

Torch Lake Township
Zoning Board of Appeals (ZBA)

Regular Meeting Agenda

Wednesday, November 20, 2024

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 April 17, 2024 Meeting Minutes
- D. Conflict of Interest
- E. Public Comment
- F. Communication(s)
- G. Hearing of Cases – None
- H. Miscellaneous Business
 - a. Rules of Procedure
 - b. 2025 Meeting Schedule
 - c. Election of Officers
- I. Public Comment
- J. Summary of Action items before next ZBA Meeting
- K. Adjournment

Torch Lake Township ZBA Training Meeting

April 17, 2024

Present: Laura Anderson, Chad Impellizzeri, Kristin Graves, Dan Swanson, Jeff Wynkoop.

Absent: Dave Nussdorfer

Audience: 2

Other: Sara Kopriva Planner/Zoning Administrator

Recording Secretary: Kristin Graves ZBA secretary

- A. Call to Order: 6:00pm by Anderson
Pledge of Allegiance was recited.
Roll call was conducted by Graves.
- B. Approval of Agenda
Motion to approve: Anderson. Second: Impellizzeri. Vote 5/0
- C. Approval of February 21, 2024 Mtg Minutes
Corrections: None. Motion to approve: Anderson. Second: Impellizzeri.
Vote: 5/0.
- D. Conflict of Interest: NONE
- E. Public Comment: NONE
- F. Communications: None submitted
- G. Hearing of Case: NONE
- H. Miscellaneous Business: MOCK CASE presented to ZBA Board
Per Sara Kopriva minutes from mock case presented and conducted as a training session not included in minutes.
- I. Close Public Hearing & Finding of Facts: 7:04pm
- J. Action Items: Possible case in June. Requested update on PC Representative for ZBA. May meeting canceled. June next meeting if case comes up.
- K. Adjournment at 8:20pm. Motion: Impellizzeri. Second: Wynkoop.

Date: 11.15.2024
From: Sara Kopriva, AICP
To: Torch Lake Zoning Board of Appeals
Project: November ZBA Meeting



In September, the Township adopted a new Zoning Ordinance. The ordinance can be found on the township [website](#) and hard copies are on the cart in the hall for use at meetings. Please let us know if you need a hard copy for home.

Rules of Procedure

Annually the rules of procedure are review to ensure that no changes are needed. Please find the current document attached for review and comment.

2025 Meeting Schedule

If the ZBA wishes to continue on the 3rd Wednesday of the month at 6pm, the meeting dates will be as follows. A motion to establish the 2025 meeting schedule will be needed.

Jan 15, 2025 6pm
Feb 19, 2025 6pm
Mar 19, 2025 6pm
Apr 16, 2025 6pm
May 21, 2025 6pm
Jun 18, 2025 6pm
Jul 16, 2025 6pm
Aug 20, 2025 6pm
Sep 17, 2025 6pm
Oct 15, 2025 6pm
Nov 19, 2025 6pm
Dec 17, 2025 6pm

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

734.663.2622 ph
734.663.6759 fx

www.bria2.com

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 ph
231.347.2524 fx

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

231.933.8400 ph
231.944.1709 fx

Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

616.585.1295 ph

**RULES OF PROCEDURE
TORCH LAKE TOWNSHIP
ZONING BOARD OF APPEALS**
(Revised 02.21.2024)

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. There is hereby created a ZBA of five (5) members. The first member of the ZBA shall be a member of the Township Planning Commission, the second member may be a member of the Township Board of Trustees; and the remaining members and up to two (2) alternates, who may function in place of a member who is absent, shall be selected by the Township Board of Trustees from among the electors residing in the unincorporated areas of the Township provided that no elected officer of the Township nor any employee of the Township Board of Trustees may serve simultaneously as the additional member of, or as an employee of the ZBA. Members shall serve for a period of three (3) years. At the end of the member's term, the individual ceases to be a member unless the individual is re-appointed by the Board of Trustees. 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.

2. 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.

3. The Secretary shall assist with all clerical work of the ZBA and perform such other further duties as may be requested by the ZBA.
4. 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.
5. 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:
 - a. 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.
6. 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, for interpretation, variance or appeal of an administrative decision pursuant to the requirements of the Zoning Ordinance shall be made on the official appeal form (a copy of which may be obtained from the Zoning Administrator). The information shall include:
 - A. An accurately completed *Notice of Appeal*, along with any additional information and requirements referred to in these *Rules of Procedure* and the *Guidelines-Appeal Application*.
 - B. A scale map or sketch showing the location of the parcel and the location of all pertinent structures thereon (See *Guidelines - Appeal Application*)
 - C. A site plan drawn to scale, showing lot lines, setback requirements, building lines [measured from the drip line of the roof overhang], and location of all appropriate property lines, significant angles and accurate dimensions and other details relevant to the matter including waterfront, well and septic locations, roads, topographic features, front, side and bird's eye view of proposed structures, easements, etc. when applicable. The area of a requested variance must be clearly defined on this drawn-to-scale site plan.
 - D. Any lot lines relevant to a variance request must be clearly staked by a professional surveyor.
 - E. 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

Variations 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 February 21, 2024.