

**APPROVED  
EMPIRE TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES**

**April 18, 2023**

The Empire Township Planning Commission held a regular meeting on Tuesday, April 18, 2023. The meeting was held at the Empire Township Offices.

**CALL TO ORDER:** Duane Shugart, Chair, called the meeting to order at 7:00 p.m.

**ROLL CALL:**

Members Present: Dale DeJager, Duane Shugart, Micah Deegan, Larry Krawczak

Members Absent: Dick Figura

Staff Present: Dana Boomer, Tim Cypher

**Krawczak moved, Shugart seconded to excuse Dick Figura from the meeting. All in favor, motion carried.**

**APPROVAL OF AGENDA:** The PC briefly discussed the agenda. **Motion by Deegan, second by Krawczak to approve the agenda as presented. All in favor, motion carried.**

**ANY CONFLICT OF INTEREST** – None

**APPROVAL OF MINUTES:** The PC briefly discussed the minutes of March 21, 2023. **Motion by Deegan, second by DeJager to approve the March 21, 2023 Regular Meeting Minutes as presented. All in favor, motion carried.**

**COMMUNICATIONS:** Shugart received a question from a neighbor regarding an RV on a property – he referred them to Cypher; he also received a question regarding the Glen Lake Manor which he referred to Cypher. The question was regarding a sign in the window of the Manor advertising event space for rent; the PC briefly discussed. A letter was received from Tim Figura regarding the previous question on the Glen Lake Manor; see attached.

**PUBLIC COMMENT:** None

**ZONING ADMINISTRATOR'S REPORT:** Cypher had previously distributed his monthly reports for March 2023. Cypher reported that he received a submittal regarding the Glen Lake Manor SUP today. He will be reviewing it and Boomer will distribute it to the PC. The PC then extensively discussed the letter from Tim Figura regarding the Manor and the overall application. Because of the complications of the application, Cypher asked to work with Tim Figura regarding a legal opinion on the application. The PC had consensus for him to do so. **Motion by Deegan, second by Krawczak to acknowledge receipt of the March 2023 reports. All in favor, motion carried.**

**OLD BUSINESS:**

- **Master Plan Review** – Boomer had distributed the final draft of the Master Plan to the Planning Commission and Township Board after the March meeting. The Township Board briefly discussed the plan at their April regular meeting and approved the distribution of the draft plan. The Planning Commission discussed. **DeJager moved, Deegan seconded to hold**

**a public hearing on the draft Master Plan at the May 16, 2023 regular meeting. All in favor, motion carried.** The meeting will be at the Township Hall. Boomer and Cypher will create a document that summarizes the changes to the Master Plan. The meeting will be published twice in the Leelanau Enterprise, posted on the front page of the township website, and posted at the library and in the window of the township office.

**NEW BUSINESS:**

**A. Pleasure of the Board** – None

**PUBLIC COMMENT:** None

**BOARD COMMENT:** None

**ADJOURNMENT: Motion** by DeJager to adjourn at 7:54 pm. With no objection, Shugart adjourned the meeting.

Respectfully Submitted,

Dana Boomer  
Recording Secretary

**From:** Timothy Figura <tfigura@figuralaw.com>  
**Date:** Sunday, April 16, 2023 at 11:12 PM  
**To:** Duane Shugart <dshugs@icloud.com>  
**Cc:** Tim <tim@allpermits.com>  
**Subject:** Re: Glen Lake Manor Version 3 for Public Hearing

Duane,

Last fall, we were asked to review the draft findings of fact that had been prepared for the October meeting of the Empire Township Planning Commission. After review, I can confirm that the findings of fact include complete citations to the appropriate sections of the zoning ordinance for review of the site plan. For the reasons below, the planning commission might be required to consider some of the nuances of nonconforming uses and structures in your review of a site plan for the Glen Lake Manor.

### Residential Zoning

The subject parcel is zoned Residential under the Empire Township Zoning Ordinance. The proposed uses include a 141-seat restaurant, lodging (20 rooms/ 3 cabins), and event space. The proposed uses are not permitted under the Recreational zoning district, which is intended “to encourage traditional single-family uses and to prohibit uses that would substantially interfere with the development of single-family dwelling units and to discourage any land use that would generate traffic other than the normal traffic to serve the nearby residences.”

### Nonconforming Uses and Structures

The Michigan Zoning Enabling Act provides that uses that were lawful at the time of enactment of a zoning ordinance may be continued although they no longer conform to the zoning ordinance. The Township is able to provide rules for the handling of nonconforming uses, which are found in Article 13 of the zoning ordinance. These rules generally restrict the expansion of nonconforming uses and structures, but allow for expansion under certain circumstances as detailed in Section 13.1(c).

### Glen Lake Manor

The Glen Lake Manor property has historically been used for some or all of the uses currently proposed by the applicant. Given that the business has not been operated continuously since it was constructed, there is a chance that some of the historic uses of the property may have been discontinued before they became legal nonconforming uses. In reviewing an application that would permit these uses, the planning commission should consider the factors in Section 13.3.

Please let me know if we can assist further,

Timothy J. Figura, Esq.