

Whitewater Township

Zoning Board of Appeals Bylaws

The following rules of procedure are hereby adopted by the Whitewater Township Zoning Board of Appeals to facilitate the performance of its duties as outlined in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, *et seq.*

SECTION 1: Officers

- A. Selection and Tenure**—At the first regular meeting in January of each year, the Zoning Board of Appeals shall select from its membership a Chairperson, Vice Chairperson and Secretary. An elected Township Official shall not serve as Chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson**—The Chairperson shall preside at all meetings, appoint committees and perform such other duties as ordered by the Zoning Board of Appeals or Township Board.
- C. Vice Chairperson**—The Vice Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of Vice Chairperson for the unexpired term.
- D. Secretary** – The Secretary shall act in the capacity of the Chairperson in the event that both the Chairperson and Vice Chairperson are absent. The Secretary shall also sign all minutes of the Zoning board of Appeals upon approval.

E. Planning Commission Representative

The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals.

F. Township Board Representative

The Township Board representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Township Board and update the Zoning Board of Appeals on actions by the Township Board that relate to the functions and duties of the Zoning Board of Appeals.

SECTION 2: Meetings

- A. Meetings**—Meetings of the Zoning Board of Appeals shall be held on the Fourth Thursday of each month, or as noted below. All meetings shall take place at Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690 at 7:00 P.M. The January meeting shall be mandatory in order to elect officers, review bylaws, and approve next fiscal year meeting dates.
- B. Notice**—Meetings which include a public hearing shall be noticed in the Township's newspaper of record not less than 15 days prior to the hearing. Notices shall also be mailed to property owners within 300' of the subject property. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.

As Adopted by the Whitewater Township Board on 02/11/2020

- C. Public Records**—All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. Quorum**—A majority of the membership of the Zoning Board of Appeals shall constitute a quorum for transacting business and taking official action for all matters. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present.
- E. Voting**—To pass or deny any variance, appeal or other official action required by the Zoning Ordinance, an affirmative vote of at least a majority of the total membership of the Zoning Board of Appeals is required. Voting shall be by voice vote; a roll call vote shall be required if requested by any Zoning Board of Appeals member or directed by the Chairperson. All Zoning Board of Appeals members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last.
- F. Agenda**—The Chairperson and the Zoning Administrator shall be responsible for preparing an agenda for Zoning Board of Appeals meetings. The order of business for meetings shall be as follows:
1. Call to Order
 2. Pledge of Allegiance
 3. Roll Call
 4. Set/Adjust Agenda
 5. Declaration of Conflict of Interest
 6. Public Comment (unrelated to Public Hearing(s))
 7. Approval of Minutes
 8. Scheduled Public Hearings
 9. Other Matters to be Reviewed by the Zoning Board of Appeals
 - a. Correspondence Received
 - b. Zoning Board of Appeals Members
 10. Report of Planning Commission Representative
 11. Report of Township Board Representative
 12. Report of Zoning Administrator
 13. Public Comment
 14. Adjournment
- G. Public Hearings**—All public hearings held by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals. The following rules of procedure shall apply to public hearings held by the Zoning Board of Appeals:
1. Chairperson opens public hearing and announces the subject.
 2. Chairperson summarizes procedures/rules to be followed during the hearing.
 3. Applicant presents request.
 4. Township Zoning Administrator presents a summary or analysis of the request.
 5. Persons wishing to comment on the request are recognized.
 6. Chairperson closes public hearing and returns to the regular/special meeting.
 7. Zoning Board of Appeals deliberates and decides.

To ensure that everyone has the opportunity to speak, the Zoning Board of Appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.

All comments by the public and the Zoning Board of Appeals shall be directed to the chairperson.

- H. **Special Meetings**—Applicants to the Zoning Board of Appeals may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants. The business the Zoning Board of Appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Special meetings shall also be noticed as required by the Michigan Zoning Enabling Act, as amended, the Open Meetings Act and these bylaws.
- I. **Recording Secretary**—A recording secretary shall be provided to the Zoning Board of Appeals. The recording secretary shall execute documents in the name of the Zoning Board of Appeals, perform the duties hereinafter listed below and shall perform such other duties as the Zoning Board of Appeals may determine.
 - 1. **Minutes**—The recording secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 - 2. **Correspondence**—The recording secretary shall be responsible for presenting all communications to the Zoning Board of Appeals.
 - 3. **Attendance**—The recording secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and report those records annually to the Zoning Board of Appeals for inclusion in the annual report to the Township Board.

SECTION 3: Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall perform the following duties:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, *et seq.*
- B. Prepare an annual budget and annual report for the Zoning Board of Appeal’s activities and submit to the Township Board.
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Zoning Board of Appeals member, and for which appropriations of funds have been approved by the Township Board, as needed.
- D. Perform other duties and responsibilities as requested by the Township Board or as may be specified in another Township Ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

SECTION 4: Duties of the Zoning Administrator

- A. The Zoning Board of Appeals shall be assisted by the Zoning Administrator in performing the duties of the Zoning Board of Appeals, as noted in Section 3.
- B. The Zoning Administrator shall be responsible for the professional and administrative work in coordinating the functions of the Zoning Board of Appeals.
- C. The Zoning Administrator shall:
 - 1. Accept applications for matters to be reviewed by the Zoning Board of Appeals and ensure that such applications are complete.

2. Forward application materials to the Zoning Board of Appeals at least one week prior to the meeting at which such matters will be considered.
 3. Inform the Zoning Board of Appeals of administrative and enforcement actions taken on behalf of the Township related to the Zoning Ordinance or other appropriate ordinance.
 4. Prepare written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Zoning Board of Appeals.
 5. Perform other duties as may be directed by the Zoning Board of Appeals.
- D. The Zoning Board of Appeals may be assisted by other professional or Township staff as needed, including the Township Attorney, Township Engineer or other person or agency.

SECTION 5: Absences, Removals, Resignations, Vacancies and Alternates

- A. To be excused, Zoning Board of Appeals members shall notify the Zoning Administrator, Zoning Board of Appeals Chairperson or other Zoning Board of Appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B. Members of the Zoning Board of Appeals may be removed by the Township Board, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent.
- C. A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Supervisor, Township Board or Zoning Board of Appeals Chairperson.
- D. Vacancies shall be filled by the Township Board within one month of resignation or removal of a member of the Zoning Board of Appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the Planning Commission representative, whose term shall run consecutively with the term as Planning Commissioner.
- E. The Township Board may appoint not more than two alternates to the Zoning Board of Appeals. The alternate member may be called to sit as a regular member as provided in the Zoning Ordinance and the Michigan Zoning Enabling Act.

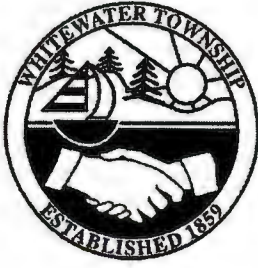
SECTION 6: Conflict of Interest

- A. Zoning Board of Appeals members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:
1. A relative or other family member is involved in any request for which the zoning board of appeals is asked to make a decision;
 2. The Zoning Board of Appeals member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association;
 3. The Zoning Board of Appeals member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance, or
 4. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
 5. The Zoning Board of Appeals member is also a member of the Planning Commission or the Township Board and voted on the same matter as a member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

REVENUE AND EXPENDITURE REPORT

Balance As Of 12/31/2025
 % Fiscal Year Completed: 75.34

GL Number	Description	25-26 Original Budget	25-26 Amended Budget	YTD Balance 12/31/2025 (Normal (Abnormal))	Activity For 12/31/2025 Increase (Decrease)
Department: 410 Zoning Board of Appeals					
101-410-702	Salaries	7,000.00	7,000.00	615.00	0.00
101-410-703	Wages	1,850.00	1,850.00	829.80	0.00
101-410-715	Social Security (Employer)	550.00	550.00	89.58	0.00
101-410-716	Medicare (Employer)	150.00	150.00	20.94	0.00
101-410-728	Postage	50.00	50.00	0.00	0.00
101-410-830	Pension Plan	0.00	0.00	57.50	0.00
101-410-860	Mileage Reimbursement	250.00	250.00	225.40	0.00
101-410-865	Meal/Lodging Expense	250.00	250.00	162.48	0.00
101-410-880	Education & Training	500.00	500.00	100.00	0.00
101-410-901	Publishing	1,000.00	1,000.00	120.55	0.00
Total Dept 410 - Zoning Board of Appeals		11,600.00	11,600.00	2,221.25	0.00



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 December 31, 2025

Planning and Zoning

Reporting 3 new permits issued as of November 24, 2025, report.

DATE	ZONE	LU PERMIT #	TAX ID #	OWNER NAME	ADDRESS	PROJECT DESCRIPTION
12/15/2025	R2	2025-94	28-004-006-00	Gmoser, Michael Joyce	5206 Vinton Rd	38'x30'8" New House
12/22/2025	C1	2025-95	28-13-009-010-13	Hellebuyck, Joe	9009 E M72	TempBanner Sign 6'x7' no movement
12/24/2025	A1	2025-96	28-13-002-015-32	Willey, Tom & Lisa	5156 Samels Rd	28'x56' Home/Barn

Hutson has sent in preliminary information regarding their plans; update – project is on hold.

Major home occupation special land use application received for Kewadin Botanicals to be reviewed with Planning Commission Chair and hearing set for January 14, 2026 at 7 p.m.

Planning Commission set a text amendment for public hearing at the December 3, 2025, meeting. Amendment requests change in fence height. All text amendments require a motion by the Planning Commission to set a hearing date. No decision by the Planning Commission at the December meeting.

Land Division – Three new land divisions. One land combination is pending.

DATE	ZONE	LAND DIVISION #	TAX ID #	OWNER NAME	ADDRESS	DESCRIPTION
12/8/2025	A1	LD 2025-12	28-121-016-64/63	Andreasson, Marilyn & Roland	8750 Monarch Lane	Combine
12/22/2025	A1	LD 2025-13	28-13-122-008-00	Burpee, Rush, Lana, Robin	Cram & Paelaestrum Rd	Split into 2

Zoning Board of Appeals – Received a letter from Baggs Partners LLC to withdraw their variance request from 2023. Scheduled for hearing on January 22, 2026 at 7 p.m. with the ZBA.

DATE	ZONE	ZBA Appeal	TAX ID #	OWNER NAME	ADDRESS	DESCRIPTION
	A1	ZBA-2023-ZA	28-13-136-001-02	Baggs Partners, LLC	6631 Baggs Road	Variance Withdrawal Letter

Code Enforcement

The short-term rental, located at 9276 Elk Lake Trail Misdemeanor Citation issued for non-compliance with zoning ordinance Article 4; arraignment date set by 86th District Court – October 3, 2023 – suspended and rescheduled for October 23, 2025. Case #25 5400-OM 1. Pre-trial set for November 13, 2025. Pre-trial set again for December 1, 2025 – bench warrant issued for arrest. Final pre-trial set for December 30, 2025. Another final pre-trial date to be set in 2026.

Pending complaint regarding major home-based business on Elk Lake Road. Per their attorney, paperwork for the planning commission to review the business. Nothing has been received from business/property owner.

Blight/nuisance on Skegemog Point Road property. Zoning Ordinance Article 5.05:

5.05 OUTDOOR STORAGE

No land in any of the foregoing districts shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, salvage, waste and Junk outside of properly authorized buildings within said districts, except as required for the storage of usable farm machinery necessary for permitted agricultural uses and except as permitted in connection with a use otherwise authorized in the Commercial and Industrial Districts.

Complaint regarding outdoor storage at 8316 Old M72. Working with property owners to bring the property into compliance. Several boats, vehicles and miscellaneous on the parcel. Property owner claims he is working on purchasing a storage building to relocate items. Prior lawsuit with the property owner. Looking for input from the township board on what additional steps to take.

Complaint regarding a property on Bunker Hill with multiple campers. No camping permits are requested. Unable to confirm. Zoning Ordinance Article 5.06A3:

- 3) Temporary Camping. A property owner shall be entitled to a camping permit for temporary recreational use when conforming with the following:
 - a. The structure shall not be permanently connected to a water supply, electrical supply, septic system, natural gas supply, nor permanently attached to a foundation.
 - b. No "gray water" or sewage shall be drained or dumped from the structure, except into such collection vehicles, or septic disposal systems as may be approved by the Grand Traverse County Environmental Health Department.
 - c. The maximum duration of stay shall not exceed one hundred and twenty (120) days per year.
 - d. All camping activities shall be kept 50 feet from the ordinary high water mark.
 - e. Camping activities shall not be a nuisance to surrounding property.

Complaint regarding bright lighting along a driveway off Skegemog Point. Zoning Ordinance Article 11.01; 11.02B and 11.03B Property owners are reducing the number of lights. Property owner claims there is no off switch or dimmer on the lighting. They have been turned off. Lighting needs to be shielded downward.

11.02B

B. Residential and Recreational Zones and Land Uses: All outdoor light fixtures and lighting practices shall conform with the following standards:

- 1) All outdoor fixtures shall have full cut-off shielding such that no light is emitted above an

imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT for gas lighting, glass tubes filled with Neon, Argon or Krypton, and small decorative fixtures such as porch lights.

11.03B

B. Residential and Recreational Zones and Land Uses:

- 1) Residential security lighting shall be energized by motion detectors unless otherwise permitted as a condition of site plan or plot plan approval. Security lighting shall be directed away from and/or shielded from road traffic and adjacent properties.
- 2) Residential yard lights shall be a sodium light source in a fixture with full cut-off shielding.
- 3) Quartz and mercury vapor lighting are prohibited because of the broad spectrum of visible light which these sources emit and because of the diffusive and reflective character of such light.

Short-term rental complaint for a property located at 5217 Vinton Road. Verified property listed on internet and sent letter to cease and remove advertisement.

Complaint regarding a "commercial business" operation from the Grand Traverse County Sheriff and County Road Commission. Several box trucks parked on both north and south side of 4019 Williamsburg Road. Confirmed with the deputy. Mailed inquiry letter to both property owner and resident along with information required to operate a home-based business. No response yet.

Sincerely,



Deb Graber
Whitewater Township
Zoning Administrator