

EXHIBIT 16

Subject:Permit

From: Steve Haugen <shaugen@co.leelanau.mi.us>

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

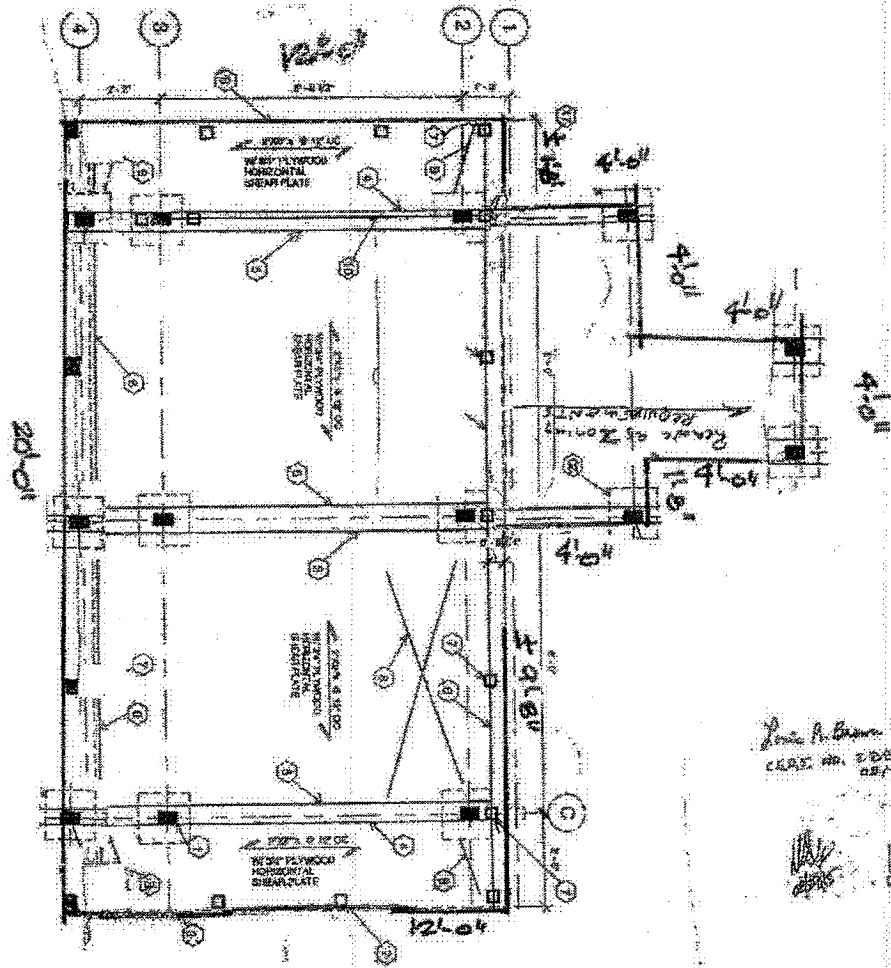
Date: Fri, Jan 26, 2018 4:06 pm

Attachments Application for Wizi...pdf (1.5 MB) Wizinsky permit - pa...pdf (180
KB) Wizinsky plan review... (466 KB) Wizinsky plan submit...pdf (539
KB)

Bill,

Any question let me know.

Steven M Haugen, Building Official



John A. Brown, P.E.
 CASE NO. 20081
 02/12/12

SCALE
 1/4" = 1'-0"

JOHN ARCHITECTURAL CONSULTING AND ENGINEERS 10000 GARDEN DRIVE, SUITE 100 FORT WORTH, TEXAS 76132 (817) 336-1111
STRUCTURAL PLAN
S-2

AT GRADE LAND USE AS ~~SH~~
IN "1992" SUBMISSION

* IN 1992 OVERHANGS, BEAMS,
 BEAM EXTENSIONS, CANTILEVERS
 WERE NOT INCLUDED IN
 LAND USE PERMITS
 AND THEREFORE ALLOWED
 ON THIS PERMIT AS
 NOT INCLUDED IN
 LAND USE CALCULATIONS
 AND THUS APPROVED

* STAYING IN THE
 PERMETER AT
 GRADE,
 REQUIRES
 NO
 ZONING
 PERMIT
 UNDER THE
 ORDINANCES

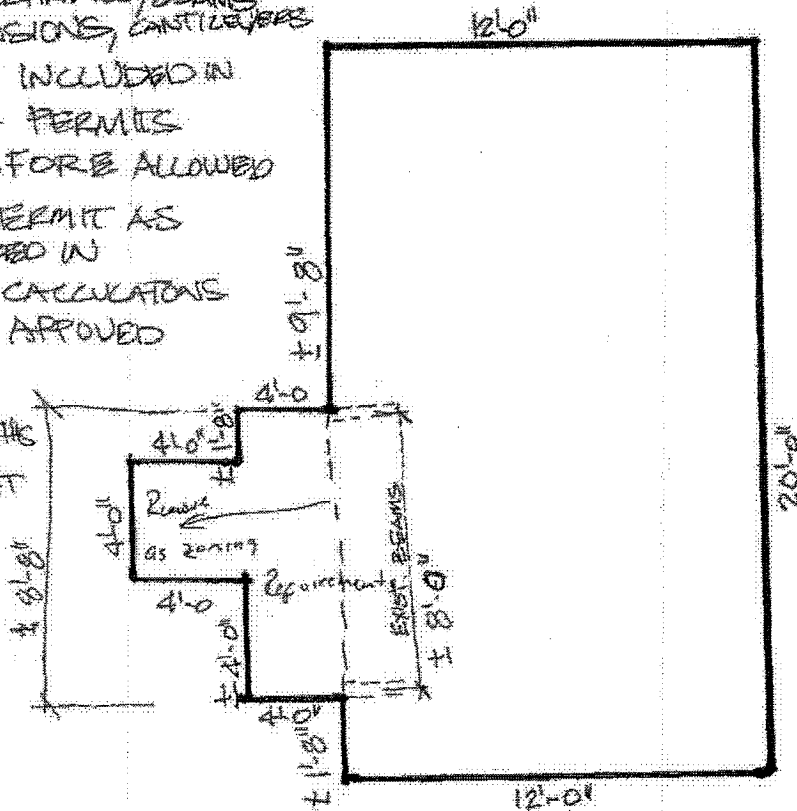


EXHIBIT 17

57. Defendants have been and are currently storing a substantial amount of junk, trash, and unsightly material on the Property.
58. In July and August of 2018, Defendant William G. Wizinsky again sent several emails and correspondences to various individuals in Leelanau County containing statements that the Association has committed "hate crimes" and its enforcement of the Restrictions with respect to the Property and the Expanded Structure is racially motivated (the "2018 Statements"). A copy of the Statements is attached as Exhibit 33.
59. On September 12, 2018, the Association sent Defendant William G. Wizinsky a demand for retraction. A copy of the demand is attached hereto as Exhibit 34.
60. On September 20, 2018, Defendant William G. Wizinsky responded to the Association's demand, refusing to retract the statements, and again asserting that the Association was motivated by racism (the "Response to 2018 Statements Demand for Retraction"). A copy of the response is attached hereto as Exhibit 35.
61. The email was sent to The Association and various third persons in Leelanau County.
62. The response also acknowledged that the Defendants were using the Revised Expanded Structure as a sleeping place on a transient basis.

COUNT I - NUISANCE PER SE

63. Plaintiffs the Township and the Association incorporate by reference the allegations contained in the preceding paragraphs as if fully stated herein.
64. MCL 125.3407 provides in relevant part as follows:

Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of a zoning ordinance or regulation adopted under this act is a nuisance per se. The court shall order the nuisance abated, and the owner or agent

in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se.

65. Section 10.6 of the Zoning Ordinance provides in relevant part as follows:

A. **Nuisance Per Se.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

66. Sections 11.13 through 11.15 of the Township's Zoning Ordinance require that a structure once approved be constructed in conformity with the approved plans and that a land use permit be obtained prior to conducting any activity requiring a land use permit. A copy of Sections 11.13 through 11.15 is attached hereto as Exhibit 36.

67. The Defendants construction of the Original Structure is a violation of Sections 11.13 through 11.15 because it was not constructed in conformity with the approved plans.

68. Section 10.3 of the Zoning Ordinance provides in relevant part as follows:

Any individual, corporation, association, officer, department, board or bureau of the Federal, State, County or Township planning to erect a building or structure, or to alter any existing structure, requiring the use of more land area, or to establish a new use for any premises in any Land Use District, shall file an application in writing with the Zoning Administrator for a Land Use Permit. (Emphasis supplied).

69. The Revised Expanded Structure is a violation of the Zoning Ordinance because no land use permit was obtained for the Revised Expanded Structure in violation of Section 10.3. The original approved plans were for a proposed structure that did not include a permanent foundation.

70. Article 2 of the Zoning Ordinance defines "dwelling" in relevant part as follows:

Document received by the MI Leelanau 13th Circuit Court.

Any building or part thereof, if occupied or rented as the home, residence or sleeping place of one or more persons either permanently or transiently.

71. The Defendants' use of the Revised Expanded Structure as a sleeping place as evidenced by Exhibits 32 and 35 is a violation of Sections 10.3 and 11.15 of the Zoning Ordinance because Defendants are utilizing the Revised Expanded Structure as a dwelling, a use not authorized and in violation of the land use permit issued for the Original Structure and without a land use permit for such use.

72. Section 10.3.D of the Township's Zoning Ordinance provides as follows:

Minimum Standards for Dwellings - All dwellings in all Districts shall conform with the applicable rules of the Michigan State Construction Code, the State of Michigan Mobile Home Commission, the Department of Housing and Urban Development, and the Department of Public Health.

73. The Defendants' use of the Revised Expanded Structure is a violation of Section 10.3.D.

74. Defendants' use of the structure as a dwelling does not conform to the applicable rules of the Michigan State Construction Code because they are using the Revised Expanded Structure in violation of the occupancy permit issued by the Leelanau Construction Code Authority.

75. Defendants' use of the structure as a dwelling does not conform to the applicable rules of the Department of Public Health because they are using the Revised Expanded Structure without a water supply and without a sewage disposal system.

76. The plat approved by the Township for The Shores establishes the minimum setback from the bluff line for permanent foundations at 100 feet. See Exhibit 10, the Shore Subdivision Protective Restrictions, #3.

Document received by the MI Leelanau 13th Circuit Court.

77. In 1992, the Township Zoning Administrator determined that the Defendant's proposed structure was not on a permanent foundation and therefore, approved a 35-foot bluff-line setback.

78. During the construction of the Original Structure, the Defendant installed posts into the ground constituting a permanent foundation, without obtaining a revised land use permit issued by the Township in violation of section 10.3.

79. The Original Structure and the Revised Expanded Structure sits on a permanent foundation 35 feet from the bluff line and therefore is in violation of the 100-foot bluff line setback requirement.

80. The Revised Expanded Structure remains setback 35 feet from the bluff line in violation of the 100-foot bluff line setback requirement.

81. The Revised Expanded Structure is in violation of the Zoning Ordinance because the Revised Expanded Structure is setback 35 feet from the bluff line, which is a violation of:

- a. The setback requirement that was established for this property (Exhibit 6 and 10) or, alternatively, Section 10.5.B of the Zoning Ordinance, which requires that the expansion receive the approval of the Zoning Board of Appeals.

82. Defendants' violations of the Zoning Ordinance are nuisances per se and shall be abated by the Court pursuant to MCL 125.3407 and Section 10.6 of the Zoning Ordinance.

WHEREFORE, the Township and the Association respectfully request that this Court enter an Order for injunctive relief, abating the Defendants' use of the Property in violation of the Zoning Ordinance by ordering the removal of the Revised Expanded Structure and enjoining the Defendants from occupying the Revised Expanded Structure as well as any other equitable

remedies or other relief, including an award of attorney fees to the Association and the Township, that this Court deems appropriate.

COUNT II - ENFORCEMENT OF RESTRICTIVE COVENANTS - INJUNCTION TO ABATE VIOLATIONS

83. The Association incorporates by reference the allegations contained in the preceding paragraphs as if fully stated herein.
84. The Restrictions were established pursuant to a general plan and scheme to develop The Shores as a quality residential development.
85. The Protective Restrictions have been in effect since April 26, 1990 and prior to the Defendants' acquisition of the Property, and remain in effect.
86. The Protective Restrictions provide in relevant part as follows:
1. **Residential Use.** Such lots, and each and every part thereof, are for single family residential purposes only. No building or structure intended for or adapted to business purposes, and no apartment house, double house, lodging house, rooming house, hospital, sanitarium, or doctor's office, or other multiple-family dwelling shall be erected, placed, permitted or maintained on such premises, or on any part thereof. No single-family structure shall be used for any commercial use; nor shall it be used for institutional, or non-profit homes. No improvement or structure whatever, other than a first-class private dwelling house, inground swimming pool, garage or carport may be erected, placed or maintained on any lot in such premises, and all plans shall be approved in writing by the reversionary owner.

 3. **Setbacks from Bluff Line.** The minimum setback of all permanent foundations from the bluff line shall be 100 feet except lots 12 and 13. *** Any reduction to these minimum setbacks must be approved in writing by Leelanau Township.
 7. **Construction.** All construction shall be of a permanent year-around type. No asphalt or asbestos shingles, imitation brick, building paper, insulation board or sheathing or similar non-exterior materials shall be used for the exterior wall finish of any such building; exterior finish shall be wood, wood shingles, wood siding, brick or stone. Dwellings shall be constructed at not less than the 1989 equivalent value of \$80.00/square foot of habitable space.

EXHIBIT 18

LEELANAU COUNTY DEPARTMENT OF BUILDING SAFETY

8527 E. Government Center Drive, Suite 109

Suttons Bay, MI 49682

Phone (231) 256-9806 FAX (231) 256-8333

buildingsafety@co.leelanau.mi.us

REQUIREMENTS FOR A BUILDING PERMIT

**The following permits SHALL ACCOMPANY the application for a building permit or
A written statement from that Department if a permit is not required.**

DO NOT APPLY FOR BUILDING PERMIT UNTIL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED

- 1) **RECORDED PROOF OF OWNERSHIP & AUTHORIZATION LETTER FOR WORK FROM OWNER**
- 2) **ADDRESS CONFIRMATION** – Leelanau County Planning Department – 231-256-9812
- 3) **SOIL EROSION PERMIT** - A permit is required for any earth change or disturbance a.) within 500 ft. of a water body (lake or stream), b.) within 100 ft. of regulated wetland, c.) one acre or more in size, d.) developing or expanding a driveway with a slope of 10% or greater, and e.) involving any commercial use regardless of size, location or slope. 231-256-9783
- 4) **HEALTH DEPARTMENT PERMIT** - Water and sewer (public or private) 231-256-0200
- 5) **LAND USE PERMIT** – Compliance with zoning requirements of Townships.

Bingham	231-271-2722	Glen Arbor	231-360-2557	Suttons Bay Twp.	231-271-2722
Centerville	231-360-2557	Kasson	231-499-8377	Empire Village	231-499-7165
Cleveland	231-590-3255	Leelanau	231-386-5138	Northport Village	231-758-4702
Elmwood	231-946-0921	Leland	231-645-1113	Suttons Bay Village	231-271-3051
Empire	231-360-2557	Solon	231-360-2557		

- 6) **DRIVEWAY PERMIT** – Leelanau County Road Commission – 231-271-3993
- 7) **STATE ENERGY CODE** – must accompany plans or prints for a new single family dwelling & additions
- 8) **BUILDING PERMITS APPLICATION** – 231-256-9806 **To Include:**
 - A) **Construction Documents R106.1** two sets of complete building plans to include A), 1, 2, 3, 4, 5, 6:
 - 1) **Foundation plans** - Identifying support beam size, column spacing, sill plate anchor location and size, foundation reinforcement, foundation ventilation, and dimensions.
 - 2) **Floor plans** - Identifying use of each room, location of windows and door openings, location of smoke detectors, location and size of attic access, and dimensions.
 - 3) **Elevations** - front, rear and sides.
 - 4) **Sections** - typical exterior wall section from bottom of footings to roof peak indicating: method of construction materials, structural framing size and spacing, foundation damp proofing, attic/rafter ventilation, roof preparation, and ceiling heights. Include deck and stairway section showing handrails, guardrail height and spacing of intermediate guards, and riser/run of stairs.
 - 5) **Truss design data R802.10.1, R106.1.4** - or as an alternative to drawings, truss design data sheet may be provided at the time of application. Actual drawings must be submitted prior to installation.
 - 6) **Site plan** - drawn to scale showing proposed new construction, existing buildings and dimensions from property lines.
 - 7) **Authorization letter** – from owner, if applicant is contractor.
- 9) **ELECTRICAL PERMIT** – when applicable 231-256-9806
- 10) **PLUMBING PERMIT** – when applicable 231-256-9806
- 11) **MECHANICAL PERMIT** – when applicable 231-256-9806
- 12) **MI DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT** – when applicable 1-231-876-4444

**INCOMPLETE BUILDING PERMIT APPLICATIONS AND DRAWINGS WILL NOT BE ACCEPTED OR PROCESSED.
BUILDING PERMITS & ADDRESS MUST BE POSTED PRIOR TO CONSTRUCTION.**

EXHIBIT 19

MEMO TO FILE

Date: 6/22/2017

Township: LEELANAU

RE: LOT 11, THE SHORES SUBDIVISION, FOXVIEW DR.

I ATTENDED A MEETING AT THE REQUEST OF DONG SCRIPPS.
THE MEETING WAS HELD AT THE CONSTRUCTION CODE OFFICE AT THE
LEELANAU COUNTY COURTHOUSE.

ATTENDEES: STEVE HAUGEN - BUILDING OFFICIAL
TY WESSELL - COUNTY COMMISSIONER
CHET JANIK - COUNTY ADMINISTRATOR
STEVE PATMORE - LEELANAU TWP. ZONING ADMIN.

- LEELANAU COUNTY RECEIVED A BUILDING PERMIT APPLICATION FROM THE OWNER OF LOT 11 LAST FALL. (TO REPLACE STRUCTURE)
- DOES REPLACING THIS STRUCTURE REQUIRE A LAND USE PERMIT FROM LEELANAU TOWNSHIP.? (YES PER STEVE PATMORE)
- WILL LEELANAU TWP GIVE STEVE HAUGEN A LETTER TO THAT EFFECT? (YES - PER STEVE PATMORE)
- LEELANAU COUNTY HAS DETERMINED THAT THE EXISTING STRUCTURE IS IN VIOLATION OF THE BUILDING CODE.
- LEELANAU COUNTY IS MANDATING THAT THE EXISTING STRUCTURE BE REMOVED
- COMMISSIONER WESSELL & C.A. JANIK CONCERNED THAT THE EXISTING STRUCTURE IS BEING OCCUPIED.

(OVER)

EXHIBIT 20

From: Chet Janik
Sent: Thursday, June 22, 2017 1:54 PM
To: 'Steve Patmore'; Steve Haugen
Cc: haujen@leelanauwp.org; Ty Wessel
Subject: RE: Leelanau Township

Thank you Mr. Patmore for meeting with us this morning and for the follow-up clarification letter.

Steve H-- Based on this written confirmation, I am assuming you will be sending out a letter to Mr. Wizinsky within the next week notifying him of the Zoning Administrator's decision and the fact that his structure is out of compliance and therefore he needs to meet the current codes or remove the building within the allotted legal period. Failure to do so, will result in the case being referred to the Courts and the legal process will commence.

It would be beneficial and appreciated, if you could provide a copy of that letter to the Doug Scripps and Ty Wessel.

My suggestion is that we meet the week of July 24 to review the situation and determine if Mr. Wizinsky is abiding by the written request.

Chet

Chet Janik
Leelanau County Administrator
8527 E. Government Center Dr.
Suite 101
Suttons Bay, MI 49682
231-256-8100
cjanik@co.leelanau.mi.us

From: Steve Patmore [<mailto:zoningadmin@suttonsbaywp.com>]
Sent: Thursday, June 22, 2017 11:32 AM
To: Steve Haugen
Cc: haujen@leelanauwp.org; Ty Wessel; Chet Janik
Subject: Leelanau Township

Steve,

Attached is the letter we discussed. If this is not what you need please let me know.

Also, as a courtesy I am mailing this letter to Mr. Wizinsky and also to the Attorney representing The Shores Subdivision Homeowners.

Steve

(231) 386-5138 Leelanau Twp. Office