WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

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

SPECIAL MEETING
APPROVED MINUTES

Thursday, August 28, 2025, 6:00 p.m.

CALL TO ORDER:
Chairperson Garza called the meeting to order at 6:00 p.m.
The Pledge of Allegiance was recited.

ROLL CALL: Secretary Hoeksema called Roll.

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

A quorum was established.

Absent: None.

ALSO PRESENT:
Zoning Administrator Deb Graber
Recording Secretary Kay Held

1

SET/ADJUST AGENDA: No changes.

Board Action:
No motion was made to approve the Agenda. (This was overlooked by the ZBA)

Board Action:
Ms. Hoeksema made a motion to approve the 8/28/25 Agenda as presented. Mr. Boyd seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

Note: This correction was identified at the 9/25/25 meeting.

DECLARATION OF CONFLICT OF INTEREST: None.

PUBLIC COMMENT:

Mr. ~~Brock Mader~~ Marc Mater:
Mr. ~~Mader~~ Mader is speaking on behalf of two individuals who were issued a Land Use Permit in February, 2024, to build a garage on the property. They were not aware it expired after one year. They would like to ask for an extension on that variance in order to get the Use Permit. The case number was #ZBA 2023-05. Mr. ~~Mader~~ Mater produced the original packet and application. No letter was sent/received from the former Zoning Administrator after the variance was issued stating it was approved. ZA Graber did not find one either.

The property owners understand there is an expiration. They own property on Island Lake and a 50' piece of land on the shore, where they would like to build the garage. They are ready to build now and have completed an application.

Mr. Michael Sherman, 8596 Church Street, Williamsburg, MI 49690
Recognizing this isn't a ZBA related topic, Mr. Sherman wanted to express his thanks to Zoning Administrator Deb Graber. They continue to work on Millbrook Farm, restoring it, clearing trees and removing shrubs. Ms. Graber was

instrumental in assisting him in communicating to the community what they are doing with this large property. He also praised her for a quick response in clearing up a miscommunication.

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690:
Ms. Vollmuth would like to see the ZBA Members take notes, read their training manuals and understand the decisions they make that show up in court. The attorney's training session is good and will make the Board understand why the public is complaining or congratulating.

APROVAL OF MINUTES OF JANUARY 23, 2025:
Amendments: None.

Board Action:
Ms. Hoeksema made a motion to approve the Minutes of the January 23, 2025, Regular Meeting as presented. Mr. Boyd seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

PUBLIC HEARING: None.

TRAINING:

Attorney Matthew Kuschel and Attorney Lindsey Gergel of Fahey, Schultz, Burzych, Rhodes, LLC
Attorneys Kuschel and Gergel prepared and delivered an in-depth slideshow training presentation with explanations of ZBA functions and processes as well as discussions with ZBA Members. They also presented actual and theoretical examples faced by ZBAs which fostered additional discussion.

In summary, they encompassed in great detail the following topics as related to the Zoning Board of Appeals. Throughout the presentation, various scenarios and in-depth discussions were held on the following subject matter:

- Composition of a ZBA
- ZBA Powers
- ZBA Statutory Duties and Authority under Michigan Zoning Enabling Act (MZEA)
- Consideration of Evidence and Minutes for Decision Making
- ZBA Appeals
- Variance Criteria (Use and Non-use)
- Public Hearing and Other Notices
- Practical Difficulty
- Self-created Standards and Non- Self-created Problems
- Unique Circumstances Standards
- Judicial Review of ZBA Decisions
- Procedures and Process of ZBA Decisions
- The Importance of ZBA Minutes - Their Structure, Content and Detail
- Conflicts of Interest and Impartiality
- Rules of Necessity
- Procedural Best Practices
- Recordkeeping, Documentation and Findings of Fact
- Process for Hearing and Deciding Appeals
- Zoning Ordinance Amendment Process

- Michigan Zoning Enabling Act (MZEA), Public Act 110 of 2006
- Michigan Planning Enabling Act (MPEA) Public Act 33 of 2008
- Open Meetings Act (OMA), Public Act 267 of 1976

This educational presentation is recorded on Zoom for viewing.

Board Action:
Ms. Hoeksema made a motion to extend the meeting beyond the three-hour mark. Mr. Wroubel seconded the motion. There was discussion about whether or not to extend the meeting and possibly table items.

VOTE: YEAS: 3 . NAYES: 2. Motion carried.

Recording Secretary Note: Individual replies were called for; however, cannot be recorded in the Minutes by Board Member name as some responses were inaudible and not Roll Called.

The Planning Commission thanked the Township Supervisor and Clerk for coordinating this training function as well as attorneys Kuschel and Gergel for their time and educational presentation.

REPORT FROM PLANNING COMMISSION REPRESENTATIVE – Mr. Wroubel:
Commissioner Wroubel reported the Planning Commission held a Special Meeting on Tuesday, 8/26/25, at the Woodland School in order to accommodate approximately 100 public attendees. It is available for viewing on Zoom.

The Public Hearing addressed a citizen-proposed Short-term Rental Ordinance (STR) and presentation. There were numerous Public Comments both for and against Short-term Rentals.

The Planning Commission recently established a Resident Outreach Sub-committee (ROS), which will be meeting soon.

Mr. Wroubel had suggested Whitewater Township reference other township STR Ordinances. There was a Zoom participant who spoke about Acme Township's process for their STR Ordinance. Mr. Wroubel stated the former Township Supervisor said the Michigan courts have rules that STRs are not compatible with R-1 residential neighborhoods.

He believes the proposed Ordinance is incomplete. Currently, there is no enforcement in place. The STR Ordinance process will take time.

Chair Garza asked Mr. Wroubel to submit his meeting reports in writing for the ZBA; however, he stated he is not able to.

The next PC meeting will be held on Wednesday, October 1, 2025, at 7:00 p.m.

REPORT FROM TOWNSHIP BOARD REPRESENTATIVE – Hoeksema:
Ms. Hoeksema reported a Public Hearing on the Civil Infraction Ordinance will be held at a Township Board Special Meeting on Tuesday, September 30, 2025, at 6:00 p.m. It will be held at the Mill Creek Academy.

3

REPORT FROM ZONING ADMINISTRATOR - Graber:
Zoning Administrator Graber's July report was in the meeting packet. Ms. Graber stated physical copies of the Zoning Ordinance are available in the Township Hall.

The reason for the PC's STR Public Hearing stemmed from Article 21's allowance that a citizen may propose an Amendment, which was the case in this situation. It was first on the Planning Commission's Agenda beginning in February, 2025. It has also been on the Township Board's Agenda.

Ms. Graber reported 70 permits have been issued YTD, and it has been a very busy summer. There are two ZBA appeals pending. ZA Graber provides copies of court cases for educational purposes in meeting packets from various sources as she sees them. There is material enclosed from MSU.

Mr. ~~Mader~~ Mater, who spoke tonight, filed an appeal 2/24. They did not apply for a permit to utilize the variance they were awarded. She encouraged him to reapply and take the opportunity to Public Comment tonight. He is aware paperwork needs to be submitted by the end of next week to allow for proper noticing.

A second appeal is for a home construction that exceeds the footprint allowed on the building envelope. She will be working with the individual to explore any options that meet the criteria before an issue comes before the Planning Commission.

PUBLIC COMMENT:

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690:
The STR Ordinance being submitted by the resident would be great homework for the ZBA . Article 21 is important. There is a difference between an Ordinance and Police Power.

She would like someone to explain what goes to the ZBA and what goes to the PC when talking about an Ordinance. Her impression is the ZBA deals with Zoning Ordinances not General Ordinances.

Ms. Vollmuth commented this evening was a very good training session.

Note: after Mr. Mielnik's comment below, Ms. Vollmuth asked Attorney Kuschel to respond to her question, and Chair Garza allowed it.

Mr. Kuschel stated other Township Ordinances can direct appeals or other matters to the ZBA, given their expertise as a quasi-judicial body. The vast majority of what Planning Commissions see is Zoning relate and occasionally land use or regulatory issues from a different Ordinance if that Ordinance vests the authority to be where the appeal goes. When asked, Ms. Vollmuth didn't believe her question was answered.

Mr. Randy Mielnik, 9304 Wheeler Oaks, Williamsburg, MI 49690:
Mr. Mielnik stated he is a Township Trustee, Member of the Planning Commissioner and Certified Planner with a 40-year career. He asked the ZBA permission to address Attorney Kuschel, relevant to the Planning Commission. The ZBA agreed. Mr. Mielnik noted the Use Variance was established long ago; however, the Zoning Enabling Act of 2006 removed it. If it was previously in place, it could still be used.

This subject came up recently regarding a proposed re-zoning request and whether a Use Variance might be an option. Most Planners would discourage Use Variances as a re-zoning alternative. Attorney Kuschel confirmed very few township clients utilize Use Variances.

ADJOURNMENT:
Ms. Hoeksema made a motion to adjourn the meeting. Mr. Lake seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 9:38 p.m.

Submitted by: Kay Z. Held, Recording Secretary