESS	DESCRIPTION	AMT	RCPT #
7/25/2025	A1	LD 2025-06	28-13-104-023-00	Babcock, Nancy	8733 Gay Road	Split into 2	$300.00	26349

Zoning Amendments

ZONE	ZONING TEXT AMEND	TAX ID #	OWNER NAME	ADDRESS	PROJECT DESCRIPTION	AMT	RCPT #
ALL	ZA - 2025-3		Steelman, Rachel		Amend Zoning Ordinance or General Ordinance/Police Power Ordinance - STR; hearing 8.6.2025	$300.00	26340
ALL	ZA - 2025-4		Whitewater Township		Amend Article 21; hearing 8.6.2025	NC	NC

Zoning Board of Appeals

No new appeals.

Code Enforcement

The short-term rental, located at 9276 Elk Lake Trail Misdemeanor Citation issued for non-compliance with zoning ordinance Article 4 awaiting court date.

Pending complaint regarding home-based business on Elk Lake Road. Per their attorney, paperwork for the planning commission to review the business.

New complaint regarding three properties on Island View Drive advertising and short-term renting. Short-term renting is not permitted by right in R-1 per Zoning Ordinance Article 4.01, 4.02 and 4.04. Forwarded to the attorney for the next action steps.

Update regarding the blight/nuisance on Skegemog Point Road property. Addressing with the property owner. Property owner stated more time.

Ten additional complaints regarding property on Fairview for short-term renting, riparian violation(s) and fire pit. Forwarded to the attorney for the next action steps.

Two additional complaints about Church Street short-term rental property. Forwarded to the attorney for the next action steps.

Sincerely,

Deb Graber

Deb Graber
Whitewater Township
Zoning Administrator