

**WHITEWATER TOWNSHIP PLANNING COMMISSION**  
Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690  
231-267-5141 Phone

**REGULAR MEETING**  
**APPROVED MINUTES**  
Wednesday, December 3, 2025, 7:00 p.m.

**CALL TO ORDER:**

Chair DeYoung called the meeting to order at 7:00 p.m.  
The Pledge of Allegiance was recited.  
A microphone check was done.

Public Attendance: 14 (approximately)

**ROLL CALL:** Secretary Peltonen called Roll.

**Present:**

Keith DeYoung, Chair  
Rene Stratton, Vice Chair  
Denise Peltonen, Secretary  
Carl Wroubel, Member  
Sadie Merchant, Member  
Randy Mielnik, Township Board Trustee

A quorum was established.

**Absent:** None.

**ALSO PRESENT:**

Zoning Administrator Deb Graber  
Recording Secretary Kay Held

**SET/ADJUST AGENDA:**

- Correct date of Public Hearing Notice Publication from "July 16, 2025," to "Tuesday, November 11, 2025."
- Correct date of next meeting from "January 7, 2025," to "January 7, 2026."
- Correct spelling of Carl "Wroubel" from "Wrobles."

**Board Action:** Ms. Stratton made a motion to approve the Agenda as amended. Mr. Wroubel seconded the motion.  
VOTE: YEAS: All. NAYES: None. Motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** None.

**PUBLIC COMMENT:** None.

**PUBLIC HEARING:**

**Zoning Amendment Request #ZA-2025-5 to Amend Zoning Ordinance Article 5.15C Fences Shall Not Exceed 6 Feet:**

**Board Action:** Mr. DeYoung made a motion to open the Public Hearing. Mr. Mielnik seconded the motion.  
ROLL CALL VOTE: Stratton-Y, Peltonen-Y, Wroubel-Y, Merchant-Y, Mielnik-Y, DeYoung-Y. Motion carried.

Note: The Public Hearing was opened at 7:05 p.m.

Request those attending to sign attendance sheet.

Public Hearing Notice was published in the Record Eagle Tuesday, November 11, 2025.

State Purpose of Public Hearing: Chair DeYoung stated the Public Hearing is to consider Zoning Amendment Request #ZA-2025-5 to Amend Zoning Ordinance Article 5.15C Fences Shall Not Exceed 6 Feet.

Brief Introductory Presentation (Zoning Administrator, Planner, Applicant/Agent, Etc.):

Zoning Administrator Deb Graber:

ZA Graber stated the property at 10283 Elk Lake Road installed a gate without a permit. They have since applied for a Land Use Permit and provided a Site Plan with a gate/fence for 6-1/2 feet. She noted that height exceeds the Zoning Ordinance allowance. Rather than pursuing a Variance through the Zoning Board of Appeals, the applicant has submitted to the Planning Commission a proposed Text Amendment to the Zoning Ordinance to increase allowable fence heights up to 7 feet.

ZA Graber specified Township fees for a Text Amendment are \$750. Any additional fees; i.e., attorney, planners, etc., are the applicant's responsibility through an escrow account paid by the applicant.

Applicant: Mr. Ken Hogarth:

Mr. Hogarth spoke to the Planning Commission, stating the gate was a pre-existing legal structure and fence that has been on the property for eight years. This predates the 2/25 Zoning Amendment which now states it is an illegal, non-conforming structure.

He spoke of the temporary removal and re-installation of the gate within the same footprint and materials. He stated the gate structure has not been increased; six inches was added to the bottom clearance to prevent dragging. The height was measured incorrectly. The gate itself is the same height it has always been.

Township inspection exceeded legal authority; the only complaint was a lean-to, which was physically removed. The Township representative entered the property without consent and inspected a structure unrelated to the complaint. Mr. Hogarth expressed concern about selective enforcement; multiple fences in the Township exceed six feet and have never been cited.

Mr. Hogarth has filed a FOIA request for the original complaint; once received, he will add it to his proposed Amendment.

The Zoning Amendment request was improperly denied. He then submitted a Text Amendment request, which was denied without the Township providing the mandatory five reasons for denial. This violates standard zoning procedures and prevents transparency. The denial and lack of justification should be entered into the record as part of the procedural issue. Mr. Hogarth believes his Amendment request aligns with prior Township discussion of raising fence limits up to seven feet. This is practical for modern gate operation and visually appropriate.

Mr. Hogarth requested the gate be recognized as a legal non-conforming structure, the Township acknowledge enforcement was based on an improper inspection, the Township address the procedure failure in the Amendment denial, and the Township proceed with the Text Amendment to establish a seven foot fence height standard.

Mr. Hogarth distributed a detailed statement of these comments to Planning Commission Members.

The Planning Commission made several inquiries and comments. Mr. Mielnik asked the applicant to clarify his comment that the structure was non-conforming as it was built before the current Ordinance and did not change after he removed the lean-to.

Ms. Stratton inquired why the applicate did not ask for a Variance instead of a Zoning Amendment. Mr. Hogarth stated he did ask for a Variance; however, it was denied 5/28/25 on a Land Use Application. Mr. Wroubel stated there had not been a Variance request before the ZBA in the past five years. There was additional discussion attempting to clarify this information. The Planning Commission is considering the Amendment request, which would apply to all properties, not solely Mr. Hogarth's.

Read Any Written Comments Received: None.

Receive Public Comments in Person and on Zoom:

Comments from the Meeting Room:

Mr. Ronald Bachi, 6987 Cook Road, Williamsburg, MI 49690:

Mr. Bachi believes the pros outweigh the cons in changing the fence height limit from six to seven feet. A new development is being built across from him, and he plans to ask for an eight foot fence Variance. He believes the Hogarth fence is well done; there are many fences in the Township that are eyesores, and there are miles of unpermitted and non-maintained fences in the Township. If the Hogarth fence has to come down, the community will express concern over attacking their property rights.

Mr. Bill Busforce, 10329 Elk Lake Road, Williamsburg, MI 49690:

Mr. Busforce lives next to the Hogarth's and has no issue with their fence or their request.

Mr. Randy Steelman, Crisp Road, Williamsburg, MI 49690:

Mr. Steelman supports the fence height increase to seven feet; however, doesn't believe a permit should be required.

Mr. Ron Popp, 6237 Elk View Drive, Williamsburg, MI 49690:

Mr. Popp inquired where the 53 pages of the meeting packet are posted for the public. He asked Mr. Wroubel when the Planning Commission sent a fence request to the Township Board, as alluded to by Mr. Wroubel. Mr. Popp stated the Township Board never received a request.

There are multiple fences outside the existing Ordinance. If the PC increases fence height, many non-conforming fences would be brought into conformance and suggested the PC consider this a Finding of Fact in considering their decision.

Ms. Kim Mangus, Brown Bear Lane, Williamsburg, MI 49690:

Ms. Mangus encouraged the increased height of fences, it would be useful with terrain variations and encouraged the PC to consider the eight foot height suggestion. She supports no requirement for fences under the Township's height benchmark.

Comments from Zoom: None.

**Board Action:** Mr. DeYoung made a motion to close the Public Hearing. Ms. Stratton seconded the motion. ROLL CALL VOTE: Peltonen-Y, Wroubel-Y, Merchant-Y, Mielnik-Y, DeYoung-Y, Stratton-Y. Motion carried.

Note: The Public Hearing was closed at 7:38 p.m.

PC Discussion of Proposed Zoning Amendment:

Chair DeYoung expressed his opinion the maximum fence height should be changed, and options need to be considered. The PC will conduct research and revisit this topic next month.

Commissioner Wroubel stated the PC should consider the suggestions of increasing allowable fence height to seven or eight feet and would be in favor of no permit requirement. He cautioned not making it too complicated.

Vice Chair Stratton is in favor of raising the maximum fence height over six feet. A six-foot maximum may be more applicable to suburban than rural properties. Verbiage may need to be changed related to measurements.

Trustee Mielnik noted fence requirements were difficult to locate in the definitions prior to the re-codification. Several good points were brought up; i.e., topography, fence location standards (front/back/side), design aspects. He is not necessarily opposed to seven or eight feet; more consideration of where those heights would be allowed is needed.

Commissioner Merchant supports raising the fence height. The current Ordinance needs to be more specific as to what is restricted. People have differing opinions of design, materials, location, privacy, etc.

Secretary Peltonen stated 5.12C addresses residential standards, and there are different standards for farming areas. She is not opposed to raising the allowable height to seven feet. Regardless of height, someone can always look into a property (ladder, drone, camera); height is for aesthetic.

Ms. Stratton believes the question about requiring permits and changing the fence height are two separate issues. The PC can choose to also make a determination about permitting.

ZA Graber suggested the PC also consider garden fences as a possible exclusion when establishing their Findings of Fact. She reiterated she is only able to enforce what is in the Ordinance.

The Planning Commission will need to prepare Findings of Fact. Chair DeYoung stated this matter will be revisited at the January Regular Meeting with Findings of Fact to be discussed.

**APPROVAL OF MINUTES:**

**Regular Meeting Minutes of 11/5/25:** Amendments: None.

**Board Action:** Mr. DeYoung made a motion to approve the Regular Meeting Minutes of 11/5/25 as presented. Mr. Wroubel seconded the motion.

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

**CORRESPONDENCE:** None.

**REPORTS / PRESENTATIONS / ANNOUNCEMENTS / COMMENTS:**

**Zoning Administrator – Deb Graber:** ZA Graber’s report was in the meeting packet. She also reported: High Pointe Golf Course is pouring cement for the bar restaurant. The lodge is completed, and they have received their Occupancy Permit.

The Grand Traverse Plastics project is on hold, as is the Hutson John Deere project. The AIS Construction project is in process. ZA Graber stated when a Land Use Permit is written, she is required to visit the site at least three times. She is working with Mr. Jim Snyder on his Old M-72 property and hopes to see consistent improvement. A new Short-term Rental violation is being investigated.

The defendant regarding the 9276 Elk Lake Trail short-term rental property did not show at the scheduled trial this past Monday; a bench warrant was issued for her arrest. The legal process will continue.

Year-to-date, 93 permits have been issued. Two more land divisions are in process.

Ms. Graber referenced a comment made at the last PC meeting regarding the time it took for the Hogarth application to come before the Planning Commission; she clarified it was provided to the Chair in August and encouraged it be added to the meeting agenda, which would require a motion by the PC. She asked for support from the Planning Commission so that she is better able to enforce current Ordinances. Chair DeYoung expressed appreciation for the Zoning Administrator’s work and acknowledged the Planning Commission’s responsibility and commitment to reviewing the Zoning Ordinance and making any necessary amendments.

**Suggestions on the By-Laws Edit Referencing Hearings:**

This is duplicated on the Agenda and will be addressed under “New Business.”

**Chair – Keith DeYoung:**

Chair DeYoung noted that at least two PC Members are not available to attend the January 7, 2026, Regular Meeting, and suggested the PC consider rescheduling it and adding a Special Meeting to review Zoning Ordinance revisions with Giffels Webster.

**Board Action:** Ms. Stratton made a motion to reschedule the Wednesday, January 7, 2026, Regular Meeting to Wednesday, January 14, 2026, at 7:00 p.m. Ms. Merchant seconded the meeting.

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

**Board Action:** Mr. DeYoung made a motion to schedule a Special Meeting on Monday, January 19, 2026, at 6:00 p.m. to review Zoning Ordinance modifications with Giffels Webster. Ms. Peltonen seconded the motion.

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

**Vice Chair – Rene Stratton:** No Report.

**Secretary – Denise Peltonen:** No Report.

**Township Board Representative – Randy Mielnik:**

Mr. Mielnik reported Mr. Scott Trumbull was appointed to the Planning Commission, filling the seat that will be vacated by Mr. Carl Wroubel 12/31/25. A replacement for former PC Member Mr. David Boesler is expected to be named next week.

A draft RFP was prepared in anticipation of professional consulting services related to the Capital Improvement Plan. This will be reviewed and discussed.

The Planning Commission’s Annual Report should be prepared by January/February. This report is required by the Planning and Enabling Act.

A binder will be prepared for all PC Members to include the Zoning Ordinance, Zoning Enabling Act, Planning Enabling Act, Open Meetings Act and By-Laws. It will be available for reference at each PC meeting.

**ZBA Representative – Carl Wroubel:** No Report.

**UNFINISHED BUSINESS:**

**Gourdie Fraser (GFA) – Private Roads Ordinance:**

Mr. Travis Munn of Gourdie Fraser (GFA) provided a preliminary draft Private Road Ordinance to Planning Commission Members. He noted it also takes into account Fire Department requirements. He offered a brief overview of the content which included:

- Purpose
- Application for Approval
- Additional Requirements
- Severability
- Definitions
- Standards for Approval
- Penalties and Enforcement
- Repeal

The Planning Commission went through the document in great detail, discussing numerous subjects and content within this initial draft and reviewed clarifications, corrections and changes with Mr. Munn. Mr. Munn will incorporate the modifications discussed and provide it to the PC for further review.

**ROWG – Resident Outreach Work Group:**

Ms. Stratton reported the ROWG met December 2, 2025. She provided revised White Papers to the Planning Commission and asked for any input the Planning Commission may have. A physical copy will be provided in the Township Hall for viewing the most up-to-date version of White Papers.

The ROWG is holding its first workshop, to be held at Mill Creek Academy. After review of dates, this workshop will be held on Monday, 1/26/26, from 7:00-9:00 p.m. This is a facilitator-lead community workshop, open to the public. It will also include an education component.

Ms. Stratton asked all PC Members to attend and assist the ROWG in group facilitation. She would like to offer a Zoom option for residents unable to attend or who are out of the area for the winter and asked for the services of LIAA to facilitate Zoom activity. It is anticipated a second workshop will be held later in the year.

**Wineries and Tasting Rooms Ordinance – Review:**

The Planning Commission discussed proposed redline and additional revisions to the current Wineries and Tasting Rooms Ordinance draft.

They also discussed each portion of the document including the district, setbacks, impact on adjacent properties, parking, hours of operation, noise concerns/Noise Ordinance, structures, and other sections outlined in the document.

Next steps will include preparing Findings of Fact. The PC discussed scheduling a Public Hearing, potentially in March, for citizen input. Secretary Peltonen will prepare material regarding setback concerns for the PC to discuss at the next meeting.

**Outside Venue Ordinance Update:** No update at this time.

**NEW BUSINESS:**

**By-Laws Review:**

PC Members reviewed the Planning Commission By-Laws in advance of the meeting. Mr. Mielnik presented proposed changes to Section 3: Meetings (D) Public Hearings and how they may be set. Secretary Peltonen suggested discussion that PC Members consider not wearing business-specific apparel to avoid the appearance of any perceived preference or promotion of an organization. There was discussion about self-governing and fulfilling the Oath of Office. The By-Laws will be revisited again at a future meeting.

**Board Action:** Ms. Stratton made a motion to accept the Amendment to Section 3 Meetings, Part D (1 and 2) on Public Hearings, as amended. Ms. Peltonen seconded the motion.

ROLL CALL VOTE: Merchant-Y, Mielnik-Y, DeYoung-Y, Stratton-Y, Peltonen-Y, Wroubel-Y. Motion carried.

**NEXT MEETING(S):**

-Planning Commission Regular Meeting **Wednesday, January 14, 2026, at 7:00 p.m., Township Hall**  
**(Note: Rescheduled from January 7, 2026.)**

-Planning Commission Special Meeting (Giffels Webster), **Monday, January 19, 2026, at 6:00 p.m., Township Hall**

-ROWG Public Workshop, **Monday, January 26, 2026, 7:00-9:00 p.m. at Mill Creek Academy**

**PUBLIC COMMENT:**

**Ms. Kim Mangus:** Ms. Mangus thanked Mr. Carl Wroubel for his years of service on the Planning Commission. The PC should include landscaping standards specific to wineries in the Wineries and Tasting Rooms Ordinance. Regarding the setbacks discussion, terminology "distance from a home not in like ownership" was utilized when the marihuana issue was before the PC.

GFA provided a good foundation for the Private Road Ordinance. Several key items are missing; i.e., use of historical names of Township founders to name roads, no verbiage on posting of proper signage, nothing about grandfathering existing roads, concerns about expansion and road upgrade responsibilities, no provisions for easements, need to address property splits and expansion of roads/density.

**Mr. Ron Bachi:** As a former Deputy Supervisor with residential and commercial experience, event barns are tough in separating commercial businesses from agricultural businesses. He appreciated Secretary Peltonen's discussion about prospective noise issues.

**PC DISCUSSION / COMMENTS:**

**Action Items for PC Members Reviewed (Discussion):**

In response to a former comment, Chair DeYoung noted the PC Agenda Packet is posted on the Township website.

Mr. Carl Wroubel's term expiration on the Planning Commission effective 12/31/25 will also result in his seat on the Zoning Board of Appeals becoming vacant. The ZBA is seeking candidates for this seat.

Vice Chair Stratton reminded PC Members to contact her with any changes to the ROWG to White Papers.

**Thank You to Mr. Carl Wroubel for His Time on the Planning Commission:**

Commissioner Carl Wroubel was presented with a Certificate of Appreciation from Members of the Planning Commission for his five years of service on the PC.

Chair DeYoung noted the Planning Commission also has Certificates of Appreciation for former Planning Commissioners Mr. Al Keaton (3 years) and Mr. Mike Jacobson (7 years), who were not in attendance at the meeting this evening.

**CONTINUING EDUCATION:** None.

**ADJOURNMENT:**

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

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

The meeting adjourned at 9:58 p.m.

**Submitted by: Kay Z. Held, Recording Secretary**