Torch Lake Township
Zoning Board of Appeals (ZBA)
Special Meeting Agenda
Tuesday, November 10, 2026
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 August 19, 2026 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. 2027 Meeting Calendar- Currently 3rd Wednesday at 6pm

H. Public Comment

I. Summary of Action items before next ZBA Meeting

J. Adjournment

Torch Lake Township

Zoning Board of Appeals (ZBA)

Regular Meeting Agenda

Wednesday, Augst 19, 2026

6:00 PM

DRAFT Minutes

A. Call to order/Roll call-call to order 6:0pm, pledge recited

Board Present: Bricker, Graves, Wynkoop, Impellizzeri, Andersen,

Alternate: Service

Absent: Clarke Also present: Sara Schroeder

B. Approval of Agenda: Motion by Andersen/Impellizzeri to approve as presented. Passes 5-0

C. Approval Meeting Minutes: Motion by Graves/Impellizzeri to approve the minutes of the June 17, 2026 ZBA meeting as is. Passes 5-0

D. Conflict of Interest: none

E. Public Comment: none

F. Communication(s): none related to the case.

G. Business Before the Zoning Board of Appeals: Appeal #ZBA 2026-04 requested By Charles Loughrey; parcel # 05-14-313-004-00, a commercial zoned parcel, located at 3910 US N 31, Kewadin MI, for a front yard setback variance to build a covered porch. The covered deck will be located 25ft into the required 50 ft setback.

Charles Loughrey addresses the ZBA: Mr. Loughrey explains that the roof over the vestibule was flat. Snow and ice were accumulating, ultimately causing water damage. When replacing the roof, it was raised to allow for runoff and extended approximately 3 feet passed the existing roof line, which was already nonconforming and in the setback. 3 problems were addressed by doing so:

1. Drainage issue resolved.
2. Architecturally more in line with the style of the building.
3. Safety of future patrons.

Closed Session: 6:41PM

General Findings of Fact:

1. The property is zoned commercial.
2. It is an existing building that is non-conforming and it sits 21 ft into the required setback.
3. The portico over the front door was extended 3 ft towards the road without pulling a permit from the Township. The roof (re-shingled) on the building needed to be replaced.
4. US 31 has a large right of way, 75 ft from the center line, which this property is located on.
5. The 2 bollards in front of the existing door are a safety feature.
6. The building was constructed prior to current zoning.

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. Prior use of the building was as a restaurant
2. The new owner plans to use the building as a restaurant and boutique hotel
3. Safe entry into the building could be compromised without the overhanging structure
4. It would be costly and burdensome to move the entryway behind the setback line

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. Allowing the variance would be consistent with the spirit of the ordinance and the purpose of the commercial zoning district. (Article 1 & Section 3.7.1)
2. The ZBA received testimony from a neighbor favoring the variance and two letters from residents opposing the request.
3. The overhang will improve the safety of the entrance.

Criteria has been met. Roll call vote 5-0

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 property is unique due to the commercial zoning among residential properties.
2. ~~The portico (roof extension) was added to make the property safer.~~
2. The roof extension was added to make the property safer.
3. The property is peculiar due to the required setbacks, adjacent residential properties, location of existing building, and similarly zoned properties in the Township.

Criteria has been met. Roll call vote 5-0

Criteria D: *The problem and resulting need for 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 right-of-way may have been established after the building was established.
2. The building was built prior to the zoning ordinance and needs to be updated for safety and accessibility.

Criteria has been met. Roll call vote 5-0

Reopen Public Hearing 6:57 pm

Graves comments on the importance of people following the correct process of obtaining permits prior to beginning projects.

Motion by Andersen/Impellizzeri to approve ZBA 2026-04 request for a 25-foot front yard variance to extend roof overhang an additional 3 ft in the required 50ft front yard setback.

Passes with a roll call vote of 5-0

H. Public Comment: Rita Service mentions that the word "portico" is used incorrectly in #2 of Criteria C. The sentence has been changed.

I. Summary of Action items before next ZBA Meeting – Next ZBA meeting will be September 9, 2026.

J. Adjournment- motion by Andersen/Graves to adjourn at 7:48pm. Passes 5-0

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.