Torch Lake Township

Zoning Board of Appeals (ZBA)

Special Meeting

**Tuesday, June 3, 2025**

Approved Minutes

1. Meeting called to order by Andersen at 6pm, roll call taken and pledge recited

Present: Andersen, Graves, Nussdorfer Clarke, Impellizzeri and alternate Wynkoop.

Not present: Alternate Swanson

1. Graves made a motion requesting to remove the public comment at the beginning as it is a Special Meeting and redundant that the public comment can come at the end, since we'll already be having one. Motion seconded by Clarke Vote; 5/0

There was no Motion made to approve agenda for 6.03.25 with changes

1. No Conflicts of interest
2. Public Comment-removed
3. Communications-Secretary Graves reported one letter from the applicant's neighbor Pam Watrous of 4411 Trillium Ridge Central Lake Mi. The letter was distributed to the Zoning Board at their seats.
4. Hearing of Case

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

1. ZBA 2025-02 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 single family dwelling to be constructed in the front two (2) setbacks and the side setbacks. The applicant is requesting a 40’ front yard setback variance from Trillium Ridge, a 14’ front yard setback from North East Torch Lake Drive, a 5’ setback side yard variance and another 5’ setback side yard variance. Applicable section of zoning ordinance is 3.4.3.

i. Presentation by Applicant

Josh Park, architect, presented for the applicant Ian Vedder. With visual aids Park pointed out that the “through” lot was non conforming and lot lines were not parallel as well as a 25’ steep slope grade change. The current home encroaches on the setbacks and that this is the last parcel in Torch Lake Township. The parcel directly south is located in Central Lake Township which has no zoning. He also added that a variance was granted on the current home to build the garage based on the fact that it abutted a parcel located in a township with no zoning. He stated that the current home is a low sloped house with a very low ceiling which sits on a slab and has a detached garage. As well, It currently meets no code for energy efficiency. Park also stated it is not sound to make any addition going up and doesn’t want to add on laterally as it's already too close to the property lines. He spoke of neighboring parcels having difficulty conforming to setbacks given the topography. He feels he would be the only house having to meet setbacks in the area. He further presented pictures of neighboring properties showing the proximity of the homes to the easement of Trillium Ridge and North East Torch Lake Drive to lot lines and existing houses. He went on to state that because it's a “through” lot it imposes additional front yard setbacks from North East Torch Lake Drive. For the variance at Trillium Ridge, the adjacent homes encroach on setbacks, and moving the home north would restrict the view. Pertaining to the variance for the south he pointed out there is no zoning, and with regards to the various request to the north, the request is for less than where the current home sits. Park stated the practical difficulty lies in that strict compliance renders the building envelope undersized to a conforming lot. It also greatly restricts design creativity, building placement for views in constructing a residence in size and quality and character of adjacent waterfront homes in the area. He stated that the requested variances were the minimum necessary to achieve this as well. He feels he is having to make design compromises that other properties do not. He listed unique characteristics to the property. He reiterated that the lot was non-conforming both in width and area and that it's a “through” lot.

Ian Vedder (applicant) spoke about his family history on Torch Lake and his dream to build on property he purchased from his cousin. He spoke of wanting to preserve and respect the area and the process. He feels he is not asking anything that is jeopardizing the quality of the lake itself. He would like to construct this home for his family. He also stated that the variance in the front was due to a child with special needs and mobility challenges. He expressed his gratitude and opportunity to explain why he was requesting the variances.

Andersen asked Park for clarification on the building envelope area and floor plan.

Nussdorfer asked for clarification on the intent to tear all structures down, and the location and size of the septic field and well location. Park replied that permits have been requested at the Health Dept.

Graves asked about property staking and clarification on setbacks on the drawing provided. Home size is 2200 square feet.

Clarke asked for clarification on the building height & restrictions as well as square footage on both levels. He asked if other locations for the garage were considered. Park stated other options did not make sense, as well as a main level bedroom is the goal. Clarke also asked for clarifications on neighboring lots.

Impellizzeri asked about the lot to the north having no structure near the proposed home.

Nussdorfer asked what was the reason for not building in the buildable area. Park stated that it was due to the odd shaped lot and the grade. Also the zoning ordinance not taking into account non conforming parcels. Nussdorfer further asked what was the thinking behind the process of building this house on a non-conforming parcel and ask to change everything in the ordinance. Park commented on ordinances being in place for safety and consistency. By enforcing the ordinance on this lot will make the house stick out more than any house on either road, as well as being the smallest house in either direction, making him more inconsistent than the other properties. Ian Vedder commented that the opportunity would have never been possible without purchasing the property from his family member. The purchasing of a non-conformity was not the intention. Preserving his family home with ease of accessibility was the intention.

Kopriva asked for clarification of how far the house sits currently from North East Torch Lake Drive, specifically the deck. Park stated that information was not included on the survey and is unknown.

ii. Presentation by Staff

Kopriva reported that the notice was published in the Elk Rapids news on May 15th and May 22nd. The 300’ mailings were mailed on May 16th. The request is outlined in the packet. The ordinance requires the ground floor area of a new dwelling to be 960 square feet and a minimum horizontal dimension of 20’ x 20’ ft for any new dwelling. Based on the building envelope they have, they would be able to construct within the minimum requirements of the zoning ordinance. The zoning ordinance does also allow for construction on a non conforming lot as long as it meets the setbacks and any other dimensional requirements. A variance is not required to build on a non-conforming lot if they want to do construction and meet all requirements that permit would just come through the zoning office. Andersen asked if the ordinance addressed “through” lots. Kopriva said it did not, other than by definition.

Clarke asked what could and could not be done with the current structure in regards to replacing. Kopriva stated they would not be able to demolish or go above any area that is in the setback without ZBA approval. Adding on is allowed as long as it's in the setback. Kopriva reported her calculation for building envelope at 3200sf.

iii. Public Comment. Andersen asked for public comment -none

Michael Cannon 4417 Trillium Ridge spoke. He is a neighbor of the proposed project. He has a concern about construction traffic and road restoration of Trillium Ridge. He would like any damages repaired. He owns the bed and breakfast next door and is not opposed to the applicant's requests; however he is concerned about the timing of the project as it relates to his business. He is hopeful that any construction and noise would begin after Labor Day.

Andersen closed the public hearing to go into findings of fact and deliberations at 6:51pm.

iv. Deliberation and decision

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 lines and buildings were not physically staked.
4. This is a “through” lot, which the zoning ordinance does not address.
5. The zoning ordinance allows for a 35’ setback from the road for waterfront properties.
6. The terrain is very steep leading down to North East Torch Lake Drive from the parcel.
7. The property lines are skewed

The members then discussed 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. A house of similar size can fit within compliance of the zoning ordinance.
3. Reconfiguration of the structure would allow for a house meeting the setbacks.

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. Public comment was in support of the variance.
2. The applicant has requested reduction in all setbacks.
3. Reconfiguration of the structure would allow for a house meeting the setbacks.
4. The minimum size for a two car garage is 400 square feet.
5. The ordinance allows for a 35’ road set back on waterfront properties. The spirit of the ordinance seems to indicate that relief is given when two 50’ setbacks occur.
6. Front yard (50’ setback) is the Trillium Ridge side according to the definition of front lot line in the zoning ordinance.

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. There are many non-conforming properties both in area and width in Torch Lake Township.
2. The requested variance is unique because of the non-conforming width, the irregular lot lines, the steep grade and the two front yard setbacks.
3. Steep grade is a common feature of lots in the 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 requested variance, which is far greater than the minimum variance needed for reasonable relief, is created by the applicant.

Kopriva reviewed the criteria with the board members citing if each one was met or not. The group agreed that criteria A, B and D were not met and criteria C was met.

Andersen reopened the public meeting at 8pm and invited the applicant for final comments.

Park spoke and stated a conforming R1 lot 100’ by 200’ = 20,000 ft would yield to 9200 square foot buildable envelope. They are less than a quarter of that. He feels his design is consistent with the neighborhood.

Motion by Andersen to deny ZBA 2025-02 for a 40’ front yard setback variance from Trillium Ridge, a 14’ front yard setback from North East Torch Lake Drive, a 5’ setback side yard variance and another 5’ setback side yard variance, based on the applicant not meeting criteria A, B and D. The motion was seconded by Nussdorfer. Andersen ask for any further comment from the board. Clarke stated that the decision can't come from the heart and must come from the zoning ordinance, which makes it difficult. Andersen asked for a vote. Graves conducted a roll call vote, resulting in 5 yeas, 0 nays. Motion passes to deny ZBA 2025-02 for a 40’ front yard setback variance from Trillium Ridge, a 14’ front yard setback from North East Torch Lake Drive, a 5’ setback side yard variance and another 5’ setback side yard variance, based on the applicant not meeting criteria A, B and D.

G. Public Comment

Andersen asked for public comment and there was none

H. Adjournment

Andersen/Impellizzeri to adjourn: vote 5/0 adjourned at 8:06pm