

**VILLAGE OF EMPIRE  
ZONING BOARD OF APPEALS  
THURSDAY, JULY 18, 2024, AT 6 PM  
EMPIRE TOWNSHIP HALL**

**CALL MEETING TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES – 03/02/2022 Special Meeting**

**CONFLICT OF INTEREST**

**PUBLIC COMMENT**

**APPLICATION FOR VARIANCE – PARCEL # 041-824-052-00, 11482 S. LACORE RD.**

**ZBA BYLAWS**

**ZBA MEMBER COMMENT**

**ADJOURNMENT**

Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Village of Empire Office at (231) 326-5466, PO Box 253, Empire, MI 49630, or at [deputyclerk@villageofempire.com](mailto:deputyclerk@villageofempire.com).

**VILLAGE OF EMPIRE  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
WEDNESDAY, MARCH 2, 2022**

The hearing was called to order by Chair David Diller at 6:00 p.m. This meeting was held in the Empire Township Hall located at 10088 Front St, Empire, MI 49630. Present members David Dillard, Meg Walton, Sue Palmer, Wayne Taghon, John Collins, and Zoning Administrator Chris Grobbel.

Notice of the hearing was posted and public notification was published in the Record Eagle on February 12, 2022. The affidavit of publication is on file and the applicant and all property owners within 300 feet of the subject property, 45-041-824-037-20, were notified as required.

**Motion by Collin, supported by Walton to approve July 15, 2020, regular meeting minutes as presented. The spelling of David Diller to be corrected. All in favor, MOTION PASSED.**

No members presented a conflict of interest.

Public Comment – Linda Chase read a letter in favor of approving the variance. Janet Fox submitted a letter in favor of approving the variance. March Dye inquired about the siding material to be used on the barn. Bob Chase noted that the variance request would place the structure in the same location of the old barn, where the foundation still exists. Teresa Howes voiced her support for the variance.

Zoning Administrator, Chris Grobbel presented the findings of fact for a dimensional variance to “rebuild (an) animal barn, medicine room and hay storage onsite of previous barn (same size and location of the (existing) foundation.” Applicants also assert that use of the original barn site is in close proximity to pastures and will be the most efficient use of land by requiring fewer roads on the subject parcel. The property (041-824-037-20) is located at 11358 S. LaCore Rd. and is zoned general residential.

In accordance with Section 9.05.1, Dimensional Variances, the Zoning Board of Appeals voted to establish that the strict enforcement of this Ordinance would result in practical difficulty as follows:

A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship. **Roll call vote - Ayes: Collins, Diller, Taghon, Palmer, Walton. Nays: None. Standard has been met.**

Basis for Finding: Unique circumstances due to the history of the property where a foundation of an old barn still exists. The new structure will be built using the same footprint of the older foundation. The intended use may not be feasible at a different location on the six-acre parcel, where the “front yard” consists of approximately 3 acres.

B. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created). **Roll call vote - Ayes: Collins, Diller, Taghon, Palmer, Walton. Nays: None. Standard has been met.**

Basis for Finding: The need for the variance was not the result of the property owner.

C. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome. **Roll call vote - Ayes: Collins, Diller, Taghon, Palmer, Walton. Nays: None. Standard has been substantially met.**

Basis for Finding: The permitted purpose may not be feasible at a different location on the six-acre parcel, where the “front yard” consists of approximately 3 acres. Locating the animals in the back yard, closer to the lakeshore, is not compatible with environmental goals and objectives of South Bar Lake.

D. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners. **Roll call vote: Ayes: Collins, Diller, Taghon, Palmer, Walton. Nays: None. Standard has been met.**

Basis for Finding: Justice to the applicant and to other property owners would be met. Three (3) surrounding property owners are on record for being in favor of approving the variance.

E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district. **Roll call vote: Ayes: Collins, Diller, Taghon, Palmer, Walton. Nays: None. Standard has been met.**

Basis for Finding: Considering the parcel consists of 6 acres, no adverse impact has been identified.

After reviewing the findings of fact and presented the basis of all 5 findings, the Zoning Board of Appeals reached a consensus to approve the variance as requested.

There being no further business, Diller moved that the meeting be adjourned at 6:49 pm.

Respectfully submitted,

Alacia Acton  
Deputy Clerk



Village of Empire  
11518 S. LaCore Street | P.O. Box 253  
Empire, Michigan 49630-0253

[Village of Empire \(leelanau.gov\)](http://leelanau.gov)

231-326-5353

[za@villageofempire.com](mailto:za@villageofempire.com)

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### Zoning Board of Appeals Case #2024-01 | Staff Report

**Owner | Applicant:** Greisiger, Joe

**Address:** 11472 S. Lacore Road  
Empire, Michigan 49630

**Agent:** N/A

**Property Address:** 11482 S. Lacore Road  
Empire, Michigan 49630

**Parcel #:** 45-041-824-052-00

**Legal Description:** PT GOVT LOT 3 SEC 24 BEG SE COR SD GOVT LOT TH W 404.80 FT TH N 00 DEG 00'17" E 96.61 FT TH N 89 DEG 25'22" E 404.94 FT TO E LN SD GOVT LOT TH S ALG SD GOVT LN 100 FT TO POB VILLAGE OF EMPIRE SEC 24 T28N R15W 0.21 A M/L

**Zoning District:** **General Residential**

**APPLICANT REQUEST:**

The applicant requests: 1. Verification that the Zoning Administrator was correct in denying the application for a Land Use Permit to construct an accessory building / structure on the subject property in accordance with Article 3, Section 3.02(1-6) of the Village of Empire Zoning Ordinance, and 2. Seeking a 'use' variance in accordance with Article 9, Section 9.05.2 (Use Variances) of the Village of Empire Zoning Ordinance, or 3. Alternately, seeking approval to expand a nonconforming use under 3.02, Section 6.

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## Staff Narrative

- The appellant made an application in the past to add an accessory building / structure to the subject property. This request is to add an addition to an accessory building / structure on the property. The application was denied for reasons stated in denial letters. (See exhibits A and B)
- The applicant submitted 'this' application requesting a variance from the terms and conditions of the Village of Empire Zoning Ordinance to allow for an addition to an existing accessory building / structure on the subject parcel.
- The Notice of Public Hearing was published in the Leelanau Enterprise on: **June 27<sup>th</sup>, 2024** – 21 days prior to the scheduled meeting / hearing.
- Letters to property owners with 300' feet of the subject property were mailed on: **June 21, 2024** – 27 days prior to this scheduled meeting / hearing.

### Staff Notes / findings:

Staff utilized the written structure of the zoning ordinance to determine that only one (1) single family dwelling is permitted per parcel of land. The subject property currently has 4 (four) single family structures and is deemed to be 'nonconforming' by virtue of the number of dwelling units on the property. Based upon Article 3, Section 3.06.1, the maximum number of dwellings on a parcel of land is limited to two (2).

### Article 3: General Regulations

#### Section 3.06 – Accessory Dwelling Unit

Accessory dwelling unit as defined in Article 2, shall comply with the following regulations:

##### 1. Residence and Incidental Use:

The accessory dwelling unit shall be clearly incidental to the principal residence or commercial use on the site. Accordingly, the following conditions shall be met:

##### **A. Only one (1) such accessory dwelling unit shall be permitted on each parcel.**

B. The total floor area of the accessory dwelling unit shall not exceed the square footage of the first floor of the primary structure.

##### 2. Compatibility with Surrounding Land Use:

The design of the accessory dwelling unit shall not detract from the single-family character and appearances of the principal residence or the surrounding neighborhood. When viewed from the outside, it shall appear that only one household occupies the site.

##### 3. Parking and Access:

In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory dwelling unit.

### **6. Expansion or Enlargement of Nonconforming Structures** [Village Zoning Ordinance excerpt]

Any nonconforming structure may be changed, renovated and altered without increasing a dimensional nonconformity. In all zoning districts, a nonconforming structure shall not be expanded or enlarged except by approval by the Zoning Administrator. If rejected by the Zoning Administrator, a landowner/applicant may appeal the Zoning Board of Appeals pursuant to Section 9.02.5-Exercising Powers. The Zoning Administrator may allow such expansion or enlargement only upon a finding that said expansion or enlargement:

A. does not materially increase the nonconformity of such structure; ***the proposed garage will materially increase the already existing nonconformity by the additional lot / impervious surface coverage in the opinion of the Zoning Administrator*** and

B. will not reduce the value or otherwise limit the lawful use of adjacent premises; ***the Zoning Administrator is unable to determine if the expansion of a nonconforming use, building and / or structure will reduce the value of or limit the lawful use of adjacent premises*** and

- C. will essentially retain the character and environment of abutting premises; ***the Zoning Administrator is of the opinion that an expansion of a nonconforming use, building, and / or structure WILL NOT retain the character and environment of abutting premises by virtue of allowing a land use that is typically not permitted*** and
- D. will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (e.g., noise, glare, traffic congestion or land over-crowding) ***the Zoning Administrator believes that the expansion in and of itself has the potential to allow for additional activity on the subject parcel, thus perpetuating the continuing nonconformities.***

#### **General Residential Zoning District**

The subject property is in the General Residential Zoning District as indicated by the map image below labeled as: Zoning District Map (excerpt). All setback, bulk, density and building regulations in this district are applicable.

#### **ZONING DISTRICT MAP (excerpt)**



**COUNTY GIS MAP (excerpt)**



The Zoning Administrator believes that when read in its entirety, the Village of Empire Zoning Ordinance, while allowing for the continuation, does not promote the expansion of nonconformities except where the standards in Article 3, Section 3.02.6 are satisfied.

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**Section 9.02.5 - Exercising Powers**

The ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The ZBA shall return a decision on a case within a reasonable time.

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For Zoning Board of Appeals review,

Robert (Bob) Hall  
Village of Empire – Zoning Administrator

45-041-824-052-00





PAYMENT LEIGH C & LINDA M &  
PO BOX 141  
EMPIRE, MI, 49630

TOWNSHIP OF EMPIRE  
PO BOX 234  
EMPIRE, MI, 49630

VILLAGE OF EMPIRE  
PO BOX 253  
EMPIRE, MI, 49630

NEISWONGER CHRISTINE M  
PO BOX 157  
EMPIRE, MI, 49630

BARR TIMOTHY A & NEScott ...  
PO BOX 136  
EMPIRE, MI, 49630

SCHNEIDER KEVIN L & SUSAN ...  
9240 LAKE PINE DR  
WHITMORE LAKE, MI, 48189

ROMAN LANCE A  
PO BOX 248  
EMPIRE, MI, 49630

ST PHILIP NERI OF EMPIRE  
611 W NORTH ST  
GAYLORD, MI, 49735

JANICKI FAMILY TRUST  
22493 MILNER  
ST CLAIR SHORES, MI, 48081

NESCOT BARR REAL ESTATE C...  
PO BOX 136  
EMPIRE, MI, 49630

CHASE FAMILY TRUST  
11364 S LACORE RD  
EMPIRE, MI, 49630

ROMAN LANCE  
7101 S DUNE HWY  
EMPIRE, MI, 49630

PAYMENT LEIGH C & LINDA M &  
PO BOX 141  
EMPIRE, MI, 49630

WEGLARZ YANA DEE  
4085 JEFFERSON RD  
TRAVERSE CITY, MI, 49684

WEST FRONT STREET PARTNE...  
232 E FRONT ST STE 3  
TRAVERSE CITY, MI, 49684

ST PHILIP NERI OF EMPIRE  
611 W NORTH ST  
GAYLORD, MI, 49735

OSHAUGHNESSY LORRIE L  
11506 S UNION ST  
EMPIRE, MI, 49630

POUNDERS PAUL D & KATHLEE...  
11481 S REYNOLDS ST  
EMPIRE, MI, 49630

GREISIGER JOSEPH M  
11472 S LACORE RD  
EMPIRE, MI, 49630

EMPIRE AREA HERITAGE GRO...  
11544 S LACORE RD  
EMPIRE, MI, 49630

PAYMENT LEIGH C & LINDA M &  
PO BOX 141  
EMPIRE, MI, 49630

CHASE FAMILY TRUST  
11364 S LACORE RD  
EMPIRE, MI, 49630

KING ROBERT & FITZIMONS M...  
300 S REVENA BLVD  
ANN ARBOR, MI, 48103

Fee Paid: \$400.00 Date: 3-18-24 3/10/24  
Check # 8245 (AM)

APPENDIX B  
VILLAGE OF EMPIRE

joegreisiger@yahoo.com

APPLICATION FOR VARIANCE/ORDINANCE INTERPRETATION

Date: 3-18-24  
Name of Applicant/Owner: Joe Greisiger  
Address: 11472 S. Lacore Rd. Empire, MT 49630  
Telephone No.: 419-343-0636  
Property Legal Description, Parcel#, and Address (if different from above): 45-041-824-052-00

11482 S. Lacore Rd Empire, MT 49630

Project being proposed: 30 X 20 Attached Garage with upper level Storage Area.

Describe hardship/reason for this request: currently NO Garage is on the property. A Garage is needed for storage, parking of vehicles, tools, lawn equipment etc. An older Shed is on the site that proposed garage would be located, and is somewhat unsightly.

Note: See Zoning Ordinance for site plan review requirements for zoning request. A complete site plan drawing must be submitted with this application. Applicant must stake-out area of request on property for review of Zoning Appeals Board.

Signature of Applicant/Owner: Joe Greisiger

THIS SECTION TO BE COMPLETED BY ZONING ADMINISTRATOR	
Land Use Permit #	_____
If a Land Use Permit was denied, give the reason for denial: _____	
_____	
_____	
List variances/subjects being requested: _____	
_____	
_____	
_____	
List all previous appeals involving this property: _____	
_____	
Signature of Zoning Administrator:	Date: _____

# LAND USE PERMIT APPLICATION

## VILLAGE OF EMPIRE

Fee \$ 75.00 <sup>paid</sup> 2/8/24

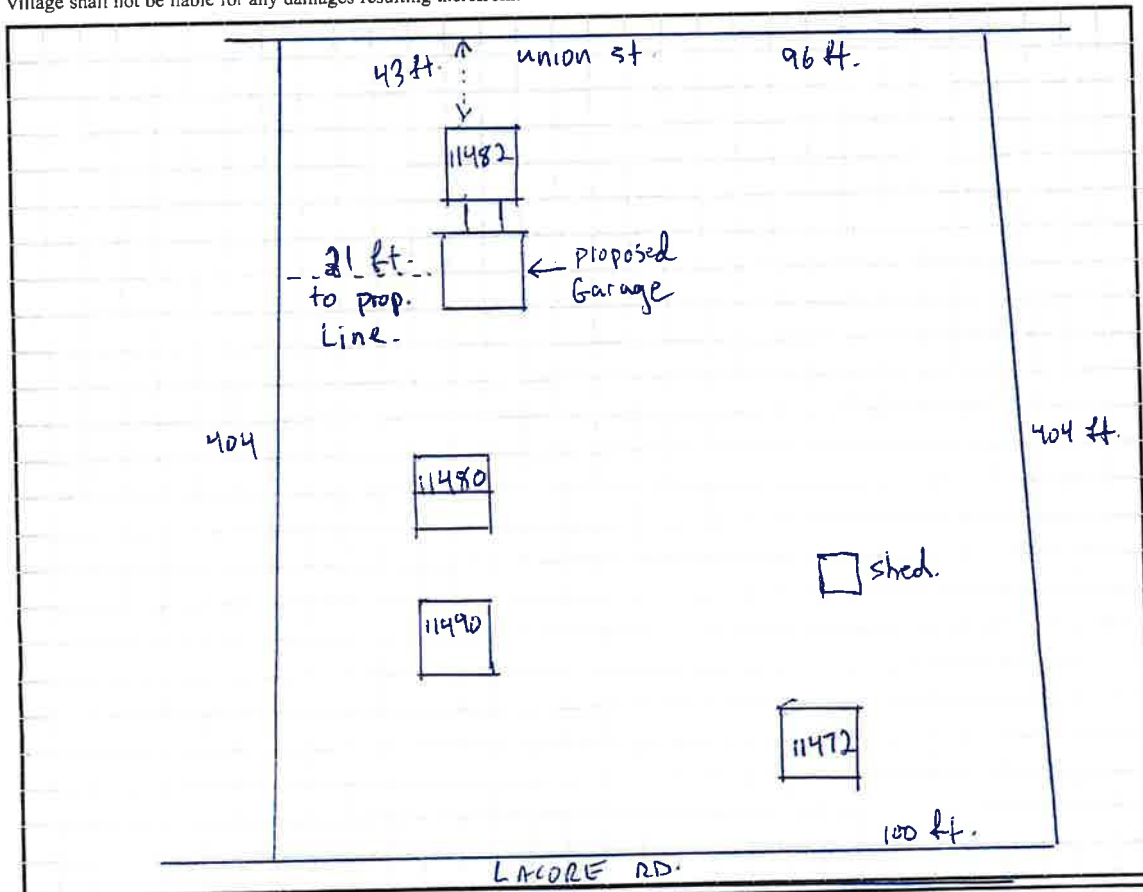
Cash  Check  # 8242

Permit No. \_\_\_\_\_ Date 2-8-24 Property No. 45-041-824-052-00  
 Location of Property 11482 S. Lacore Rd. Empire, MI 49630 Zoning District \_\_\_\_\_  
 Proposed Use and/or Structure Attached Garage  
 Owner Name Joe Greisiger Telephone No. 419-343-0636  
 Owner Address 11472 S. Lacore Rd. Empire, MI 49630  
 Contractor/Applicant Name Joe Greisiger Telephone No. 419-343-0636  
 Contractor/Applicant Address 11472 S. Lacore Rd. Empire, MI 49630  
 Within Floodplain  Yes  No Erosion Control  Yes  No  
 Width 30 Length 30 Height 20 No. of Stories 2  
 Remarks Simple garage, with second floor storage, plumbing for bathroom

In area below, applicant must draw and show dimensions of all proposed and existing structures, distances between structures, distances to lot lines from proposed and existing structures and any other information the applicant and the Zoning Administrator deems necessary.

Applicant is required to notify the Zoning Administrator for compliance inspections when footings are established, if applicable, and upon completion of any work. Any future modification of the plan requires the approval of the Zoning Administrator prior to commencement of the work.

Approval is contingent upon the issuance of all other required Local, County, State and Federal permits. With the granting of this permit, it is agreed that the use and work will conform with all ordinances of the Village of Empire, including the Zoning Ordinance, and the Village shall not be liable for any damages resulting therefrom.



Applicant's Signature Joe Greisiger

By signing this application, you are hereby giving your consent for Zoning Administrator Inspections.

Application Approved  \_\_\_\_\_ Application Denied  \_\_\_\_\_  
 Zoning Administrator \_\_\_\_\_ Telephone No. \_\_\_\_\_ Date \_\_\_\_\_

LUP 2024-01



Village of Empire  
11518 S. LaCore Street | P.O. Box 253  
Empire, Michigan 49630-0253

[Village of Empire \(leelanau.gov\)](http://villageofempire.leelanau.gov)

231-326-5353

[za@villageofempire.com](mailto:za@villageofempire.com)

Joe Greisiger  
11472 S. LaCore Street  
Empire, Michigan 49630  
Click or tap here to enter text.

2/23/2024

Re: Parcel No. 45-041-824-052-00 | a/k/a: 11472 S. LaCore Street – Empire, Michigan 49630

Dear Joe Greisiger,

I am in receipt of your application dated February 8, 2024 proposing to place a new accessory structure (garage) on the above-captioned property. The Village of Empire Zoning Ordinance permits only one dwelling unit per parcel, and yours already has no fewer than 4. This constitutes a nonconforming use of the property.

If you will recall, you submitted an almost identical application a year ago that I was required to deny under the provisions of the Village of Empire Zoning Ordinance, more specifically Article 3, Section 3.02.

While the zoning ordinance does permit the possible expansion of existing structures, (specifically for health and safety concerns) it does not permit the addition of structures to the property, principal or accessory. For these reasons, I am required to DENY your application for the proposed accessory structure (garage).<sup>1</sup>

In response to this DENIAL, you may have several courses of action available to you. The below listed options are not intended to be all-inclusive.

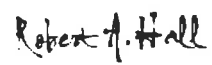
1. You may accept this determination and do nothing at all.
2. You may appeal this decision to the Zoning Board of Appeals in accordance with Article 9 of the Village of Empire Zoning Ordinance within 30 days of the date of this notice.
3. You may petition to amend the zoning ordinance in accordance with Article 10 of the Village of Empire Zoning Ordinance.

<sup>1</sup> Article 3, Section 3.02 of the Village of Empire Zoning Ordinance

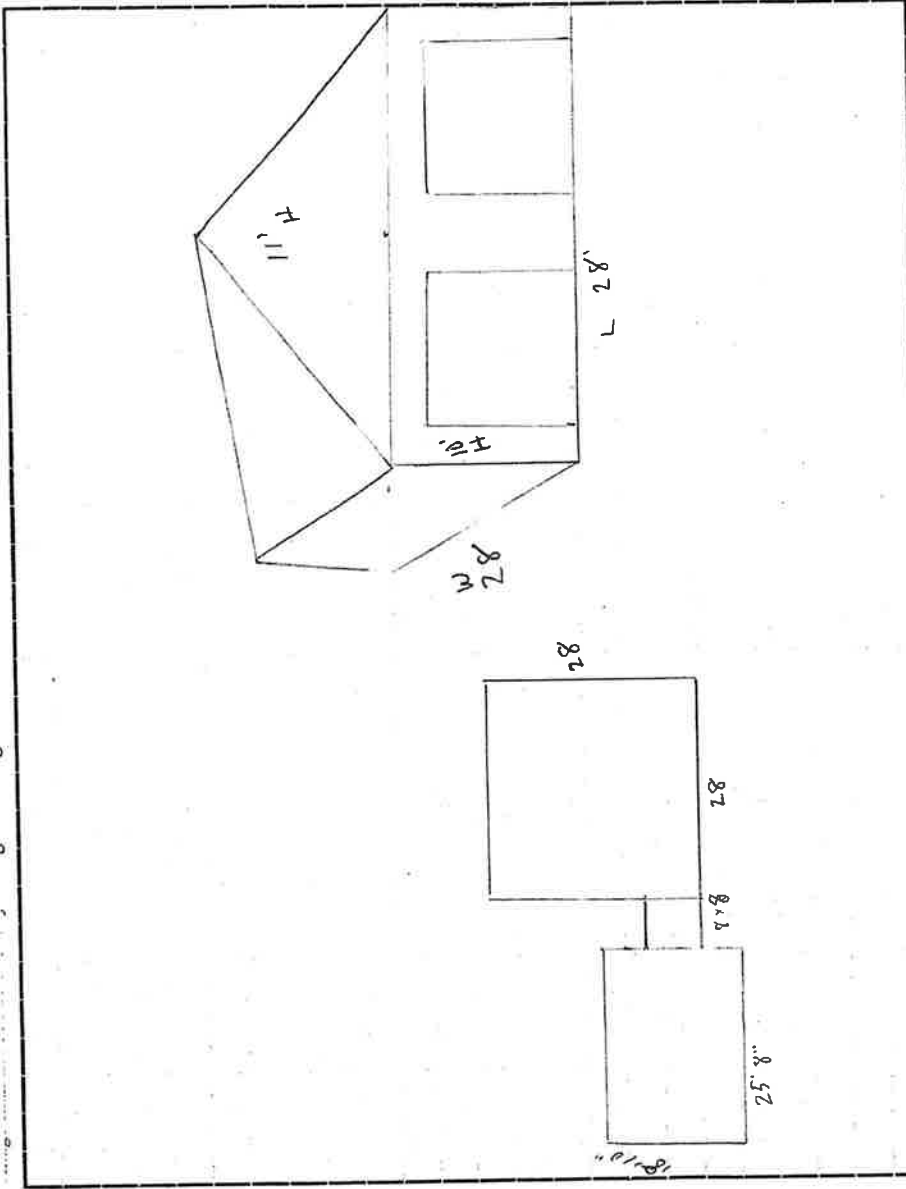
There may be other options available to you.

Please let me know if I can be of further assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Hall". The signature is written in a cursive style with a large, prominent "R" and "H".

Robert (Bob) Hall  
Village of Empire – Zoning Administrator

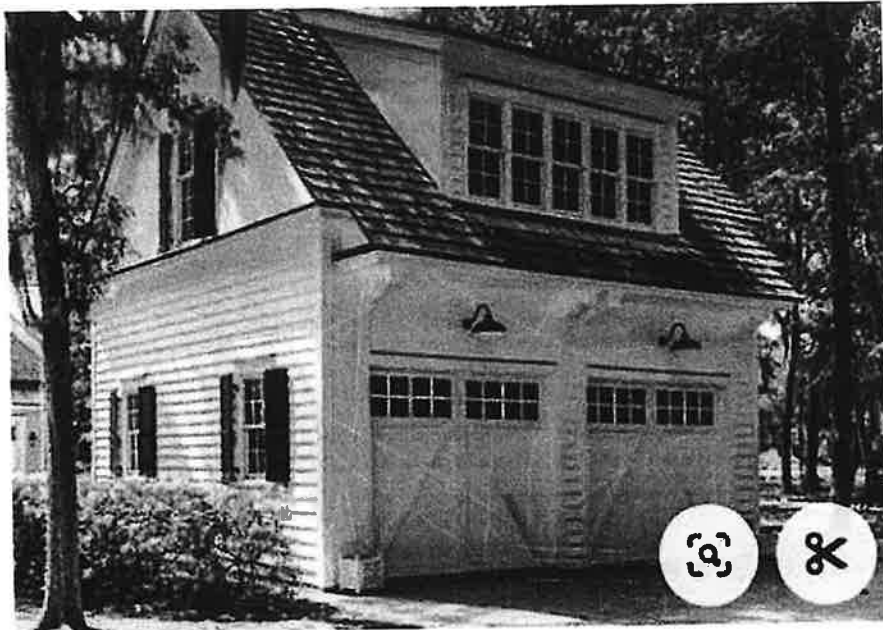


Applicant's Signature \_\_\_\_\_

By signing this application, you are hereby giving your consent for Zoning Administrator Inspections.

Application Approved  \_\_\_\_\_ Application Denied  \_\_\_\_\_

Zoning Administrator \_\_\_\_\_ Telephone No. \_\_\_\_\_ Date \_\_\_\_\_



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## VILLAGE OF EMPIRE

### ZONING BOARD OF APPEALS BYLAWS

#### Section 1.0 AUTHORITY

1.1 The following rules of procedure are hereby adopted by the Zoning Board of Appeals of the Village of Empire, hereafter referred to as the "board" to facilitate the performance of its duties as outlined in the "Michigan Planning Enabling Act", PA 33 of 2008, as amended; "Michigan Zoning Enabling Act, PA 110 of 2006, as amended, PA 267 of 1976, as amended, the "Open Meetings Act", and the Village Zoning Ordinance, as amended.

#### Section 2.0 OFFICERS

2.1 Selection. At the first meeting held in the year in which a Petition(s), Application, or Interpretation is considered, the board shall select from its membership a chairperson, a vice-chairperson, and a secretary. All officers are eligible for reelection. An elected official of the Village cannot be chairperson.

2.2 Tenure. The chairperson, vice-chairperson, and secretary shall take office immediately following their selection and shall hold office for a term of two (2) years, or until a successor is selected and assumes office.

2.3 Duties. Board meetings are held at the call of the chairperson. The chairperson shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the board. The vice-chairperson shall act in the capacity of chairperson in his/her absence; and in the event the office of the chairperson becomes vacant, the vice-chairperson shall succeed to this office for the unexpired term and the board shall select a successor to the office of vice-chairperson for the unexpired term. The secretary shall be responsible for the following, unless determined otherwise: preparation of minutes, compilation of pertinent public records, delivering communications, petitions, reports, and related items of business of the board, issuing notices of public hearings, and performing such other duties as the board may determine. In the event the secretary is absent, the chairperson shall appoint a temporary secretary for such meeting.

#### Section 3.0 MINUTES

3.1 A public record shall be kept of board resolutions, transactions, findings, and



determinations.

3.2 The secretary (or designee) shall be responsible for the minutes of each meeting and shall have them provided for as required by law.

3.3 Minutes shall be available for public inspection within eight (8) business days of any meeting.

#### Section 4.0 RECORDING SECRETARY

4.1 A recording secretary, if appointed, shall assume those duties of the secretary delegated by the board.

4.2 The recording secretary shall be appointed by the Village Council.

#### Section 5.0 MEETINGS AND HEARINGS

5.1 Time for Appeal. An appeal to the zoning board of appeals shall be taken within fifteen (15) days from the effective date of the decision (i.e. the date the minutes effectuating the decision were approved, the date of the zoning administrator's written administrative decision, etc.) which is the subject of the appeal. The appeal shall be filed in writing with the officer from whom the appeal is taken and shall specify the grounds for the appeal.

5.2 Notices. Notice of public hearings shall be given by the secretary (or designee) of the board. The secretary (or designee) shall follow the notice requirements as established in the Planning Enabling Act, Zoning Enabling Act and/or the Open Meetings Act, as amended.

5.3 Public. All meetings, hearings, records, and accounts shall be open to the public.

5.4 Quorum. A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action for all matters. All members have the right to vote. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another day.

5.5 Order of Business: Agenda. The chairperson (or designee) shall prepare an agenda for each meeting.

5.6 Motions. A motion shall be restated by the chairperson, or if requested, read

back by the secretary or recording secretary before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

5.7 Voting. An affirmative vote of the majority of those board members present for the conduct of business shall be required for the approval of any requested action or motion placed before the board. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any board member or directed by the chairperson. All members of the board including the chairperson shall vote on all matters, but the chairperson shall vote last.

5.8 Conflict of Interest. Any member may be excused from voting only if that person has a bonafide conflict of interest. Any member abstaining from a vote shall not participate in the discussion of that item.

5.9 Board Action. Action by the board on any matter on which a hearing is held shall not be taken until the hearing has been concluded. Board of Appeal decisions are final. The board shall maintain a public record of its proceedings on file with the Village Clerk.

#### Section 6.0 AMENDMENTS

6.1 These rules may be amended at any meeting or hearing by a two-thirds (2/3) vote of the members present.

Initial Adoption: November 28, 2017