

Torch Lake Township
Zoning Board of Appeals (ZBA)
Regular Meeting Agenda
Wednesday, May 20, 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 April 1, 2026 & April 15, 2026 Meeting Minutes
- D. Conflict of Interest
- E. Public Comment
- F. Communication(s)
- G. Business Before the Zoning Board of Appeals
- 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, April 1, 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, Andersen

Absent: Clarke

Also present: Sara Kopriva

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

C. Approval Meeting Minutes: no prior minutes to approve

D. Conflict of Interest: none

E. Public Comment: none related to case

F. Communication(s): none related to case

G. Business Before the Zoning Board of Appeals-*continuation of March 18, 2026 meeting*

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.

Salloum restates the reasons for needing the setback. Mentions that drainage and culvert were installed by association that no longer exists. States that it seems to be working well. With regard to rain management, according to the engineer, hydrology should remain the same whether house was there or not.

Nussdorfer questions where does the water from this property go?

Kopriva reiterates that EGLE did approve the permit. However, their set of rules is different from those of the township. Board will need to base their decisions on township criteria but may also take EGLE into consideration.

H. Public Comment:

David Glass-adjacent property owner to the north of subject property:

- * When he built, he had to stay within a strict building envelope.
- * There is a culvert under Yellow Birch that comes out on subject property, it then makes a 45-degree turn on to his property.
- * Extensive amount of water flows through these properties.
- * If this variance is granted, a precedence will be set for future builders.
- * Water has been diverted to his property; he's been forced to deal with it alone.
- * He doesn't want to manage another person's water.
- * Sometimes people focus on what they want to build, rather than what's allowed.
- * He's already flooded out.

Deb McGinnis-Golden Beach:

- * Deb thanks the board for tabling the first meeting. She talks on the importance of wetlands and why we need them. She expresses a concern for setting a precedence for future builds.

Graves mentions a letter received from property owner to the south. Letter will be available as part of this record.

*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. **Criteria has been met.***

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.

Finding of Fact:

1. The proposed location was determined after consultation with EGLE and consideration of Health Department and design constraints
2. Moving the proposed structure would not reduce the need for a variance.
3. The sauna and hot tub are not necessary for the owner to use the property for a permitted purpose

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.

Finding of Fact:

1. The extent of the wetlands is unique in that it eliminates a reasonable building envelope when the 50 ft setback is applied.

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.*

Finding of Fact:

1. This is a vacant lot.
2. The culvert is there to manage the flow of existing water drainage. It is not a structure and does not impact the setback lines or the building envelope.

Reopen public hearing:

Andersen/Nussdorfer motion to approve ZBA 2026-01 request for a 50 ft front yard variance to construct a single-family dwelling in the required 50 ft wetland setback applicable to primary structure only as shown on the site plan presented at this meeting. Sauna and hot tub are not included. Passes 3-2

Public Comment: none

I. Summary of Action items before next ZBA Meeting – Appeal #ZBA 2026-02 requested by Lewis Cooper, which was dismissed due to absence at the March 18th meeting, will be heard at the next ZBA meeting on April 15th.

J. Adjournment-Andersen/Nussdorfer motion to adjourn at 7:31pm

Torch Lake Township
Zoning Board of Appeals (ZBA)

Regular Meeting Agenda

Wednesday, April 15, 2026

6:00 PM

Draft Minutes

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

Board Present: Clarke, Graves, Nussdorfer, Impellizzeri, Andersen,

Alternate: Wynkoop in audience

Absent: none

Also present: Sara Kopriva

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

C. Approval Meeting Minutes: 2 changes to March 18, 2026 minutes: Meeting called to order at 6:05 (not 6:00), Nussdorfer (not Clarke) seconded the approval of agenda. Approved with changes 5-0

D. Conflict of Interest: none

E. Public Comment: Rita Service requests board members speak directly into microphone for viewers watching the meeting online.

F. Communication(s): none related to case

G. Business Before the Zoning Board of Appeals-*continuation of March 18, 2026 meeting*

1. 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.

Mr. Cooper explains that he would like to reconstruct 2 existing decks. One is attached to the house; he would like to expand it. It currently sits in the setback, and the expansion would also be in the setback. The other deck is not attached to the house, but it

is also currently sitting in the setback. He would like to reconstruct it (same size) but move it closer to the house, further away from the water.

The North Deck (Variance 1) on the side of the house would be 25 feet into the setback, the East Deck (Variance 2) near the waterfront would be 20 feet into the setback.

3 neighbors of the subject property sent in letters of support.

H. Public Comment: none

Closed Session: 6:18 pm

Variance 1, North Deck

Finding of Fact:

1. Home and deck structures are non-conforming.
2. Structure was built before the new required setbacks.
3. Property is zoned R1.
4. Existing structure that can be subjected to reasonable upkeep.
5. Deck is defined as a structure.

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.

Finding of Fact:

1. Property is currently being used for permitted purpose.
2. There is room to expand the North Side Deck without encroaching further into the setback.
3. The request is to expand an existing structure on the site.

Has the criteria been met:

Roll Call Vote: Clarke-no, Andersen-no, Impellizzeri-no, Nussdorfer- yes, Graves-no
NO 4-1

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.

Finding of Fact:

1. Expansion of the deck and addition of wheelchair ramp could be redesigned so that it does not encroach any further into the setback.
2. Expansion of the deck would not have a negative impact on the neighbors.
3. Received letters of support from the current neighbors.

Has the criteria been met:

Roll Call Vote: Andersen-no, Impellizzeri-no, Nussdorfer- no, Graves-no, Clarke
NO 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.*

Finding of Fact:

1. Structure was built before the new required setbacks.
2. Many homes built before the new required setbacks, that are now considered non-conforming.

Has the criteria been met:

Roll Call Vote: Impellizzeri-no, Nussdorfer- yes, Graves-no, Andersen-no, Clarke-no
NO 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.*

Finding of Fact:

1. Construction of a structure on a property prior to the enactment of zoning ordinance does not exempt the property from future compliance when considering renovations, expansions or new structures.

Has the criteria been met:

Roll Call Vote: Nussdorfer- no, Andersen-no, Impellizzeri-no, Clarke-no, Graves-no
NO 5-0

Variance 2, East Deck

Finding of Fact:

1. Home and deck structures are non-conforming.
2. Structure was built before the new required setbacks.
3. Property is zoned R1.
4. Due to the location of the home and waterfront setback, any construction of the home on this portion of the property would require a variance.
5. Deck is defined as a structure.

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.*

Finding of Fact:

1. The Property is currently being used for permitted purpose.

Has the criteria been met:

Roll Call Vote: Impellizzeri-no, Andersen-no, Nussdorfer-no, Clarke-no, Graves-no

NO 5-0

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.

Finding of Fact:

1. Removing the existing deck and replacing it with a deck that is further from the water would be consistent with the spirit of the ordinance and protection of the shoreline.
2. Letters from neighboring property owners indicate that they do not have any issues with the request.
3. The zoning ordinance does not specifically address moving a nonconforming structure.
4. The variance request meets section 10.5 d.1 and d.2.

Has the criteria been met:

Roll Call Vote: Andersen-yes, Nussdorfer-yes, Clarke-yes, Graves-yes, Impellizzeri-yes

YES 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.

Finding of Fact:

1. There were many cottages built around the lake prior to zoning that are now nonconforming.

Has the criteria been met:

Roll Call Vote: Clarke-no, Impellizzeri-no, Nussdorfer-no, Graves-no, Andersen-no

NO 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.*

Finding of Fact:

1. Construction of a structure on a property prior to the enactment of zoning ordinance does not exempt the property from future compliance when considering renovations, expansions or new structures.

Has the criteria been met:

Roll Call Vote: Nussdorfer-no, Clarke-no, Impellizzeri-no, Graves-no, Andersen-no
NO 5-0

Reopen public hearing: 7:31pm

Public Comment: Cooper questions the "self created" view. Feels like they would be making the East deck "more conforming" by moving it.

Andersen agrees that it would be great to see the East deck moved back from the waters edge but unfortunately the criteria is not met.

Nussdorfer thinks that moving the deck would be acceptable.

Impellizzeri states that it is important to follow the standards. Clarke agrees.

Motion by Clarke/Andersen to deny #ZBA 2026-02, parcel # 05-14-018-023-15, located at 2779 N West Torch Lake, Kewadin MI, Variance 1 related to the North Deck. Passes 4-1

Motion by Clarke/Impellizzeri to deny #ZBA 2026-02, parcel # 05-14-018-023-15, located at 2779 N West Torch Lake, Kewadin MI, Variance 2 related to the East Deck. Passes 3-2

I. Summary of Action items before next ZBA Meeting – Minutes from April 1, 2026 and April 15, 2026 to be approved. Next PC meeting will address the plans for the old Petersons Restaraunt.

J. Adjournment-Clarke/Graves motion to adjourn at 7:47pm