

# **EXHIBIT 11**

**voicemail**

**From:** MacDonald, Amy (MDCR) <MacDonaldA@michigan.gov>

**To:** wwizinsky@aol.com <wwizinsky@aol.com>

**Date:** Thu, Jun 14, 2018 2:51 pm

Good afternoon,

I am sorry, I was off yesterday and out this afternoon. But, yes. The adjustment, although very minor, was the permit.

Take care,

Amy MacDonald  
Civil Rights Investigator  
Michigan Department of Civil Rights  
Cadillac Place  
Suite 3-600  
3054 West Grand Boulevard  
Detroit, MI 48202  
Cell: 989-751-6879  
Phone: (313) 456-6873  
Fax: (313) 456-3773

# **EXHIBIT 12**

**Leelanau Township  
Planning & Zoning Office**

119 E. Nagonaba St.  
P.O. Box 338  
Northport, MI 49670

(231) 386-5138 phone  
(231) 866-0799 cell

June 22, 2017

**VIA EMAIL ONLY**

[shaugen@co.leelanau.mi.us](mailto:shaugen@co.leelanau.mi.us)

Steven Haugen  
Leelanau County Construction Codes  
8527 Governmental Center Dr., Suite 109  
Sultons Bay, MI 49682

Re: Land Use Permit Requirement  
Leelanau Township

Per our discussion this morning, a Land Use Permit from Leelanau Township is required to replace an existing structure within the township, including replacing the gazebo structure we discussed on Lot 11 in The Shores Subdivision.

At this time there is no pending application filed with Leelanau Township to perform any work on Lot 11, The Shores Subdivision.

If you have any questions, please call.

Sincerely,



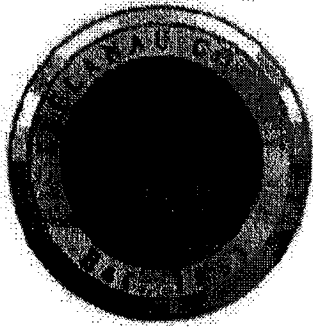
Steven W. Patmore  
Zoning Administrator  
Leelanau Township

Email copy: Doug Scripps  
Ty Wessel  
Chet Janik

# **EXHIBIT 13**

LEELANAU COUNTY CONSTRUCTION CODE AUTHORITY

8527 E. Government Center Dr. Suite 109  
Suttons Bay, MI 49682  
Phone (231) 256-9806 FAX (231) 256-8333



**VIOLATION NOTICE**

06/22/2017

WIZINSKY WILLIAM G & ANN M  
250 PLEASANT COVE DR  
NOVI, MI 48377

RE:  
Property address: N FOXVIEW DR/008-800-011-00  
Code Enforcement # E15-0084  
Inspection Date: 06/22/2017

**NOTICE OF VIOLATION/CORRECTION of the MICHIGAN RESIDENTIAL CODE 2009:**

Dear WIZINSKY WILLIAM G & ANN M:

Upon inspection, violations of the State of Michigan, Residential Code 2009, were found to exist. The following corrections are hereby required.

**Code Reference and Discrepancy;**

1. **R106.3.1 Approval of construction documents.** When the *building official* issues a permit, the *construction documents* shall be approved in writing or by a stamp which states "REVIEWED FOR CODE COMPLIANCE." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or his or her authorized representative. **We cannot approve documents as submitted.**
2. **R106.4 Amended construction documents.** Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*. **Amended documents submitted have not been submitted with amended zoning and association paperwork.**
3. **R102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law. In reference to 6-22-2017 meeting including Steven M Haugen, Building Official, Chet Janik, Leelanau County Administrator, Ty Wessel, County Commissioner and Steve Patmore, Leelanau Township zoning administrator a land use permit shall be obtained from the township for the re-construction of this building to meet code compliance. \*

Please correct or contact this department about the above items within the next 10 days. Acceptance and approval by an inspector of this department shall be required. If you have any questions, please call (231)

258-9806 between 8:00 a.m. and 4:00 p.m.

**WARNING:** Damage or injury resulting from delay, for failure to comply with this notice may be attributed to negligence on the part of the responsible party or parties.

Sincerely,

Steven M Haugen, Code Official

\*\*\* There is an appeal process available for decisions made by this office relative to the Construction codes, if questions please contact this office. \*\*\*

\* Letter from Leelanau Township Planning and Zoning Office enclosed.

# **EXHIBIT 14**



Zone Admin

From: Zone Admin  
 Sent: Tuesday, December 12, 2017 1:47 PM  
 To: wwizinsky@twp.com  
 Subject: Land Use Permit - Lot 13 - The Shores Subdivision

Mr. Wizinsky,

Per our numerous conversations over the past several months, I can not issue a Land Use Permit for what you applied for.

I had a difficult time figuring out what work you were actually applying for. Your Application as submitted did not include any verbiage in the proposed work section. Through numerous conversations, I concluded that the proposed work in the application included re-approval of the original structure and an addition that was added without a permit in 2015.

**Basic Facts:**

- A Land Use Permit was issued in 1992 for a 12' by 20' wood frame structure, 14' height, 1 story. There was a rear setback requirement of 100' on the permit. This permit was signed by William Wizinsky.
- This Land Use Permit was not for a dwelling.
- There was a discrepancy on the permit between the "required" 100' rear setback and a "proposed" 35' setback.
- A structure was built thereafter which appears to be higher than the 14' height, had stairs leading up to an upper level, and is significantly closer to the rear property line than 100'.
- The structure that was built was not in compliance with the Land Use Permit issued by Leelanau Township in 1992 due to exceeding the building height listed on the permit.
- There is no evidence in township files that there was enforcement action taken on the height or setback issues.
- In 2015, as admitted in your application, an addition was constructed onto the older structure without any permits or approval.
- The Applicant's position is that the approximate 8'-6" by 8'-8" addition was necessary in 2015 to reinforce the existing structure. According to the Applicant, there were dead trees leaning on the existing structure.
- There is now exterior siding covering the lower level of the structure, in effect making it a two-story structure.
- The Applicant, in numerous correspondence, states that the structure is a tiny house and discusses residing inside the structure in the past.

**Determinations:**

- Although the old 1992 structure was not constructed in accordance with the Land Use Permit, I do not believe that the township can or should take enforcement action 25 years after a zoning violation.
- My determination is that another Land Use Permit is not necessary for the existing 12' x 20' one-story structure permitted in 1992.
- The current rear setback for all structures on this lot is 100'. The original existing 12' x 20' structure is a non-conforming structure. There was a discrepancy on the setbacks listed on the permit, so the original structure location is protected. However, according to Section 10.5.B of the Leelanau Township Zoning Ordinance (LZO), any addition to this structure must meet current setback requirements (100' rear) unless a variance is granted.

- The addition constructed in 2015 is a violation of the zoning ordinance in that no Land Use Permit was issued.
- I do not agree that the 8'-6" by 8'-6" addition constructed in 2015 falls under Section 10.5.B of the LTZD. If the structure was in danger of falling, why not simply remove the dead trees? It is not reasonable to consider an addition of this magnitude (over 72 square feet) to be a "repair".
- Since the 2015 addition does not meet current setback requirements, I can not approve a Land Use Permit Application, unless a variance is granted by the ZBA.
- I would consider approving an application to re-construct the original steps identical to those constructed in 1992. A Land Use Permit would need to be applied for.
- The existing structure can not be used as a dwelling if the Land Use Permit did not specifically allow it.

**Conclusions:**

1. I can not approve the Land Use Permit Application as submitted.
2. The 2015 addition does not conform to the zoning ordinance and must be removed unless a variance or appeal is granted.
3. You have the right to request a variance of the setback requirement from the Leelanau Township ZBA.
4. You have the right to appeal my determinations to the Leelanau Township ZBA.
5. If #2 and/or #3 above are not applied for, and the 2015 addition is not removed, I will recommend to the Leelanau Township Board that enforcement action be taken to remove the addition.
6. The structure may not be used as a dwelling.

On December 5, 2017 I received your certified letter containing explanations and options that I need to consider. I have also received numerous other documents from you in the past week. I will be reviewing these documents and responding to those that relate to the zoning ordinance.

**Steve Palmore**

Steve Palmore  
 Zoning Administrator  
 Leelanau Township  
 PO Box 338  
 Northport MI 49670  
 Phone: 231-388-5138 x 4  
 Fax: 231-388-7900  
 EMAIL ADDRESS: [lpalmore@leelanautwp.org](mailto:lpalmore@leelanautwp.org)

# **EXHIBIT 15**

**RE: Zoning/Building Solution for lot 11.**

**From:** Steve Patmore <zoningadmin@suttonsbaytwp.com>

**To:** wwizinsky <wwizinsky@aol.com>; shaugen  
<shaugen@co.leelanau.mi.us>

**Cc:** ltsuper <ltsuper@leelanautwp.org>; ltzone <ltzone@leelanautwp.org>

**Date:** Thu, Dec 14, 2017 10:04 am

**Attachments** Letter Construction .pdf (187 KB)

Mr. Wizinsky,

Just to be clear, Consistent with my letter to Leelanau County in June 2017 (attached), a Land Use Permit is required to remove and replace an existing structure. This also includes changing the footprint of an existing structure.

A Land Use Permit is not required to remodel an existing structure with no change in footprint or height.

Documentation submitted to me shows that the original 1992 structure included exterior steps on the structure up to the main level. At some point these steps were removed.

A Land Use Permit will be required to reconstruct these steps.

Steve Patmore

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Steven W. Patmore  
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