WHITEWATER TOWNSHIP ZONING BOARD OF APPEALS

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

REGULAR MEETING
APPROVED AMENDED MINUTES
Thursday, May 28, 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
Wendy Hoeksema, Secretary and Township Board Representative
Scott Trumbull, ZBA Board Member

A quorum was established.

Absent: Eric Gall, Vice Chair (excused)

ALSO PRESENT:
Zoning Administrator Deb Graber
Recording Secretary Kay Held

SET/ADJUST AGENDA: Add "Correspondence" to Public Hearing.

Board Action: Ms. Hoeksema made a motion to approve the May 28, 2026, Agenda as amended. Mr. Trumbull seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

DECLARATION OF CONFLICT OF INTEREST: None.

PUBLIC COMMENT: None.

APROVAL OF MINUTES OF JANUARY 22, 2026, REGULAR MEETING:
Amendments: None.

Board Action: Mr. Trumbull made a motion to approve the Minutes of the January 22, 2026, Regular Meeting as presented. Mr. Boyd seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

PUBLIC HEARING:

Public Hearing: Case #ZBA-2026-01- 7811 Cook Road, Williamsburg, MI - Non-use Variance Request.
Mr. Boyd informed the applicants that three of the five Board Members were present. Approval of this application requires a majority vote of at least three. He gave them the opportunity to postpone the appeal to another meeting date when a full Board was present. They declined and chose to move forward.

Chairperson Opens Public Hearing:

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

Note: The Public Hearing opened at 7:04 p.m.

Chairperson Summarizes Procedures to be Followed:

Chair Boyd explained the process for the Public Hearing and requested individuals sign the Public Comment Sheet for comments during the Hearing.

Applicant Presents Request:

Ms. Nancy Olsen:
Ms. Olsen states she has owned the property for 35 years. Her home is north of where the County road ends, not on a public road in an R-1 District. She would like to build a new garage to fit all of their vehicles.

The current garage is an old cabin and sits two feet off the right-of-way on the east side of the property. She understands the structure is required to be 30' off the setback and 15' away from the electrical transformer and a safe distance from the well. Ms. Olsen included a Site Plan in her application packet. The building would be 32' off the east property line due to the building's eave. This fits the distance between the well, front setback and transformer. She since learned in addition to the 30', it also needs to be an additional 16.5' for the recorded right-of-way. The well prevents her from moving further west. She is asking for a variance to move the garage site, resulting in a 15.5' relocation to the west which opens the right-of-way, allowing two emergency vehicles to pass. The existing old garage does not allow for the required emergency access.

Some of her neighbors have detached garages, and they have been granted variances. The new garage would not block anyone's view, it would be grey in color and it is one story. It is approximately 550 sq. ft. in the front setback including the 16.5' right-of-way. She believes this to be the best location.

She concluded the new garage would be less non-conforming than the current structure.

Mr. Larry Olsen:
The structure would be of new construction, not an eyesore and enhance property value. It would be used to house vehicles and offer storage for lawn equipment, etc. It also creates less of an interference with emergency vehicle traffic. The new building would be further away from the property line and farther back into the required distance for the setback than the present structure.

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Township Zoning Administrator Presents Summary:
Zoning Administrator Deb Graber reported the Public Hearing was noticed in the Traverse City Record Eagle on 5/9/26. Notice was mailed to all properties within 300' on 5/9/26. One was undeliverable.

The Zoning Administrator advised the applicants to procure a survey of the property to verify the property line, where it sits on the east side of the property and whether there is an easement or two-track. They provided her with a Site Plan. Last year she approved a permit to tear down the cabin/garage; however, she has not yet done so based on the outcome of this variance request.

She confirmed that there is an electrical box and a wellhead on the property. The property today is non-conforming. It is legal because it was there long before Zoning was in place. In removing the cabin/garage and adding a three-car garage, they would still encroach on the 30' setback from right-of-way, not property line.

She directed the Board to her report in the packet stating the property owners would like to remove the old cabin/garage and replace it with a three-car garage which would still be 14.4' in the setback thereby requiring a variance. Other issues to consider in location are the electrical box, wellhead, drain field and a stream. The total property coverage is <2 acres. If the old garage were not there, they would have better access in/out of Cook Road as any private road in the county is required to be at least 20' wide to allow for emergency vehicles. It is currently 16.5' wide. Various location options were reviewed with the applicants.

The ZBA inquired about the barn in the rear of the property as shown on the drawing. A boat is parked in it; vehicles would not fit. The applicant built the structure, and it is conforming. There was discussion between the Board, the ZA and the applicant regarding the barn, the well location, prospective tree removal and a prior Private Road Ordinance.

People Wishing to Comment on the Request are Recognized:

Mr. Joe Watt: Lives on Cook Road and has no objection to the applicant building this garage.

Correspondence Received:

Deborah Kluck – in support of applicant
David and Tina Brier – in support of applicant
Larry and Janet Keef – in support of applicant
Eric and Andrea Sanborn – in support of applicant

Chairperson Closes Public Hearing:

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

Note: The Public Hearing closed at 7:26 p.m.

Zoning Board of Appeals Deliberates and Decides:
The Board inquired about the utility easement for the electrical box; the building must be 15' from the easement. The Health Department advised being 3-5' away from the well head which was described as a well pit with a house/shed on top of it.

Findings of Fact:
- It is in an R-1 Residential District and on a private road.
- There are no objections from neighbors.
- The well house is an exceptional circumstance on the property and was not self-created. The applicant did not drill the well. The property is currently non-conforming due to existing cabin/garage.
- Wetland (creek) and hill on property limit location options on west side of property.
- The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district.
- Condition or situation of a specific piece of property is not of a general or recurrent nature and does not apply to other properties.
- The variance is necessary for the preservation and enjoyment of substantial property rights similar to the rights of other properties in the same zoning district and vicinity.

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There was Board discussion. The existing barn was built by the applicant in 2001 and is 50' from the creek as required. Clerk Hoeksema expressed a concern about this as it is an additional option as a garage structure. Mr. Boyd inquired whether a smaller garage design was considered to meet conformance. The applicant replied the conformity issue is not the width of the garage but rather having to place it further back into the property and creating an issue with the road. To house three vehicles the current garage design would require a right angle into the property.

Mr. Trumbull stated the practical difficulty is an issue for him; there is a barn with a garage door and an existing non-conforming garage. The applicant would be replacing one non-conforming structure with a less non-conforming one. Trees lining the location would remain a safety issue for two emergency vehicles.

Board Members discussed relocation of the electrical transformer and moving the proposed garage. The applicant stated the drain field would not allow for that and stated requirements for the isolation distance between a septic drain field and surface waters/wells and building foundations. Board Members further reviewed drawings in the applicant's packet.

There was discussion that a wellhead may be moved. Topographical considerations include a wetland on the property. The electrical box may be an extraordinary condition; however, is not extraordinary compared to other properties in the same zoning district. There was consensus the Zoning Ordinance should not be amended over a variance with regard to the condition of a piece of property as stated in the list above.

With regard to the preservation/enjoyment of property rights, there was discussion between the Board and applicant whether the proposed three-car garage was a want or a need.

Board Action: Ms. Hoeksema made a motion to accept the Findings of Facts #1-7 as listed above. Mr. Trumbull seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

Board Members addressed items for consideration directly from the existing Zoning Ordinance. Mr. Boyd explained to applicants the reasons for the Board's Findings of Fact requirement.

Non-use Variance Criteria (from the Zoning Ordinance):

The ZBA considered each of the following criteria for the variance application, with discussion of each:

1. Granting the variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
   Board Finding: AGREE with this Finding as it would not hinder the above.

2. Granting the variance shall not permit the establishment within a zoning district of any use which is not permitted by right within the district.
   Board Finding: AGREE
   It is in an R-1 District; a garage is allowed.

3. Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township.
   Board Finding: AGREE

4. There are practical 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.
   Board Finding: DISAGREE
   There are two existing places to park vehicles; a barn with a garage door as well as an existing garage. Therefore, there is no practical difficulty. The applicants are asking for a 14.5' variance for a three car garage when it is possible to relocate the site or build something smaller to be closer to conformity. They also disagree there may be an excessive burden to make the proposed building fit. The applicant disagreed, stating there is not enough room to otherwise make it fit.

5. 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.
   Board Finding: AGREE

6. The requested variance is the minimum necessary to permit reasonable use of the land.
   Board Finding: DISAGREE
   The Board does believe not enough effort was made to stay within the setback and does not see a need for a variance to permit reasonable use of the land. There are options for a one-car garage. The Board asked the applicant if an attached garage (to the home) was considered. The applicant stated there is not 24' between the front of the house and the setback. Board Members considered the proposed garage being a want versus a need.

7. The practical difficulty is not-self-created.
   Board Finding: AGREE
   The well and easement were in existence prior to the applicant owning the property.

Board Action: Ms. Hoeksema made a motion to accept questions from the non-use variance criteria as stated above. Mr. Boyd seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

Board Action: Ms. Hoeksema made a motion to deny Case #ZBA-2026-01 for a variance as it does not fit the criteria of Article 4 of the Zoning Ordinance. Mr. Trumbull seconded the motion.
ROLL CALL VOTE: Hoeksema-Y, Trumbull-Y, Boyd-Y. Motion carried.

The ZBA will prepare correspondence to the applicant to document this decision.

REPORT FROM PLANNING COMMISSION REPRESENTATIVE – Mr. Trumbull:

The Planning Commission and Township Board held a Joint Meeting on May 14, 2026. Primary topics for discussion were Zoning Ordinance language review, the Short-term Rental survey, the proposed Winery Ordinance and the Capital Improvement Plan.

Activity at prior PC meetings includes the first of several bundles to review the Zoning Ordinance. A community outreach workshop was held on the topic of short-term rentals. A short-term rental survey currently is in draft format.

The ROWG (Resident Outreach Work Group) worked on the Short-term Rental project and will be working on the Capital Improvement Plan (CIP).

One Special Use Application was approved for a home based business.

REPORT FROM TOWNSHIP BOARD REPRESENTATIVE – Ms. Hoeksema:
The Township has scheduled a Special Meeting for Tuesday, June 30, 2026, at 6:00 p.m. to discuss a Civil Infractions Ordinance and Enforcement Policy. It will be held at the Elk Rapids Governmental Center.

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

She has issued 30 permits YTD. In the month of May, nine permits were issued and one land division granted.

The trial scheduled today for the Short-term Rental violation was postponed by the 86th district court; the Township is awaiting a new trial date.

PUBLIC COMMENT: None.

Board note: Ms. Hoeksema and Mr. Trumbull have completed the Citizen Planner Training. Two additional representatives from Whitewater Township have also completed this training; Planning Commission Rene Stratton and Planning Commission Vice-chair Sadie Merchant.

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ADJOURNMENT:

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

The meeting adjourned at 9:15 p.m.

Submitted by: Kay Z. Held, Recording Secretary