

# Torch Lake Township Zoning Board of Appeals (ZBA)

Regular Meeting Agenda

**Wednesday, November 19, 2025**

**6:00 PM**

Community Services Building, Torch Lake Township, Michigan

*Please turn off cell phones.*

- A. Call to order/Roll call
- B. Approval of Agenda
- C. Approval of July 16, 2025 Meeting Minutes
- D. Conflict of Interest
- E. Public Comment
- F. Communication(s)
- G. Business Before the Zoning Board of Appeals
  - 1. Election of Officers
  - 2. Bylaw Review
  - 3. 2026 Meeting Calendar- Currently 3<sup>rd</sup> Wednesday at 6pm
- I. Public Comment
- J. Summary of Action items before next ZBA Meeting
- K. Adjournment

Torch Lake Township  
Zoning Board of Appeals (ZBA)

Regular Meeting

**Wednesday, July 16, 2025**

Draft Minutes

- A. Meeting called to order at 6pm, roll call taken and pledge recited

Present: Andersen, Graves, Nussdorfer, Clarke, Impellizzeri

Not present: Alternates Swanson & Wynkoop

Others: Zoning Administrator Sara Kopriva

- B. Approval of Agenda

Andersen changed agenda items I, J & K to items H, I & J

M/S to approve agenda as amended. Andersen/Graves. 5/0

- C. M/S to approve June 18, 2025 meeting minutes as presented.

Andersen/Graves 5/0

- D. No Conflicts of interest

- E. Public Comment-none

- F. Communications-none

- G. Hearing of Case

Andersen opened the public hearing and reviewed the procedures of the hearing.

1. ZBA 2025-03 requested by Ian Vedder for parcel number 05-14-107-009-00, a residential zoned (R1) parcel located at 4407 Trillium Ridge Central Lake MI 49622 for a 31' front yard variance to construct a single family dwelling on the required 50' front yard setback.

Andersen explained the procedure of hearing the case

- A. Presentation by Applicant

Mr. Park, architect for Ian Vedder, along with the applicant Ian Vedder, presented a redesign based on the last meeting. Park stated that since the last meeting the house has been demoed and the proposed new house has been staked and he hoped that the ZBA members had taken the time to go to the site. He explained that the non-conforming lot does not meet the size for size area or width and it's also a through lot which has water frontage. The lot is unique and with these characteristics is eligible for a certain considerations and relief for setbacks. The revised plan now meets the setbacks on all sides but the one being requested, the 31 ft variance. He explained how repositioning or reorienting the house is not possible due to the topography and the views. The square footage of the redesign

is essentially the same (3000 sf) as the original, except the garage was eliminated from the original plan. The buildable envelope is 2,200sf, after all setbacks are applied, which is about 20% less of what a normal conforming lot would be. The extensive amount of setbacks are creating a unique situation and the ordinance doesn't specifically address this situation. Visual aids were used such as pictures to show the ZBA members these points. Vedder added to please consider that the plans for this house are 41' from the edge of Trillium Ridge to the nearest point to the road which is 24' more than anyone else on that road.

#### B. Deliberation and decision

Kopriva referred to the staff report and reminded the zba members to deliberate this case on today's presentation as a new request. If members need to reference the prior case please be specific so that can be added to the record. The case was published in Elk Rapids news on June 26th and 300-ft mailings were sent out on June 21st. Kopriva reviewed the minimum standards in the ordinance for a single-family dwelling (960sf). She clarified required setbacks; the front yard is the water side at 50', Northeast Torch Lake Drive is the rear setback at 35 ft. Another front setback from Northeast torch exists as well as another front from Trillium Ridge. Resulting in two 50' front yard setbacks.

At 6:26pm Andersen called for public comment and hearing none, closed the public hearing and entered into the closed session portion of the meeting.

#### General Findings of Fact:

1. The lot is non conforming, as it doesn't meet the minimum lot size or frontage in the R1 district.
2. The building envelope is 2208.00753 square feet
3. The property is a "through" lot, which the zoning ordinance does not address.
4. The zoning ordinance allows for a 35' setback from the road for waterfront properties.
5. The terrain is very steep leading down to North East Torch Lake Drive from the parcel.
6. The property lines are skewed
7. A conforming lot has at least a 9,200 ft building envelope.

All ZBA members verbally agreed on these general findings of fact.

The members then discussed the case regarding the criteria set forth in the zoning ordinance for approving requests for variance.

#### Criteria A:

Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters will unreasonably prevent the owner from using

the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

Findings of Fact:

1. The building envelope is sufficient enough to build a larger home than the minimum required by the Zoning Ordinance.
2. The skewed property lines (lot line angles), grade and building envelope make it more difficult to build on this property.
3. We have received no public comment regarding this request.

Criteria B:

The variance requested is the minimum variance needed to provide substantial relief to the applicant and be fair to other property owners, and be consistent with the spirit of the ordinance.

Findings of Fact:

1. An ordinary conforming property would have a one (1) 50 ft front and a 35 ft rear setback, and the ordinance did not anticipate this situation.
2. The property does not fit within the ordinary structure of the ordinance.
3. The front yard (50' setback) is the Trillium Ridge side according to the definition of front lot line in the Zoning Ordinance and street address.
4. The applicant has reconfigured the structure to comply with three of the four setbacks.
5. The property is at the end of a private road easement, so there is no through traffic and no safety issues posed.
6. The requested front set back is similar to existing houses on Trillium Ridge.

Criteria C:

The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

Findings of Fact:

1. The combination of a non-conforming width, irregular lot lines, steep grade and multiple 50 ft setbacks, due to being a throughout, create unique circumstances.
2. The steep grade is a common feature of lots in this area.

Criteria D:

The problem and resulting need from the variance has been created by strict compliance with the zoning ordinance not by the applicant or the applicant's predecessors.

Findings of Fact:

1. The septic is in the setback and does not affect the building envelope.

2. The well is in the building envelope, but close to the setback line, and does not substantially affect the building envelope.
3. The skewed property lines (lot line angles), grade and building envelope make it more difficult to build on this property.
4. The combination of a non-conforming width, irregular lot lines, steep grade and multiple 50 ft setbacks, due to being a throughout, create unique circumstances.
5. Strict compliance with the ordinance results in a structure inconsistent with neighboring properties and setbacks.

Andersen requested a roll call vote on each of the criteria items. Graves conducted the roll call vote. NOTE: at this time the request was clarified that the applicant is requesting a 24' variance rather than the 31' as understood earlier by the ZBA.

Criteria A: 5/0 criteria met

Graves -Yes

Andersen -Yes

Impellizzeri - Yes

Clarke - Yes

Nussdorfer - Yes

Criteria B: 5/0 criteria met

Graves -Yes

Andersen -Yes

Impellizzeri -Yes

Clarke -Yes

Nussdorfer -Yes

Criteria C: 5/0 criteria met

Graves -Yes

Andersen -Yes

Impellizzeri -Yes

Clarke -Yes

Nussdorfer -Yes

Criteria D: 5/0 criteria met

Graves -Yes

Andersen -Yes

Impellizzeri -Yes

Clarke -Yes

Nussdorfer -Yes

Andersen reopened the public hearing at 7:27pm and invited the applicant for final comments. Vedder extended his gratitude for the ZBA's time.

Motion by Andersen to approve ZBA 2025-03 for a 24' front yard setback variance from Trillium Ridge, as the applicant has met all four criteria. Motion was seconded by impellizzeri. Rockovolt was conducted 5/0 motion passed

Graves -Yes

Andersen -Yes

Impellizzeri -Yes

Clarke -Yes

Nussdorfer -Yes

H. Public Comment

Andersen asked for public comment and there was none

I. Summary of action items before next ZBA Meeting

Kopriva stated that there were no applications and the next meeting would be canceled.

J. Adjournment

Andersen/Nussdorfer to adjourn: vote 5/0 adjourned at 7:30pm

**RULES OF PROCEDURE  
TORCH LAKE TOWNSHIP  
ZONING BOARD OF APPEALS**  
(Revised 11.20.2024)

**PREAMBLE**

These rules are comprised of verbatim sections of the Torch Lake Zoning Ordinance, plus other supplementary rules of procedure that were felt necessary to perform the duties assigned to the Torch Lake Township Zoning Board of Appeals hereinafter referred to as ZBA. Nothing herein shall be construed to give or grant to the ZBA the power or authority to alter or change the Zoning Ordinance, including the zoning map, which authority is reserved for the Township Board of Trustees. In the case where these Rules of Procedure conflict with the Township Zoning Ordinance, the Zoning Ordinance shall prevail.

**ARTICLE I  
ORGANIZATION**

1. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates maybe appointed by the Township Board for staggering three (3) year terms as follows:
  - A. One (1) member shall be a member of the Planning Commission, and one (1) member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member.
  - B. Members shall be selected from the electors of the Township and reside within the Township.
  - C. The members selected shall be representative of the population distribution and of the various interests present in the Township.
  - D. Members of the ZBA may be removed from office for inefficiency, neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the Township Clerk and a public hearing has been held by Township Board.
  - E. Vacancies shall be filled for the remainder of the unexpired term by resolution of the Township Board.
  - F. Members shall be appointed not more that one (1) month after the term of the preceding member has expired.
  - G. A member of the ZBA who is also a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on, or will vote on, as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

- H. In the event a ZBA member is elected to Township Board and such election increases the number of Township Board members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the unexpired term by appointment in the same manner as for regular appointments for full terms.
- 2. The total amount allowed such ZBA in any one (1) year as per diem payments or as expenses actually incurred in the discharge of their duties shall be a reasonable sum that shall be provided annually by the Township Board of Trustees.
- 3. The Chairperson shall preside over the meetings of the ZBA. In case of the absence of the Chairperson, the Vice Chairperson shall preside. The ZBA shall conduct meetings pursuant to Robert's Rules of Order except as modified by these rules. The presiding officer, subject to these rules, shall decide all points of order or procedure.
- 4. The Secretary shall assist with all clerical work of the ZBA and perform such other further duties as may be requested by the ZBA.
- 5. The ZBA shall keep minutes of its proceedings, showing the action of the ZBA, the reasons on which it bases its action, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official action, all of which shall be filed promptly in the Township Offices and shall be public record. Findings of Fact shall be included in the record.
- 6. Conflict of Interest:
  - A. Each member of the ZBA shall declare conflicts of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. As used here a conflict of interest shall include, but not necessarily be limited to the following:
    - 1. Issuing, deliberating on, voting on, or reviewing a case concerning himself or herself.
    - 2. Issuing, deliberating on, voting on, or reviewing a case concerning work on property owned by him or her or which is within 300 feet of property owned by him or her.
    - 3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, LLC, or any other entity in which

- he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
4. Issuing, deliberating on, voting on, or reviewing a case that may result in a pecuniary benefit to him or her.
  5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her relatives, in-laws, or close friends,
  6. Issuing, deliberating on, voting on, or reviewing a case where his or her employer: Is an applicant or agent for an applicant or has direct interest in the outcome.
- B. When a conflict of interest exists, the member of the ZBA shall do all the following immediately, upon first knowledge of the case and determining that conflict exists:
1. Declare that a conflict exists.
  2. Cease to participate in the portion of the ZBA meeting involving the issue, and refrain from any participation in the case at any other meeting or outside any actual meeting.
  3. During deliberation of the item before the ZBA he or she shall absent himself or herself from the meeting and shall not participate in any way until that agenda item is completed.
  4. If a person recuses himself or herself, he or she may be asked to state the reason.
- I. The Township Attorney may be consulted in cases where the powers of the ZBA are not clearly defined, or where there is a legal issue involving a matter before the ZBA for which the Chairperson, Vice-Chairperson or a majority of the ZBA desire an opinion and, in such case, the Township Supervisor shall be consulted before seeking a legal opinion from the Township Attorney.

## **ARTICLE II**

### **MEETINGS**

1. The ZBA shall schedule meetings, as needed, during the year, to be held at 6:00 p.m. at the Community Service Building in Torch Lake Township on the third Wednesday of the month (or the fourth Wednesday if the third Wednesday is a legal holiday), to hear appeals and other matters within the ZBA's jurisdiction. An annual organizational meeting shall be held on the third Wednesday of November each year at which officers are to be elected and calendar of meetings for the following year is approved.

2. All ZBA meetings shall be open to the public and shall be preceded by notice, pursuant to requirements of the Township's Zoning Ordinance and the *Open Meetings Act*.
3. Special meetings may be called by the Chairperson of the ZBA at his/her discretion or by a majority of the ZBA when there is a matter of urgency that cannot be delayed until the next scheduled meeting of the ZBA.

### **ARTICLE III**

#### **PROCEDURE**

1. A resolution supported by two-thirds of the members present may temporarily suspend any rule or procedure or change the date or time of meetings as set forth in these rules.
2. When it is a decision of the ZBA to discontinue a hearing and to reconvene the hearing at a later date, there shall be no additional charge for this meeting to the appellant unless the ZBA determines that the reason for the re-convening of the hearing is solely due to the applicant's failure to provide requested or required information which was under the applicant's control.
3. The presence of three (3) regular members shall constitute a quorum. The concurring vote of three (3) members of the ZBAs shall be necessary to reverse any order, requirement, decision or determination of the Planning Commission or Zoning Administrator not specifically exempt from the ZBA review by other provisions of the Township's Zoning Ordinance, or to decide in favor of the applicant on any matter upon which it is required to pass by of the Township's Zoning Ordinance or to grant variations from the requirement of the Township's Zoning Ordinance.
4. A copy of each resolution passed by said ZBA shall be submitted to the Clerk of the Township and to the Secretary of the Planning Commission.
5. The business at the ZBA meetings shall include the following:
  - A. Call to Order / Roll call
  - B. Approval of Agenda
  - C. Approval of minutes of previous meeting
  - D. Conflict of Interest
  - E. Public Comment

- F. Communication(s)
- G. Hearing of cases
- H. Miscellaneous business
- I. Public Comment
- J. Adjournment

## **ARTICLE IV**

### **APPEALS**

1. Applications for appeal, interpretation, variance or appeal of an administrative decision pursuant to the requirements of the Zoning Ordinance shall be made on the official appeal form and shall include all required information as outline in the Zoning Ordinance. The Application shall be accompanied by such fee as established by the Township Board of Trustees.
2. The order of procedure of hearings shall be:
  - A. Chairperson's explanation to the audience of the proceedings
  - B. Presentation of official records of the case by the Zoning Administrator
  - C. Secretary of the ZBA presentation of the any communications
  - D. Applicant's presentation of his/her case
  - E. Interested persons in support
  - F. Interested persons in opposition
  - G. Rebuttals in similar order
  - H. Chairperson closes the hearing, noting the time thereof.
  - I. ZBA Members deliberate the application.
  - J. Hearing re-opens; decision rendered

In the conduct of a hearing, all comments shall be directed to the Chairperson.

3. The ZBA may require of the applicant such additional information and data as is deemed essential to fully advise the ZBA with reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the application by the ZBA.

4. The ZBA shall not be bound by strict rules of evidence; it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.
5. When the applicant fails to appear at a properly scheduled meeting of the ZBA, the ZBA Chairperson may entertain a motion from the ZBA to dismiss the case for want of prosecution. In the absence of a motion by the ZBA, the Chairperson shall rule. In cases that are dismissed for want of prosecution, the applicant will be furnished with written notice of the action by the ZBA. The applicant shall have seven (7) calendar days from the date of notice of dismissal to apply for reinstatement of the case. In such cases, the applicant must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairperson for good cause shown. In all cases reinstated in the above-described manner, the cases will be docketed and advertised in the manner prescribed for new cases and the applicant shall be responsible for the costs of reinstatement.

## **ARTICLE V**

### **VARIANCES**

Variances shall be heard and decided in accordance with the Torch Lake Township Zoning Ordinance.

## **ARTICLE VI**

### **DISPOSITION OF APPEAL**

1. The ZBA shall decide all applications and appeals within 30 calendar days after the final hearing thereon. Such decision shall be binding upon the Zoning Administrator and observed by him/her, and s/he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the ZBA.
2. The motion that decides the issue shall be in the form of a statement or resolution reciting the Findings of Fact and shall state the reasons for the findings as well as the conclusions and any conditions of approval imposed by the ZBA.
3. Any applicant may withdraw his/her application at any time prior to the hearing on the application.

4. Failure of an applicant or subsequent owner of the property in question to comply with the terms of any decision, including any conditions imposed thereunder, shall be in violation of the Zoning Ordinance and such terms and penalties thereunder may be enforced to halt and correct any such violation.

A file of materials and decisions relating to each case shall be maintained at the township as part of the records of the ZBA. All records shall be public records.

## **ARTICLE VII**

### **AMENDMENTS**

1. These *Rules of Procedure* may be amended at any regular or special meeting upon an affirmative vote of a majority of the total membership of the ZBA.
2. The foregoing rules and regulations are hereby adopted by the ZBA of Torch Lake Township on the November 20, 2024.