

Zoning Administrator October 6, 2021

- Update on Order to Correct Zoning Violation letter to John and Paige Hanley, owners of 225 E. Fifth Street on Aug. 30, 2021. As you all are aware I have been working with legal counsel on the details of this complaint, and assuring that we are meeting all the zoning violation requirements in Article 21 sec. 21.04.

The Zoning Violation is officially a nuisance according to;

21.04 VIOLATIONS AND PENALTIES.

3. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six months, as the Zoning Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Village Council who is hereby authorized to and shall initiate procedures to eliminate such violation. These procedures may include referral to the Village attorney for the required legal action.
4. Every person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be guilty of maintaining a nuisance per se.
5. Any person who fails to correct a violation of any provisions of this Ordinance within the specified date of the notice ordering the correction shall be guilty of a municipal infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred (\$500) Dollars. Each day this Ordinance is violated shall be considered a separate violation.
6. In addition to enforcing this Ordinance through the use of a municipal infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other Violation of this Ordinance.

-Sent Correspondence to Leelanau County Department of Building Safety regarding change of use for 109 Waukazoo. This property is in the Core Commercial (C-1) district and will now be a Standard single-family dwelling per correspondence with the current property owner, which is a use permitted by right.

- Reviewed site plan and design for a new proposed Studio/workshop in an R-2 Village Residential District located at

10797 N. Shore Drive. After Further review of this structure and site plan with the Planning Commission and the Village President, the consensus was that this was not a primary residents and did not meet the architectural design.

I **denied** the Land Use Permit. This Structure does not meet the Village's zoning requirement of a Standard single-family dwelling, nor did the structure meet the architectural design character of the district.

Note: The villages Architectural Design Standards were provided, and I had multiple conversations with the builder and property owner regarding the requirements in the village's R-2.

Update: The owners of the property Ted and Virginia Foley have initiated legal counsel in disagreement with my ruling.

Joni Scott, Zoning Administrator