

WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS
Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690
231-267-5141 Phone

REGULAR MEETING
APPROVED MINUTES
Thursday, September 25, 2025, 7:00 p.m.

CALL TO ORDER: Chairperson Garza called the meeting to order at 7:00 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

Note: ZBA Alternates Mark Taylor and Eric Gall were present in the audience.

A quorum was established.

Absent: None.

ALSO PRESENT:

Zoning Administrator Deb Graber
Recording Secretary Kay Held

SET/ADJUST AGENDA: No changes.

Board Action: Mr. Boyd made a motion to approve the September 25, 2025, Agenda as presented. Mr. Lake seconded the motion.

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

DECLARATION OF CONFLICT OF INTEREST: None.

PUBLIC COMMENT:

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690:
Training is very important for the ZBA Board. Findings of Fact are important.

APPROVAL OF MINUTES OF AUGUST 28, 2025, SPECIAL MEETING:

Amendments:

- A motion to "Set & Adjust Agenda" was overlooked at the 8/28/25 Meeting.
- "Mr. Brock Mader" should be "Mr. Marc Mater."
- The document footer should read "Special" Meeting, not "Regular" Meeting.

Board Action: Ms. Hoeksema made a motion to approve the August 28, 2025, Agenda as presented. Mr. Boyd seconded the motion.

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

Board Action: Mr. Boyd made a motion to approve the Minutes of the August 28, 2025, Special Meeting as amended. Mr. Lake seconded the motion.

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

PUBLIC HEARING:

ZBA #2025-02 – 400 Island View Drive, Traverse City, MI

Variance Request from Kirk and Rise Vuillemot

Chairperson Opens Public Hearing:

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

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

Note: The Public Hearing opened at 7:10 p.m.

Chairperson Summarizes Procedures to be Followed:

Chair Garza briefly explained the applicants are requesting a variance to build a garage on their vacant lot in order to access the home on **the island in** Island Lake. The ZBA will listen to the applicant, the Zoning Administrator and any members of the public who would like to express their comments.

The ZBA will then deliberate and identify and document Findings of Fact from which to make their determination for approval, approval with conditions or a denial.

Applicant Presents Request:

Mr. and Mrs. Vuillemot explained the purpose for their application, explaining their request to build a garage is on a separate property from their island residence, under a separate tax ID. Their desire is to build this garage on the vacant lot in order to park a vehicle in it and store materials as they plan to spend more time in northern Michigan. Their island home will become their primary residence due to retirement.

This lot has also served as primary egress for island residents in launching and removing boats from the lake for many years, on a voluntary basis by the Vuillemots.

2

Mrs. Vuillemot stated while they made application last year, they did not receive the paperwork from the former Zoning Administrator; therefore, they are reapplying for the variance.

The design of the garage is an Arts & Crafts style, on a concrete slab with a metal roof, electricity, one-story with a loft. There will be no water source in the building. A boat trailer will also be parked on the lot.

Township Zoning Administrator Presents Summary:

Zoning Administrator Deb Graber was contacted by Contractor Marc Mater, who requested a follow-up on an appeal that came before the ZBA in 2/24, at which time a variance was granted (see application packet). However, the applicant's request to build into the setback was denied. The applicant is asking at this time for a new variance to do so.

The ZA has conducted a site visit. The property is Lot 31. The dimensions of the **lot garage, with overhang is are** 118' on the east side and 138' **on the** west side. The 28x22' garage with 9' inside the setback; the east side setback would be 6' instead of the 15' per Article 4 of the Zoning Ordinance.

The Vuillemots originally applied for a land use appeal; the ZBA appeal expired after one year; 2/25.

There is no primary residence on the property. It is currently a non-conforming property in an R-1 District, with no primary residence on the property, as is required. A 50' setback is required from the water's edge to the corner of the building. ZA Graber believes the action to a Non-use Variance, rather than a Use Variance. She asked the ZBA to determine if this is a Use or Non-use Variance.

Public Comment:

Mr. Marc Mater: Contractor for Vuillemots; he discussed the measurements of the lot at the road and in the building envelope 50' from the high water mark. The garage would be 30' from the road and 50' from the property line, and moved further east to enable residents to continue to have adequate space to launch their boats. Prior application addressed sheds next door, which have been removed; likewise, the Vuillemot's shed by the road will also be removed. The small 4x5' shed by the dock would remain.

Ms. Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, MI 49690:

Ms. Vollmuth expressed the difference between a want and a need. She doesn't understand why it wasn't built once the variance was granted. She is concerned because plans the ZA presented are different than what developer presented.

Mr. John Mater: A resident of Island Lake and moves numerous boats in and out of the lake for residents seasonally. The Vuillemons have been gracious for years to offer this. The garage would be important for storage, would create no lake viewing problems, and sits across from 40 acres of state land.

The Zoning Administrator clarified no land use permit was requested within the initial 12-month period; therefore, it was not extended. Once expired, the process was required to start over.

Mr. Marc Mater: It is important to state that procedures were not previously followed properly, and the citizen was not notified by the former ZA after ZBA approval. The use permit was subsequently not filed within 12 months.

Zoning Administrator Graber stated she was unable to locate a file or documents from former ZA Hall documents with letters approving or denying the application.

Mr. Kirk Vuillemot: (address illegible)

Stated former ZA Hall said he would let the Vuillemons know the outcome of the decision. Nothing was received from Mr. Hall, and did not respond to Mr. Vuillemot's inquiries.

Chairperson Closes Public Hearing:

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

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

Note: The Public Hearing closed at 7:40 p.m.

Zoning Board of Appeals Deliberates and Decides:

Mr. Skip Lake: Visited the site. Doesn't see any problems or hazards removing the old shed. It is not the fault of the Vuillemons or the ZBA due to lack notification by the former ZA. He addressed setbacks on the east and west side of the property. The adjacent and other neighbors support the request. There are no residents encroaching on the Vuillemons. There is no water/sewer to the property; the loft in the garage does not indicate anyone will be staying in the building. It is the ZBA's determination whether to allow the setback.

Ms. Hoeksema reported the attorney stated due to expiration of the permit, it is null and void.

Mr. Carl Wroubel: He was at the original ZBA meeting 2/24. There are several reasons the Vuillemons are before the ZBA again. Their island residence and accompanying unoccupied lot is unique in its access to the island. It is not a buildable lot. The residential boat launch is a benefit to many of the Island Lake residents. If the former ZA made a mistake in notification, the Vuillemons are entitled to this variance, particularly as it is reported it was approved. Mr. Wroubel supports approving a Use Variance to allow building of the garage without a residence on the property. There was discussion about negotiating the dimensions of the building.

Ms. Wendy Hoeksema: Does not agree with the Findings of Fact as presented in the 2/22/24 ZBA Meeting Minutes. The owners bought an island and property for access. A garage is a want, not a need. She also inquired about the size of the proposed garage and would like to explore previously mentioned possibility of a carriage house. There may be ways to meet variance requirements; however, those have not yet been met at this meeting.

Mr. Dick Boyd: Lives on Island Lake. He has not utilized the Vuillemot's property for launch access; however, understands many residents have benefited from its use, at the goodwill of the Vuillemot's. Two other private properties have a ramp in their yard; he is unaware if those residents offer use of their ramp.

The sub-division plan plat shows a 300' lot which is broken into smaller lots; this is now a 50' lot on the road. Over time, all lots are potentially not buildable due to lake proximity. Prior meeting minutes indicate neighbors to the west of the property support the project.

Chair Garza inquired whether there may be a Conflict of Interest on Mr. Boyd's part as he is an Island Lake resident. Mr. Boyd did not recuse himself as he would not benefit by approval or denial of the variance. He was not notified of this request as he lives outside of the 300' notification range.

Mr. Roberto Garza: Inquired when the Vuillemons purchased the island and the lot size. Ms. Vuillemot stated it was purchased in the year 2,000 and is 2.5 acres. She believes the garage is more a need than a want, due to winter weather. There was also discussion about the size of the structure (616 sf; however, the application states 432 sf.)

Mr. Marc Mater: Explained the footprint is 432 sf. There will be 2' overhang around the structure. For zoning purposes, the overhang will extend into the 15' setback; however, there will only be 423' of building space with an 18x24' footprint. Loft space will be storage and is not livable nor is there lodging space.

There was additional discussion with the Vuillemons, Mr. Mater and ZBA regarding the size, design and layout of the proposed garage as well as the size of the property. Specific dimensions of the project are included in the application drawings. A survey was done many years ago; likely when the Vuillemons purchased the property. The Vuillemons have no obligation to offer the ramp to lake residents; however, have done so for decades, as did the owner prior to them.

ZBA Members reviewed the map/drawing.

ZA Graber read aloud an Easement to Waterfront regarding a different property from an old Township Ordinance (Article 14) "in the event any land having water frontage is used for easement or beach purposes, and does not contain any structure, it shall have a minimum area of 5,000 square feet and a minimum frontage on the water of not less than 50' when said lot is used by one off-water lot containing a single family dwelling and an additional 10' of frontage on the water for each additional off-water lot in excess of one, and an additional 10' of water frontage for each additional family unit in excess of one on an off-water lot containing multiple family dwelling units." This applies to a lot next to the Vuillemot's (Lupine Leppien). The two properties are not contiguous.

Ms. Hoeksema asked for clarification whether, according to Article 14, this project would be allowed. ZA Graber stated no because there are structures on the property.

There are differences between the Lupine Leppien and Vuillemot properties in that they both have zoning districts, independent parcel numbers and are taxed independently. It is unknown if the Vuillemot property had a perk test.

Ms. Graber asked the ZBA to document their specific Findings of Fact. She noted their Findings of Fact should answer whether the project is encroaching on the setback and the matter of putting up a garage without a primary residence.

FINDING OF FACT:

Is this a self-created situation? (Hoeksema):

Hoeksema: Yes. The Vuillemons were aware they purchased a 50' lot.

Lake: Does not feel it was self-created. It was created by the Chairman of this Board.

Wroubel: Does not agree with the policy. It is a unique property. He agrees they knew they were purchasing a 50' lot.

FINDING OF FACT:

It is an R-1 District (Hoeksema):

Hoeksema: Agree.

Wroubel: Agree

Boyd: Agree.

FINDING OF FACT:

It is a non-conforming lot in the R-1 Zoning District and is not 100' wide, as required (Garza):

All: Agree.

Wroubel: there are possibly other lots that have auxiliary buildings.

Mr. Marc Mater responded to Mr. Garza's earlier question about possibly designing the building in a different layout. He could build an 18x38' structure, or a trapezoid, or build with drive-through garage doors. The Vuillemons could not put their boat in, and the ramp would not be accessible by others. This would also be a very costly venture.

FINDING OF FACT:

The practical difficulties unreasonably prevent the owner from using the property for a permitted purpose without presenting excessive burden and practical difficulty not resulting from any act of the applicant (Hoeksema):

All: Agree.

FINDING OF FACT:

The requested variance is the minimum necessary to prevent reasonable use of the land (Hoeksema):

Hoeksema: Does not believe that has been met unless changing the shape (not a trapezoid).

Lake: Inquired if owners are paying taxes on two pieces of property. Vuillemons responded yes.

FINDING OF FACT:

Granting the variance will not cause any significant adverse effect to property in the vicinity (Hoeksema):

All: Agree.

Boyd: The previous variance was granted for the size in the current application.

Discussion: The ZBA could request a change in the size. No adverse impact to the Township.

FINDING OF FACT:

Proposed use of the parcel is not a permitted use in an R-1 District because there is no primary residence (Hoeksema via ZA Graber):

All: Agree.

Wroubel: There are unique conditions to this property with an island house and vacant lot with boat access.

FINDING OF FACT:

The proposed structure is encroaching 9' into the east side setback and the minimum reasonableness has not been met (Hoeksema via ZA Graber):

There was discussion about any factors unique or unusual to this property to determine if a variance will be granted.

Wroubel: Because it is access to the island and it would be very difficult to build on the property; therefore, a variance should be granted. Minimum reasonableness has been met.

Hoeksema: There is no precedence in place.

ZA Graber noted the island lot and vacant lot have never been tied together; however have always been owned by the same respective parties. There have been two owners since 1972 when Zoning was established.

(Note: Recording Secretary asked several times for clarification on ZBA feedback regarding this Finding, for the Record.)

A ROLL CALL VOTE WAS ASKED FOR RELATED TO THIS FINDING OF FACT:

Roll Call Vote: Boyd-Yes, Garza-Yes, Lake-Yes, Hoeksema-Yes, Wroubel-No. Motion carried.

(Recording Secretary's note: Mr. Wroubel verbalized No during the Roll Call Vote. Ms. Hoeksema thought he may have meant yes.)

Board Action: Mr. Lake made a motion to approve **CASE ZBA #2025-02 – 400 Island View Drive, Traverse City, MI**

Variance Request from Kirk and Risa Vuillemot. Mr. Boyd seconded the motion.

FURTHER DISCUSSION:

Ms. Hoeksema reviewed aloud the above documented Findings of Fact; three Yes' and five No's. She repeated the results of the three affirmative Findings. There was additional discussion and Findings of Fact:

FINDING OF FACT:

It is a unique use of community property (Wroubel):

All: Agree.

FINDING OF FACT:

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 (Hoeksema):

There was extensive ZBA discussion, specifically about “special development rights” terminology and it being non-conforming.

(Note: Recording Secretary asked for clarification on ZBA feedback and/or consensus to this Finding of Fact).

No conclusion was made.

FINDING OF FACT:

Community use of the property/boat ramp is a unique circumstance for the property.

All: Agree.

FINDING OF FACT:

Proposed garage and use of property will not alter the essential character of the area (Boyd/Lake):

Wroubel: Agree.

ZA Graber inquired if there are any other lots around the lake where there is no house, but only a shed/garage. Members stated there are not.

FINDING OF FACT:

There are topographical 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 (Hoeksema):

All: Agree.

There was group discussion whether two variances are to be voted on this evening or to vote solely on the application and motion on the floor. The Zoning Administrator stated the applicant is asking to encroach on the setback, which is a variance request, and they are asking to build a garage without a primary residence; therefore, there are two variances.

The ZBA stated this is under one case number.

Chair Garza went on to read aloud the variance request.

ROLL CALL VOTE (to earlier motion prior to above discussion):

Garza-No, Lake-Yes, Boyd-Yes, Wroubel-Yes, Hoeksema-Yes. Motion carried.

Chair Garza requested his justification for his No Vote be included in the Minutes. He stated he would have agreed to the request if the dimensions had been changed to fit in the building envelope.

Note: There was a 10-minute break requested at 9:31 p.m. The meeting resumed at 9:41 p.m.

REPORT FROM PLANNING COMMISSION REPRESENTATIVE – Mr. Wroubel:

Mr. Wroubel reported the Planning Commission met 9/3/25. They reviewed the proposed Short-term Rental Ordinance Amendment presented by resident Rachel Steelman. There was a unanimous vote to reject recommendation to the Township Board for multiple reasons including it was not a complete document. The Resident Outreach Work Group (ROWG) (formerly ROS) will be conducting fact-finding for the PC.

Mr. Wroubel provided the ROWG copies of two neighboring townships' STR Ordinances for reference.

The PC is working on a Winery Ordinance and is in preliminary stages of investigating an Outdoor Event Ordinance. There has been a request for a Private Road Ordinance.

REPORT FROM TOWNSHIP BOARD REPRESENTATIVE – Ms. Hoeksema:

The Whitewater Township Board held its morning Regular Meeting on Thursday, 9/25/25.

A Special Meeting with a Civil Infractions Ordinance (CIO) Public Hearing will be held on Tuesday, 9/30/25, at Mill Creek Academy, at 6:00 p.m. This proposed CIO is the enforcement document for all of the Ordinances. If passed, it would replace the misdemeanor process currently in place.

REPORT FROM ZONING ADMINISTRATOR – ZA Deb Graber:

6 Whitewater Township Zoning Board of Appeals, Regular Meeting, 9-25-25

Zoning Administrator Graber's August report was in the meeting packet. She additionally reported:

There were nine permits in August and two land divisions. Five permits are pending, and two land divisions are pending. September YTD permits are at 84; there were 85 total on 2024.

The 7/3/25 STR misdemeanor case prosecution is moving forward. An arraignment was scheduled 10/3/25.

Anticipated expansion projects include AIS Construction, Hutson's/John Deere and Grand Traverse Plastics. There is a potential land division at M-72 & Broomhead Road and an 80-acre land division off Cook Road.

The Planning Commission did not recommend approval of the Short-Term Rental Amendment to the Township Board; the Board will consider this proposed Amendment at their next meeting. The Board will also consider a Text Amendment for verbiage regarding Fee Schedules so that they align in both the Zoning Map and Master Plan. The PC recommended approval on this matter to the Township Board.

Hutson's/John Deere was given a 2006 restriction of 150 units allowed outside; they would like this amended to increase the maximum amount. Ginops has no restrictions.

PUBLIC COMMENT: None.

ADJOURNMENT:

Board Action: Mr. Lake made a motion to adjourn the meeting. Mr. Wroubel seconded the motion.

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

The meeting adjourned at 9:55 p.m.

Submitted by: Kay Z. Held, Recording Secretary