

Torch Lake Township Zoning Board of Appeals (ZBA)

Regular Meeting Agenda

Wednesday, March 18, 2026

6:00 PM

Amended

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 February 18, 2026 Meeting Minutes
- D. Conflict of Interest
- E. Public Comment
- F. Communication(s)
- G. Business Before the Zoning Board of Appeals
 - 1. ZBA 2026-01 requested by Rani Salloum on behalf of Laura Kulinski-Masell; parcel # 05-14-335-012-30, a residentially zoned (R1) parcel, located at 567 Yellow Birch Dr, Kewadin MI, for a 50 ft front yard variance to construct a single family dwelling in the required 50 ft wetland setback **Schedule Special Meeting**
 - 2. Appeal #ZBA 2026-02 requested by Lewis Cooper; parcel # 05-14-018-023-15, a residentially zoned (R1) parcel, located at 2779 N West Torch Lake, Kewadin MI, for two (2) variances to construct/reconstruct two (2) decks within the required 50 ft waterfront setback. Article 4 of the Torch Lake Township Zoning Ordinance.
- 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, February 18, 2026

6:00 PM

Draft Minutes

A. Call to order/Roll call-call to order 6:00pm, pledge recited

Board Present: Wynkoop, Graves, Nussdorfer, Impellizzeri, Anderson

Also present: Sara Kopriva

B. Approval of Agenda: Anderson makes 1 change.

1. Item I should be H, adjust others accordingly.

Motion to approve agenda with above changes by Anderson/Graves. Passes 5-0.

C. Approval of November 19, 2025 Meeting Minutes: Approved with 2 changes, incorrect spelling of Andersen in 2 spots. Motion by Andersen/Impellizzeri. Passes 5-0.

D. Conflict of Interest-none

E. Public Comment-none

F. Communication(s)-none

G. Business Before the Zoning Board of Appeals

1.ABA 2026-01 requested by Rani Salloum on behalf of Laura Kulinski-Masell; parcel # 05-14-335-012-30, a residentially zoned (R!) parcel, located at 567 Yellow Birch Dr, Kewadin MI, for a 50 ft front yard variance to construct a single family dwelling in the required 50ft wetland setback.

ZBA discussed the matter but was unable to come to any kind of decision.

Members of the board decided to wait and see what decision EGLE makes.

H. Public Comment- none

I. Summary of Action items before next ZBA Meeting – Kopriva gives summary of PC meeting. Master Plan is still under review. There was an application for a site plan review

for the old Petersen's 31 North restaurant. The owner wants to open a restaurant with living quarters as well as separate live/work structures. PC requested more information.

J. Adjournment-Andersen/Impellizzeri motion to adjourn at 7:26pm

Date: 03.11.2026
From: Sara Kopriva, AICP
To: Torch Lake Zoning Board of Appeals
Project: ZBA 2026-01, 567 Yellow Birch Variance

March 2026 Update:

i
initiative

At the February ZBA meeting, the ZBA requested that the applicant provide the EGLE permit prior to the ZBA making a decision. To date, a permit has not been received by the Township. EGLE did distribute a public input notice that expires today (March 11, 2026). No new information is being provided in the packet for ZBA consideration.

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

Toledo
419.242.3428 ph

Date: 03.11.2026

From: Sara Kopriva, AICP

To: Torch Lake Zoning Board of Appeals

Project: ZBA 2026-02, 2779 NW Torch Lake Dr Variance

Request:

The applicant is requesting two variances for two different decks on the property:

i
initiative

- 1) North Deck: Extend existing deck and add a ramp located on the North side of the existing dwelling
- 2) East Deck: Move and replace existing deck on East side of the existing dwelling

Currently both decks, as well as a portion of the lakeside of the house, sit within the waterfront setback. The waterfront setback is 50 feet.

Legal notice published February 26, 2026 in the Elk Rapids News and 300 ft mailings sent on March 3, 2026.

Relevant Sections of Ordinance:

3.4.3 R-1 Dimensional Standards

Principal Structure Front Setback	50 feet minimum
Principal Structure Side Setback	10 feet minimum
Maximum Lot Coverage	30%
Minimum Ground Floor Area	960 sq ft
Minimum Horizontal Dimensions	20 ft x 20 ft

4.2.2 Applicability

The standards of the Waterfront Overlay District shall apply to all private development and/or use of the portion of a lot or parcel within:

- A. Fifty (50) feet of the ordinary high water mark of Lake Michigan.
- B. Fifty (50) feet of the water's edge of Torch Lake.
- C. Fifty (50) feet of the normal stream bank of natural and built watercourses such as streams, rivers, channels, and established wetlands.

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734 663.6759 fx

231 347.2523 ph
231 347.2524 fx

231 933.8400 ph
231 944.1709 fx

Background:

Property Address:
2779 NW Torch Lake Dr

Parcel Number:
05-14-018-023-15

Zoning:
R-1





Criteria:

11.9 VARIANCES

The ZBA shall have authority in specific cases to authorize one or more dimensional or “non-use” variances from the strict letter and terms of this Ordinance by varying or modifying any of its regulations or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Use variances shall be prohibited. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. The ZBA may grant a requested “non-use” variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- 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.
- 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.
- 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.
- 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.

Torch Lake Township

Zoning Board of Appeals
Zoning Ordinance Regulation Variance Checklist & Findings of Fact Worksheet

Date: March 18, 2026

Case Number: ZBA 2026-02 2779 N West Torch Lake Dr

Variance 1 of 2
North Deck

NOTE:

- It is the applicant's responsibility to prove a practical difficulty. It is not the job of the ZBA to find the practical difficulty for the applicant.
- A non-conforming condition or conditions on neighboring lands may be considered but will not in and of itself or themselves be grounds for the issuance of a variance.
- CONDITIONS OF APPROVAL – In authorizing a variance, the ZBA may, in addition to the specific conditions of approval called for in the Torch Lake Township Zoning Ordinance, attach thereto such other conditions regarding location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

General Findings of Fact:

- 1.
- 2.
- 3.

CRITERIA TO SUBSTANTIATE A PRACTICAL DIFFICULTY

- 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 relevant to criteria A:

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 relevant to criteria B:

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 relevant to criteria C:

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 relevant to criteria D:

Additional Findings of Fact:

Notes/Questions:

Torch Lake Township

Zoning Board of Appeals
Zoning Ordinance Regulation Variance Checklist & Findings of Fact Worksheet

Date: March 18, 2026

Case Number: ZBA 2026-02 2779 N West Torch Lake Dr

Variance 2 of 2
East Deck

NOTE:

- It is the applicant's responsibility to prove a practical difficulty. It is not the job of the ZBA to find the practical difficulty for the applicant.
- A non-conforming condition or conditions on neighboring lands may be considered but will not in and of itself or themselves be grounds for the issuance of a variance.
- CONDITIONS OF APPROVAL – In authorizing a variance, the ZBA may, in addition to the specific conditions of approval called for in the Torch Lake Township Zoning Ordinance, attach thereto such other conditions regarding location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

General Findings of Fact:

1.

2.

3.

CRITERIA TO SUBSTANTIATE A PRACTICAL DIFFICULTY

- 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 relevant to criteria A:

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 relevant to criteria B:

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 relevant to criteria C:

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 relevant to criteria D:

Additional Findings of Fact:

Notes/Questions:

NOTICE

TORCH LAKE TOWNSHIP, ANTRIM COUNTY ZONING BOARD OF APPEALS

Zoning Board of Appeals (ZBA) of Torch Lake Township will hold a hearing at the regular meeting on Wednesday, **March 18, 2026** at the Township Community Services Building 2355 North US 31, Kewadin, Michigan 49648 beginning at 6 p.m.

The ZBA Board will review the following appeal:

Appeal #ZBA 2026-02 requested by Lewis Cooper; parcel # 05-14-018-023-15, a residentially zoned (R1) parcel, located at 2779 N West Torch Lake, Kewadin MI, for two (2) variances to construct/reconstruct two (2) decks within the required 50 ft waterfront setback. Article 4 of the Torch Lake Township Zoning Ordinance.

A copy of the application is available for public inspection in the Township Hall. Written comments may be submitted prior to the hearing and directed to the Zoning Administrator, PO Box 713, Eastport, MI 49627. E-mailed comments must be sent to zoningadmin@torchlaketownship.org to be a part of the record. Written and emailed comments must be received by noon on March 18, 2026 to be considered. Comments left on voicemail will not be considered.

Citizens are invited to attend the hearing to provide input for the board's deliberations. As well, the meeting will be live streamed on YouTube. Torch Lake Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who plan on attending, upon 14 days' notice to the Township clerk, who may be contacted at (231) 599-2036 ext. 103

**NOTICE OF APPEAL FORM
TORCH LAKE TOWNSHIP
ZONING BOARD OF APPEALS
(Revised 11.19.2024)**

2/11/24

Torch Lake Township
Zoning Board of Appeals
PO Box 713
Eastport, Michigan 49627
231-599-2036
231-599-2981 Fax

FOR OFFICE USE ONLY
 Appeal Number: ZBA 2024-02
 Appeal Category:
 a. Variance: _____
 b. Interpretation: _____
 c. Appeal of a Decision: _____
 Date ZA received appeal: _____
 Date ZA inspected property: _____
 Date ZA verified completeness of appeal form: _____
 Date ZBA received completed form: _____
 Fee Received: Amt: \$ _____
 Date: _____
 HEARING DATE: _____
 APPROVED: _____ DENIED: _____
 APPROVED, WITH CONDITIONS: _____

Before you begin filling out this form.....

Read through the **"Guidelines - Appeal Application"** included with this appeal form. We are strict about compliance with these guidelines because they help us to better understand your request. Failure to accurately complete this form WILL RESULT in a delay to this process. If there is any part of the guidelines or application that you do not understand, do not hesitate to contact the Zoning Administrator with your questions(s). Because it is unusual for an applicant not to have questions before completing this form, we recommend that you start this process as soon as you know you will be seeking an appeal. If a question does not apply to your request, mark the form N/A. Add extra sheets as necessary to explain the request.

A site plan drawn to scale, showing lot, setback, and building lines, significant angles and dimensions, and other details relevant to the matter (waterfront, well and septic locations, roads, topographic features, front side and bird's eye views of proposed structures, easements, etc. when applicable.)

1. Applicant Information:

Lewis Cooper III COOPER FAMILY INVESTMENTS
 First Name Middle Initial Last Name
411 Country Club LN
 Number Street Apt. Number
Grosse Pointe Farms MI 48236
 City State Zip Code
 Home Phone: [REDACTED] Work Phone: [REDACTED] E-Mail: [REDACTED]
 Area Code/Number Area Code/Number

2. Reason for Appeal—Check one of the following:

- A. **Zoning Variance:** Complete Sections 1, 2, 3, 4 and 5
- B. **Zoning Ordinance Interpretation:** Complete Sections 1, 2 and 6
- C. **Appeal of Zoning Administrator's Decision:** Complete Sections 1, 2, 3 and 6 (Completed Appeal Form must be submitted within thirty (30) calendar days after decision that is be appealed.)

3. Property Information (add additional sheets if necessary):

Property Address: 2779 N. WEST TORCH LAKE DR
Number Street
Kewadin MI 49648
City State Zip Code

Property Tax ID # 05-14-018-023-15

Platted (Registered Subdivision) name /

Un-platted name (if any) /

List any deed restrictions that are affected by this request and attach a copy of same.

/

Directions to the property: (begin at intersection of US 31 and M 88)

US-31 : Hjette
South of Hjette BEFORE Sutter Rd

Names, addresses and phone numbers of all persons having a legal or equitable interest in the property. (Appeals must be signed by the owners of record or an agent authorized in writing [attach copy] by the owners of record).

COOPER FAMILY INVESTMENTS, LLC
J. Lewis Cooper, III, TRUSTEE

Current zoning of the property: R-1

Current use of the property:

Single Family SEASONAL

4. Zoning Variance

The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance by varying or modifying any of its regulations or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Use variances shall be prohibited. A dimensional or non use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all of the following:

- 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.
- 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.
- 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.
- 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.

5. Variance request details including reasons for the same.

- A. State in detail the variance from the zoning that you are seeking. Reference that part of the zoning ordinance to which your request applies.

DECK 1 is partially in the Setback.
 DECK 2 is completely in the SETBACK

- B. State, in detail, the reason(s) for the variance. Include any and all scale drawings and other information necessary to understand the request. (Use additional pages if necessary).

DECK I WANT TO ADD A RAMP: EXTEND DECK BY 4 FT. 11 FT OF THE 24 FT LONG EXTENSION IS IN THE OHWM SETBACK.

DECK 2 EXISTING WHICH IS 100% IN THE OHWM SETBACK TO BE RELOCATED AT THE SAME SIZE ATTACHED TO HOUSE. THIS WOULD MOVE THE DECK BY 15 FEET FURTHER FROM WATERS EDGE.

- C. State in detail how you believe you satisfy each of the following four criteria. All four conditions must be met in order to receive a variance.

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk,

density or other non-use matters, will unreasonably prevent my use of the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome, because:

WE WOULD HAVE TO RELOCATE THE HOUSE

2. The variance I am requesting is the minimum variance needed to provide substantial relief and be fair to other property owners and be consistent with the spirit of the ordinance, because:

THEY ARE NOT VIEWABLE FROM THE NEIGHBORS. DECK 1 WOULD MAKE WHEELCHAIR ACCESS MUCH SAFER. DECK 2 WOULD BE FURTHER FROM THE LAKE

3. 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, because:

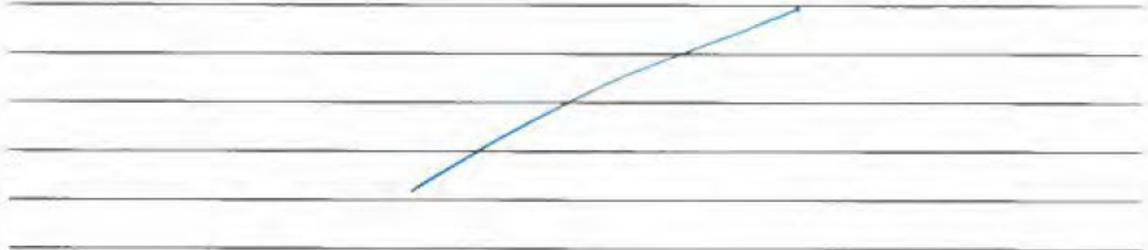
LOCATION OF THE HOUSE FROM THE 1950'S.

4. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by myself or my predecessors, because:

HOUSE MUST HAVE BEEN BUILT BEFORE THESE ZONING ORDINANCES WERE IN PLACE.

6. Zoning Ordinance Interpretation/Appeal of Zoning Administrator's Decision [Not for use with variance appeals]. Be sure to include the following information:

- a. Zoning Ordinance Chapter(s), Title(s) and Sections that are in question.
- b. Detailed explanation and history of request.
- c. Clearly stated explanation of what you believe to be incorrect or open to interpretation.



The applicant(s) agrees and certifies that the information supplied in this application is accurate and true. This includes any additional material introduced before a final decision related to this appeal is rendered by the Zoning Board of Appeals. The applicant(s) understand that they are solely responsible for all material submitted. The Zoning Board of Appeals will be held harmless for any decision or finding based on inaccurate information or documents which do not include all pertinent information or which do not truthfully or fully represent the facts and conditions related to the request.

Further, it is understood by the applicant that, in signing this application form, he/she is allowing reasonable access to the property to which this application applies for both initial inspection(s) and subsequent/final inspections to ensure compliance. Please make sure all property lines are clearly marked and if on Grand Traverse Bay, the Ordinary Highwater Mark (OHWM 580.5') is staked. In addition, if the applicant is not the owner of the property, he/she must have permission, in writing, of the owner to carry out the application requirements of the variance request. The owner's written permission is to be included with this application.

Return this completed form to the Zoning Administrator at least 45 days prior to the scheduled hearing.

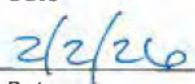
Be Aware.....

Zoning permits issued by the Torch Lake Township Zoning Administrator and zoning variance requests approved by the Torch Lake Township Zoning Board of Appeals for properties located in Torch Lake Township are not to be construed to be the only necessary permits for the intended activity in Torch Lake Township. Property owners are responsible for determining and obtaining from the various governmental agencies all necessary permits for the intended activity. These may include county permits covering soil erosion, building, wetlands and county road access. State of Michigan permits may include wetland permits, high-risk erosion permits for properties along Lake Michigan, critical dune permits and various permits associated with commercial development. An Army Corps of Engineers permit may be required for activities that effect wetlands along Lake Michigan. The coordination of such permits is also the responsibility of the property owner. Torch Lake Township is not responsible for any other such permits.

SITE PLAN DRAWING REQUIREMENT:

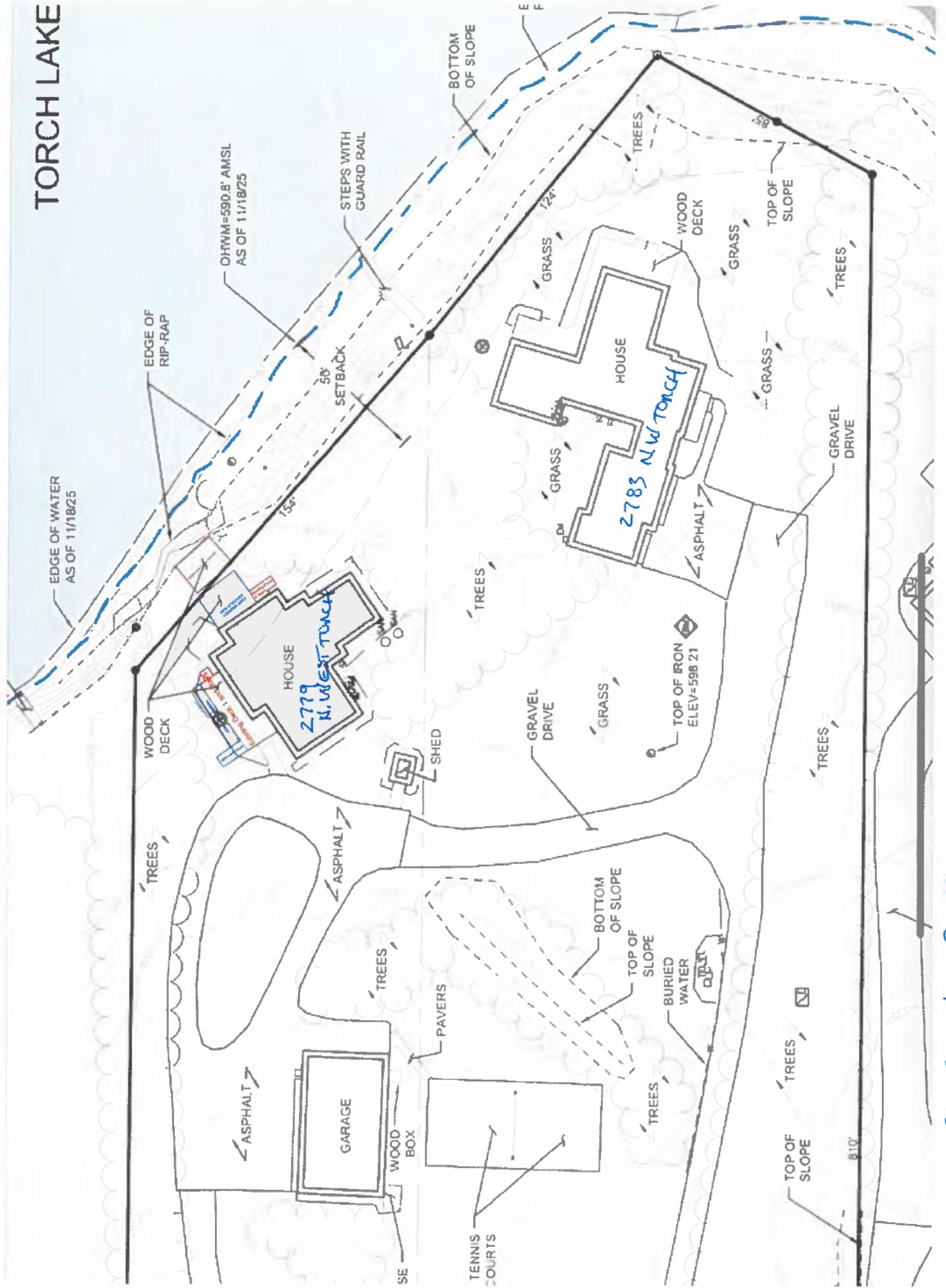
To the Applicant: Provide a drawing that shows the dimensional variation from zoning that you are seeking. Members of the ZBA, because of their experience, may have a more conforming, and often better, way for you to obtain the variance sought. To do this requires, what may seem to you, more information than you feel is needed. When done with the drawing, you might show the drawing to the Zoning Administrator for his/her input. Incomplete or lacking information can result in delays.

The property shall be staked to show the property lines and the construction that the variance request is associated with. By signing this application, you agree for the ZBA members, staff, and representatives to access the property to review the request. When on the property, the ZBA members are not able to discuss the application or request with property owners or neighbors.

_____ Owner Signature (All Owners Must Sign)	_____ Date
_____ Owner Signature	_____ Date
 Authorized Agent/ Representative Signature*	 Date

*Attach authorization letter

TORCH LAKE



BLUE = NEW DECK
RED = EXISTING DECK

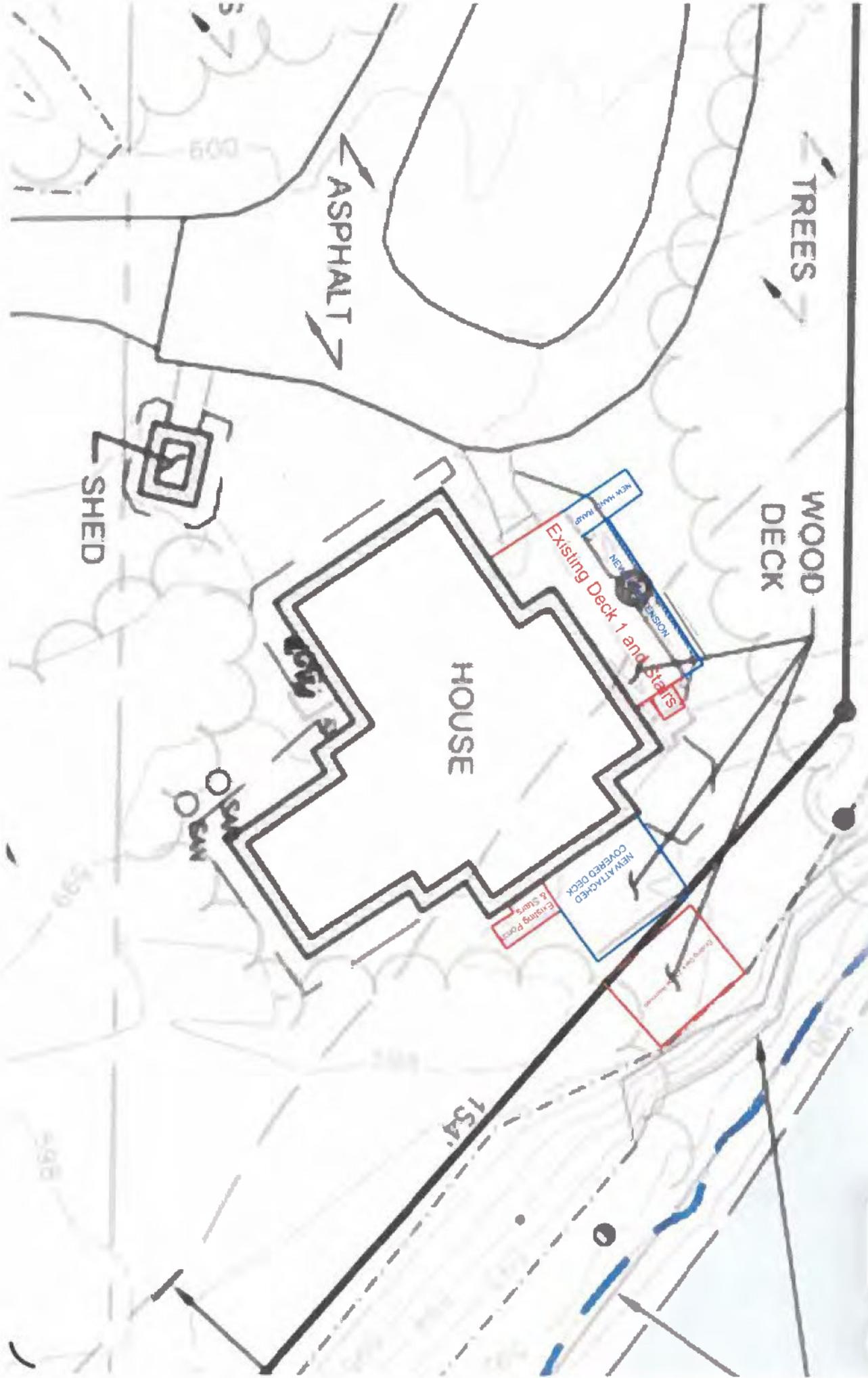
MEMBERS CERTIFICATE

The undersigned, J. LEWIS COOPER, III, does hereby certify that he is the Trustee of the J. LEWIS COOPER III REVOCABLE TRUST (the "Trust") and that said Trust is the sole Member of COOPER FAMILY INVESTMENTS, LLC, a Michigan limited liability company, (the "Company"). The undersigned further certifies that J. LEWIS COOPER, III is the sole Manager of the Company and is the person authorized by the Company to execute and deliver on behalf of the Company any and all instruments, agreements, documents and certificates, including but not limited to any application for a zoning variance and related documents with respect to the real property located at 2779 N. West Torch Lake Road, in the Township of Torch Lake, Antrim County, Michigan.

IN WITNESS WHEREOF, the undersigned has duly executed and delivered this Certificate as of the 2 day of February, 2026.

By: _____


J. Lewis Cooper, III, individually and as
Trustee of the J. Lewis Cooper III
Revocable Trust, Member



TORCH LAKE

