

Torch Lake Township
Zoning Board of Appeals (ZBA)
Regular Meeting Agenda
Wednesday, August 19, 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 June 17, 2026 Meeting Minutes
- D. Conflict of Interest
- E. Public Comment
- F. Communication(s)
- 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 25 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, June 17, 2026

6:00 PM

DRAFT Minutes

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

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

Absent: Impellizzeri

Also present: Sara Schroeder

B. Approval of Agenda: accepted as presented

C. Approval Meeting Minutes: May 20, 2026 Meeting minutes approved with 3 changes

D. Conflict of Interest: none

E. Public Comment: none

F. Communication(s): none

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.

James Misico addresses the ZBA: The Misicos are seeking to replace deck structure in existing footprint and add a roof from the existing gable to protect it. Their home is 8 ft into the setback. The county changed their address and subsequently changed the required setback from 35ft to 50ft. Deck is built over an old well pit.

Closed Session 6:28 pm

General Finding of Fact:

1. Property is zoned R1.
2. Property is a corner lot.

3. House and former deck were constructed prior to zoning.
4. Property address was changed by the county.
5. Deck to be built in original footprint, not increasing floor size or volume.
6. Deck was removed. Not in good state of repair.
7. A portion of the NE corner will be in the 50ft setback.
8. Other residents on the street have similar covered front porches.
9. Zoning ordinance defines a corner lot side yard.
10. Zoning ordinance states that each yard with street frontage shall be a yard (does not state "front" yard).

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. Safe entry into the house would be compromised without an additional structure.

Criteria has been met. Roll call vote 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. No communication or objections from neighbors.
2. They are using the original footprint.
3. Variance would not contradict the spirit of the ordinance.
4. Other residents on the street have similar covered front porches.

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.*

Finding of Fact:

1. Property address was changed by the county.
2. Lot shape is unique.

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.*

Finding of Fact:

1. Property address was changed by the county.
2. Deck built prior to zoning.

3. Deck needed to be updated for safety.

Criteria has been met. Roll call vote 5-0

Reopen Public Hearing 6:57 pm

Motion by Clarke/Graves to approve 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.

Passes with a roll call vote of 5-0. Deck may be built after permit is finalized.

Public Comment: none

I. Summary of Action items before next ZBA Meeting –

ZBA will meet on 07/20/2026 to consider a variance request for an unpermitted roof on “the old Peteresen’s Restaurant”.

Planning Commission continues to finalize the Master Plan. They are working on future land use map, defining what areas of the township are what categories. Open House planned for 09/21/2026

J. Adjournment- motion by Andersen/Nussdorfer to adjourn at 7:03pm

Date: 08.12.2026

From: Sara Schroeder, AICP
To: Torch Lake Township Zoning Board of Appeals

Project: ZBA 2026-04, 3910 US N 31 Variance

Request:

The applicant is requesting an after the fact variance to construct a roof to create a covered porch for an entrance to a building. This property was subject to Planning Commission review and approval for a restaurant and hotel at the PC's May meeting. A condition of approval was that the applicant remove the roof or obtain the proper approvals prior to occupancy of the structure. The new roof is located in the front setback requiring a 25 ft variance from the 50 ft front yard setback.

Legal notice published July 30, 2026 in the Elk Rapids News and 300 ft mailings sent August 3, 2026.

Relevant Sections of Ordinance:

3.4.3 C Dimensional Standards

Principal Structure Front Setback	50 feet minimum
Principal Structure Side Setback	10 feet minimum
Principal Structure Rear Setback	35 feet minimum

Background:

Property Address:
3910 US N 31., Kewadin, MI 49648

Parcel Number:
05-14-313-004-00

Zoning:
C-Commercial

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

734.663.2622 ph
734.663.6759 fx

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 ph
231.347.2524 fx

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

231.933.8400 ph
231.944.1709 fx

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

616.585.1295 ph



Criteria:

11.9 VARIANCES

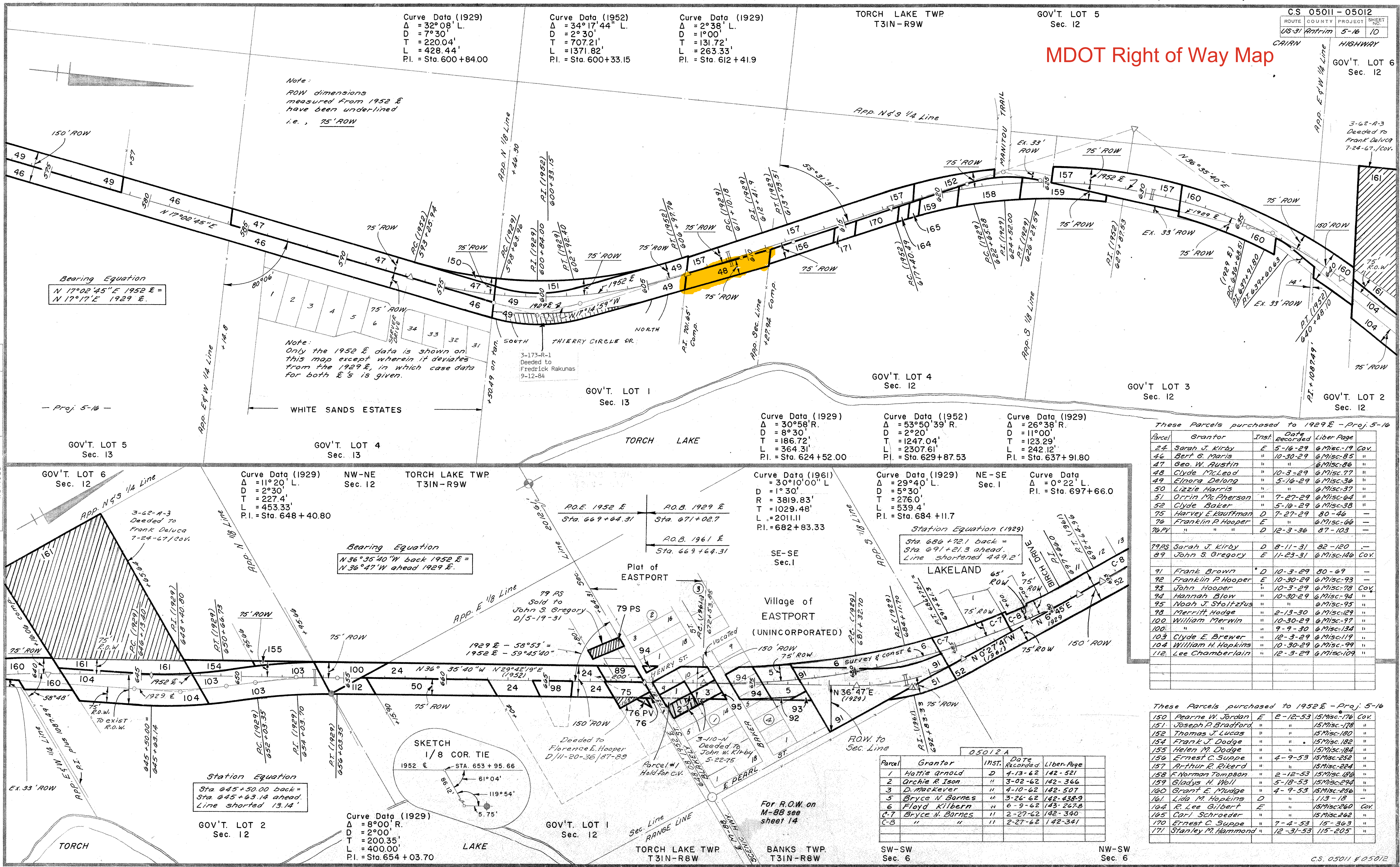
The ZBA shall have authority in specific cases to authorize one or more dimensional or “non-use” variances from the strict letter and terms of this Ordinance by varying or modifying any of its regulations or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial 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.



initiative

MDOT Right of Way Map

[illegible]

These Parcels purchased to 1952£ - Proj: 5-16					
150	Pearne W. Jordan	E	2-12-53	15Misc-176	Cov.
151	Joseph D. Bradford	"	"	15Misc-178	"
152	Thomas J. Lucas	"	"	15Misc-180	"
154	Frank J. Dodge	"	"	15Misc-182	"
155	Helen M. Dodge	"	"	15Misc-184	"
156	Ernest C. Suppe	"	4-9-53	15Misc-252	"
157	Arthur R. Riker	"	"	15Misc-224	"
158	F. Norman Thompson	"	2-12-53	15Misc-186	"
159	Gladys H. Wall	"	5-18-53	15Misc-294	"
160	Grant E. Mudge	"	4-9-53	15Misc-256	"
161	Lida M. Hopkins	D	"	113-18	-
164	R. Lee Gilbert	E	"	15Misc-260	Cov.
165	Carl Schroeder	"	"	15Misc-262	"
170	Ernest C. Suppe	"	7-4-53	15-363	"
171	Stanley M. Hammond	"	12-31-53	115-205	"

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, **August 19, 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 2026-04 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 25 ft into the required 50 ft setback.

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 August 19, 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)**

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: _____ 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:

CHARLES W. LOUGHRAN
First Name Middle Initial Last Name
3910 US N. 31
Number Street Apt. Number
KEWADIN MI 49648
City State Zip Code
Home Phone: 8AM5 Work Phone: 248-931-2100 E-Mail: CWLDESIGN@M5.COM
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: 3910 US N. 31
Number Street
HOWARD(N) MI 49648
City State Zip Code

Property Tax ID # 05-14-313-004-00

Platted (Registered Subdivision) name N/A

Un-platted name (if any) N/A

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

N/A

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

3. ON US 31 1.5 MILES.
EAST SIDE OF STREET

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).

SAME (CHARLES W. LOUGHRY)

Current zoning of the property: COMMERCIAL

Current use of the property:

COMMERCIAL (RESTAURANT + HOTEL)

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.

THE ZONING ORDINANCE STATES A 50' SET BACK FROM THE R.O.W. OF US31
THE HISTORICAL BUILDING IS 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).

I BUILT A 3' OVERTHANG (ROOF) 11.5' WIDE OVER THE EXISTING FRONT DOOR TO PROTECT PEOPLE COMING & GOING FROM THE BUILDING + PROVIDING A LITTLE SHELTER FROM RAIN, SNOW + ICE WHILE ENTERING OR EXISTING THE MAIN (FRONT) DOOR OF THE RESTAURANT.

- 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:

THE EXISTING HISTORICAL BUILDING IS ALREADY WITHIN THE SETBACK AS IT WAS BUILT PRIOR TO THE R.O.W. BEING ESTABLISHED. THE 3' CANOPY PROTECTS PEDESTRIANS FROM SNOW, ICE + RAIN.

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:

3' EXTENDED OVER FRONT DOOR IS MINIMAL NEEDED FOR MINOR RELIEF, PROTECTION, + PRACTICAL SAFETY OF GUESTS.

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 HISTORICAL BUILDING IS EXISTING AND THERE WAS NO WAY TO EXTEND OR OFFER PROTECTION TO GUESTS OTHER THAN EXTEND 3' PAST THE EXISTING DOOR FRONT.

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:

THE 150' R.O.W. IS EXTREME AND THE EXISTING BUILDING WAS ALREADY BUILT. PROTECTION, EVEN MINOR, NEEDS TO BE PROVIDED TO GUESTS ENTERING + EXISTING BUILDING. THE TOWNSHIP NEEDS TO REALIZE THIS NEED IS FOR SAFETY + PROTECTION.

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.

A. ZONING CALLS FOR 50' SETBACK ON TOP OF
75' R.O.W. SETBACK
B. THE EXISTING HISTORICAL BUILDING IS WITHIN
THE 50' ADDITIONAL SETBACK PLACED ON BUILDING
C. THE BUILDING IS NON-CONFORMING ALREADY

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.

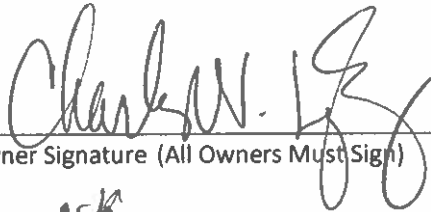
Be Aware.....

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:

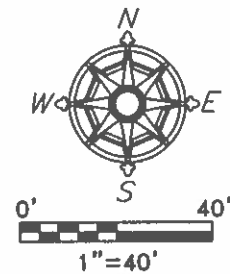
To the Applicant: Provide a drawing that shows the dimensional variation from zoning that you are seeking. Members of the ZBA, because of their experience, may have a more conforming, and often better, way for you to obtain the variance sought. To do this requires, what may seem to you, more information 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	

ZBA VARIANCE SKETCH

ADDRESS: 3910 US-31 KEWADIN MI



CLIENT: LOUGHREY
JOB #26-046

NORTHERN MICHIGAN
ENGINEERING INC.

114. N. Court Ave.
Gaylord, MI 49735

(989)217-3177

534 E. Eighth Street
Traverse City, MI 49686

FIELD BY:

DATE:

SURVEYOR APPROVAL:
SDM

DRAWN BY:
DD

DATE:
6/1/26

SHEET:
1 OF 1



Torch Lake Township
PO Box 663
Eastport, Michigan 49627
231.599.2036



FILE COPY

RECEIPT

Number: 2817

Cashier: SHARON

Date: 06/09/26

Received Of: LOUGHREY CHARLES

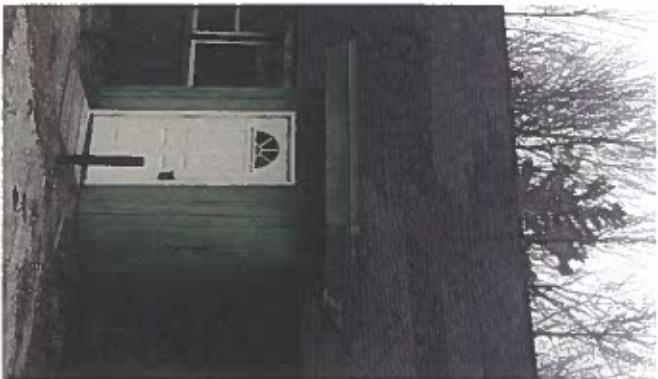
The sum of: \$200.00

ZBA - BOARD OF
APPEALS FEE PMT SEE
ATTACHED

CODE	DESCRIPTION	GL CREDIT	TENDER	CHECK #	AMOUNT
ZONE	ZONING PERMITS	101-101-451.000	CHECK	9438	\$200.00

Signature: _____

ENTRANCE
PRIOR TO ROOF REPAIR
• FLAT ROOF WAS LEAKING ADJACENT
TO MAIN BUILDING



ENTRANCE
DURING CONSTRUCTION



REQUEST SETBACK VARIANCE
FOR ADDITIONAL SHED ROOF
OVERHANG OF 3' TO PROTECT
PATRONS FROM RAIN, ICE &
SNOW

ENTRANCE
POST ROOF REPAIR



DATE	BY	REVISIONS	DRAWN BY
			DD
			CHECKED
			APPROVED BY
			DATE 4/27/26
			PRINT DATE

JOB# 26-046 SHEET 1 SP.2	PROJECT	 NORTHERN MICHIGAN ENGINEERING & SURVEYING INC. NME 114 N. COURT AVE. SUITE 200 CAYLOR, MI 48735 (989) 217-3177 334 E. EIGHTH STREET TRAVERSE CITY, MI 49604
	CHARLES LOUGHREY	
	ENTRANCE REPAIR DETAIL	
	3910 N. US-31 KEWADIN MI 49648	

SP.2