TORCH LAKE TOWNSHIP

ANTRIM COUNTY, MICHIGAN

Community Service Building

Zoning Board Meeting

APPROVED 5-0 WITH CORRECTIONS

August 17, 2022

**Present:**

Laura Andersen (Chair) Chad Impellizzeri, David Nussdorfer, Mark Jakubiak,

**Alternate:** Kristin Graves (in for B. Hawkins)

**Absent:**  Marsha Petersen (alternate)

**Audience:** 6

**Others:**  Sara Kopriva, Bob Cook,

**Recording Secretary:** Jacqueline Petersen

**A.  Call to Order Regular Meeting / Record Members Present:**

Meeting called to order at 7:00 pm by Andersen

Pledge of Allegiance was recited

Roll call was conducted by Andersen

**B.  Approval of Agenda**

Andersen presented agenda different than the agenda published on the website

M/S Jakubiak/Nussdorfer    Andersen called for further discussion and vote; 5/0 motion carried

**C.  Approval of April 20, 2020 Meeting Minutes**

Correction:  Item #3; Approval of minutes should read “January 19, 2022 ZBA Meeting Minutes.”

M/S to approve April 20, 2022 with corrections Jakubiak/Nussdorfer. Andersen called for further discussion and vote; 5/0 motion carried

**D.  Conflict of interest**

Andersen polled ZBA members asking if there were any conflicts of interest and there were none.

**E**.  **Public Comment**

**F.  Communications**

**G.  Hearing of Case**

1. **Loy Front Yard Setback Variance Request; Parcel Number 05-14-575-008-00 ZBA Case # 2022-01**

Andersen reviewed the procedure for the variance hearing.

Kopriva summarized the request for variance how it relates to the zoning ordinance.

Glenn (Rick) Loy (applicant)made a verbal and visual presentation.  He summarized the history of the property, conditions of the property and outlined the scope of his proposed housing project and explained his request for a 16’ front yard variance.  Loy stated the conditions are; topographical challenges, shallowness of lot and shape of lot and how it relates to the project he is proposing to build.

Board members asked the applicant questions relating to his project and parcel.

At the conclusion of Mr. Loy’s presentation, Andersen asked if any there were any further questions of the board for Mr. Loy. BILL ASLUM HAS NO OBJECTIONS TO MR. LOY’S VARIANCE REQUEST. H (D) A, B, AND D ARE NOT MET.

Andersen Closed the public hearing.

**H.  Close Public Hearing / ZBA Members Discussion - Possible Decision**

The ZBA members deliberated the request and compiled the following findings of fact:

FINDING OF FACTS

1. The property is located in the R1 zoning district, is vacant except for a shed
2. The lot is non-conforming due to its size of 13,000sf vs required 20,000sf and does not meet the minimum width of 100sf
3. The property was platted in 1928
4. Surrounding pre-existing homes seem to be built into the setbacks, and were built prior to zoning
5. The lot has exceptional shallowness and narrowness.
6. The steep incline from the road to the property is common to other properties in the area.
7. The property has a rectangular building area of 26x50; which is a larger building envelope than other properties in the area.
8. The existing building envelope is sufficient to build in compliance with the zoning ordinance.
9. Special conditions are not a result of the landowner’s actions.
10. The property was platted prior to zoning.
11. The 50’ setback from the water’s edge is to protect our sensitive environmental resources, including waterways and shorelines, and to protect our water quality and near-shore environment from various human impacts.
12. This request is not consistent with the spirit and purpose of the zoning ordinance.

Andersen led the members into discussion of the four criteria outlined in Chapter 20 for hearing variances.

Andersen referred to Zoning Ordinance; Chapter XX; Section 20.06 - Dimensional Variances

A. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which;

1.  are not applicable to most other lands, structures or buildings in the same zoning district.

2.  the property shows exceptional shallowness, narrowness, or the shape of a specific piece of property on the effective date of the ordinance.

3.  exceptional topographic conditions exist.

4.  extraordinary conditions of land, building or structure exist.

5.  negatively affect development of the property immediately adjacent to the property in question.

6.  the literal enforcement of the requirements of this ordinance would involve practical difficulties.

B. The literal interpretation of the zoning ordinance deprives the applicant of property rights commonly enjoyed by other properties in the same zoning district.

C. The special conditions or circumstance are not the result of the applicant, landowner or predecessor in title.

D. That the authorizing of the variance will be consistent with the spirit of this zoning ordinance, and not be a substantial detriment to the neighboring properties.

Upon concluding the discussion, The ZBA members agreed that all four criteria were not met.

Motion by Andersen to deny the ZBA 2022-01 for Glenn Loy based on findings of fact; Criteria A, C and D are not met.  Seconded by Nussdorfer.  Andersen asked for further discussion and there was none.  Andersen conducted a roll call vote:

Nussdorfer=Yes

Andersen=Yes

Impellizzeri=Yes

Jakubiak=Yes

Graves=Yes

Motion to deny the variance passed 5/0

**I.   Miscellaneous Business**

1. **Zoning Administrator’s Report**

The report was distributed to the ZBA. Kopriva reported that Petersen and Hawkins have resigned from the ZBA - these vacancies will need to be filled

1. **PC Representative to the ZBA**

PC will be reviewing the new draft ordinance in the coming months, beginning in September - any input from ZBA would be helpful from the PC.

**J.  Public Comment**

Bob Cook 12110 Dragonfly Lane - Supervisor’s update.  Bob commented about the two vacancies on the ZBA.  Kevin Woodward has been appointed to the planning commission.  Kristin Graves will sit temporarily on the ZBA.  Board will appoint new members.  If Graves and Jakubiak elect to be reappointed, their term will be the standard three-year term.

**K.  Summary of Action items before next ZBA Meeting**

No cases scheduled for September

In lieu of holding a meeting to approve meeting minutes right away, Kopriva proposed to draft a denial decision order, which Andersen will sign and attach minutes.  Minutes from tonight’s meeting to be approved at the next meeting.

**L.  Adjournment 8:28pm**

M/S Jakubiak/ Graves