

**Village of Empire
Zoning Board of Appeals
Meeting Minutes
Thursday, July 18, 6:00 pm**

The hearing was called to order by Chair David Diller at 6:00 pm. The meeting was held in the Program Room of the Glen Lake Community Library. Members present were David Diller, Bob Scott, John Collins, Cheryl Clark, Meg Walton and Zoning Administrator Bob Hall. Variance applicant Joe Greisiger and his wife Tanika were also in attendance.

Notice of the hearing was published in the Leelanau Enterprise on June 27, 2024. All property owners within 300 feet of the subject property, 45-041-824-052-00, were notified as required.

Motion was made by Bob Scott, supported by Meg Walton, to approve the March 2, 2022, meeting minutes as presented. All in favor, motion passed.

No members of the ZBA presented a conflict of interest.

There was no public comment. No letters were submitted from neighboring property owners or other parties.

Bob Hall, Zoning Administrator (ZA), summarized the finding of fact for the use variance request filed by the applicant. In his assessment, the original land use permit could not be approved, as it did not meet the requirements outlined in the Village Zoning Ordinance. Specifically, he cited sections 3.02.6 and 3.06 of the Village Zoning Ordinance as the basis for his decision. Mr. Hall further explained that the applicant had opted to file a use variance request to the Zoning Board of Appeals, as allowed by section 9.02.5 of the Village Zoning Ordinance.

ZBA members had various questions for both Mr. Hall and the applicant Mr. Greisiger. The ZBA then addressed the two requests made by the applicant. First, the ZBA discussed whether the ZA was correct in denying the Land Use Permit. Consensus was reached that the decision was warranted, based on strict adherence to the Zoning Ordinance. The ZBA then considered the requested use variance, reviewing the four requirements outlined in section 9.05.2.

A. The building, structure or land cannot be reasonably used for any of the uses permitted by right or special approval in the zoning district in which it is located.

Roll call vote – Ayes: Scott, Clark, Diller. Nays: Collins, Walton.

Basis for finding: The unique nature of the property presented challenges in evaluating this request. The property is clearly non-conforming with Village zoning standards, with four dwellings on a single parcel. However, it has been used as a residential property for many years, with multiple transfers of ownership. The consensus was that the addition of the proposed garage should be allowed, as it is a permitted use in the General Residential District in which the property is located.

B. The need for the requested variance is due to unique circumstances peculiar to the applicant's property and not due to general neighborhood conditions.

Roll call vote – Ayes: Scott, Clark, Diller, Walton. Nays: Collins

Basis for finding: The consensus was that the "grandfathered" nature of this non-confirming property did present unique challenges that would make strict adherence to the Zoning Ordinance unreasonable.

C. The proposed use of the applicant's property will not alter the essential character of the neighborhood.

Roll call vote – Ayes: Scott, Clark, Diller, Collins, Walton. Nays: none.

Basis for finding: All agreed that the proposed addition would not alter the look, feel or character of the surrounding area, and in fact would likely enhance the property by allowing for more enclosed storage of vehicles, equipment, etc.

D. The need for the requested variance is not the result of actions of the property owner or previous property owners (Self-created)

Roll call vote – Ayes: Scott, Clark, Diller, Collins, Walton. Nays: none.

Basis for finding: All agreed that the long history of this non-confirming property were not the responsibility of the owner, and therefore should not be used to deny a usage allowed within the specific Zoning District.

Based on the review of the four findings, the ZBA reached consensus to approve the variance as requested, with no additional conditions. Mr. Hall recommended the drafting of an additional document formally recording the decision. Diller reviewed and signed this document for the official record.

The ZBA also discussed the need to review existing ZBA bylaws, and update it as needed. It was agreed to meet in September, at a date TBD, to begin this review, along with discussion of other ZBA procedures and protocols.

With no further business, Scott moved that the meeting be adjourned, supported by Collins. All voted in favor, with the meeting ending at 7:25.

Respectfully submitted,

David Diller,
ZBA chair