WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

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

REGULAR MEETING
DRAFT MINUTES

Thursday, July 23, 2026, 7:00 p.m.

CALL TO ORDER:
Chairperson Boyd called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

ROLL CALL: Secretary Hoeksema called Roll.

Present:
Richard Boyd, Chair
Eric Gall, Vice Chair
Wendy Hoeksema, Secretary and Township Board Representative
Scott Trumbull, ZBA Board Member

A quorum was established.

Absent: None.

ALSO PRESENT:
Zoning Administrator Deb Graber
Recording Secretary Kay Held

SET/ADJUST AGENDA: No changes.

1

Board Action: Mr. Gall made a motion to approve the July 23, 2026, Agenda as presented. Mr. Trumbull seconded the motion. VOTE: YEAS: All. NAYES: None. Motion carried.

DECLARATION OF CONFLICT OF INTEREST: Mr. Boyd disclosed he lives on the opposite side of Island Lake, has not met the applicants and has no potential for financial gain in this matter. The ZBA deemed there was no conflict of interest.

PUBLIC COMMENT *(unrelated to Public Hearing)*: None.

APPROVAL OF MINUTES OF JUNE 25, 2026, REGULAR MEETING: Amendments: None.

Board Action: Mr. Trumbull made a motion to approve the Minutes of the June 25, 2026, Regular Meeting as presented. Ms. Hoeksema seconded the motion. VOTE: YEAS: All. NAYES: None. Motion carried.

PUBLIC HEARING:

Case #ZBA 2026-02 – 560 Island View Drive, Traverse City, MI; Christopher & Barbara Weiss, represented by Marcus Schuiling of Lakeshore Customs:

Chairperson Opens Public Hearing and Announces Variance:

Board Action: Mr. Gall made a motion to open the Public Hearing. Mr. Boyd seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

The Public Hearing opened at 7:06 p.m.

Chairperson Summarizes Procedures/Rules to Follow During the Hearing:
(No discussion until the Public Hearing has been closed)
Chair Boyd explained the procedures of the Public Hearing to those in attendance.

Applicant Presents Request: Mr. Marcus Shuiling of Lakeshore Customs spoke on behalf of Mr. and Mrs. Weiss. The Weiss' are requesting a dimensional setback variance of the 50' waterfront setback requirement to build an access stairway. There are currently earthen access stairs; however, they have become dilapidated and unsafe. They would like to build 4' wide steps, 50' in length.

Neighboring properties with similar topography, including those on either side of the parcel, have stairs to the water. Constructing the staircase would not alter character of the area. Wrought iron rails will not impede the view of neighbors.

Currently, this property cannot be used in conformance without the variance due to the deterioration of the existing stairs, safety concerns (steep, slippery, tree roots, rotted steps) and the terrain of the property leading to the water and access to a seasonal, removable dock.

Not every property on Island Lake is this steep; however, the nature of this property is very steep. Therefore, it is not a self-created issue.

Mr. Schuiling responded to Mr. Gall this request is much more of a need than a want for access to the lake, safety and liability concerns.

Township Zoning Administrator Presents a Summary: ZA Deb Graber reported the Weiss property is an R-1 parcel on Island Lake with a very steep incline from the lake. There is a mandated 50' setback on Island Lake; no variances can be issued within that area. The Weiss' are requesting a non-use variance to build stairs and continue decking to their removable dock which is in the water.

The home was built in 2014, at which time a variance to build the house and garage closer to the roadway was issued. This past variance request, information packet and results are also included in the meeting packet for informational history.

The Weiss' purchased the, home/property in 2025. They were not aware until their non-use variance application that several existing items on the property were not previously permitted and were into the setback; i.e., sauna, decking, kayak rack, old shed. The shed and some decking were removed, and the sauna was relocated. Soil erosion permits have been received from the County.

When the path for the original stairs was made, the felled trees were left in place. The staircase redesign is within the building envelope. There is grass on the hillside which helps stabilize the sand. No excavation equipment would be used during construction. Posts will be hand dug, and building will minimize environmental impact.

The original application from the Weiss' included a deck; that is not part of this application request.

The Public Hearing Notice was published in the Traverse City Record Eagle on 7/3/26. All neighbors within 300' of the property were notified. No responses/comments in support of or opposing the request were received.

EagleView aerial photos are included in the application as are portions of Article 4.

Correspondence Received: None.

People Wishing to Comment Regarding the Request are Recognized:

Mr. Chris Weiss (property owner): Mr. Shuiling accurately summarized their request. He reinforced the safety concerns of the existing hillside access which is deteriorated railroad ties. There has been more degradation of them in the year they've lived there. It is problematic for most people to navigate the existing topography.

Chairperson Closes Public Hearing:

Board Action: Mr. Trumbull made a motion to close the Public Hearing. Mr. Gall seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

The Public Hearing closed at 7:24 p.m.

Discussion Among the Members:

- Applicant owns one of the most challenging lots on the lake. The nature of the hillside makes for difficult access.

- There was inquiry whether the majority of homes have stairs due to a steep hill/gradual incline and whether there was any way to put in a temporary structure. ZBA Members stated the majority of houses do not have this steep hillside. Mr. Schuiling stated a temporary 50' structure would not be realistic or compliant to Michigan building codes.
- There are no invasive species in Island Lake.
- There are currently two or three private lake accesses, owned by residents who allow Island Lake property owners to launch and take boats out of the lake.
- The 50' lake setback is mandated, minimizes flood potential, and protects shoreline views of residents.
- There are similar neighboring properties.
- No feedback was received from any neighbors notified of this request.
- Building the stairs/decking is minimal change to the land versus bringing in earthmovers & equipment to alter the landscape and slope.

FINDINGS OF FACT:
The PC identified and discussed in detail the following Findings of Fact as part of their deliberations:

The property cannot reasonably be used for purpose permitted in the Zoning District without the variance: YES

The property is in the R-1 Zoning District: YES

There are steep topographical issues: YES

The requested construction will cause the least environmental impact to the property: YES

Granting the variance will not be contrary to the public interest or to the spirit and intent of this Ordinance: YES

The variance shall not permit the establishment within a Zoning District of any use which is not permitted by right within the District: YES

It will not cause any significant adverse effect to property in the vicinity: YES

The variance is the minimum necessary to accommodate reasonable use of the land and allow for safe access: YES

There are practical difficulties on the site which unreasonably prevent the owner from using the property for permitted use without presenting an excessive burden and does not result from any act of the applicant: YES

It is not a self-created issue: YES

Posts will be hand-dug and will be the least intrusive method to accommodate the property: YES

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 public health, safety or welfare: YES

The spirit of the Ordinance shall be observed, public safety secured and substantial justice done: YES

The ZBA finds that the project located in Whitewater Township off Island View Road, Parcel #13-390-008-00, address at 560 Island View Drive: YES

Board Action: Mr. Gall made a motion to approve the dimensional variance request #ZBA 2026-02 as presented in the application for a 4' wide by 50' long staircase to connect existing structure to the dock on the east side. Ms. Hoeksema seconded the motion.
ROLL CALL VOTE: Hoeksema-Y, Gall-Y, Boyd-Y, Trumbull-Y. Motion carried.

OTHER MATTERS TO BE REVIEWED BY THE ZONING BOARD OF APPEALS:

Review of Zoning Ordinance Article 20: The ZBA reviewed the proposed edits to Article 20 based on discussion at the last meeting. They would like a review by legal counsel via the Planning Commission. They also noted inconsistencies between the By-Laws and Article 20 information which will be further addressed at a later time.

Board Action: Mr. Gall made a motion to approve the corrections and proposed Article 20 amendments as well as forward it to the Planning Commission for legal review. Mr. Trumbull seconded the motion.
ROLL CALL VOTE: Boyd-Y, Trumbull-Y, Gall-Y, Hoeksema-Y. Motion carried.

REPORT FROM PLANNING COMMISSION REPRESENTATIVE – Mr. Trumbull: The PC held a Special Meeting on 7/22/26 with a Public Hearing to discuss moving from criminal charges to a civil infraction in the Zoning Ordinance.

After listening to comments from the public and discussion, the PC tabled the matter for further consideration, revision and clarification of specific content areas and legal review. Of particular concern was the interpretation of daily compounding fees. ZA Graber stated 90% of Townships in the state utilize Municipal Civil Infractions.

The Short-term Rental (STR) Survey was distributed and the deadline for response has closed. The Township is awaiting results and a report from EPIC MRA. The PC will review two proposed Amendments at its August 5 meeting.

The PC is reviewing and updating the Zoning Ordinance in conjunction with a professional planner. The first Bundle of edits has been forwarded to the Township Board for review. The PC is also looking at repealing COPUDs which would change the Zoning District; there are currently four properties along M-72 in this COPUD. They will present revisions and conduct a Public Hearing.

REPORT FROM TOWNSHIP BOARD REPRESENTATIVE – Ms. Hoeksema: The Township Treasurer and Assessor have each tendered their resignations. Postings and employment searches are in process through the Township Board. Interviews for candidates for Treasurer will be held at a Special Meeting on Tuesday, 8/11/26 at 9:00 a.m.

Clerk Hoeksema was exonerated of the Township's allegations against her related to financial payments, and the Grand Traverse County Prosecutor has declined to file any charges.

The jury trial for the current Elk Lake STR criminal suit has been rescheduled for 9/29/26 in Grand Traverse County.

4 The recycling bins at Township Hall were removed due to safety concerns, and the Township does not currently have a recycling site.

There remains an open seat on the ZBA.

REPORT FROM ZONING ADMINISTRATOR – Ms. Graber: Zoning Administrator Graber's June 26, 2026, report was in the meeting packet. She additionally reported:

As of 7/23/26, 50 permits have been issued YTD. There is one pending Land Division of a large property. The State of Michigan has approved an amended Land Division Ordinance, effective March, 2027. The Township is actively reviewing this to determine changes they may make at the Township level, if any.

The John Deere dealership mistakenly believed they were only allowed to have four pieces of equipment in front of their property; ZA Graber provided them with correct information in that they are allowed to display 150 units. They may pursue an Amendment to this restriction.

Grand Traverse Plastics has not yet started their construction; this is an ongoing process. Baggs Road Partners, LLC, has filed a $15.2m lawsuit against the Township.

PUBLIC COMMENT *(unrelated to Public Hearing)*: None.

ADJOURNMENT:
Board Action: Mr. Trumbull made a motion to adjourn the meeting. Mr. Gall seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 8:58 p.m.
Submitted by: Kay Z. Held, Recording Secretary

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