

Torch Lake Township  
Zoning Board of Appeals (ZBA)  
Regular Meeting Agenda  
**Wednesday, June 17, 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 May 20, 2026 Meeting Minutes
- D. Conflict of Interest
- E. Public Comment
- F. Communication(s)
- G. Business Before the Zoning Board of Appeals

Appeal #ZBA 2026-03 requested by James and Connie Misico; parcel # 05-14-375-008-00, a residentially zoned (R1) parcel, located at 11658 Beechwood Dr, Kewadin MI, for a front yard setback variance to build a covered deck. The covered deck will be located 8 ft into the required 50 ft setback.

- 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, May 20, 2026**

**6:00 PM**

Draft Minutes

A. Call to order/Roll call-call to order 6:03pm, pledge recited

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

**Alternate:** Wynkoop

**Absent:** Clarke

Also present: Sara Kopriva

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

C. Approval Meeting Minutes:

April 1, 2026 Special Meeting Approved with 6 changes. Passes 5-0

April 15, 2026 Meeting Minutes Approved with 4 changes. Passes 5-0

D. Conflict of Interest: none

E. Public Comment: none

F. Communication(s): none

G. Business Before the Zoning Board of Appeals-none

H. Public Comment: none

I. Summary of Action items before next ZBA Meeting – Next ZBA meeting will be June 17, 2026.

J. Adjournment-Clarke/Graves motion to adjourn at 6:19pm. Passes 5-0



Date: 06.11.2026  
From: Sara Schroeder, AICP  
To: Torch Lake Township Zoning Board of Appeals  
Project: ZBA 2026-03, 11658 Beechwood Variance

**Request:**

The applicant is requesting a variance to build a 10x20 ft covered deck in the front setback. The property previous had a deck in this location that was uncovered. It was removed prior to receiving permits to rebuild the structure, when the property requested a permit for a covered deck, it was determined that construction was going to be located in the setback. According to the property owner, the original deck was constructed prior to zoning within the Township.

i  
initiative

Legal notice published May 28, 2026 in the Elk Rapids News and 300 ft mailings sent June 2, 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

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

Petoskey Office  
113 Howard Street  
Petoskey, MI 49770

Traverse City Office  
148 East Front Street  
Suite 307  
Traverse City, MI 49684

Grand Rapids Office  
100 Cesar E. Chavez Ave  
SW Suite 300  
Grand Rapids, MI 49503

734.663.2622 ph  
734.663.6759 fx

231.347.2523 ph  
231.347.2524 fx

231.933.8400 ph  
231.944.1709 fx

616.585.1295 ph

**Background:**

Property Address:

11658 Beechwood Dr., Kewadin, MI 49648

Parcel Number:

05-14-375-008-00

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:

 *initiative*

- 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: June 17, 2026

Case Number: ZBA 2026-03 11658 Beechwood

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

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: \_\_\_\_\_  
 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, WITH CONDITIONS: \_\_\_\_\_  
 Before you begin filling out this form.....

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

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:**

_____ James & Connie _____	_____ Misico _____	
First Name	Middle Initial	Last Name
_____ 11658 _____	_____ Beechwood Dr _____	
Number	Street	Apt. Number
_____ Kewadin _____	_____ Mi _____	_____ 49648 _____
City	State	

Home Phone: \_\_\_\_\_ 231 590 7875 \_\_\_\_\_ Work Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_ Jim945us@gmail.com

**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



---

---

**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.

---

\_To allow existing deck to be rebuilt with cover, add gable roof structure with minimal overhang to maintain existing footprint.

The deck as built years ago, although at the time there was no zoning, would meet 35' side set back even after zoning years later. When address was changed

Setback changed and the side became the front, now the front left corner of the deck is non compliant.

See attached survey\_\_Note \_5.9' north and 7.9' west call out\_

- 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).

\_\_ Replace a 30Yr old deteriorating 10 x 20 deck to original dimensions, add ramp on north end only to accommodate access to front door using existing level ground sidewalk for my wife with knee replacement and myself a veteran with a 10% knee disability.

\_ Add dormer cover over the deck to eliminate snow and ice build up and maintain a safe environment.

\_ 1) see attached site survey with proposed deck

---

---

2) see attached document from Adrielle Tecson Antrim county gov explaining change of address causing confusion

\_ 3) see attached picture, proof of existing deck

---

4) see attached drawing of top view proposed replacement deck

---

---

---

---

---

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:

Desire covered entry for both handicap owners

---

---

---

---

---

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:

\_ It replaces original deck utilizing same foot print\_

---

The depth of the deck is designed to allow access to the existing sidewalk while maintaining structural value of the stair/ ramp

---

---

---

---

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:

\_The address change was uncommon and burdensome causing frontage setbacks on Beechwood dr and Barnes Rd, this will not allow us to enjoy the same restrictions as neighbors and severely limits the normal use of property

---

---

---

---

---

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:

Summary:

The deck was originally built when there was no zoning.

After zoning it remained compliant

After address change the side set back became the front and the front left corner of the deck became non compliant not allowing permit.

---

---

---

---

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.**

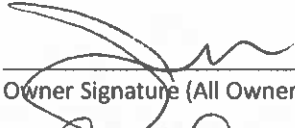
**Be Aware.....**

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)	5-20-20 Date
Christy R. M... Owner Signature	5-20-20 Date
_____ Authorized Agent/ Representative Signature*	_____ Date

\*Attach authorization letter



Jim Misico <jim945us@gmail.com>

**05-14-375-008-00-dimensions**

1 message

Tecson, Adriella <apeona@antrimcountyml.gov>

To: "zoningadmin@torchilaketownship.org" <zoningadmin@torchilaketownship.org>, "jim945us@gmail.com" <jim945us@gmail.com>

Fri, May 30, 2025 at 12:18 PM

Hello everyone!

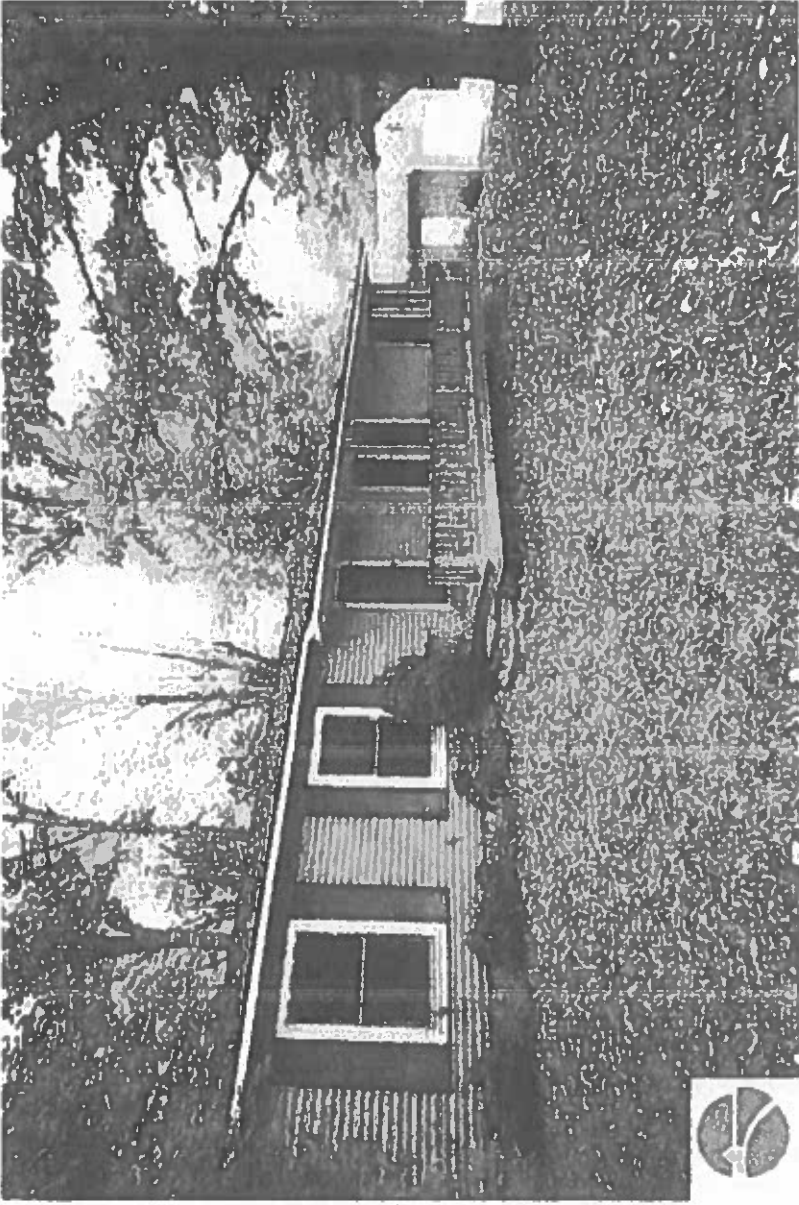
Jim had called inquiring about a more accurate representation of his parcel. I let him know that the GIS Map on the County's web site is NOT survey quality, and is strictly used for a reference tool. I pointed out the disclaimer (screenshot attached) that appears when someone firsts opens the GIS map. Thankfully, he is within a recorded subdivision. Attached is the full plat map for Anna Kunze's Plat of Torch Lake. Jim is lot 8. I have highlighted the footage measurements around his parcel. The measurements for the curve can be found in the chart below as well. The dark circles notes there is an iron bar in the ground, the outlined circles note a concrete monument. You may have better luck finding the iron markers with a metal detector. Unfortunately I do not have a site plan showing the relationship of the structures to the boundary lines.

At one point, the address for the parcel was 757 W Barnes Road, evidenced by the Mortgage recorded with the Register of Deeds. I have that attached as well. Unfortunately, in the early 90s, Antrim County went through a massive readdressing process and established the Street and Road Numbering Ordinance in order to establish a set of standards for addressing. Addresses became based off driveway location. I'm assuming someone at the time had gone out and saw the driveway to the detached garage, and then readdressed the Misico's address off Beechwood Dr.

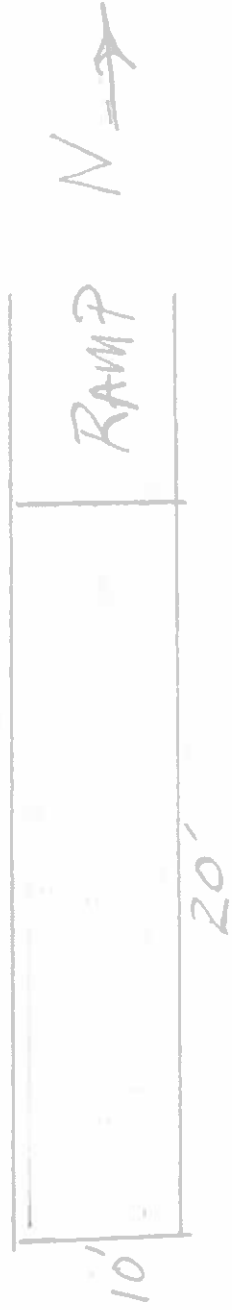
I'm unsure if the garage was built after the house. This may have caused some confusion. Jim is in this thread as well. Please let me know if either of you have any other questions! Thank you, and have a great weekend!







PIC OF EXISTING DECK



64'

**DESIGN CRITERIA:**

- 1) 2015 MICHIGAN BUILDING CODE
- 2) THE STRUCTURE IS DESIGNED FOR FOLLOWING LOADS:  
 (Risk Category II w/ exposure C)  
 ROOF DEAD LOAD 15 PSF  
 ROOF LIVE LOAD 20 PSF  
 SNOW LOAD  
 GROUND SNOW LOAD 60 PSF  
 FLAT ROOF SNOW LOAD 50.4 PSF  
 SLOPED ROOF SNOW LOAD 50.4 PSF  
 EXPOSURE FACTOR 1.0  
 THERMAL FACTOR 1.2  
 IMPORTANCE FACTOR 1.0  
 UNBALANCED SNOW LOAD  
 1) LEeward SIDE SLOPE 60 PSF  
 2) WINDWARD SIDE 0 PSF

WIND LOAD (MIRRS)  
 BASIC WIND LOAD 106 MPH  
 DIRECTIONALITY FACTOR 0.85  
 IMPORTANCE FACTOR 1.0  
 INTERNAL FACTOR (Open Bldg)  
 WIND VELOCITY PRESSURE 19.8 PSF  
 ROOF WIND DESIGN (UPLIFT) -13.5 PSF

**EXISTING HOUSE  
 5:12 SHINGLED ROOF**

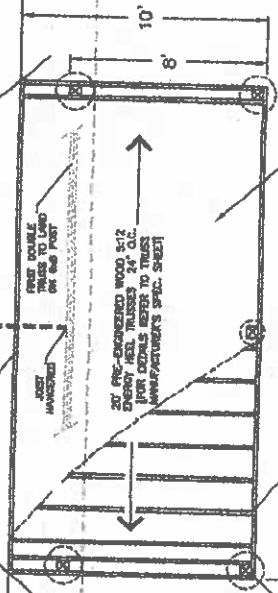
RIDGE 1.5x9.5 LVL

SHINGLE ROOF (TO MATCH EXISTING)  
 ON 5/8" OSB ON 2x10 JACK RAFTERS SIP#1,  
 24" O.C. TO EXISTING ROOF

2x6 LEDGER

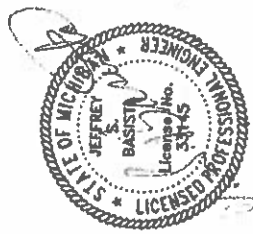
12" EYE LINE

36" EYE LINE

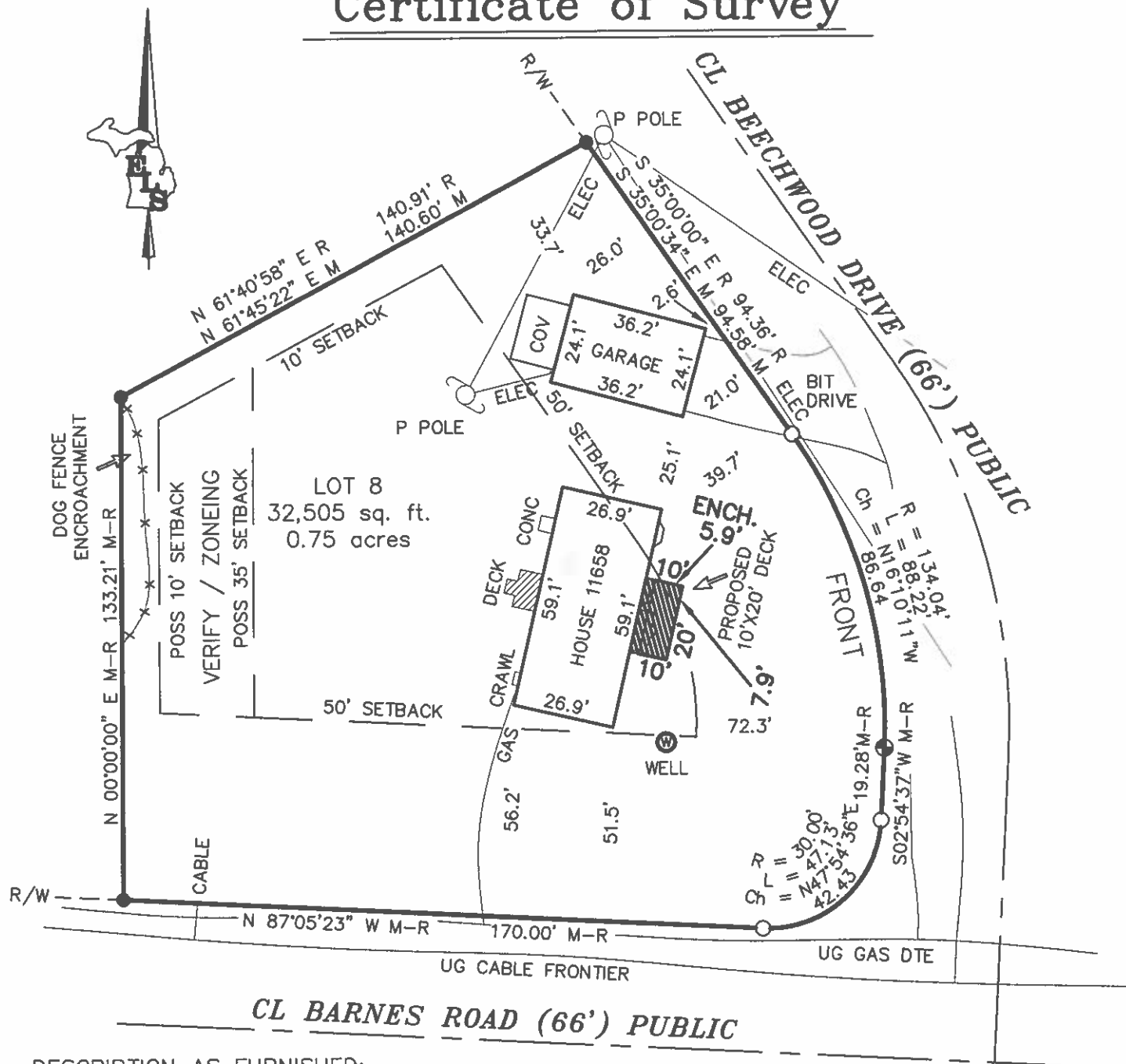


6x6 TREATED ON 18" # 8" THK FOOTING, 4 PLS 42" BELOW GRADE

**NEW COVERED DECK 10'x20'**



# Certificate of Survey



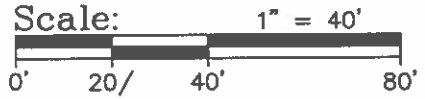
DESCRIPTION AS FURNISHED;  
 Lot 8, Plat of "ANNA KUNZE'S PLAT OF TORCH LAKE" as recorded, Antrim County Plat records. Government Lot 4, Section 31, T31N, R8W, Torch Lake Township, Antrim County, Michigan. Subject to easements, right-of-ways, reservations and restrictions of record.

NOTE; VERIFY ALL SETBACKS WITH ZONING DEPARTMENT.

**REVISED MAY 5, 2026  
 PROPOSED DECK ADDED.**

**Legend**

- IRON FND
- IRON SET
- ▲ P.K. FND.
- △ P.K. SET
- ⊕ MONUMENT FND.
- (R) RECORD
- (M) MEASURED
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE



I, NEIL L. WAY, a Licensed Professional Surveyor in the State of Michigan, do hereby certify that I have surveyed and mapped the hereon described parcel(s) of land; that the ratio of closure of the unadjusted field observations is within the accepted limits; and that I have fully complied with the requirements of P.A. 132 of 1970, as amended. All corners shown have a Relative Positional Precision of 0.07' + 50 ppm, unless noted otherwise.

Ratio of Closure: 1/10,000  
 Basis of Bearing: Plat of Anna Kunze's Plat of Torch Lake

*Neil L. Way*  
 NEIL L. WAY 40010  
 Licensed Surveyor Number: 28432



(231) 264-9110  
 FAX: 264-9311  
 eaglelandsurvey@aol.com

7164 EAGLE'S WAY LANE  
 KEWADIN, MI 49648

For:	<b>James A &amp; Connie L Misico</b>
Part of Gov't. Lot 4, Section 31, T31N, R8W, Torch Lake Township, Antrim County, Michigan.	
Date: Apr. 29, 2026	File No.: 2026-043
Drafted By: NLW	Sheet 1 of 1

FB/PG: 54/68