EXHIBIT 26

Section 125.3102

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3102 Definitions.

Sec. 102.

As used in this act:

(a) "Agricultural land" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

(b) "Airport" means an airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

(c) "Airport approach plan" and "airport layout plan" mean a plan, or an amendment to a plan, filed with the zoning commission under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(d) "Airport manager" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

(e) "Airport zoning regulations" means airport zoning regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

(f) "Conservation easement" means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

(g) "Coordinating zoning committee" means a coordinating zoning committee as described under section 307.

(h) "Development rights" means the rights to develop land to the maximum intensity of development authorized by law.

(i) "Development rights ordinance" means an ordinance, which may comprise part of a zoning ordinance, adopted under section 507.

(j) "Family child care home" and "group child care home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group child care home.

(k) "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

(l) "Improvements" means those features and actions associated with a project that are considered necessary by the body or official granting zoning

approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

(m) "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.

(n) "Legislative body" means the county board of commissioners of a county, the board of trustees of a township, or the council or other similar elected governing body of a city or village.

(o) "Local unit of government" means a county, township, city, or village.

(p) "Other eligible land" means land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

(q) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(r) "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

(s) "Site plan" includes the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

(t) "State licensed residential facility" means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

(u) "Undeveloped state" means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

(v) "Zoning commission" means a zoning commission as described under section 301.

(w) "Zoning jurisdiction" means the area encompassed by the legal boundaries of a city or village or the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to a township zoning ordinance.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007 ;-- Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008

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Section 125.3103

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3103 Notice; publication; mail or personal delivery; requirements.

Sec. 103.

(1) Except as otherwise provided under this act, if a local unit of government conducts a public hearing required under this act, the local unit of government shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing.

(2) Notice required under this act shall be given as provided under subsection (3) to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (3) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(3) The notice under subsection (2) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

(4) A notice under this section shall do all of the following:

(a) Describe the nature of the request.

(b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

(c) State when and where the request will be considered.

(d) Indicate when and where written comments will be received concerning the request.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008

Section 125.3604

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3604 Zoning board of appeals; procedures.

Sec. 604.

(1) An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the local unit of government. In addition, a variance in the zoning ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under this act. The zoning board of appeals shall state the grounds of any determination made by the board.

(2) An appeal under this section shall be taken within such time as prescribed by the zoning board of appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the zoning board of appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the zoning board of appeals all of the papers constituting the record upon which the action appealed from was taken.

(3) An appeal to the zoning board of appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the zoning board of appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the zoning board of appeals or a circuit court.

(4) Following receipt of a written request for a variance, the zoning board of appeals shall fix a reasonable time for the hearing of the request and give notice as provided in section 103.

(5) If the zoning board of appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the zoning board of appeals shall conduct a public hearing on the request. Notice shall be given as required under section 103. However, if the request does not involve a specific parcel of property, notice need only be published as provided in section 103(1) and given to the person making the request as provided in section 103(3).

(6) At a hearing under subsection (5), a party may appear personally or by agent or attorney. The zoning board of appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

(7) If there are practical difficulties for nonuse variances as provided in subsection (8) or unnecessary hardship for use variances as provided in subsection (9) in the way of carrying out the strict letter of the zoning

ordinance, the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The ordinance shall establish procedures for the review and standards for approval of all types of variances. The zoning board of appeals may impose conditions as otherwise allowed under this act.

(8) The zoning board of appeals of all local units of government shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.

(9) The authority to grant variances from uses of land is limited to the following:

(a) Cities and villages.

(b) Townships and counties that as of February 15, 2006 had an ordinance that uses the phrase "use variance" or "variances from uses of land" to expressly authorize the granting of use variances by the zoning board of appeals.

(c) Townships and counties that granted a use variance before February 15, 2006.

(10) The authority granted under subsection (9) is subject to the zoning ordinance of the local unit of government otherwise being in compliance with subsection (7) and having an ordinance provision that requires a vote of 2/3 of the members of the zoning board of appeals to approve a use variance.

(11) The authority to grant use variances under subsection (9) is permissive, and this section does not require a local unit of government to adopt ordinance provisions to allow for the granting of use variances.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3208 Nonconforming uses or structures.

Sec. 208.

(1) If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment. This subsection is intended to codify the law as it existed before July 1, 2006 in section 16(1) of the former county zoning act, 1943 PA 183, section 16(1) of the former township zoning act, 1943 PA 184, and section 3a(1) of the former city and village zoning act, 1921 PA 207, as they applied to counties, townships, and cities and villages, respectively, and shall be construed as a continuation of those laws and not as a new enactment.

(2) The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

(3) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by a city or village shall not be used for public housing.

(4) The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008 ;-- Am. 2010, Act 330, Imd. Eff. Dec. 21, 2010

Section 125.3407

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3407 Certain violations as nuisance per se.

Sec. 407.

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. The legislative body shall in the zoning ordinance enacted under this act designate the proper official or officials who shall administer and enforce the zoning ordinance and do 1 of the following for each violation of the zoning ordinance:

(a) Impose a penalty for the violation.

(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

(c) Designate the violation as a blight violation and impose a civil fine or other sanction authorized by law. This subdivision applies only to a city that establishes an administrative hearings bureau pursuant to section 4q of the home rule city act, 1909 PA 279, MCL 117.4q.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008

Section 125.3606

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3606 Circuit court; review; duties.

Sec. 606.

(1) Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for the county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

(a) Complies with the constitution and laws of the state.

(b) Is based upon proper procedure.

(c) Is supported by competent, material, and substantial evidence on the record.

(d) Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

(2) If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

(3) An appeal from a decision of a zoning board of appeals shall be filed within whichever of the following deadlines comes first:

(a) Thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.

(b) Twenty-one days after the zoning board of appeals approves the minutes of its decision.

(4) The court may affirm, reverse, or modify the decision of the zoning board of appeals. The court may make other orders as justice requires.

History: 2006, Act 110, Eff. July 1, 2006 ;-- Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008 ;-- Am. 2010, Act 330, Imd. Eff. Dec. 21, 2010

Section 125.3607

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3607 Party aggrieved by order, determination, or decision; circuit court review; proper party.

Sec. 607.

(1) Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of any local unit of government made under section 208 may obtain a review in the circuit court for the county in which the property is located. The review shall be in accordance with section 606.

(2) Any person required to be given notice under section 604(4) of the appeal of any order, determination, or decision made under section 208 shall be a proper party to any action for review under this section.

History: 2006, Act 110, Eff. July 1, 2006

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3701 Compliance with open meetings act; availability of writings to public.

Sec. 701.

(1) All meetings subject to this act shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) A writing prepared, owned, used, in the possession of, or retained as required by this act shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: 2006, Act 110, Eff. July 1, 2006

EXHIBIT 27

ARTICLE 2

DEFINITIONS

SECTION 2.1 – PURPOSE AND SCOPE - For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

SECTION 2.2 DEFINITIONS–
A. Unless the context specifically indicates otherwise, the meaning of terms used in This Ordinance shall be as follows.

B.

ACCESSORY BUILDING – A detached building whose purpose is customarily found in connection with the permitted principal use, but subordinate to that of the principal building on a given lot or parcel of land. Detached garages, tool sheds and barns are all examples of accessory buildings. *(Amended 052809)*

ACCESSORY USE - A land use whose purpose is related, subordinate, ancillary and incidental to the permitted principal use. An accessory use must in some way serve the principal use, and must usually be located on the same building lot or parcel. Exceptions may be made, however, so that necessary off-street parking may sometimes be located nearby rather than on the same lot or parcel.

ADJUNCT FOOD SERVICE - Consists of snacks, sandwiches, luncheons, or pre-arranged dinners provided on the premises in connection with the operation of wineries, microbreweries, distilleries, civic events, private events, and value added agricultural enterprises. Alcoholic beverages may be served provided the responsible entity is licensed to do so. Adjunct food service shall not include the operation of a standard, take-out, or drive-through restaurant. . *(Added 05/28/09)*

ADULT and/or SEXUALLY ORIENTATED BUSINESSES - Those uses specified and defined as, but not limited to adult bookstore, adult cabaret, adult drive-in, adult film store, adult motion picture theater, adult novelty store.

ADULT BOOKSTORE - An establishment having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance.

ADULT CABARET - A bar, lounge, club or other establishment which may sell alcoholic or non-alcoholic beverages and/or food and which features as part of the regular entertainment topless or bottomless dancers, strippers or similar entertainers, whether male or female, whose acts are characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance. This definition shall include Adult Encounter Parlor, Adult Lounge, Adult Novelties, Adult Entertainment, and Adult Modeling Studio.

ADULT DRIVE-IN - An open-air establishment in which a substantial or significant portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance, for observation by patrons therein.

ADULT FILM STORE - An establishment having as a substantial or significant portion of its stock in films, video tapes, video disks, or similar items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as so defined by this Ordinance.

GUEST HOUSE - Sleeping quarters with or without kitchen and bath facilities, located on the same premises with a main building and occupied for the sole use of members of the family, temporary guests or persons permanently employed on the premises. *(Effective 8-21-98)*

HEIGHT - The vertical distance measured from the finished grade to the highest point of the roof. If the building is located on sloping terrain, the height shall be half the vertical distance measured from the grade of the wall furthest downhill to the highest point of the roof, plus half of the distance measured from the grade of the wall furthest uphill to the highest point of the roof. See GRADE.

HEIGHT - means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

HIGHWAY - Any public thoroughfare, except alleys, in the Leelanau County/Leelanau Township road system, including Federal, State and County roads.

HOME BUSINESS - an enterprise conducted in the home by the owner and a limited number of partners, employees, and/or volunteers, which meets the *applicable* requirements of Article 12. Each home business must have a Leelanau Township Home Business Permit.

HOME BUSINESS OCCUPATIONS - The Master Plan anticipates that home business enterprises will be comprised primarily of those businesses which, because of continuing improvements in transportation and communication systems, do not need to be located in metropolitan areas or commercial districts. Additionally, those occupations that have traditionally been conducted in the home are permitted. Examples of the former include, but are not limited to, businesses primarily in the legal, engineering, and accounting professions; communications, consulting, insurance; design; and similar enterprises. Examples of the latter are: artistic painting, ceramics, tailoring, teaching, woodworking, small personal service operations, and like occupations. Home businesses do not include the following uses which are covered separately in this Ordinance: funeral parlors, commercial stables or kennels, auto body or repair shops, dental or medical offices, and tourist homes.

HOME OCCUPATION - An enterprise conducted solely by the homeowner or immediate family members residing in the dwelling without partners, employees, or volunteers which meets the *applicable* requirements of Article 16.

HOME OFFICE - That part of a dwelling unit, or accessory building, that is used for the resident's private office. *(Effective 8-21-98)*

HOTEL (OR INN) - A building where lodging with or without meals is furnished to transient guests for compensation, containing more than four (4) sleeping rooms with or without cooking facilities in any individual lodging, but wherein a restaurant may or may not be located. (Revised 3/03)

INCIDENTAL USE - same as accessory use.

INDUSTRIAL - A building or structure housing a manufacturing process.

INDUSTRIAL DISTRICT It is the intent of this District to provide for the development of a variety of warehousing, light industrial manufacturing, and research uses that are compatible with existing or planned adjacent uses. This District is characterized by developments on major roads, and having a low percentage of land covered by buildings and parking. It is anticipated that the lots will be landscaped, park like areas. Regulations are included to control objectionable external effects such as waste products, noise, emissions, and visual impacts that are incompatible with the character of Leelanau Township.

unforeseen and/or practical difficulties in implementation that are not included in the definition of significant modifications. *Amended 11/28/08*

MOBILE HOME - A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (*Amended 10-6-94*).

MOBILE HOME PARK - A parcel or tract of land under the control of an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. (*Amended 10-6-94*).

MOTEL - A building or group of buildings having units containing sleeping accommodations only which are available for temporary occupancy primarily for automobile transients.

NATURAL FEATURES - Natural features shall include soils, wetland, flood plain, water bodies, sand dunes, topography, vegetative cover, and geologic formations.

NON-BUILDABLE AREA - Land or area that shall not be built upon due to law, ordinance, regulation, agreement, or other similar limitation in addition to areas that generally cannot be built upon due to physical characteristics including, but not limited to: lakes, ponds, streams, and wetlands.

NON-CONFORMING USE - Any building or land lawfully occupied by a use, at the effective date of This Ordinance or amendment thereof which does not conform after passage of This Ordinance or amendments thereto with the requirements of the District in which it is situated.

NON-INTENSIVE LIVESTOCK OPERATIONS - Those livestock operations with less than 50 animal units as defined by CFR (Code of Federal Regulations) 40 Section 122, Appendix B. *(Added June 13, 2000)*

NUISANCE - That, which is defined and declared by statutes to be such and also means any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued or exists.

NURSING HOME - Home for the aged, convalescent, chronically ill or incurable persons in which three or more persons not of immediate family are received, kept or provided with food, or shelter and care for compensations, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

OCCUPATION AND BUSINESS CLASSIFICATIONS - The term "home business group" as used in this Article includes three types of home business which are described as follows: **HOME OCCUPATION** --- those conducted solely by the homeowner or immediate family members residing in the dwelling without partners, employees, or volunteers. Specific conditions for home occupations are given in Section 16. No permit is required for a home occupation. **HOME BUSINESS** --- those enterprises conducted in the home by the owner and a limited number of partners, employees, and/or volunteers. Specific conditions for home businesses are given in Section 16. Each home business must have a Leelanau Township Home Business Permit *prior to operating of said business*. **SPECIAL HOME BUSINESS** --- essentially the same as home businesses except that a greater latitude in operating conditions, as defined in Section 16, may be granted by the Planning Commission. A Special Home Business Permit is required before a special home business begins operation.

SECTION 5.7 – TABLES

A. Table 5.7.A: Principal Permitted Uses

	PRINCIPAL PERMITTED USES (numbers refer to footnotes, x means allowable)							
USES		R1	R2	R3 A	R3 M	R3S	R4	RC
DWELLINGS								
	Single family detached	X	X		X	1	X	2
	Two-fam. Attached		X					
	Two-fam. Incl. duplexes			X				
	2,3,4 dwellings		3					
	Multiple family dwelling			4				
	Mobile homes				5			
	Office bldg. for operation				X			
HOME OCCUPATIONS; Article 16		X	X	X	X	X	X	X
HOME BUSINESS; Article 16		X						X
BED AND BREAKFAST		6	7				6	8
ANIMALS (keeping and raising)								
	Pets	9	9	9	9	9	9	9
	Other	10						11
GUEST HOUSE		12						
PLANNED UNIT DEVELOPMENT								
	"PUD", Article 14	X	X	X	13	X		X
CONSERVANCIES, etc.								14
AGRICULTURAL ACTIVITIES								15
PASSIVE RECREATIONAL FACILITIES		16	16	16	16	16	16	16

Footnotes:

1. In accordance with Article 21 – Subdivision Developments.
2. One single family detached dwelling per ten (10) acres of land.
3. Single family detached, two-family attached, and three or four unit townhouses at a maximum density of one dwelling unit per acre. Two, three or four dwelling unit structures must be divided vertically between dwelling units and must have independent, ground floor entrances for each dwelling unit.
4. Two-family dwellings including duplexes, and multiple family dwellings up to and including eight (8) dwelling units.
5. Mobile homes in accordance with the Mobile Home Commission Act, Public Act 96 of 1987, as amended.
6. Bed and breakfast with a maximum of three (3) rental rooms and provision of one off-street parking space for each guest room and for each of the regular occupants' vehicles.
7. Bed and breakfast with a maximum of three (3) rental rooms are permitted only for the single family detached dwelling unit.
8. Bed and Breakfast operations with a maximum of five (5) rental rooms and provision for one (1) off-street parking space for each guest room and for each of the regular occupants' vehicles.
9. Pets belonging to the householder, including but not limited to dogs, cats, hamsters, rabbits, and birds.
10. Other
    a. Fowl weighing less than thirty (30) pounds per animal, not to exceed five (5) per acre;
    b. Domesticated farm animals weighing less than two hundred (200) pounds at maturity and fowl thirty (30) pounds or larger, not to exceed one (1) animal per acre;

c. Large animals, those weighing two hundred (200) pounds or more at maturity. A minimum of three (3) acres shall be required for one (1) animal with an additional two (2) acres required for each additional animal;

d. Animal pastures shall have 100-foot setbacks from adjacent residence.

11. Other

a. Fowl weighing less than thirty (30) pounds per animal, not to exceed 10 per acre;

b. Domesticated farm animals weighing less than two hundred (200) pounds at maturity and fowl thirty (30) pounds or larger, not to exceed two (2) animals per acre;

c. Large animals, those weighing three hundred (300) pounds or more at maturity. A minimum of three (3) acres shall be required for one (1) animal with an additional two (2) acres required for each additional animal;

d. Animal housing or shelters, for other than pets, shall not be located closer than one hundred (100) feet from any property line except those bordering agricultural district properties suitable for horticulture; if located adjacent to agriculturally zoned land suitable for horticulture, see Article 17- Water Access, Off-street Parking, Landscaping and Fencing.

e. Large animal pastures shall have 100' setbacks from adjacent residences.

12. One guest house, provided that the lot upon which the principal dwelling and the guest house are located has an area twice the minimum required in the district or is comprised of two lots which were recorded prior to the May 13, 1976 date of enactment of the Zoning Ordinance.

13. The density bonus in Section 14.3 of Section 14 – Planned Unit Development shall not be granted.

14. Plant and wildlife management areas, refuges, and sanctuaries; nature conservancies.

15. Small scale agricultural activities including but not limited to, truck gardens, horticultural nurseries, Christmas tree farming, forestry, vineyards, and beekeeping.

16. Passive recreation facilities which involve a minimum alteration of vegetation, topography or other native feature. Passive recreational facilities, include, but are not limited to, trails and walkways, viewing platforms, beaches, fishing docks or piers, and picnic areas. *(Added 083112)*

B. Table 5.7.B: Accessory Permitted Uses

USES	R1	R2	R3A	R3M	R3S	R4	RC
Accessory Buildings	1	1	1	1	1	1	1
Private Docks	2	2				3	
Other	4	4	4	4	4	4	4
Roadside Stands							5

Footnotes:

1. Buildings as defined in Article 2. When an accessory building is to be constructed before the principal building, the land use permit application must show where the principle building will be located on the site. *(Amended 052809)*

2. Private dock and boat basin for private use or rental use with allowance of up to four boat slips providing that no commercial advertising or on-site signs are used to promote the rentals. (*Amended January 26, 2007)*

d. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
e. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare; and
f. That the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

E. Use Variances

1. Use variances are expressly prohibited.

F. Miscellaneous

1. An appeal may not be taken to the Zoning Board of Appeals in connection with a special land use or planned unit development decision.
2. No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

SECTION 10.5 NON-CONFORMING USES, STRUCTURES, BUILDINGS AND LOTS.

A. Non-conforming uses

1. The lawful use of a dwelling, building, or structure and of land or a premise as existing and lawful at the time of enactment of this zoning ordinance (May 13, 1976), or, in the case of an amendment of an ordinance, then at the time of the amendment, may be continued although the use does not conform with the ordinance or amendment. However, no such building or structure shall be enlarged or extended except as provided herein.
2. The township board shall provide in a zoning ordinance for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses upon reasonable terms set forth in the zoning ordinance. In establishing terms for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses different classes of nonconforming uses may be established in the ordinance with different requirements applicable to each class.
3. The township may acquire, by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The township board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with PA 149 of 1911, as amended.
4. Nonconforming uses are considered to present a greater public burden than nonconforming buildings, structures or lots. Therefore the intent of this Ordinance is to gradually eliminate non-conforming uses, decrease their nonconforming status, and discourage their expansion or enlargement.

B. Non-conforming buildings and structures - Where a lawful building or structure exists at the effective date of this Ordinance, or any subsequent amendments to this Ordinance, that could not be built under the most recent regulations of this Ordinance because of restrictions on area, lot coverage, height, setbacks, landscape buffer, off-street parking, loading space, or other characteristics of the structure or its location on the lot, such building or structure may continue to be used, provided it remains otherwise lawful, subject to the following provisions:

1. **Permitted building or structure improvements** - A residential building or structure which is nonconforming may be altered or rehabilitated if such activity will make it more conforming to the regulations of this Ordinance.
2. **Minor expansion of residential buildings or structures** - The Zoning Administrator may approve the expansion of a residential nonconforming building or structure provided the expansion does not increase the nonconforming aspect of the structure, or the expansion complies with the required setback, height and lot coverage requirements for the zone in which it is located. The expansion shall not increase, by more than 50%, the established footprint of the nonconforming building or structure.
3. **Major expansion of residential buildings and structures** - Any expansion determined not to be in compliance with Section 10.5.B.2 above shall be prohibited unless a variance is granted by the Zoning Board of Appeals.
4. **Expansion of nonresidential non conforming buildings or structures** – Nonresidential nonconforming buildings or structures shall not be expanded except to the extent permitted by the Zoning Board of Appeals pursuant to the authority granted in Section 10.4 of this Ordinance.
5. **Permitted repairs** - Nothing in this Ordinance shall prevent the repair, reinforcement, reconstruction or other such improvements of a legal nonconforming building or structure, or part thereof, rendered necessary by wear and tear, deterioration, flood, fire or vandalism, provided the repair does not increase the established footprint or cubic content of the original nonconforming structure.
6. **Permitted replacement** - Legal nonconforming buildings, and accessory structures or uses, that become uninhabitable by means of flood, fire, vandalism, or demolition, shall be reconstructed in compliance with setback, height and lot coverage requirements for the zone in which it is located when the geometry of the lot can accommodate said reconstruction. If the geometry of the lot does not allow reconstruction in compliance with this Ordinance, reconstruction of the nonconforming building or structure shall be prohibited unless a variance is granted by the Zoning Board of Appeals. If a variance is granted by the Zoning Board of Appeals, such reconstruction shall be completed within 2 (two) years of the date of the decision.

C. Nonconforming lots of record. - In any district, notwithstanding limitations imposed by other provisions of this Ordinance, buildings and structures may be erected upon any lot or parcel of land which was a single lot or parcel of record at the effective date of this Ordinance or any subsequent amendments to this Ordinance. This provision shall apply even though the lot fails to meet the requirements for area, width, or both, that are generally applicable to the district in which the lot is located. Further, all buildings and structures constructed on nonconforming lots shall comply with the district setback, height and lot coverage regulations unless a variance is obtained pursuant to Article 10.4 of this Ordinance.

D. Changes in Nonconforming uses - No nonconforming use shall be changed to any other nonconforming use; and any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.

E. Abandonment of nonconforming use or structure - If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following:

1. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Other information or action that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

SECTION 10.6 VIOLATION AS NUISANCE PER SE

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.

B. Violation. Any person, partnership, limited liability company, corporation or association who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance, or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person, partnership, limited liability company, corporation or association responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

First Offense	$100.00
Second Offense	
Within two (2) years of the first offense	$250.00
Third or Subsequent Offense	
Within two (2) years of the date of the first offense	$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Leelanau has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than $9.00 nor more than $500.00 be ordered.

D. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

E. Enforcement. The Township Zoning Administrator and the Township Supervisor are hereby designated as the authorized Township officials to issue municipal civil infraction citations for violations of this Ordinance.

SECTION 10.7 ZONING AMENDMENT PROCEDURES AND REQUIRED PUBLIC HEARING NOTIFICATION REQUIREMENTS.

A. **Rezoning Criteria** – The Planning Commission shall consider not less than the following criteria in its evaluation of a petition to rezone property within the Township prior to making its recommendation to the Township Board in accordance with Article IV of Act 110 of the Public Acts of Michigan of 2006, as amended.

1. The Planning Commission should first consider whether or not the map change is appropriate; that is, whether the proposed use could be better accommodated by amending the zoning ordinance text itself to allow the use as permitted use or as a special condition land use.

2. The applicant should demonstrate that there is evidence of a changed condition. This evidence can be provided in terms of an evaluation of land use trends in the vicinity or through the submittal of a marketing study.
3. The rezoning request should be evaluated for consistency with the adopted master plan. This includes the future land use plan map, any adopted sub-area development plan, as well as for consistency with the master plan narrative.
4. The proposed zoning should be evaluated for its compatibility with the existing land use pattern. The community should ask itself if uses in the proposed zone are equally, less, or better suited to the area.
5. The evaluation of the rezoning should also consider if the proposed use could be built on the subject site if it were to be rezoned. Is the parcel size sufficient? Are there environmental restrictions (i.e., soils, wetlands, floodplains, etc.) that would make the site nonbuildable or are they showing that the property cannot be used as presently zoned due to these limitations?
6. Is the site served by adequate public facilities or is the petitioner able to provide them?
7. Are there sites nearby already properly zoned that can be used for the intended purposes?
8. Is the proposal consistent with the established zoning pattern or does it represent spot zoning? For purposes of this Ordinance, spot zoning shall be defined as the assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel, intended to benefit a particular property owner, which is incompatible with the surrounding area and is also in violation of the community's master plan.
9. Would a lesser district classification be more appropriate? The petitioner may want a R-3 district; however, a R-2 district may permit the proposed use.
10. The community should evaluate whether other local remedies are available which are better suited to the circumstances of the petition.

B. **Amendments or supplements** to the zoning ordinance shall be adopted in the same manner as provided under 2006 PA 110 for the adoption of the original ordinance.

1. A public hearing shall be noticed and held by the Planning Commission. Notice of the public hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
2. Notice shall be provided to the owners of property that is subject of the request. Notice shall also be given to all persons to whom real property is assessed within 300 feet of the property that is subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Township. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
3. The notice under Section 10.7.B. 2 is considered to be given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
4. A notice under this Section shall do all the following:
    a. Describe the nature of the request.
    b. Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created

EXHIBIT 28

LEELANAU TOWNSHIP BOARD MEETING AGENDA
TUESDAY, SEPTEMBER 11, 2018 7:00P.M.
LEELANAU TOWNSHIP FIRE HALL
100 EIGHTH ST.
NORTHPORT, MI 49670

TENTATIVE AGENDA

AGENDA CAN BE AMENDED AT THE MEETING.
CHANGES CAN/WILL OCCUR UP UNTIL AND AT THE MEETING
ORDER OF AGENDA ITEMS CAN/WILL CHANGE UP UNTIL AND AT THE MEETING

CLOSED SESSION – THE PURPOSE OF THE CLOSED SESSION IS TO DISCUSS FOXVIEW HOMEOWNER'S ASSOCIATION REQUEST.

I. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

II. SET AGENDA

III. PUBLIC COMMENT – FIRST – LIMITED TO 3 MINUTES MAXIMUM

IV. GENERAL BUSINESS
- A. MINUTES OF AUGUST 14, 2018 REGULAR BOARD MEETING
- B. CURRENT BILLS

V. REPORTS
- A. LEELANAU COUNTY SHERIFF DEPARTMENT – SAM WIGTON
- B. LEELANAU TOWNSHIP LIBRARY – NELLIE DANKE
- C. EMERGENCY SERVICES – HUGH COOK
- D. FACILITES MANAGER – BEN PURDY
- E. PLANNING COMMISSION – GALEN LEIGHTON

VI. ACTION ITEM(S)
- A. SEWER DEBT
- B. HEALTH INSURANCE PLAN
  1. PLAN
  2. PUBLIC ACT 270 – OP IN OR OPT OUT
- C. PUBLIC HEARING ON TAX LEVIES
- D. CLOSE OF PUBLIC HEARING ON TAX LEVIES
  1. ACT ON TAX LEVIES (L4029 MILLAGE RATES) FOR 2018 - 2019
     - a. GENERAL FUND
     - b. GENERAL FUND EXTRA VOTED
     - c. FACILITY FUND
     - d. EMERGENCY SERVICES
     - e. POLICE SERVICE
     - f. ALS SERVICE
- E. 2018-2019 FISCAL YEAR BUDGET AMENDMENTS
- F. MONEY TO CEMETERY
- G. SUPPORT COMMUNITY EFFORT TO PAVE SHOULDERS ON FINAL 2.2 MILES OF CR 629
- H. EMERGENCY SERVICES HIRE – KEVIN HARMES
- I. PAINT OMENA FIRE HALL – BEN

J. NETWORKS NORTHWEST COASTAL RESILIENCEY PROGRAM SUPPORT

VII. CLOSED SESSION – MOTION TO GO INTO CLOSED SESSION
1. DISCUSS FOXVIEW HOMEOWNER'S ASSOCIATION REQUEST

RETURN TO REGULAR SESSION – MOTION

2. ACT ON DISCUSSION

VIII. DISCUSSION ITEM(S)

IX. PUBLIC COMMENT – SECOND – LIMITED TO 3 MINUTES MAXIMUM

X. CORRESPONDENCE AND ANNOUNCEMENTS
A. POWER PARAGLIDERS MEMO FROM TOM WETHERBEE

XI. ADJOURN

EXHIBIT 29

LEELANAU TOWNSHIP BOARD MEETING
TUESDAY, SEPTEMBER 11, 2018
7:00PM
LEELANAU TOWNSHIP FIRE HALL
100 EIGHTH ST.
NORTHPORT, MI 49670

APPROVED MINUTES

CLOSED SESSION – THE PURPOSE OF THE CLOSED SESSION IS TO DISCUSS FOXVIEW HOMEOWNER'S ASSOCIATION REQUEST.

I. CALL TO ORDER, ROLL CALL, MOMENT OF SILENCE FOR 9/11, PLEDGE OF ALLEGIANCE

SUPERVISOR SCRIPPS CALLED THE MEETING TO ORDER AT 7:00PM. BOARD MEMBERS PRESENT WERE: SUPERVISOR SCRIPPS, CLERK VAN PELT, TREASURER DUNN, TRUSTEE FREDRICKSON, AND TRUSTEE LEIGHTON. THERE WERE 30 CITIZENS PRESENT AND SEVEN STAFF MEMBERS OF THE TOWNSHIP.

A MOMENT OF SILENCE FOR 9/11 WHICH HAPPENED 17 YEARS AGO THIS DAY.

II. SET AGENDA

MOTION MADE BY LEIGHTON, SECONDED BY FREDRICKSON TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED 5 – 0.

III. PUBLIC COMMENT

COMMENTS WERE HEARD FROM ALLAN DALZELL, WHO READ A LETTER REFERENCE THE SEWER (SEE ATTACHED); TIM CARPENTER, SUPPORTS ALLAN DALZELL'S PRESENTATION AND THE FACT OF NOT GETTING ENOUGH INFORMATION ABOUT THE SEWER DEBT; BETSY MALLEK, WHO READ A LETTER REFERENCE THE SEWER DEBT; GARTH GREENAN, CANDIDATE TO THE LEELANAU COUNTY ROAD COMMISSION SPOKE AND PASSED OUT A HANDOUT; ROB SHIRKEY, TALKED ABOUT THE REMOVAL OF ASPHALT AT CHRISTMAS COVE AND THE TENNIS COURTS AT BRAMAN HILL SHOWING CRACKS; RICK FOSTER, ASKED THE BOARD TO FAVOR PAVING THE SHOULDERS FROM CHERRY HOMES TO THE LIGHTHOUSE, 2.2 MILES FOR SAFER BIKING; AND PHYLLIS REBORI, SEWER.

IV. GENERAL BUSINESS

A. MINUTES OF AUGUST 14, 2018 REGULAR BOARD MEETING

DISCUSSED A FEW CLERICAL ERRORS FROM DEB AND DENISE.

MOTION MADE BY DUNN, SECONDED BY VAN PELT TO APPROVE THE MINUTES OF AUGUST 14, 2018 AS PRESENTED. MOTION PASSED 5 – 0.

B. CURRENT BILLS

VAN PELT WENT OVER THE AMOUNT OF THE CURRENT BILLS, $54,779.73.

$7,160 UPON PROOF OF LICENSE/WORKERS COMPENSATION INSURANCE. MOTION PASSED 5 – 0.

J. NETWORKS NORTHWEST COASTAL RESILIENCEY PROGRAM SUPPORT
SCRIPPS STATED THIS IS A REQUEST TO SUPPORT A COSTAL ZONE RESILIENCY STUDY OF COASTAL EROSION IN LEELANAU TOWNSHIP FROM THE NETWORKS NORTHWEST COASTAL RESILIENCEY PROGRAM AND THERE WOULD BE NO COST TO THE TOWNSHIP BUT MAY GIVE US SOME POSSIBLE ENGINEERING IDEAS FOR CERTAIN AREAS.

MOTION MADE BY VAN PELT, SECONDED BY DUNN THAT THE LEELANAU TOWNSHIP BOARD SUPPORTS THE EFFORTS OF NETWORKS NORTHWEST AND THEIR COASTAL ZONE MANAGEMENT PARTNERS IN SHORELINE DATA ANALYSIS AND POLICY RECOMMENDATIONS FOR LEELANAU TOWNSHIP. MOTION PASSED 5 – 0.

VII. CLOSED SESSION – MOTION TO GO INTO CLOSED SESSION

MOTION WAS MADE BY DUNN, SECONDED BY FREDRICKSON TO GO INTO CLOSED SESSION.
ROLL CALL VOTE

FREDRICKSON	YES
LEIGHTON	YES
DUNN	YES
VAN PELT	YES
SCRIPPS	YES

MOTION PASSED 5 – 0.

1. IS IN CLOSED SESSION TO DISCUSS FOXVIEW HOMEOWNER'S ASSOCIATION REQUEST

BOARD WENT INTO CLOSED SESSION AT 8:50PM.

BOARD CAME OUT OF CLOSED SESSION AT 9:05PM.

2. ACT ON DISCUSSION FROM CLOSED SESSION

MOTION MADE BY DUNN, SECONDED BY VAN PELT TO JOIN THE SHORES HOMEOWNER'S ASSOCIATION AS CO-PLAINTIFF CONCERNING ZONING ORDINANCE VIOLATIONS, AS RECOMMENDED BY TOWNSHIP ATTORNEY SETH KOCHES. MOTION PASSED 5 – 0.

VIII. DISCUSSION ITEMS
NONE

IX. PUBLIC COMMENT
PUBLIC COMMENT WAS HEARD FROM ROB SHIRKEY, PHRAGMITIES SHOWING UP BETWEEN CHRISTMAS COVE AND CATHEAD POINT; BETSY MALLEK, THANKING THE BOARD FOR THEIR SUPPORT.

X. CORRESPONDENCE AND ANNOUNCEMENTS
A. POWER PARAGLIDERS MEMO FROM TOM WETHERBEE
DUNN STATED THAT A LETTER WAS RECEIVED FROM THE MICHIGAN PARA/POWER GLIDERS GROUP THANKING FOR THE USE OF WOOLSEY AIRPORT AND A CHECK FOR $375.00 REPRESENTING MONEY COLLECTED FOR THOSE IN

ATTENDANCE AS A DONATION TO THE AIRPORT. THE LETTER WAS FROM PHILLIP ADKISON OF ADKISON, NEED, ALLEN, & RENTROP, LAW OFFICES.

SCRIPPS STATED THERE HAS BEEN TALK OF HAVING A BOARD MEETING FOR SOMETIME AT THE OMENA FIRE HALL. HE SAID HE WOULD LIKE TO SCHEDULE IT FOR THE OCTOBER 9, 2018 BOARD MEETING IF POSSIBLE. HE WOULD LIKE BOARD TO BE THERE AT 9:45 FOR A RIBBON CEREMONY FOR THE OMENA FIRE HALL REMODEL.

SCRIPPS ALSO SAID THERE IS A RIBBON CEREMONY TO BE SCHEDULED FOR SEPTEMBER 26 AT 10AM FOR THE NEW RECYCLE STATION.

XI. ADJOURN

MOTION MADE BY DUNN, SECONDED BY VAN PELT TO ADJOURN THE MEETING.

MEETING ADJOURNED AT 9:19PM.

EXHIBIT 30

OPEN MEETINGS ACT
Act 267 of 1976

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

History: 1976, Act 267, Eff. Mar. 31, 1977.

The People of the State of Michigan enact:

15.261 Short title; effect of act on certain charter provisions, ordinances, or resolutions.

Sec. 1. (1) This act shall be known and may be cited as the "Open meetings act".

(2) This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.262 Definitions.

Sec. 2. As used in this act:

(a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy, or any meeting of the board of a nonprofit corporation formed by a city under section 4o of the home rule city act, 1909 PA 279, MCL 117.4o.

(c) "Closed session" means a meeting or part of a meeting of a public body that is closed to the public.

(d) "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 2001, Act 38, Imd. Eff. July 11, 2001.

15.263 Meetings, decisions, and deliberations of public body; requirements; attending or addressing meeting of public body; tape-recording, videotaping, broadcasting, and telecasting proceedings; rules; exclusion from meeting; exemptions.

Sec. 3. (1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

(2) All decisions of a public body shall be made at a meeting open to the public. For purposes of any meeting subject to this subsection, except a meeting of any state legislative body, the public body shall establish the following procedures to accommodate the absence of any member of the public body due to military duty:

(a) Procedures by which the absent member may participate in, and vote on, business before the public body, including, if feasible, procedures that ensure 2-way communication.

(b) Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person shall not be required as a condition of attendance at a meeting of a public body to register or

otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person shall not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies, but only when deliberating the merits of a case:

(a) The Michigan compensation appellate commission operating as described in either of the following:

(*i*) Section 274 of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.274.

(*ii*) Section 34 of the Michigan employment security act, 1936 (Ex Sess) PA 1, 421.34.

(b) The state tenure commission created in section 1 of article VII of 1937 (Ex Sess) PA 4, MCL 38.131, when acting as a board of review from the decision of a controlling board.

(c) The employment relations commission or an arbitrator or arbitration panel created or appointed under 1939 PA 176, MCL 423.1 to 423.30.

(d) The Michigan public service commission created under 1939 PA 3, MCL 460.1 to 460.11.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, or other association or facility formed under that act as a nonprofit organization of insurer members.

(9) This act does not apply to a committee of a public body that adopts a nonpolicymaking resolution of tribute or memorial, if the resolution is not adopted at a meeting.

(10) This act does not apply to a meeting that is a social or chance gathering or conference not designed to avoid this act.

(11) This act does not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under 1946 (1st Ex Sess) PA 9, MCL 35.602 to 35.610, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or county or district committee made under this subsection shall be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation that the board of trustees, by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, determines requires immediate action.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1981, Act 161, Imd. Eff. Nov. 30, 1981;—Am. 1986, Act 269, Imd. Eff. Dec. 19, 1986;—Am. 1988, Act 158, Imd. Eff. June 14, 1988;—Am. 1988, Act 278, Imd. Eff. July 27, 1988;—Am. 2016, Act 504, Eff. Apr. 9, 2017;—Am. 2018, Act 445, Eff. Mar. 29, 2019.

Administrative rules: R 35.621 of the Michigan Administrative Code.

15.264 Public notice of meetings generally; contents; places of posting.

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(a) A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

(c) If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.

(d) If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 87, Imd. Eff. Apr. 19, 1984.

15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; posting; statement of date, time, and place; website; recess or adjournment; emergency sessions; emergency public meeting; meeting in residential dwelling; limitation; notice; duration requirement.

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that is fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for nonregularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those nonregularly scheduled public meetings. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

(5) A meeting of a public body that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required under subsection (4) has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail. Compliance with the notice requirements for emergency meetings in this subsection does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

(7) A durational requirement for posting a public notice of a meeting under this act is the time that the notice is required to be accessible to the public.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1978, Act 256, Imd. Eff. June 21, 1978;—Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982;—Am. 1984, Act 161, Imd. Eff. June 29, 1984;—Am. 2012, Act 528, Imd. Eff. Dec. 28, 2012.

15.266 Providing copies of public notice on written request; fee.

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the

requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.267 Closed sessions; roll call vote; separate set of minutes.

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (e), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1993, Act 81, Eff. Apr. 1, 1994—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

15.268 Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(*i*) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number shall not constitute a quorum of the governing board. However, the search committee shall not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(*ii*) After the search committee recommends the 5 final candidates, the governing board does not take a

vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(*iii*) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(*i*) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(*ii*) An intermediate school board as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(*iii*) A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.

(*iv*) The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996;—Am. 2018, Act 487, Eff. Mar. 27, 2019

15.269 Minutes.

Sec. 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.

(3) A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

(4) A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1982, Act 130, Imd. Eff. Apr. 20, 1982;—Am. 2004, Act 365, Imd. Eff. Aug. 11, 2004.

15.270 Decisions of public body; presumption; civil action to invalidate; jurisdiction; venue; reenactment of disputed decision.

Sec. 10. (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:

(a) Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).

(b) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be in any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham county.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being

deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.271 Civil action to compel compliance or enjoin noncompliance; commencement; venue; security not required; commencement of action for mandamus; court costs and attorney fees.

Sec. 11. (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.272 Violation as misdemeanor; penalty.

Sec. 12. (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than $1,000.00.

(2) A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than $2,000.00, or imprisoned for not more than 1 year, or both.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.273 Violation; liability.

Sec. 13. (1) A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than $500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than 1 action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of action.

(3) An action for damages under this section may be joined with an action for injunctive or exemplary relief under section 11.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.273a Selection of president by governing board of higher education institution; violation; civil fine.

Sec. 13a. If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(1), the institution is responsible for the payment of a civil fine of not more than $500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution of higher education to pay for the travel and expenses of the members of the governing board.

History: Add. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

15.274 Repeal of MCL 15.251 to 15.253.

Sec. 14. Act No. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970, is repealed.

EXHIBIT 31

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LEELANAU

THE SHORES HOME OWNERS ASSOCIATION
and LEELANAU TOWNSHIP,

Case No. 18-10192-CZ
Hon. Kevin Elsenheimer

Plaintiffs,

v.

WILLIAM G. WIZINSKY and ANN M. WIZINSKY,

Defendants.

/

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/

DEFENDANT'S JANUARY 6TH, 2020 LEGAL ARGUMENT

TO BE TRANSCRIBED INTO THE COURT RECORD

(Legal Argument to be transcribed into the Court Record)

Good Morning your Honor,
William G. Wizinsky representing Defendants.

The motions before the Court, the principal law is derived from the US Constitution the Fifth Amendment and the State Constitution 1:17. Both are principled on the concept that the government has to give "Due Process" prior the taking of life, liberty or property. The issue before the Court is not about a parking ticket; it is about being forced to sell my property of 29 years and the destruction of my home without proper legal due process required under the law. This is a big deal! I have done additional research and found "not presented in the filings," legal avenues and case law for this Court to find in our favor.

I believe this Court understands there was no zoning violation in the first place. How could one exist? The 1992 approval process and inspection by the building department approving the foundation and footings, the framing and structural. The 2018 building permit could not have been issued if we were in violation of zoning. Steve Patmore, the zoning official, participated in the building permit process and denied any exterior stairs and we had to keep the footprint in a 12'x 20' footprint. This is written on the approved submitted plans. The house was inspected, and I was asked to make some minor changes in 2018. It was re-inspected and approved. Our structure received a Certificate of Occupancy which confirms compliance with zoning. We were asked by the building department to have another inspection of the fireplace; that was inspected and approved. The building department is the department that verifies compliance under zoning based on the approved plans which zoning had input and was signed off by zoning. I built to the exact specifications of zoning, it was approved and issued a Certificate of Occupancy from that

approval. There never was a zoning violation ever! It was fictitious! It was fraudulent claim. We were then directly sued without ever being issued a citation, a fine or a notice of a violation. All of these are required to be done prior to litigation being filed. All Plaintiffs knew this as a requirement of the Michigan Zoning Enabling act as well as their attorneys. It is common sense and the requirements under the permit process and what building and zoning do every day in their practice.

No zoning violation means the money was embezzled for the litigation! It is that simple!

Even if there was a zoning violation, Plaintiffs violated the Michigan Zoning Enabling Act in its totality.

The issues before this court today are not in dispute and are only about procedural issues that were violated against Defendants.

The first, did the attorneys advice upon Plaintiffs, to sue us without due process violate the Michigan Enabling Act? The answer is yes. Plaintiff violating the Act, Defendants were denied their protective rights and due process required under the act prior to the filing of the litigation thereby the litigation was filed "without legislative authority."

The second issue did Seth Kotch and Karrie Zeits file a Motion and deny me a defense by not serving me, thus violate the Court rules? Yes.

The remedy of both these issues are in our favor through case law which will be presented today. These are easy to understand violation of procedural issues where there is no defense and can and should be reversed by this Court.

I have provided the Court with a proposed order I am going to read sections of it into the record and followed by the supporting evidence, law and case law.

"Plaintiff Leelanau Township "lacked legislative authority" under Michigan Zoning Enabling Act MCL 125.3407 and Leelanau Township Zoning Ordinance 10.6 for filing litigation against Defendants by not fulfilling the fiduciary duties required under the statute and ordinance. They deprived Defendant's the protective rights granted them under the law and the "due process" requirements under the law. They also violated Defendants rights under the Michigan Zoning Enabling Act under MCL125.3604, Sec. 604 by failing in their fiduciary requirements of the Act denying Defendant's the ability to appeal the decision to a Zoning Board of Appeals and violation of Sec. 605 the ability for Defendant's to appeal to a Circuit Court under the statute."

125.3407 Certain violations as nuisance per se.
The legislative body shall in the zoning ordinance enacted under this act designate the proper official or officials who shall administer and enforce the zoning ordinance and do 1 of the following for each violation of the zoning ordinance:
(a) Impose a penalty for the violation.
(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.
(c) Designate the violation as a blight violation and impose a civil fine or other sanction authorized by law.

Plaintiffs did none of this. **This would be difficult to do when there actually is no zoning violation.** Whether there is a zoning violation or not is a secondary issue to the main issue, Plaintiffs and their Attorney did violate this statute by not protecting our "due process" rights. This is a mandatory requirement under the law to protect the rights of the public from arbitrary and capricious actions by a zoning department.

Every municipality has similar administrative procedures directly derived from the Michigan Zoning Enabling act. Not to adhere to the legislative requirements that empowers the agency result that power being nullified usually under a lack of "due process". This is a matter of law.

Every zoning department in Michigan complies to this and this is the due process used: They send a letter stating the violation, usually certified. They give the person an amount of time to correct the problem. They give the person the process of an appeal of the findings to a zoning board of appeals. If the zoning board of appeals decision is disputed it can be challenged in circuit court. Then and only then if the resolution of the problem is not taken care of, do they proceed with litigation. The reason all zoning departments use this is because the administrative processes our directly derived by this act. We were denied this due process prior to litigation that every other citizen in the state is given!

The Plaintiff violated the MICHIGAN ZONING ENABLING ACT

MCL 125.3604 (1) An appeal to the zoning board of appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the local unit of government.

125.3605 The decision of the zoning board of appeals shall be final (1) Any party aggrieved by a decision of the zoning board of appeals may appeal to the circuit court for the county in which the property is located.

Since we were never given this opportunity. We are appealing this now through our motions! The Township violated all the requirements under this section, not just one!

The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

(a) Complies with the constitution and laws of the state.

Plaintiff Township violated numerous state laws as well as the federal and state constitution

(b) Is based upon proper procedure.

No procedure occurred at all, we were directly sued

(c) Is supported by competent, material, and substantial evidence on the record.

The record shows complete compliance with zoning as per the 1992 building inspection approval and the 2018 building inspection approval and the issuance of a certificate of occupancy.

(d) Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

We were denied the opportunity to take the case to the zoning board of appeals because of due process denied

The Michigan zoning enabling act section 125. 3605 gives the Court the authority by the legislature to overturn the Townships actions right now, and write an order the Township "lacked legislative authority" under the law because of no due process. It is that simple.

Thereby the litigation filed lacked legislative authority and thereby should be dismissed.

Thereby the entire Settlement Agreement based on the litigation that lacked legislative authority was unlawful should be set aside and all decisions resulting from those actions be nullified

Whether the Court considers this a mistake, accident or fraud under the law the Settlement has to be set aside for no due process under MCL125. 3605.(b) Is based upon proper procedure. None existed.

Lowrey v. University of Texas Medical Branch
837 S.W.2d 171 (Tex. App. 1992) Cited 15 times

Holding that a "cause of action for rescission accrues when the plaintiff discovered or should have reasonably discovered the fraud, mistake, or other ground" for rescission
Billy Barnes v. Williams
982 So. 2d 494 (Ala. 2007)

However, settlement agreements may be reopened for reasons of fraud, accident, or mistake. Nero v. Chastang, 358 So.2d 740 (Ala.Civ.App. 1978); see also Taylor v. Dorough, 547 So.2d 536, 540 (Ala. 1989) ("A release obtained by fraud is void."); Lowery v. Mutual Loan Soc'y Inc., 202 Ala. 51, 53, 79 So. 389, 391 (1918) ("It is elementary law that one who has been induced to enter into a contract by the material misrepresentations of the other party may, if he acts with reasonable promptness upon the discovery of the fraud, rescind the contract in toto. . . ."); Burks v. Parker, 192 Ala. 250, 68 So. 271 (1915) (noting that when a settlement is obtained by fraud, the settlement may be set aside in its entirety); and Business Credit Leasing, Inc. v. Money's Ford, Inc., 582 So.2d 555, 557 (Ala.Civ.App. 1991) ("Moreover, a person induced to enter into a contract by reason of false representations has a right to rescind the contract because of fraud.").

McMahan v. Greenwood
108 S.W.3d 467 (Tex. App. 2003)

Finding that knowledge of the alleged fraud defeated a claim that a settlement agreement was procured through fraud

There was no violation of zoning and there was no due process.

What the Township and Shored did was not an accident it was fraud on the Court, on us and on the citizens of the township. **Therefore, our settlement agreement needs to be set aside.**

I believe the entire case should be dismissed with prejudice based on the fraud, absolute abuse of power and denied due process.

From the proposed order:

"Plaintiff Leelanau Township treated Defendants with "disparate treatment." Defendants were not treated equally under the law as all other property owners. Plaintiff Township by not applying the standard zoning administrative process used by the Leelanau Township Zoning with all other citizens of the Township and as all other Zoning Officials use in the same standards in the State of Michigan which were developed from the Act, such as Defendants were denied:

Send the alleged zoning violator a Certified Letter describing in detail the alleged violation, what needs to be done to correct it, a time line to remedy the violation and an appeals process if there is a disagreement in the violation.

Allow the violator the opportunity to correct the violation on their own.

Allow the violator to appeal the decision to the Zoning Board of Appeals.

Allow the violator to appeal the Zoning Board of Appeals decision to the Circuit Court. Only then if the violation is not resolved does legal action occur.

The Court does not see these actions as an act of omission or mistake. The Court sees these actions were done with intent for intimidation, harassment and for deceit to defraud."

Your Honor,

What was done to my family has serious consequences beyond today. When Seth Kotches advised the Township to sue us on a non-existent zoning violation. He advised this client to commit fraud. From that fraud came the embezzlement of public funds, that money then went into his pocket as a lawyer for filing a frivolous lawsuit without merit without legislative authority. He then advised his client to violate the Michigan zoning enabling act in its entirety. This sets a very dangerous precedent if the Court allows this to happen. If this Court does not take corrective actions, this Court will embolden and empower Leelanau Townships Zoning officials and township Board that they are above the law and give them immunity from doing this again. Zoning department historically were used to discriminate against minorities. This Court cannot give this zoning department a free pass to do this again!

From the order:

Attorneys Karrie Zeits and Seth Kotches filed a Motion of Enforcement of the Settlement Agreement and violated MCR 2.107(B)(1)(e) by never serving Defendants any documents for them to file a defense. There is no dispute on this issue.

The Court does not see these actions as an act of omission or mistake. The Court sees this as deceit to defraud the Court and Defendants. The Court sees this was a desperate act for the

protection of discovery of their previous discretions in filing of the litigation" without legal authority."

Your Honor,

They did this several times to me, never served me in pro per ever in this Court!

(e) If an attorney files a notice of limited appearance under MCR 2.117 on behalf of a self-represented party, service of every document later filed in the action must continue to be made on the party, and must also be made on the limited scope attorney for the duration of the limited appearance. At the request of the limited scope attorney, and if circumstances warrant, the court may order service to be made only on the party.

My previous attorney was not properly served and no longer worked for me. They knew I was in Pro per, if it was an accident or mistake: They would have informed the court and we would set aside the order and redo the motion. They used the order in the federal court as an exhibit. They sent me a bill of taxation and required me to file these motions. They act as if they did nothing wrong and without remorse. There is no defense for not serving a Defendant.

About Defendants other motions concerning the Attorneys not properly serving us, I believe becomes moot if the settlement agreement is set aside, but Defendants also are entitled to compensation If the settlement agreement is not set aside. The signed order needs to be set aside, for the motion not served as a matter of law

Petrucelli v. Bohringer and Ratzinger
46 F.3d 1298 (3d Cir. 1995)

Holding that it would have been error as a matter of law if default judgment was entered against defendant who was not served with summons and complaint within 120 days of complaint's filing

Crowley v. Bannister

734 F.3d 967 (9th Cir. 2013)

Holding claims against defendants not served within time set forth in Rule 4(m) are subject to dismissal in absence of showing by plaintiff of "good cause or excusable neglect"

Peralta v. Heights Medical Center, Inc.
485 U.S. 80 (1988)

Holding defendant who was not properly served was not required to establish a meritorious defense

Furthermore, Plaintiff asked for sanctions in his pleading and exemplary damages for the outrageous behavior of Plaintiffs and their attorneys.

In addition, anything else the Court feels as equitable and fair. Therefore, Defendant prays finds in favor of Defendant's Motions:

Since this cost Defendant significant time and expenses, and it was not done by accident but for the purpose to defraud Defendant and both Courts, Defendant is seeking sanctions and whatever the court deems fair.

We are seeking sanctions and exemplary damages. Punitive damages are not allowed

BECHTOLD v. MORRIS
443 Mich. 105 (1993) 503 N.W.2d 654

Under MCR 2.114, the circuit court imposed sanctions on a lawyer representing the plaintiff. Despite the attorney's argument that sanctions can be ordered only against a person who files a "pleading" as defined in MCR 2.110(A), the Court of Appeals affirmed. We likewise affirm, because the rules on the signing of pleadings apply to all motions, affidavits, and other papers provided for by the court rules. MCR 2.113(A).

It is not sufficient that the tort be committed intentionally; an award of exemplary damages is justified only when the defendant's conduct is malicious or so willful and wanton that it demonstrates a reckless disregard for the plaintiff's rights.

Smith v Ely, 470 Mich 893, 683 NW2d 145 (2004) (breach of fiduciary duty and silent fraud resulting in unjust enrichment); *Bailey v Graves*, 411 Mich 510, 309 NW2d 1*Law Offices of Lawrence J Stockler, PC v Rose*, 174 Mich App 14, 436 NW2d 70 (1989) (legal malpractice).

To recover exemplary damages, sufficient evidence must be presented to support a finding of malicious action or outrageous conduct. *Will v Department of Civil Serv*, 145 Mich App 214, 377

When malice is established, exemplary damages are recoverable for tortious interference with potentially advantageous economic relations (*Joba Constr Co v Burns & Roe, Inc*, 121 Mich App

The Township and Shores caused extreme emotional distress on our family. After signing the settlement agreement, we went through a period of mourning for the loss of the use of our property. It was like a good friend died.

The fact that we were driven off our property because the color of my daughters' skin, made me feel like a failure as a parent. How can I protect her from this hate when it took two years to even understand and realize this hate was from racism?

I went into a depression and was put on antidepressants and sought counseling. It affected my blood pressure. I could not get my anger resolved and I had to be put on numerous additional medications for blood pressure and related stomach issues.

It affected my cancer related treatments, and was denied treatments until my blood pressure was under control. The absolute abuse of power and threat of escalating violence against my family was intolerable. This would affect anybody the same way!

We deserve exemplary damages for the mental stress and anguish caused by Plaintiffs and their attorneys.

Being sued by Government is extremely intimidating specifically as an architect knowing I am in complete compliance of everything. The County established in 2015 and written in a document in 2017 "***Leelanau County is Mandating the structure to be removed.***" Every public action was directed at fulfilling that mandate that was based on prejudice. No inspection of the home had occurred since 1992 and in that inspection the gazebo was approved as built! So, no evidence of noncompliance ever existed. This was a significate issue of duress in signing the settlement agreement.

Had we been sued only by the Shores, they did not intimidate us at all! We would have fought them and no settlement agreement would exist. Any fraud in the process voids the entire settlement agreement. **Burkes v, Parker**

I want to read to you a few paragraphs from an article Mary Ann Heidemann, Michigan State University wrote concerning due process and zoning.

The concept of **Due Process** in the United States flows from the Bill of Rights, as expressed by Amendment V to the U.S. Constitution: "...no person shall be... deprived of life, liberty or property without **due process** of law..." (emphasis added). This right is re-stated in many state constitutions as well.

The "due process clause" has been vigorously enforced in a long series of court decisions and legislative actions at the state and federal levels which collectively work to limit and set standards for any government actions that may affect personal liberties and private property rights.

Procedural Due Process requires a minimum standard of fairness during the process of making public decisions that impact private rights. Relevant standards include proper public notice; a fair hearing presenting of all sides of an issue; reasonable and impartial standards for decision-making; accurate and accessible public records, and assurance that public decision-makers act without bias or conflict of interest including avoidance of *exparte* contact.

Violation of procedural due process is the most common way that planning and zoning decisions have been successfully challenged.

As I said in the beginning this case is as about as black and white as it gets. The issues are not in dispute. Plaintiffs went directly to suing us without issuing a citation, violation or fine. This is in violation of the Act which empowered them by the legislature. They filed a motion and chose not to serve us, violating the court rules. None of this was an accident or omission.

The issue before the Court is very simple did the zoning department operate legally and fulfill the statutes requirements under the State of Michigan Zoning Enabling Act? The answer is no, The Township absolutely violated our due process and protective rights built into this Act. The plaintiffs do not dispute this, they simply ignored this issue.

This Court cannot ignore this issue.

But if this Court does not stand up and state that the Township violated the Michigan Zoning Enabling Act. This Court just has empowered the Zoning department to do this again to anybody for any reason.

The zoning department for a nonexistent alleged zoning violation made me put my property up for sale and wants my home destroyed after approving it and stating it meets all codes zoning and health. Really! I do not believe you can get a worse case then this that **"shocks the conscience" of the public as ours. County of Sacramento v. Lewis,** United Artists v. Township of Warrington, **Moran v. Clarke**

All that happened to my family will be made public eventually. My original federal counts 1 and 2 have survived summary disposition, violations of the US Constitution Fifth and 14th Amendments. They will be heard in federal court. The Attorney General Civil Rights Division and HUD under the Fair Housing Act are presently reviewing Complaints against the County.

The Attorney Grievance Commission will be deciding the same procedural violations against the attorneys that this Court is deciding today. Part of a settlement agreement by the attorneys with commission may be returning the embezzled money to the coffers of the Township. This court needs to order this first to send a message, this can never happen again to anyone for any reason.

I believe this Court has no choice as a matter of law find in our favor. But if the Court does not find in my favor, I am asking the Court put a Stay on moving my home to August, I am disabled and cannot travel. I need to find a property to move my home too. The cost to move the home is $7,500 or the same cost demolish it! The value of using it as a rental may help recoup our financial losses if all else fails. Hopefully I can travel by summer so I can move my home just

once versus twice. Having it sit there for additional time hurts nobody. We have all ready taking our belongings out of it, my family will never come to the County again. It would be difficult for me to restock it to spend the night because of my disabilities. Thank you for your time.

EXHIBIT 32

RE: Compliance Review for SOM Civil Rights Dept. 1 of 2

From: Joshua Mills <jmills@cofrankfort.net>

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

Date: Fri, Jan 25, 2019 11:18 am

Hi Bill:

I've had an opportunity to check out some of the specifics with your dwelling. I am the City Manager for the City of Frankfort and I provide zoning administration services to Gilmore Township and Blaine Township in Benzie County and Pleasanton Township and Arcadia Township in Manistee County.

The copy of the permit issued in 1992 states the zoning district is R1B. RIB doesn't exist per the zoning ordinance; however, there is an R1 District. The land use permit issued in 1992 doesn't classify this structure as a dwelling; however, the tax assessment refers to the structure as a Single-Family Ranch.

The Zoning Ordinance (that I can see) does not require a minimum size for a dwelling. This is very odd for a Zoning Ordinance. The minimum requirements for a dwelling are as follows:

> **Section 10.3 D: 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.

The ordinance defines a Dwelling as:

> **DWELLING** - 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. Single family dwellings: A building containing not more than one dwelling unit designed for residential use. Two-family dwellings: A building containing not more than two separate dwelling units designed for residential use. Multiple-family dwellings: A building containing three or more dwelling units designed for residential use and complying with the General Provision of Article 3, and the specific requirements of Article 5 – Residential. This definition includes cooperatives, condominiums and any type of fractional ownership. (revised 6-03) (revised 10-03)

It appears that you meet the setback requirements for the R1 District and that is supported with the issuance of the land use permit. An issue you may experience may be associated with the fact that you don't have a well, sanitary sewer system, or electric and that may constitute an issue meeting the requirements established in Section 10.3 D. I would review Section 10.5 Non-Conforming Uses because that allows you to make improvements to non-conforming structures, if indeed your structure is considered non-conforming. If there is an issue associated with meeting Section 10.3 D then I would refer to the land use permit and assessment classification, thus supporting the creation of a Non-Conforming Structure.

I hope this helps.

Sincerely,

Joshua Mills
City Superintendent
City of Frankfort

EXHIBIT 33

Subject:RE: Thank You and Need Local Discrimination Attorney to Write letter to Community.

From: MacDonald, Amy (MDCR) <MacDonaldA@michigan.gov>
To: wwizinsky@aol.com <wwizinsky@aol.com>
Date: Tue, May 8, 2018 1:10 pm

Hello,

I am sorry, I have been swamped. Our office cannot refer you to an attorney, but a good contact in the Detroit area would be the Fair Housing Center of Metro Detroit. They may be able to give you some advice and/or a referral.

Fair Housing Center of Metropolitan Detroit - 220 Bagley, Suite 1020, Detroit, MI 48226 - Office number: 313-963-1274

Sincerely,

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

EXHIBIT 34

Joe Hubbell

From: Bill Crawford <WCrawford@bldhd.org>
Sent: Monday, September 19, 2016 8:37 AM
To: Joe Hubbell
Subject: FW: Scanned image from MX-M364N
Attachments: scan@bldhd.org_20160919_082108.pdf

Mr. Hubbell,

Attached is the response to my letter to Mr. Wizinsky. I find it an acceptable response and will be closing the HD complaint file on the matter. Let me know if you have any questions.

Bill Crawford
231 256-0214

-----Original Message-----
From: scan@bldhd.org [mailto:scan@bldhd.org] On Behalf Of scan@
Sent: Monday, September 19, 2016 8:21 AM
To: Bill Crawford
Subject: Scanned image from MX-M364N

Reply to: scan@bldhd.org <scan@bldhd.org> Device Name: Not Set Device Model: MX-M364N
Location: Not Set

File Format: PDF MMR(G4)
Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.
Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.
Adobe(R)Reader(R) can be downloaded from the following URL:
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http://www.adobe.com/

Joe Hubbell

From: Joe Hubbell
Sent: Monday, September 19, 2016 9:22 AM
To: 'Bill Crawford'
Subject: RE: Scanned image from MX-M364N

What about the lack of a water system?

-----Original Message-----
From: Bill Crawford [mailto:WCrawford@bldhd.org]
Sent: Monday, September 19, 2016 8:37 AM
To: Joe Hubbell
Subject: FW: Scanned image from MX-M364N

Mr. Hubbell,

Attached is the response to my letter to Mr. Wisinsky. I find it an acceptable response and will be closing the HD complaint file on the matter. Let me know if you have any questions.

Bill Crawford
231 256-0214

-----Original Message-----
From: scan@bldhd.org [mailto:scan@bldhd.org] On Behalf Of scan@
Sent: Monday, September 19, 2016 8:21 AM
To: Bill Crawford
Subject: Scanned image from MX-M364N

Reply to: scan@bldhd.org <scan@bldhd.org> Device Name: Not Set Device Model: MX-M364N
Location: Not Set

File Format: PDF MMR(G4)
Resolution: 200dpi x 200dpi

Attached file is scanned image in PDF format.
Use Acrobat(R)Reader(R) or Adobe(R)Reader(R) of Adobe Systems Incorporated to view the document.
Adobe(R)Reader(R) can be downloaded from the following URL:
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http://www.adobe.com/

Joe Hubbell

From: Bill Crawford <WCrawford@bldhd.org>
Sent: Monday, September 19, 2016 10:03 AM
To: Joe Hubbell
Subject: RE: Scanned image from MX-M364N

If there is no plumbing in the structure, which there isn't from my understanding, drinking water can be transported in and out as needed. This is similar to our requirements for owners tenting on property.
This issue goes back to fact that the association has, as a part of their deed restrictions, the requirement that there must be a residential construction on the lots. This structure was not built as a residential structure and the matter should have been addressed at the time of its construction by the Association. For whatever reason it was not.
Let me know if you have any follow-up questions.

Bill Crawford
256-0214

-----Original Message-----
From: Joe Hubbell [mailto:jhubbell@co.jeelanau.mi.us]
Sent: Monday, September 19, 2016 9:22 AM
To: Bill Crawford
Subject: RE: Scanned image from MX-M364N

What about the lack of a water system?

-----Original Message-----
From: Bill Crawford [mailto:WCrawford@bldhd.org]
Sent: Monday, September 19, 2016 8:37 AM
To: Joe Hubbell
Subject: FW: Scanned image from MX-M364N

Mr. Hubbell,

Attached is the response to my letter to Mr. Wisinsky. I find it an acceptable response and will be closing the HD complaint file on the matter. Let me know if you have any questions.

Bill Crawford
231 256-0214

-----Original Message-----
From: scan@bldhd.org [mailto:scan@bldhd.org] On Behalf Of scan@
Sent: Monday, September 19, 2016 8:21 AM
To: Bill Crawford
Subject: Scanned image from MX-M364N

Reply to: scan@bldhd.org <scan@bldhd.org> Device Name: Not Set Device Model: MX-M364N
Location: Not Set

Eric Stempien

From: Eric Stempien
Sent: Thursday, January 17, 2019 3:26 PM
To: Eric Stempien
Subject: FW: Wizinsky Chemical Toilet

From: Bill Crawford <[redacted]>
To: wwizinsky <[redacted]>
Sent: Tue, Aug 7, 2018 1:45 pm
Subject: RE: Wizinsky Chemical Toilet

Mr. Wizinsky,

Sorry for the delay in getting back with you. I have reviewed the info on the toilet and am OKing the installation. Based on this review the complaint from 2016 is closed.

Bill Crawford
231 256-0214

From: [redacted] <wwizinsky@aol.com>
Sent: Friday, July 27, 2018 7:15 PM
To: Bill Crawford <[redacted]>; wwizinsky@aol.com
Subject: Wizinsky Chemical Toilet

Hi,
Here is the shipping label with all the information. It is called a 20 liter toilet. Their was no model number on the box or unit. The company name, address, phone, and product ID is on the label.
Thanks,
Bill Wizinsky

Shared via the AOL App

EXHIBIT 35

AFFIDAVIT OF WILLIAM G. WIZINSKY

William G. Wizinsky first duly sworn deposes and states:

1. I am competent to testify to the facts contained within.

2. For the Court to understand the duress I and my wife were under when we signed the settlement agreement, the Court needs to understand the history of our property with all the events leading up to March 14, 2018 Settlement Agreement, my previous history dealing with "corrupt government operations" in the past, my work experience, what was told to us in the mediation conference to establish our frame of mind when we decided to sign away all our property rights.

3. We believed if we did not sign it, because of the four-year history of The Shores people, violent attacks against our property and " The Shores Mob " against my bidding contractors/hired contractors, the corrupt government operations, a county official confirming the reason for this was racism, Amy MacDonald the investigator confirming from Michigan Civil Rights Division "significant circumstantial evidence of racism", but not enough evidence for conviction, the mediator stating they want us to sell the property, that they want us gone, we took this as a threat against our lives. We signed to make sure things would not escalate to physical harm to our family.

4. As an architect and builder working for decades with legitimate and corrupt zoning and building departments, working for State Government knowing the legal responsibilities and lawful process, seeing firsthand what unlawful government does to people such as in Detroit if you do not comply, we knew if we did not sell our property from my own

experience with previous death threats, clients experiences and others, escalation occurs, then violence.

5. The four-year history confirms racism as the reason, racists are not rational, and the extremes The Shores, Leelanau County and Leelanau Township to keep us from using our property through illegal, unlawful, and horrifying tactics is scary which formed the basis of our fear for our lives. There was no legal means to prevent us from using our property. The following unlawful acts were committed against us:

2015

- On July 4th we saw the damage to our home from five fallen trees. Talked to Mr. Pope and he said they were shorthanded, make the repairs to save the home from further damage and then apply for the building permit.
- The Shores stated, They were going to block every effort to repair our home, and then they then did implement their to insure the "willful and malicious destruction" of our home of 23 years.
- Had to hire an attorney ($4000), to be allowed to remove dead trees and make repairs. Despite approving repairs and removal of dead trees, The Shores threatened every contractor who came to the property they would be sued if they worked for us and/or abandoned to insure they would not work in the area again.
- One day Todd Hoogland and others were yelling at the bidding contractor from the street, like crazy people.
- There stalking of our property was very affective, it was not until a contractor showed up in an unmarked vehicle, they had no way to threaten him. When he

showed up on September 11, his office was called and threatened with litigation. He was from Traverse City, not local and did the work. There was a hard rain and they had to come back when the land dryad out. The Shores threatened a blockade of the road to prevent them from taking down of the trees. The contractor threatened a call to the Sheriff's office and concluded his work on September 15.

- The building department, Steve Haugen red tagged our home to stop repairs on the home until we got a permit. Although I applied numerous times for a permit in may configurations, they were never processed. An illegal condemnation process by the County, since the home was exposed to the elements.
- Numerous fraudulent complaints were filed against us by members of the Shored Board to public officials.

2016

- Fraudulent complaint continued by members of the Shored Board
- Building Department refused to process repair permit, our house was being destroyed by the elements.

2017

- County Building and Township Zoning met on June 22 in secret meeting, to create a false pretense/fraud document to keep up the rouse must have Land Use permit for repair, when none was required.
- In August, my 8-year-old African American adopted daughter was in the dog parade, and she was the only person of color. I wondered after 23 years of the peaceful use of our property, could racism be, the reason this was happening. I talked to a County Official, who off the record, that that was the reason. It was

confirmed I was never going to get a repair permit and the house would eventually reach a point it was not repairable. There was no movement by The Shores to have the house torn down for any reason, they were content with us just not being able to use our property.

- We had a plywood board over our door screwed in to the home to protect the glass door. It was ripped off the building, are door broken into, vandalized, and property stolen. This was done by one of our neighbors, because the property stolen were pictures taken to be given to the building department showing "to code reconstruction". The County Prosecuting Attorney stated this was a civil matter.
- I filed a racial discrimination complaint against The Shores, the County and the Township. They found racism, but not enough for prosecution. As settlement of the discrimination the County was required to issue the repair permit.
- I filed a FOIA request to the County and Township. The FOIA documents showed we were in full compliance with the Health Department, Building Department and Zoning. Every one knew this, specifically we have always been taxed as a home.

2018

- The building permit was issued at the beginning of the year using the existing 1992 Land Use Permit. Steve Patmore would not allow any exterior stairs as per in the original 1992 drawings, he said the stairs had to be in the 12 foot by 20 foot plus home. This is reflected in the 2018 plans which showed the original stairs being replaced, "REMOVE AS ZONING REQUIREMENT". The repairs and reconstruction was built as per the approved plans, inspected and approved by the building department.

- To keep our family from using out property. The Certificate of Occupancy was issued as a "utility structure", outlawing us from sleeping in it. This fraudulent document, denied us the use of the property, since we live five hours away. This does not have the building torn down, but gives credence that the issue is racism and not the home.
- I talked to an attorney, he said use your property. You are taxed as a house it's a house. It is on two heavily wooded acres, how are they going to even know, there is no sleep police. Even if they do something, it is a fine!
- We were lured up North by the Building Official Paul Hunter who wanted to re-inspect our fireplace. The Township Shores hired a private detective. Who stated in the his litigation report, that he flashed a flash light into our car from lot 12 (50' away, at night, in the woods) and did not see anyone sleeping in the car, so we must be sleeping in the home.
- About two months after the issuance of the Certificate of Occupancy, which means the structure, whatever it is, is in compliance with the zoning, specifically since Mr. Patmore specified the requirements for compliance on the plans. On the September 10, Township Board meeting on the agenda in a closed session item "VII. DISCUSS FOXVIEW HOMEOWNERS'S ASSOCIATION REQUEST." No where on the agenda was there an item to discuss an alleged zoning violation against us. The Township Board then acted on a non-agenda item, knowing full well we were in full compliance with zoning, committed fraud for the purpose of embezzlement of public funds, to fund a private fraudulent law suit. We were sued for the sole purpose to use us as a conduit for the unlawful transfer of funds. Under the zoning ordinance, litigation could only ask the Court for injunctive

relief. The Court could not grant any injunctive relief because there was none to grant, we built exactly to Mr. Patmore's zoning requirements. From the minutes:

MOTION MADE BY DUNN, SECONDED BY VAN PELT TO JOIN THE SHORES HOMEOWNER'S ASSOCIATION AS CO-PLAINTIFF CONCERNING ZONING ORDINANCE VIOLATIONS, AS RECOMMENDED BY TOWNSHIP ATTORNEY. MOTION PASSED 5-0

This disturbed me the most out of everything done to us. The attorney did not recommend due process for an alleged violation of a zoning violation, he was assisting the Board for embezzlement, where he would be representing the Board, and would be receiving those embezzled dollars. They went to directly to suing to stealing public funds hurting the community to keep us off our property. They acted just like the City of Detroit under the Coleman Young Administration, a dangerous time to defy the will of government. I received death threats and I took them seriously!

When the mediator stating they want us to sell the property, that they wanted us gone, with all the felonies committed against us over the proceeding years, we took that as a direct threat against our lives. We signed out of fear of physical harm or death to us, if we did not sign!

6. At the time of mediation, in a short discussion about the mutual release, the Township and County was unaware that a Federal Case was filed against them because they had not been served yet.
7. The mediator did not tell Todd Hoogland, Steve Patmore or Gaylen Leighton of the Federal Case filed.

8. In our discussion with the mediator and our attorney, our understanding of the signing of the settlement agreement would not adversely affect our right in filing and maintaining a Federal Action.

9. When my wife and I signed the Settlement Agreement, we believed it was final resolution of the State Court Case, only.

10. From my experience, that the mutual release of The Sheres HOA and Leelanau Township could be drafted to release the Plaintiffs in this case, but hold liable the individuals for fraud, unlawful acts and other criminal behavior since this fell out of their authority invested to them by legislation, ordinances and governing doctrine.

11. When my wife and I signed the Settlement Agreement, we believed with the mutual release drafted that reflecting our understanding in mediation, we could proceed with a Federal Action holding individuals liable for their actions.

12. My wife and I would not have signed a settlement agreement whereas we give up all our property rights, (since it was made clear in mediation, we would never be allowed to use our property in peace) without holding the individuals who did this to our family accountable.

13. Further affiant sayeth not.

William G. Wizinsky

KEVIN CLEARY
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
MY COMMISSION EXPIRES 04/13/2024
ACTING IN OAKLAND COUNTY

EXHIBIT 36

AFFIDAVIT OF ANN M. WIZINSKY

Ann M. Wizinsky first duly sworn deposes and states:

1. I am competent to testify to the facts contained within.
2. With all the horrible things that happened to us described in my husband's affidavit, as a woman, I did not feel safe and secure coming to the property, township and county. It is clear they want us gone and no matter what approvals, permits, Certificate of Occupancy, and even if they lose in litigation, they would continue their efforts and escalation.
3. With the confirmation by my husband, of racism of a county official whom my husband had known for years, and confirmation of racism by the Civil Rights Division, as a mother, I will not risk my daughter's life, because of my crazy neighbors. I did not know to what extent our neighbors would take. I was afraid that we would be in the home and they would burn us in our home; that is the fear I have. Specifically, the break-in and vandalism and theft by our neighbors was an act of violence against our property.
4. The hiring of a private detective proved the extreme extent of these people's desire to keep our family from using our home. It simply crazy and extremely creepy and unsettling that we were watched by this man.
5. The fact that the County and Township governments were heavily involved in The Shores efforts through unlawful means to keep us off our property. I felt there would no one to call for help that if violence occurred against my family by the Shores, County or Township.
6. When the mediator stated that they wanted us to sell the property, that they wanted us gone, with all the felonies committed against us over the proceeding years, we took that

as a direct threat against our lives. We were under duress to sign. We feared physical harm or death if we did not sign!

7. At the time of mediation, in a short discussion about the mutual release, the Township and County was unaware that a Federal Case was filed against them because they had not been served yet.

8. The mediator did not tell Todd Hoogland, Steve Palmore or Gaylen Leighton of the Federal Case filed.

9. In our discussion with the mediator and our attorney, our understanding of the signing of the settlement agreement would not adversely affect our right in filing and maintaining a Federal Action.

10. When my husband and I signed the Settlement Agreement, we believed it was final resolution of the State Court Case, only

11. When my husband and I signed the Settlement Agreement, we believed with the mutual release drafted that reflecting our understanding in mediation, we could proceed with a Federal Action holding individuals liable for their actions.

12. My husband and I would not have signed a settlement agreement whereas we give up all our property rights, (since it was made clear in mediation, we would never be allowed to use our property in peace) without holding the individuals who did this to our family accountable.

Further affiant sayeth not.

Ann M. Wizinsky 10/4/19

Ann M. Wizinsky

KEVIN CLEARY
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
MY COMMISSION EXPIRES 04/13/2024
ACTING IN OAKLAND COUNTY

EXHIBIT 37

AFFIDAVIT OF CARMINE P. AVANTINI, AICP

I am a professional certified planner and am competent to testify as an expert witness in zoning matters. I have worked directly for, and with, community planning and zoning departments for over 35 years and provide expert testimony for attorneys specializing in planning and zoning cases. See Attached my Qualifications.

Mr. Wizinsky had asked me to review his documents and case, including the following information provided by him.

BACKGROUND: ZONING AND CONSTRUCTION DEFINITIONS

The Leelanau Township Zoning Official has designated the subject structure **nonconforming,** which means that in 1992 when the building was built it was in compliance with all zoning requirements. The zoning requirements, such as setbacks, have changed since then but the structure has the same rights as todays building for repairs and renovations through the nonconforming regulations. This is established in the Township Zoning Ordinances Section 10.5(B)(5), Permitted Repairs, which states:

"Permitted repairs - Nothing in this Ordinance shall prevent the repair, reinforcement, reconstruction or other such improvements of a legal nonconforming building or structure, or part thereof, rendered necessary by wear and tear, deterioration, flood, fire or vandalism, provided the repair does not increase the established footprint or cubic content of the original nonconforming structure."

BACKGROUND: LEELANAU TOWNSHIP

From the record provided, it appears that Leelanau Township has charged Mr. Wizinsky in court proceedings with a zoning violation without following proper procedures. The Michigan Zoning Enabling Act requires specific steps be followed for charging a possible zoning violation. Instead, the Wizinskys were sued directly in a court of law without first applying the required

administrative remedies. In doing so, Leelanau Township denied The Wizinskys the protections under the MZEA, MCL125. 3407, which states:

"The legislative body shall in the zoning ordinance enacted under this act designate the proper official or officials who shall administer and enforce the zoning ordinance and do 1 of the following for each violation of the zoning ordinance:

(a) Impose a penalty for the violation.
(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.
(c) Designate the violation as a blight violation and impose a civil fine or other sanction authorized by law."

The Wizinskys were required by law to be issued with a citation or fine describing the violation. Typically, the property owner is given a chance to correct the violation on their own, prior to a fine, within a certain time period. If they do not agree to the violation, the law requires they have a right to appeal that decision to a Zoning Board of Appeals, MCL 125.3604. If the homeowners are unhappy with that decision, they can appeal that decision to the Circuit Court as per the statute, MCL 125.3606.

When the Wizinskys were sued citing the Nuisance Per Se Section under MCL 125. 3407 and Section 10.6 of the Township Zoning ordinances, the State Act and Township Zoning Ordinance required a fine or citation first, not direct litigation.

If there was a violation, a fine could have been issued per the MZEA. The Township Ordinance Section 10.6 also requires a fine:

A. "Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

First Offense $100.00 "

CONCLUSION

Based upon the above information, by suing the Wizinskys directly without seeking administrative remedies, Leelanau Township denied them the protections and due process provided them under the MZEA and the Township Zoning Ordinance.

I swear the testimony is this Affidavit is the truth.

COMMUNITY IMAGE BUILDERS

("Consultant")

By: Carmine P. Avantini

Its: President

CAROL S. COUTURE
Notary Public, Genesee Co. MI
My Comm. Expires Dec. 2, 2021

STATE OF MICHIGAN)

) ss

COUNTY OF GENESEE)

The foregoing Contract was acknowledged before me by Carmine P. Avantini, President, on behalf of Community Image Builders, on the 26th day of August, 2020.

Carol S. Couture

Notary Public

Genesee County, Michigan

Acting in Genesee County, Michigan

My Commission Expires: 12/2/2021

CARMINE P. AVANTINI, AICP

For over 37 years, Carmine has provided innovative solutions to community planning, zoning & development challenges.

Carmine specializes in community planning, zoning, public involvement, economic development, downtown planning, small town development, site redevelopment, and project implementation. He works with a wide range of municipalities to find creative solutions to challenging development issues and sees them through to implementation; recognizing that projects are not truly completed until construction is finished.

Carmine is also active in the preparation and implementation of several redevelopment strategies and projects including the Wixom Village Center Area (VCA); the Downtown Fenton Redevelopment Plan including removal of the pedestrian mall and re-opening of the street; and currently redevelopment of the former Ford Wixom Assembly Plant into a mixed-use commercial, industrial, office and R&D center. Carmine is also the zoning instructor for the MEDC Redevelopment Ready Communities (RRC) Best Practices training program.

Prior to starting CIB Planning, Carmine was a co-founder of LSL Planning, the Director of Planning and Community Development for Utica, NY, Executive Director of the Herkimer County, NY, Development Corporation and City Planner for Rome, NY. He also worked as a Project Manager with CRM Commercial Properties where he was responsible for the redevelopment of two different former industrial complexes into mixed- use facilities.

CIB COMMUNITY IMAGE BUILDERS
PLANNING | MARKETING | ECONOMIC DEVELOPMENT
17195 Silver Parkway, #309 Fenton, MI 48430
avantini@cibplanning.com
810-734-0000
810-335-3800

Community Planning

Accelerate Regional Prosperity & CEDS Plan
City of Fenton (MI) Master Plan, Zoning Ordinance & Ongoing Services
City of Swartz Creek (MI) Master Plan & Ongoing Services
City of Lapeer (MI) Master Plan, Zoning Ordinance
City of Wixom (MI) Master Plan, Zoning Ordinance, Vision 2020 Plan & Ongoing Services
City of Imlay City (MI) Master Plan & Ongoing Services
City of Cedar Springs (MI) Master Plan, Ongoing Services & Image Building Program
City of South Lyon (MI) Master Plan, Zoning Ordinance & Ongoing Services
City of Sturgis (MI) Master Plan & Public Workshop
City of Owosso (MI) Master Plan
Delhi Township (MI) Cost of Community Services Study
Mundy Township (MI) Corridor Improvement Authority Plan
Rogers City (MI) Downtown Plan & Public Involvement
Shelby Township (MI) Master Plan Update
Village of Spring Lake (MI) Special Zoning Projects

Implementation & Redevelopment

City of St. Clair (MI) Riverview Plaza Revitalization Plan
City of Wayne (MI) Downtown Redevelopment Plan
City of Fenton (MI) Downtown Plan, Implementation & Façade Improvement Program Update
City of Westland (MI) Central City Parkway Plan
City of Wixom (MI) DDA Plan & VCA Design Guidelines
City of Grand Blanc (MI) DDA Plan & Redevelopment Implementation
City of Novi (MI) Fox Run Senior Housing Community PUD
City of Wixom (MI) Ford Plant Site Redevelopment
City of Taylor (MI) NSP Implementation
City of Wixom LDFA Plan Update
Northwest Georgia & Southeast Tennessee Regional Sustainability Grant Project
Grosse Ile (MI) DDA Plan & Business Park Redevelopment Plan
Jasper County (SC) Point South Redevelopment Plan
Meridian Township (MI) DDA Plan Update & Village of Shelby Funding Strategy
MEDC Redevelopment Ready Communities Technical Assistance
City of Luna Pier (MI) Economic Development Strategy
Shelby Township (MI) DDA Plan Update & Project Implementation

Education

Bachelors in Political Science, with Honors, University of Buffalo
Masters in Community Planning, High Honors, University of Cincinnati

Professional Associations

American Institute of Certified Planners (AICP)
Michigan Association of Planning, Board of Directors
American Planning Association
National Charrette Institute (NCI)
Fenton Education Foundation, Board of Directors

EXHIBIT 38

Pergola

From: James Zimmerman <jimzimmerman.ags@gmail.com>
To: wwizinsky@aol.com
Date: Fri, Aug 28, 2020 9:55 am
Chapter 6 Michigan R...pdf (83 KB)

Hello Bill,

In regards to the pergola we spoke about, I am still at a loss of what would be considered a non-permanent foundation as far as the building code goes. It is not defined in any of our current code books or in the BOCA code book I have dated in the 90s.

If the pergola was permitted as a "temporary structure", which is in our code and the BOCA codes used at the time of construction, it should have been listed on the permit as "Temporary" and given the time allowed for the structure to remain in place.

According to the current (2015) Michigan Building Code:

[A] 108.1 General

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

[A] 108.2 Conformance

Temporary structures and uses shall comply with the requirements in Section 3103.

3103.1.1 Conformance

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

The BOCA Code was in use at the time your original structure was built and my 1999 version of the BOCA Code states exactly the same provisions with the exception that the limits for temporary construction is limited to one year.

I would think that the original pergola you are referring to would have been assumed to be more of a permanent structure as one does not build such a structure with the intention of disassembling it within a year. I'm thinking the original DNR permit may have a different definition of "non-permanent foundation"?

The current structure that you wish to work on would now fall under the 2015 Michigan Rehabilitation Code for Existing Buildings:

502.1 Scope

Repairs, as defined in Chapter 2, include the patching or restoration or replacement of damaged materials, elements, equipment or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements.

502.2 Application

Repairs shall comply with the provisions of Chapter 6.

502.3 Related Work

Work on nondamaged components that is necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the provisions of Chapter 7, 8, 9, 10 or 11.

I have attached a copy of Chapter 6 in its entirety for your information.

--
Thanks
Jim Zimmerman
Building Department - Code and Safety
Benzie County, Manistee Township, City of Cadillac

EXHIBIT 40

R110.2 Change in Use

A change in the character or use of an existing structure shall not be made, except as specified in the Michigan building code, R 408.30401 to R 408.30499.

R 408.30510

R110.3 Certificate Issued

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. A description of that portion of the structure for which the certificate is issued.
4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
5. The name of the building official.
6. The edition of the code under which the permit was issued.
7. Any special stipulations and conditions of the building permit.

R 408.30510

EXHIBIT 41

advice for "non permanent foundation"

advice for "non permanent foundation" #1
06-29-2010, 16:19

akscotts
Member

Join Date: Jun 2008
Posts: 39

Share

Tweet

I have been tasked with building a "non permanent" foundation, meaning no concrete can be used. The cabin walls have been built (16 ft by 20 feet full rounds, 8 feet high about - no roof yet), I have excavated a 30' by 30' area down to the gravel layer, filled the approx. 2 ft deep hole to 12 inches above grade with structural gravel, and have used water to settle (compact) the pad for a week straight. For a variety of reasons I cannot use concrete in the foundation, but I do have access to treated timbers and 16 foot railroad ties. My question: I've received advice from different sources describing two to three treated timbers (6X6X20 treated) partially buried into the top of the pad set level, then two 6 by 6 by 20's stacked on top of the two end partially buried timbers, notched into two more 6 by 6 by 16 ft treated timber spanning the partially buried timbers. Then, a floor plate built directly ontop of this "rectangle" of timbers consisting of 2 by 8's blocked to be six inches wide (to match the timbers width), and spanned with 16 foot BCI or TGI's spaced 16 inches on center. All this covered with 3/4 inch ply tongue and groove. Then, the logs set on the floor plate and all threaded to the timber "rectangle". Is this overkill? Could I get away with building the floor plate as described directly on the partially buried timbers (skipping the "rectangle of timbers"? Or other suggestions? Thanks for all the ideas in advance!

Tags: cabin, foundation, non permanent, timber foundation

rifleman
Member

Join Date: Nov 2008
Posts: 115

Share

Tweet

06-30-2010, 00:07 #2

If I were going to build a cabin without concrete, I would use a pier design rather than a skid or crib design. A skid or crib design is harder to get under, and is harder to adjust, repair or replace.

12 piers under a 16x20 cabin should work (four of them would be under the centerline of the cabin along the long dimension). Of course, if there will be a deck, the deck will need more of its own piers. Build the floor structure high enough above grade so that you'll have about a 3 foot crawl space beneath floor joists. This leaves room to get underneath for maintenance, inspection, repairs, insulation, etc.

The piers should be at least 6x6 pressure treated. 8x8 would be better. Piers will minimize contact between your structure and the ground. Ensure good drainage and 2 foot eaves and two foot rakes at the gable ends so that the area beneath the cabin stays dry. If in 25 years, a pier shows signs of decay, it's easy to remove and replace a pier as required (provided you allowed 3 feet of working room when it was built). Should the structure ever need leveling, it's also easier to shim a beam resting on a pier than resting on the ground. One could also reset a pier by digging it's hole deeper or adding more fill beneath it. Dig the holes for the piers at least 4 1/2 feet deep to get below frost line. Back fill with non-frost susceptible fill, i.e. use a sand and gravel mix of mineral earth, not humus or clay.

Don't notch the piers, but set beams directly on top of them using column caps. Use blue board or similar polystyrene insulation between the floor joists (directly under the subfloor). Squirrels find spun pink fiberglass insulation to be irresistible.

I've used railroad ties as foundations for a wood shed. They were suitable for that purpose, but I think they tend to split, fracture and crumble when they decay, and would not be best for a cabin.

hunter01
Member

Join Date: Apr 2007
Posts: 20

06-30-2010, 02:25 #3

With the drainage that you have i would say it is a over kill. Iwas told that you could use the sill plate as your foundation(treated wood). The problem would be how to keep it from pushing in or out.

Share

Tweet

rifleman
Member

Join Date: Nov 2008
Posts: 115

Share

Tweet

06-30-2010, 23:52 #4

I was thinking some more about your project. If your circumstances don't permit building on pressure treated piers, then what you described sounds like the next best way to build. Make strong connections, and keep everything as square and plumb as you can. You'll be happier in the future if you've built it up to allow a crawl space underneath, maybe accessible with a trap door or hatch. It's absolutely imperative to have a good foundation. Trying to correct problems after the structure is complete would be a lousy outcome.

P.S. Don't use railroad ties in your foundation (see previous post). Leave those for wood sheds and other less critical applications.

Mr. Pid
Member

Join Date: Apr 2006
Posts: 3294

Share

Tweet

07-01-2010, 07:25 #5

A friend of mine built a cabin on the surface and he had far less site prep than you've described. And since you have gravel, your site soils are definitely better. We removed organics as best we could and replaced with sand. On that he laid a 2x10 treated as the footer, and framed a 2x6 pony wall on top of that as the foundation wall. He used pony walls under the outside walls and one down the center. All were sheathed for shear stability. I convinced him to tie them together with diagonals to imitate a flat truss to stabilize the walls laterally. That was 23-24 years ago and the cabin has been rock solid the entire time. I thought the idea was crazy at the time but it's worked and has no signs it'll fail anytime soon.

EXHIBIT 43

August 29, 2015

To Whom It May Concern,

I am a licensed professional engineer. Mr. Wizinsky asked me to review his design solution from a structural view point and render an opinion.

Mr. Wizinsky in his letter to Steve Patmore- Zoning outlined the difficulties in "shoring up" his structure including the Board stated intension of its demolition of the structure" through nature", the trees not removed, the trees being within inches of the building, the inability to get heavy equipment and materials to the structure and virtually no labor force.

Mr. Wizinsky's approach to the issues is logical based on his goal of the building's survival despite the possibility additional trees may fall on the gazebo. He defined the possible scenarios correctly and this became the basis for his restructuring of the gazebo. His approach and his solution are reasonable for any project. In this specific case they were necessary and required to insure the survivability of the structure. Considering the parameters of the problem, I would of probably come up with a similar solution had I been on the site. The use of a staircase and its structure to reinforce the gazebo is a very good engineering solution. In this specific case, it was absolutely necessary and required "to shore up" the structure for the survivability of the gazebo.

Sincerely,

Louis R. Brown

Louis R. Brown
Professional Engineer in Michigan (Cert. No. 28881)
307 Ridgemont, Oxford, MI 48370

EXHIBIT 44

From: wwizinsky <wwizinsky@aol.com>

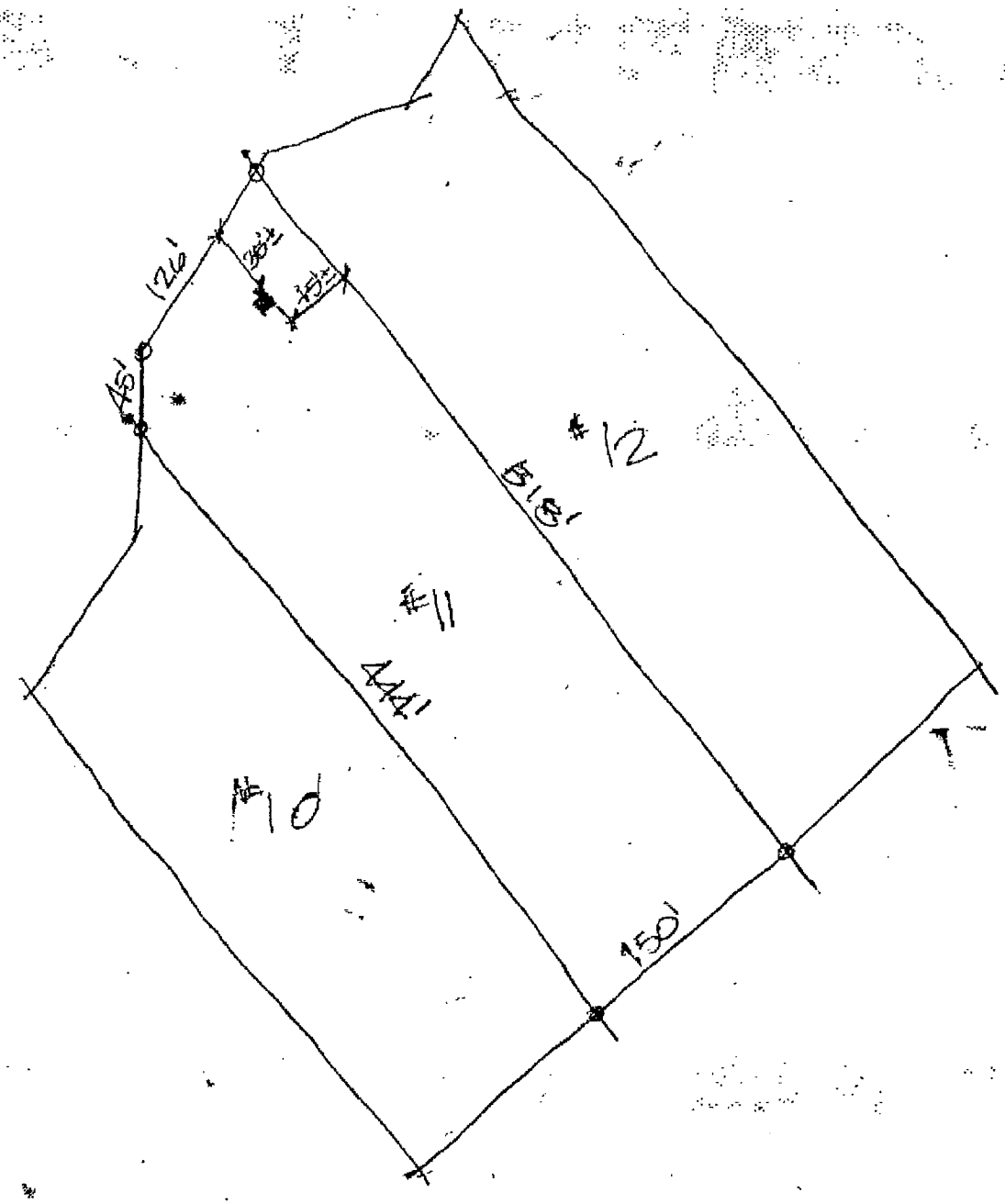
To: zoningadmin <zoningadmin@suttonsbaytwp.com>; shaugen <shaugen@co.leelanau.mi.us>; wwizinsky <wwizinsky@aol.com>

Date: Thu, Dec 14, 2017 10:07 am

Attachments Revised Structural S...pdf (543 KB)

Dear Mr. Patmore,
Please receive my latest structural attached and update my July submission with it.
Thank you,
Bill

EXHIBIT 45



SITE PLAN 1"=100'-0"

August 29, 2015

To Whom It May Concern,

I am a licensed professional engineer. Mr. Wizinsky asked me to review his design solution from a structural view point and render an opinion.

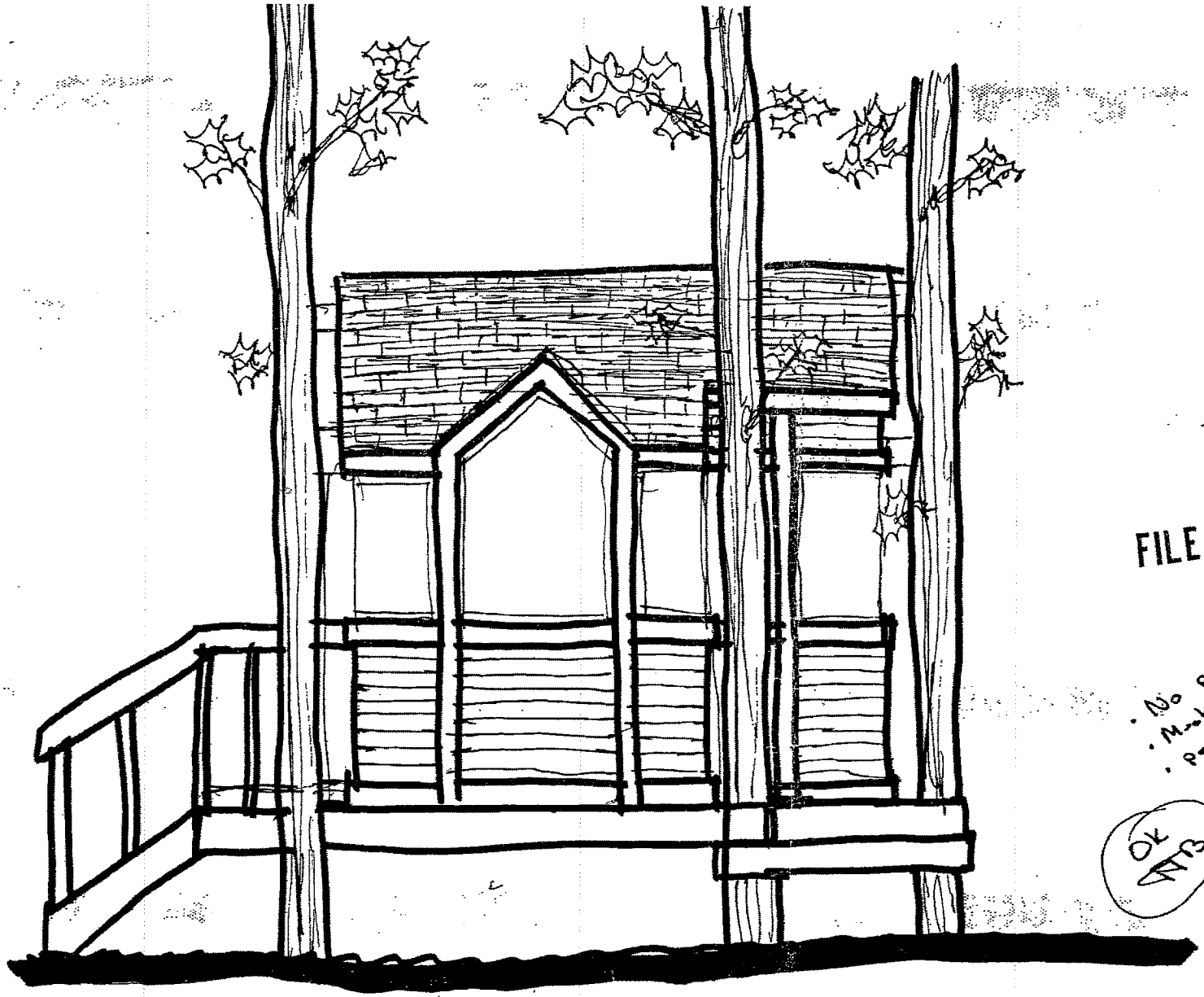
Mr. Wizinsky in his letter to Steve Patmore- Zoning outlined the difficulties in "shoring up" his structure including the Board stated intension of its demolition of the structure" through nature", the trees not removed, the trees being within inches of the building, the inability to get heavy equipment and materials to the structure and virtually no labor force.

Mr. Wizinsky's approach to the issues is logical based on his goal of the building's survival despite the possibility additional trees may fall on the gazebo. He defined the possible scenarios correctly and this became the basis for his restructuring of the gazebo. His approach and his solution are reasonable for any project. In this specific case they were necessary and required to insure the survivability of the structure. Considering the parameters of the problem, I would of probably come up with a similar solution had I been on the site. The use of a staircase and its structure to reinforce the gazebo is a very good engineering solution. In this specific case, it was absolutely necessary and required "to shore up" the structure for the survivability of the gazebo.

Sincerely,

Louis R. Brown

Louis R. Brown
Professional Engineer in Michigan (Cert. No. 28881)
307 Ridgemont, Oxford, MI 48370



WEST ELEVATION 1/2"=1'0"

Leelanau County
Construction Code
"Reviewed For Code Compliance"
By
Date 1-26-2018
Permit # PB18-0051

FILE COPY

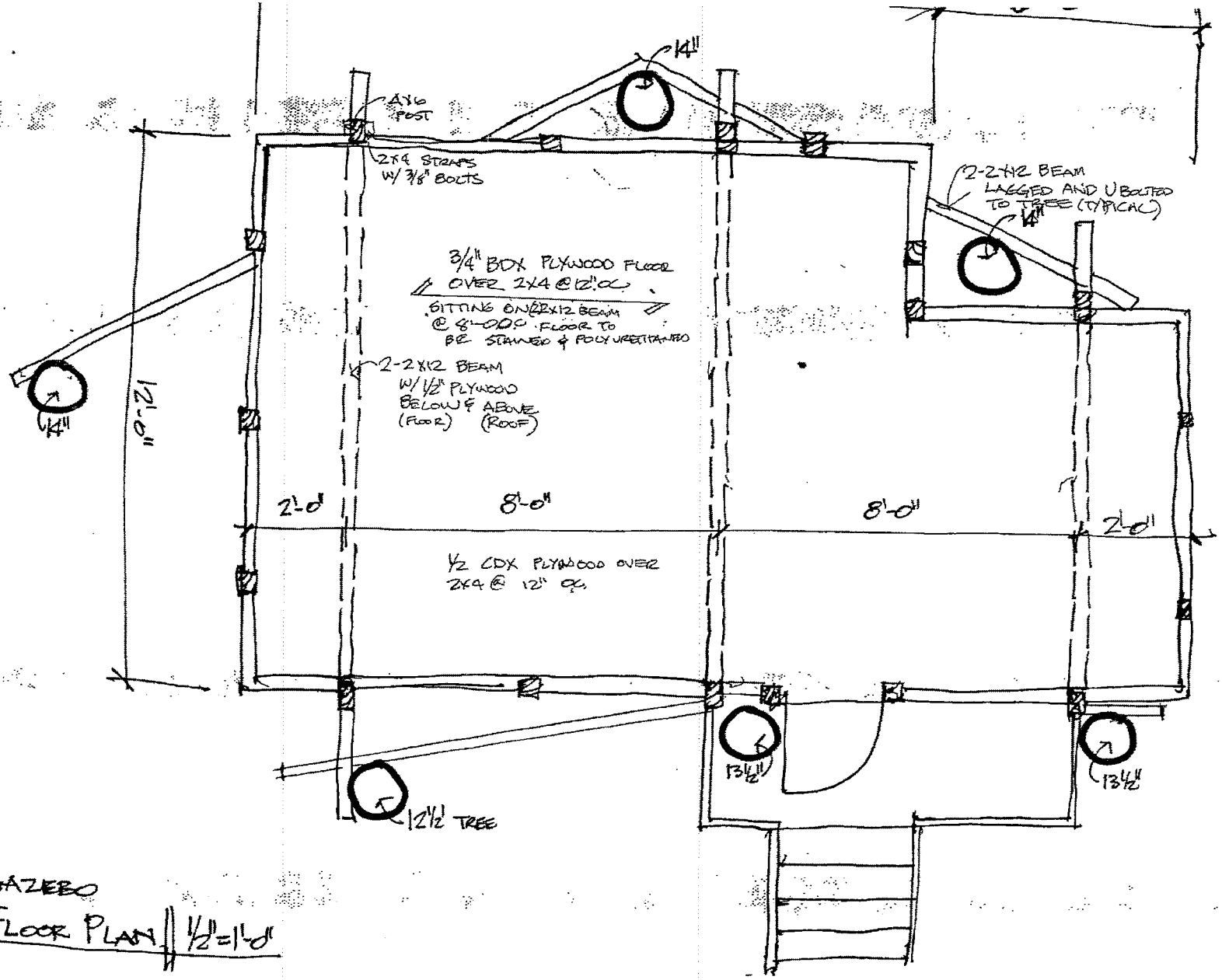
- No permanent foundation
- Must obtain all required permits before construction

OK WTS

RECEIVED
FEB 21 2017
LEELANAU COUNTY
CONSTRUCTION CODE

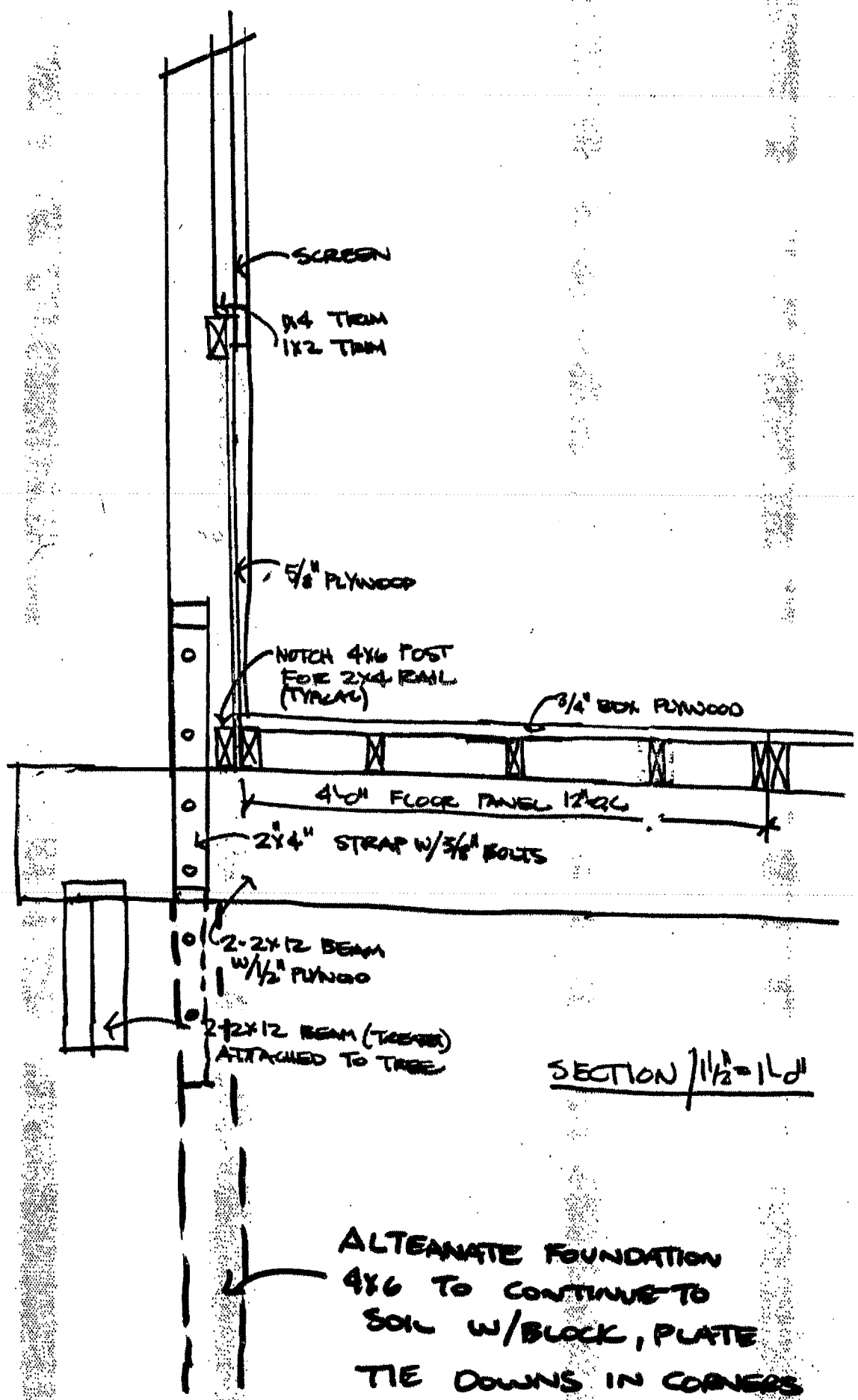
RECEIVED
AUG 10 1992
LEELANAU COUNTY
INSPECTIONS DEPARTMENT

NORTH ELEVATION 1/2"=1'-0"

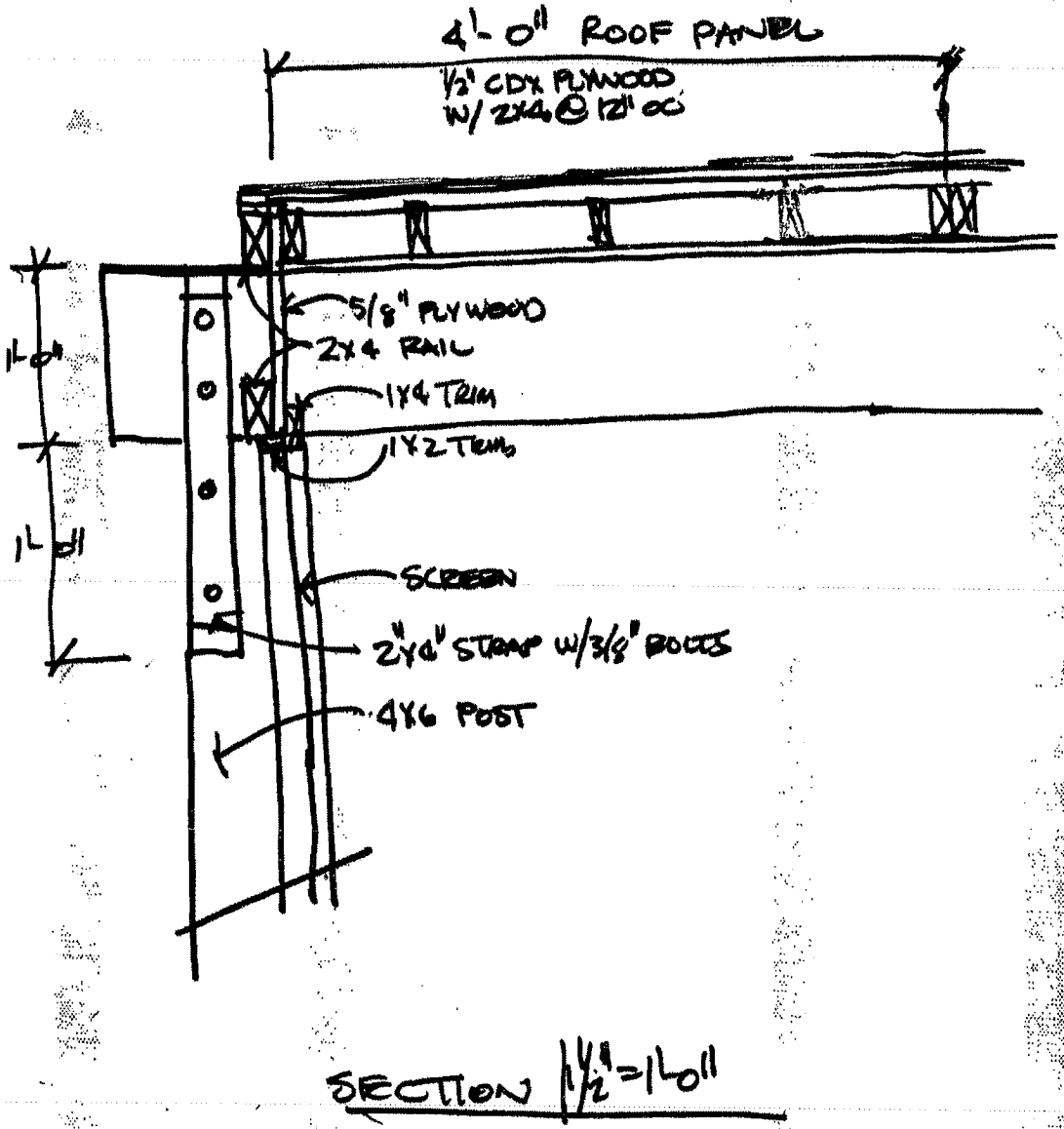


GAZEBO

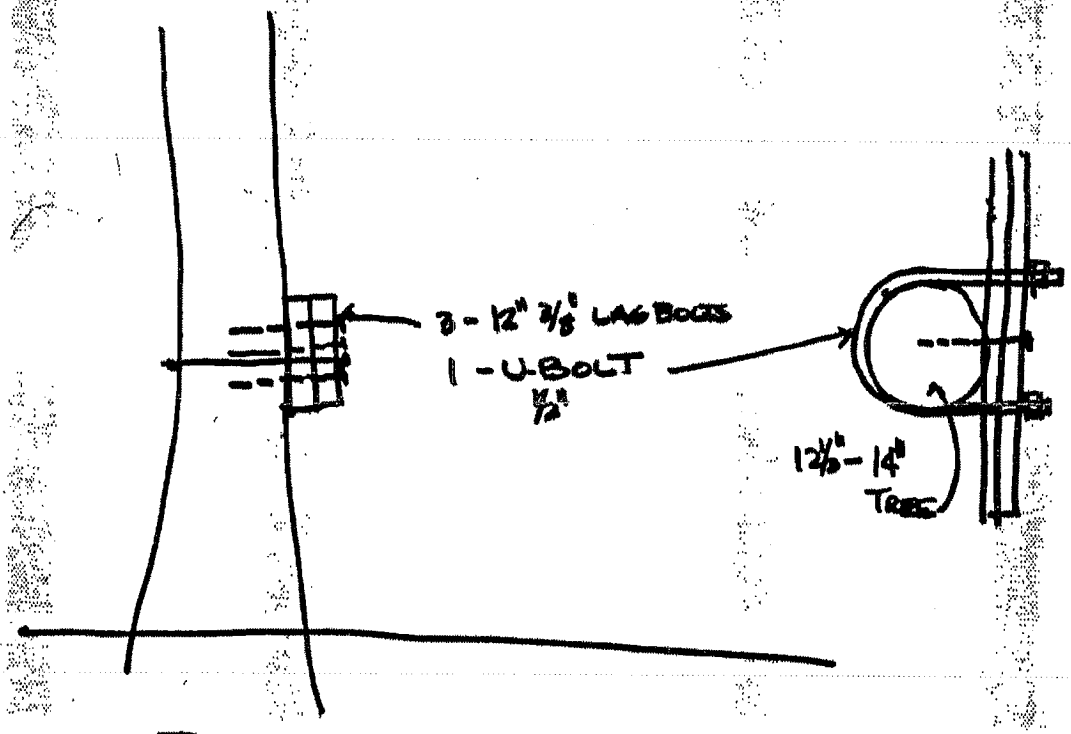
FLOOR PLAN // 1/2"=1'-0"



SECTION 1 1½" = 1'-0"

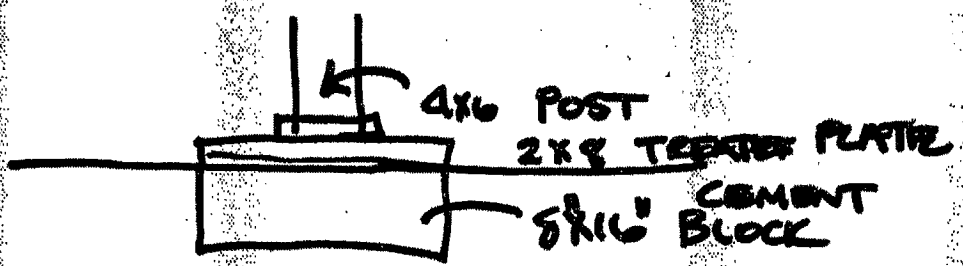


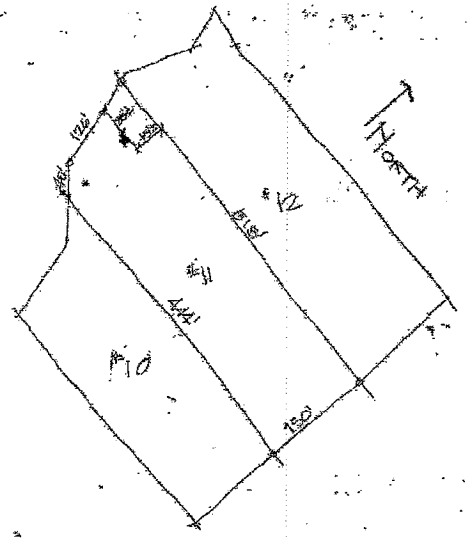
SECTION 1½"=1'0"



TREE CONNECTION - NO SCALE

ALTINATE FOUNDATION NO SCALE





ORIGINAL SITE PLAN FROM 1992

SCALE: 1" = 200'-0"

NOTES FOR STRUCTURAL PLANS

ALL STRUCTURAL MEMBERS @ 18" ABOVE GRADE OR BELOW SHALL BE TREATED LUMBER

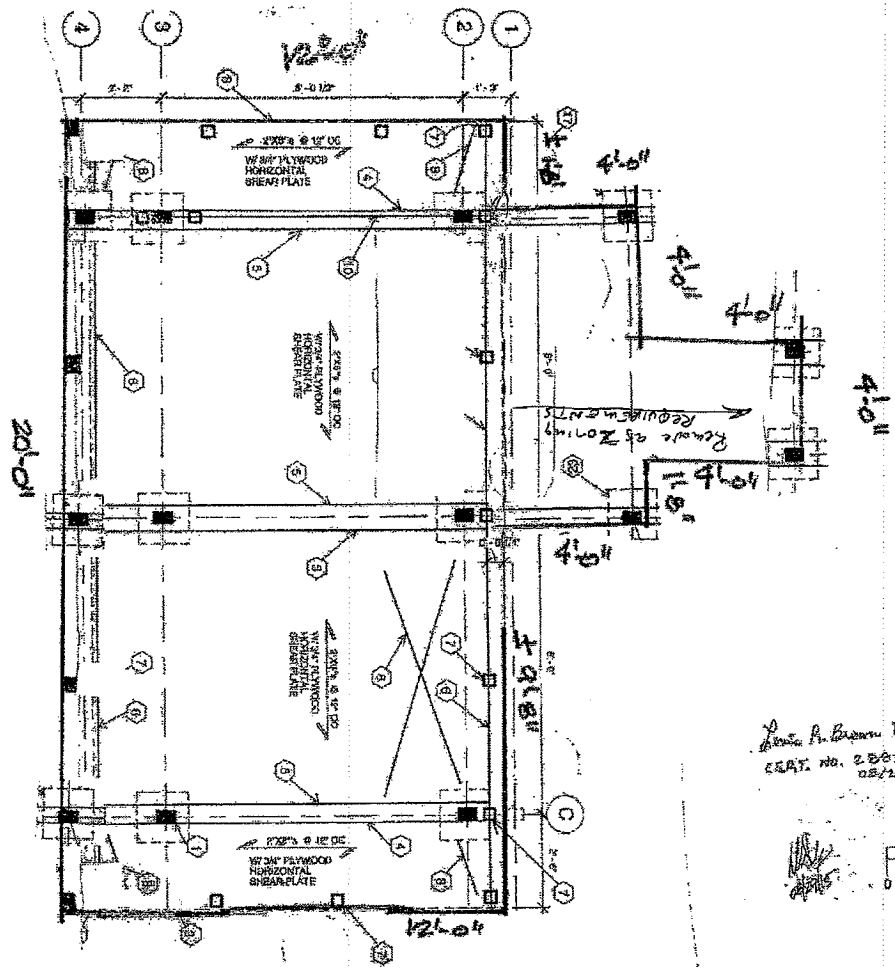
1. EXISTING 4"X6" WOOD COLUMNS ON REMOVABLE 2-8"X 16" FILLED CONCRETE BLOCKS W/ ANCHOR BOLTS AND 2"X8" PLATES
2. EXISTING 4"X6" WOOD COLUMN TO CARRY ROOF LOAD SITTING ON EXISTING 2-2"X 12"W/ 1/2" PLYWOOD CANTILEVERED BEAM
3. EXISTING BUILDING LINE
4. 6"X6" STRUCTURAL MEMBER TO TIE EXIST. FOUNDATIONS TOGETHER
5. 2-2"X8" BEAM TO TIE EXIST. FOUNDATION TOGETHER AND CONNECT 2"X12"S @ 16" OC W/ 3/4" PLYWOOD HORIZONTAL SHEAR PLATE
6. 2-2"X8" PERIMETER BEAM TO TIE EXIST. FOUNDATION TOGETHER
7. 4"X4" COLUMNS TO ASSIST IN TRANSFER OF LOAD ON CANTILEVERS, DIRECTLY TO FOUNDATION W/ 1/2" PLYWOOD TO MATCH EXIST. TO ACT AS VERTICAL SHEAR PLATE
8. 2"X4" "X" AND "I" BRACING W/ 5/8" PLYWOOD TO MATCH EXISTING TO ACT AS VERTICAL SHEAR PLANE IN EAST/WEST DIRECTION ON EXTERIOR BETWEEN 4"X4" COLUMNS
9. CANTILEVER LOAD SUCCESSFULLY TRANSFERED TO NEW BEAM #11 VIA TRUSS CHAIR
10. 2-2"X8" BEAM W/ 1/2" PLYWOOD BEAM BETWEEN COLUMNS
11. 2-2"X8" BEAM ENCAPSULATING VERTICAL COLUMNS AND EXIST. FOUNDATION TOS @ 8'-10 1/2" TOF W 2-2"X8" PERIMETER BEAM & COLUMNS TRANSFERING LOAD
12. 2 - 2"X12" BEAM ENCAPSULATING VERTICAL COLUMNS TOS @ 4'-8"
13. 4"X4" WOOD BRACE TO MID POINT OF COLUMN
14. 2-2"X6" WOOD BRACE TO FLOOR BEAMS TOS @ 8'-0"
15. 2-2"X4" STRUCTURE ENCAPSULATING VERTICAL COLUMNS @ EXIST. FLOOR LINE TOS @ 8'-0"
16. P26"S @ 12" O.C. W/ 3/4" PLYWOOD ANGLED SHEAR PLATE @ TOP OF ROOF BEAM ON GRID A TO COLUMN GRID B TO ACT AS BRACE
17. EXIST. LOAD BOLDEING TIRES
18. 2 - 2"X12" BEAM TO SUPPORT #16
19. 4 - 2"X6" BEAM TO CREATE RIGID FRAME
20. 5"X36" TREADS SUPPORTED BY 2"X10" STRINGERS CONNECTED TO 4"X4" BRACE ON GRIDLINE "B" TO CREATE RIGID FRAME CONSTRUCTION
21. 3"X36" TREADS SUPPORTED BY 2"X10" STRINGERS CONNECTED TO 2-6"X6" BRACE ON GRIDLINE "A" TO CREATE RIGID FRAME CONSTRUCTION
22. 4 - 2"X6" BEAM TO CREATE RIGID FRAME
23. 5 - 8"X16" FILLED CONCRETE BLOCK W/ ANCHOR BOLTS AND 8"X8" PLATES
24. 2 - 2"X6" BEAM MID-ON CANTILEVER TO ACT AS BASE PLATE FOR RESUPPORT
25. 3 - 2"X12"S TO ENCAPSULATE EXISTING GRID LINE "A" FLOOR BEAM
26. 2 - 2"X12"S TO ENCAPSULATE EXISTING GRID LINE "A" FLOOR BEAM
27. 4"X6" COLUMN W/ 5/8" PLYWOOD TO MATCH EXIST. TO ACT AS VERTICAL SHEAR PLATE
28. 4"X6" COLUMN W/ 5/8" PLYWOOD TO MATCH EXIST. TO ACT AS VERTICAL SHEAR PLATE
29. 4"X4" COLUMNS TO ASSIST IN TRANSFER OF LOAD ON CANTILEVERS, DIRECTLY TO FOUNDATION

WGW
ARCHITECTURAL CONSULTING AND SERVICES

James D. Brown P.E.
PROF. ENGINEER
LICENSE No. 29581
DENVER

SITE PLAN AND STRUCTURAL NOTES

S - 1



Lisa A. Brown P.E.
CERT. NO. 25021
03/25/15

SCALE
1/2" = 1'-0"
0 1 2

WSW
ARCHITECTURAL CONSULTING AND SERVICES

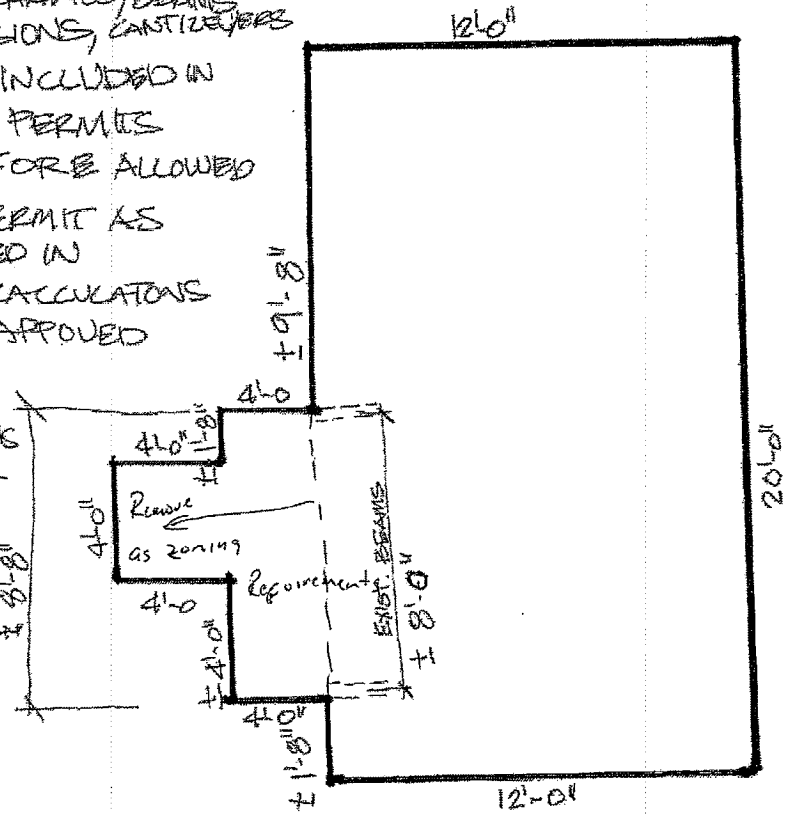
STRUCTURAL PLAN

S-2

AT GRADE - LAND USE AS ~~SHOWN~~
IN "1992" SOBMISSION

* 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 THIS PERIMITER AT GRADE, REQUIRES NO ZONING PERMIT UNDER THE ORDNACES



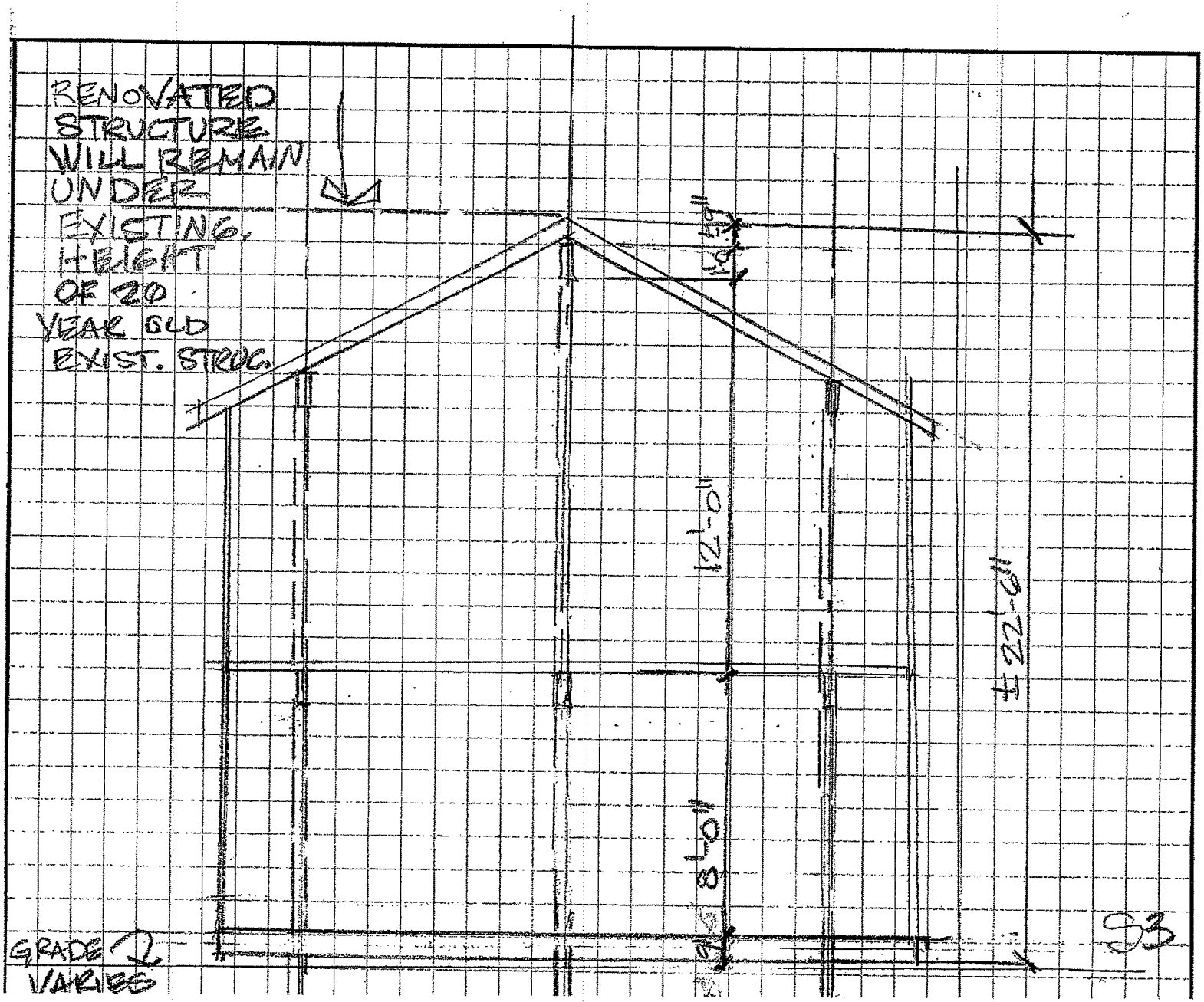

RENOVATED STRUCTURE. WILL REMAIN UNDER EXISTING HEIGHT OF 20 YEAR OLD EXIST. STRUC.
1'-0"
12'-0"
8'-0"
22'-3"
GRADE VARIES
93

EXHIBIT 46

Northern Michigan E3 Responds to Leelanau Commissioners Racist Comments

August 13, 2020
Madison Schlegel, Adam Bourland

Northern Michigan E3, formerly the Northern Michigan Anti Racism Task Force, held a press conference on Thursday to address recent racism in Leelanau County.

It comes after County leadership held a series of discussions about racism, which included county officials using racial slurs and debating the definition of racism.

"The purpose of this press conference is to sort of to give our collective reaction to the recent words and actions of the Leelanau Board of Commissioners," said E3 member Holly Bird.

Last week Leelanau County Road Commissioner Tom Eckerle resigned following racist comments made during a public meeting.

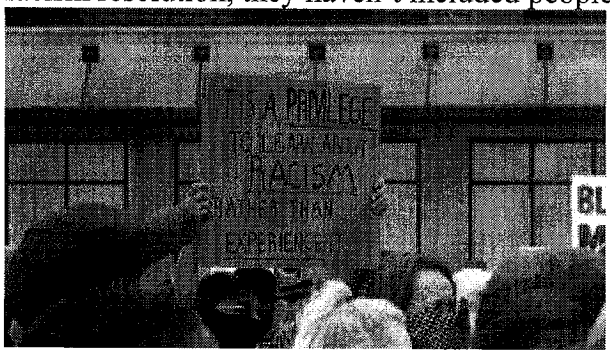
Earlier this week the board of commissioners met to discuss an anti racism resolution in response to Eckerle's comments.

Bird said, "The discussion in fact really made it worse. So for me, reading their resolution and what's really important is accountability. And there was no accountability from the board whatsoever."

Northern Michigan E3 members were shocked to hear multiple commissioners make comments drawing comparisons between racism, abortion, and genocide.

"Some of the comments that we heard were trying to define racism in really nonsensical kinds of ways," Bird said. "Those kinds of words, those kinds of attitudes have no place in our government."

Their biggest concern is that even though Leelanau County may be working towards an anti racism resolution, they haven't included people of color in on the conversation.



"While I think that it's an initiative to take to try and have a resolution against racism in a community, and clearly they still need some education of what that is," said E3 member, Courtney Wiggins. "They didn't ask people of color to come to the table from the community to help with this. And I think that's very important for that voice to be there."

Now, E3 is asking other government officials to step up, and set a better example.

Bird says, "Our call to action in Leelanau County and surrounding counties is to undergo yearly implicit bias training by all government officials, elected or not."

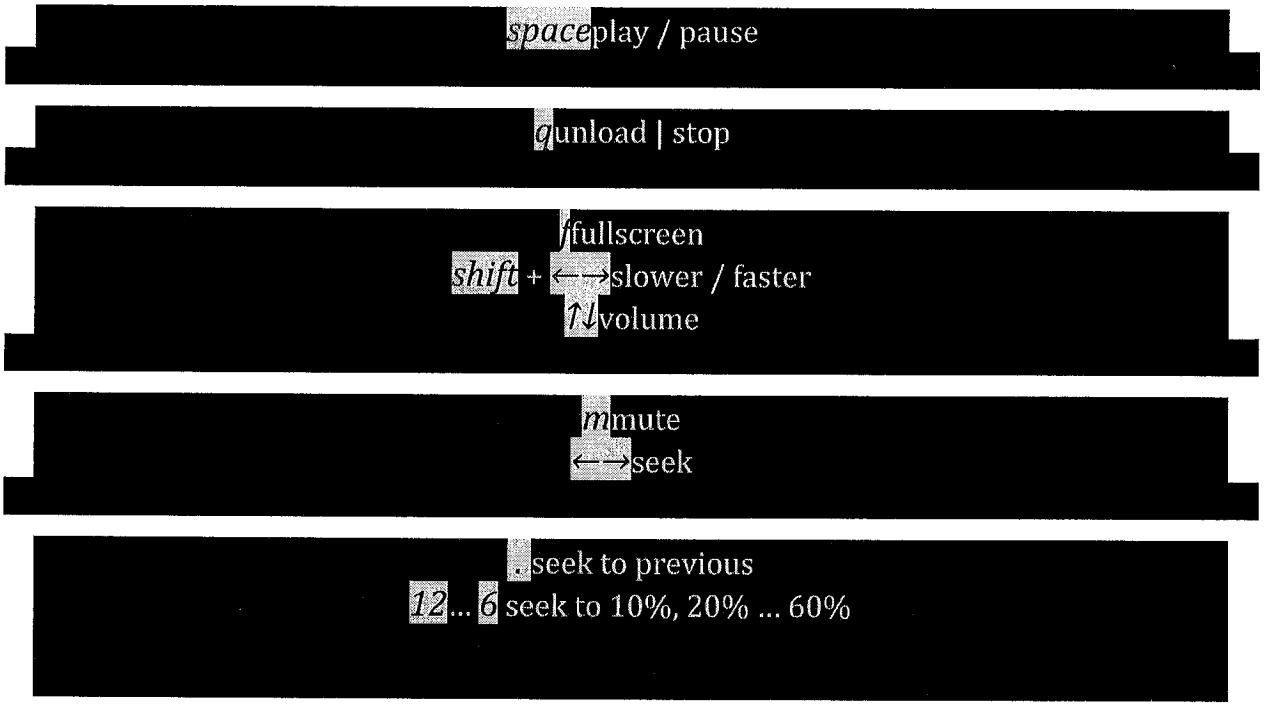
Northern Michigan E3 says they are working with multiple community agencies to hold government officials responsible for their comments.

Northern Michigan E3

Leelanau Leadership Equates Abortion with Racism, Struggle to Define and Pass Anti-Racism Resolution

August 12, 2020

Chloe Kiple, Josh Monroe



Leelanau Leadership Equates Abortion with Racism, Struggle to Define and Pass Anti-Racism Resolution

August 12, 2020

Chloe Kiple, Josh Monroe

Leelanau County leaders struggled to define racism during a nearly five-hour meeting Tuesday, just days after former road commissioner Tom Eckerle said the N-word and blamed the coronavirus crisis on Black Detroiters.

The board condemned former road commissioner Tom Eckerle's comments but could not agree on what does, and does not, constitute racism in order to write an anti-racism resolution.

"The word 'racism' means different things to different people," said commissioner Debra Rushton during the meeting. "We see one sort of racism condemned, but yet the racism against our police forces....seems to be accepted."

Chairman William Bunek equated name calling of law enforcement to racism.

"I have in there about law enforcement, and how they're called 'pigs' or whatever. I mean, that's another example of racism," said Bunek.

At least two commissioners, Will Bunek and Melinda Lautner, drew comparisons between abortion and racism; and want their resolution to reflect and acknowledge "high" abortion rates specifically in the Black community.

"Abortion...28 to 36% are Black. If we added that [to the resolution] as an example that shows racism...we could put that in there," said Bunek.

9&10 News has not independently confirmed these statistics and it is unclear where they were drawing their references from.

Lautner echoed these abortion-related comments during the meeting.

"Today, we speak about racism and someone said we have genocide: Black abortions...it's maybe the truest form of racism going on and it offends me," said Lautner.

9&10 called Bunek, Rushton and Lautner on Wednesday to understand the comments. Only Lautner was reachable and responded.

"In the context of the racist comments that have been made in Leelanau County, what does abortion have to do with passing an anti-racism measure?" asked 9&10.

Lautner said, "That was thrown out there by another commissioner as an irony, perhaps, because ironically we wouldn't pass a resolution that's in support of life and here we are passing a resolution that is anti-racism when we are....aborting so many African American children."

9&10: "Why couldn't the board condemn racism without bringing in a totally separate issue?"

Lautner said "Because I do believe we'll pass another resolution in support of life, and when we do that, we are in support of life, we are in support of all those lives."

She continued by saying she does not believe racism in a problem in Leelanau County and doubled down on her belief that Black babies need to be saved from abortion, and the issue is related to anti-racism talks.

Commissioner Rushton also added during the meeting she wants the word 'racial' removed from a line about equality.

"Why do we have to segregate people into groups? [Racial] in itself is a racial slur, so I would like to see that eliminated," she said.

Thursday, the Northern Michigan E3, formerly known as the Anti-Racism Task Force, is expected to hold a press conference to respond to these comments.

Leelanau County employees and residents say they're upset by all of the swirling comments.

"I don't know how mentioning abortion or views on that one way or another or how many people get aborted every year helps anything either. People have religious beliefs and are entitled to their opinion," said resident Dave Buchanan.

"We're all human beings. There's no color. There's no....all of that. We are all together. We're all here to try to make it through this pandemic," said employee Ashley Macksey.

Commissioners have yet to pass an anti-racism resolution but they hope to introduce new language at their meeting next week.

To watch Tuesday night's board meeting in its entirety, click here.

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EXHIBIT 47

Re: Information request, Construction Board of Appeals

From: wwizinsky@aol.com

To: cjanik@co.leelanau.mi.us <cjanik@co.leelanau.mi.us>

Date: Thu, Aug 27, 2020 12:41 pm

Mr. Janik,

I have been asking for this information since July 2018 and was told it did not exist!
It took your building department 3 years to process a building permit, with the State of Michigan Civil Rights Division ordering it you to issue the permit! Because you blocked it!
Do I need to file a motion to get the documents, when any citizen asking for them, they should be given them for asking as a matter of fact. I will be putting the building appeal on the City of Novi papers, since it is based on the state building code. An attorney should not have to give permission for your county to fulfill a standard fiducially duty.

You are now officially blocking my due process rights and this will be presented to the Court with this email.

When you get the appeal if it is on City of Novi papers when I file my pleadings next week, a motion for leave will be in their to order you to process the appeal on city of Novi papers. You are going to process the appeal and i am not going to have you interfere in the building process anymore to keep your community all white!

What the hell is wrong with you people?

William Wizinsky

-----Original Message-----
From: Chet Janik <cjanik@co.leelanau.mi.us>
To: wwizinsky@aol.com <wwizinsky@aol.com>
Cc: Paul Hunter <phunter@co.leelanau.mi.us>; Laurel Evans <levans@co.leelanau.mi.us>
Sent: Thu, Aug 27, 2020 11:43 am
Subject: Re: Information request, Construction Board of Appeals

Mr. Wizinsky- As previous stated, the County's legal representative will be responding to your request of August 24 in a timely manner.

Chet Janik

Sent from my iPad

On Aug 27, 2020, at 10:43 AM, "wwizinsky@aol.com" <wwizinsky@aol.com> wrote:

Dear Mr. Janik,

This is not a decision for you to make. Under the 2015 Michigan Residential Code book I have a right to appeal. You have not stated that a certificate of occupation cannot be appealed, therefore by blocking the appeal I will assume it can be appealed. You will be in violation of my due process rights under the law. You already did this as documented in the FOIA documents in 2017 where in your meeting with Mr. Patmore without any inspection you mandated the structure to be removed, which is in Patmore meeting

minutes. You will be held liable if you continue to interfere in the building department fiducial duties and deny me my property rights.

Blanche Road Corp. v. Bensalem Township

57 F.3d 253 (3d Cir. 1995)

Finding that a due process violation could exist when *Township* officials "deliberately and improperly interfered with the process by which the *Township* issued permits in order to block or to delay the issuance of plaintiff's permits."

If I do not have the proper paperwork to file the Appeal by the end of today, with the fee amount, this email will be put in my filed Appeal using the City of Novi paperwork with a $300 fee they charge and the Appeals Board will know you Chet Janik blocked my appeal. Everything you did to my family will get on the public record in a public forum. The county people will know you do not respect the law or the rights under the US Constitution of the taxpaying citizens. Is your motive racism? If your Road Commissioner has no problem of using the N word in a public meeting, it shows a culture of racism in your county government. You got involved when it went viral and caught national attention. Yet your deeds against my family and interference into the permit process shows your a racist. This was confirmed by one of your employees and a Judge in your community. Evidence of this is the permit being issued after three years and was issued from settlement from a racial discrimination complaint by order of the State of Michigan Civil rights Division.

An Appeal will be made, whether it is on Novi letterhead with it crossed off and putting your county on it or not. The decision is yours!

William Wizinsky

-----Original Message-----
From: Chet Janik <cjanik@co.leelanau.mi.us>
To: wwizinsky@aol.com <wwizinsky@aol.com>
Cc: Laurel Evans <levans@co.leelanau.mi.us>
Sent: Wed, Aug 26, 2020 9:35 am
Subject: Re: Information request, Construction Board of Appeals

Mr Wizinsky,

This is a confirmation that I received your correspondence and your request is under consideration. Upon completion of the review, you will receive a written response from the County's legal representative or myself in a timely manner .

Chet Janik

Sent from my iPad

On Aug 24, 2020, at 3:31 PM, "wwizinsky@aol.com" <wwizinsky@aol.com> wrote:

Dear Mr. Janik,

I talked to Mr. Hunter today about the appeal process and he gave me the reference for it in the code book. He said there were forms for it and then he said he could not talk to me directly and forwarded me to Ms. Evans who has forwarded me to you.
If you can forward me the forms and the who makes up your Appeal Board, the list of the members. If there are no forms and an Appeals Board then just let me know. If there is an appeals process for the Certificate of Occupancy please forward me the forms, if there is no process than let me know. I had asked for this in July of 2018 again last year and have been told there is no such process. You either have a process or you do not. I do not know why this is so complicated. Do you have a process or not? If I do not receive the information for an appeal I will assume there is no such process as I had been informed over the last couple years. It would be nice to have such a definitive answer so I can appeal the decision if there is such a process.
Please provide with any information you have ASAP.
Thank You,
WGW.

-----Original Message-----
From: Laurel Evans <levans@co.leelanau.mi.us>
To: wwizinsky@aol.com <wwizinsky@aol.com>
Cc: Chet Janik <cjanik@co.leelanau.mi.us>
Sent: Mon, Aug 24, 2020 1:27 pm
Subject: Information request, Construction Board of Appeals

Dear Mr. Wizinsky:

I was able to speak with County Administrator Chet Janik regarding your request on the appeals process.

Please forward your specific request and the rationale for filing an appeal to the Construction Board of Appeals directly to Chet, via email: cjanik@co.leelanau.mi.us

Laurel S. Evans
Executive
Assistant/Administration
levans@co.leelanau.mi.us
866-256-9711 *Toll-free*
231-256-8101 *Direct*
231-256-0120 *Fax*
Leelanau County Government Center
8527 E. Government Center Dr., Suite #101
Suttons Bay, MI 49682

www.leelanau.cc

EXHIBIT 48

MATTHEW J. ZALEWSKI
mzalewski@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com

ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

August 29, 2020

William Wizinsky
250 Pleasant Cove Dr.
Novi, MI 48377
VIA E-Mail, wwizinsky@aol.com

Re: *Wizinsky v. Leelanau County, et al*; County Construction Board of Appeals

Dear Mr. Wizinsky:

I am sending this letter on behalf of County Administrator Janik in response to your e-mails to Mr. Janik dated August 24, 2020 and August 27, 2020. You have inquired about the availability of an appeal of the County's July 2018 decision regarding your Certificate of Occupancy application. You have been repeatedly advised in the County's communications leading up to the June 2018 Certificate of Occupancy decision, in subsequent interactions with the County, and through the County's briefing in the federal court litigation that the County has a Construction Board of Appeals, and that you could have appealed the decision at the time that it was issued. However, you did not, and your time for doing so has expired. And, as Magistrate Judge Berens has ably pointed out, your issues regarding the July 2018 Certificate of Occupancy denial are moot in light of your settlement agreement with the Township and HOA, and the orders of the Leelanau County Circuit Court enforcing that agreement. The County has no authority to interfere with your private agreement with the Township and HOA, or to act contrary to court orders. And, in any event, as you know, one basis for the County's Certificate of Occupancy decision was the Township's denial of special use approval, which you did not appeal to the Township, and which also is too late to be appealed.

In the event that you choose to nevertheless submit an application to appeal to the County's Construction Board of Appeals, the County will respond to your application as is appropriate under the law and factual circumstances of this matter. Rules of procedure relevant to the Board of Appeals are enclosed. You will note that the appeal must be in writing, but is not absolutely required to be on any specific forms.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC
Matthew J. Zalewski
Matthew J. Zalewski

Enc.
cc: Chet Janik, County Administrator (via e-mail)

EXHIBIT 49

Leelanau County Commissioners August 12, 2018

MAILED BY Certified US Mail TO WEBSITE ADDRESSES

RE: County Commissioners Decision in Ordering Falsification of the Public Record to Deny 26 Years of Property Rights to Family because of their Adoption of Mixed-Race Child.

Dear County Commissioner,

My name is William Wizinsky, I am a licensed architect, contractor and I teach construction law. I know the building code, zoning ordinances, worked for government and with government for almost 40 years. I went through the 2015 Michigan Residential Building Code Book and your Township Zoning Ordinances very carefully, I found nothing to prevent me from using my property as I have for 26 years prior to the issuance of the repair permit Certificate of Occupancy with its falsifications and nonlegal limitations.

I was informed that the decision to deny my family their property rights was by your office with order to Chet Janik with input from Mr. Hubbel the prosecuting attorney. I am writing this letter as required by the State of Michigan Civil Rights Division, prior to filing a formal complaint if your government does not clean up the public record and accurately represent the truth in the paper work.

I filed a civil rights complaint after waiting over two years with confirmation by good people in your government the issue was racially motivated for the denial of the repair building permit. The State of Michigan Civil Rights Division found significant circumstantial evidence of racial discrimination by your government agencies in their investigation based on my racial discrimination complaint. Your hired attorney representing your county agreed as part of settlement of the case to issue a permit for the repair of a 26-year-old gazebo/treehouse on a two-acre wooded lot. The structure cannot even be seen unless people trespass on my land. Only lot 12 can now can see the structure today because of the trees dying of disease. A landscape barrier of evergreens could be erected, then hide the structure from lot 12 if it was an issue, pointed out by the Civil Rights Division in their investigation. The structure has never been seen a nuisance to the community, as confirmed by the State of Michigan Civil Rights investigation report.

For several years, The Shores argument, specifically to the Civil Rights Division is the structure is illegal, dropping property values, etc. Now that the permit has been issued, it is now about denying the people from using the property, from the specific purpose the Gazebo was built for in 1992. The goal of the community, the Township and the County, has always been to keep The Shores an all-white community. To do this, a last attempt by your office is to falsify the official record by dictating to the building department a new version of the record. I call this government sponsored racism, to keep "African Americans" out of your community by the request of The Shores Board.

HISTORY:

In 1990, I bought Lot 11 of The Shores. In 1992, I got permission from The Shores HOA to build a treehouse/gazebo. I got a zoning permit and building permit. The building department would not allow me to connect to the trees and on the spot, I redesigned an approved foundation system. The building department told me to call it a Gazebo. The purpose of the structure was to be used as a seasonal

recreational get away. I also used it for surveying the land and to design my home for the property. At that time there were no other places to stay in the area. I was told by your government at the time to use it as a sleeping place all I needed was a potable water source and portable toilet. This requirement still stands today. The structure is now protected by being grandfathered-in for use and location under the township zoning ordinances. State and Federal laws also support my continued use of the property as I have prior to its repair.

I used the place on my own, and with my wife, family and friends for 23 years in peace with my neighbors. Not a single complaint to any government agencies in 23 years. In 2015 a storm damaged the gazebo by five trees falling on it and it would be lost if not repaired. I talked to a Mr. Pope of your building department and he said make the repairs to save the structure and then file for the permit, because they were shorthanded. I got a soil erosion permit.

About a year earlier, at church we introduced our adopted daughter to some Board Members of the Shores Homeowners Association that were sitting behind us. Most people, when I introduce our child are friendly, they were not. At the time I thought this childless couple were not "kid people". It never dawned on me that they were disgusted by the color of her skin. My daughter is Irish, Hawaiian, Chinese, Cherokee Nation and African American. She is beautiful!

I hired local contractors to clear a path for trucks and equipment, I got a call down state from the contractor stating the Board representative came on my land, evicted him from my land and if he worked for me he would be sued. The President of the Board Tom Hoogland told me directly that I would never be able to use my property again, and that they were going to let nature take its course by preventing me from repairing the gazebo. The protective restrictions in the community do not grant the powers taken by the Board for the destruction of my gazebo. The only power granted to the Board by contract is to sue me. They could not because the gazebo was approved 23 years earlier and was legal. I hired an attorney. After spending $4000 in attorney fees I got written **unneeded** permission from their attorney to cut down dead trees and make repairs.

Despite the permission attorney letter, the Board and community contacted every contractor I tried to hire and threatened them with litigation if they worked for me. They were very successful. I had to hire down state labor versus contractors. I hired a firm in Traverse City to remove the dead trees, because when they bid on the project they came in an unmarked vehicle. The community had no knowledge of the company until they showed up that day to work. There office received an immediate call threatening a law suit if they worked for me. They were there with labor and equipment so they did the work.

After the trees were gone, we got the building somewhat secured for winter, when your building department red tagged it with a stop work order. The building has gone through three winters because of the red tagging, severely damaging it. Damage caused by your government deliberate inaction through conspiracy with the Township to appease my neighbors to keep their community all white. You are responsible for the additional costs for the repair!

In 2015, Ty Wessel your fellow Commissioner was told by Todd Hoogland I was living full time on the property as a resident, as documented in an e-mail. He has assisted in denial of property rights ever since.

In 2015 Todd Hoogland filed a fraudulent report with The Health Department, William Crawford stating I was living on the property. The structure was not habitable. The letter written by Mr. Crawford was in

response to the false allegations that I was living on the property as a full-time resident. This is the letter the Leelanau Board of County Commissioners ordered to be attached to the Certificate of Occupancy. This was done with full knowledge by your office that this issue was resolve in 2015, with us buying a chemical toilet once we habituate the structure again.

In 2016, Todd Hoogland sent another letter to the Health Department with a false claim. We had not even been to the property because it was still red tagged. Mr. Crawford and me agreed again to a chemical toilet would suffice. Please see attached e-mail that the chemical toilet bought by us is acceptable by the health department. With this e-mail we are in full compliance to use our property in the manner we have previously for 23 years, prior to adoption of our mixed-race child.

Todd Hoogland and the Board has spent about 20 to 30 thousand dollars of HOA funds to keep the community all white on legal fees. They could not sue me because there are no legal grounds, they would lose and they could be counterclaimed in Federal Court for race discrimination in Detroit, MI. They would never sue us, the only contractual legal option under the protective restrictions.

So, they went to government to deny our family property rights. For almost three years, the county has denied us the repair of our gazebo and had condemned it to be destroyed by nature. They had secret meetings about our property, created fraudulent letters to each other stating I needed a zoning permit when one was never needed, to give an excuse to the county for denial of a permit. It took a legal racial discrimination complaint from us to be issued a permit. The Civil Rights Division investigation found out that Todd Hoogland is friends with Doug Scripps the Township Superintendent, who is the boss over the zoning official Steve Patmore. Steve Patmore credibility is zero and is not in compliance with the zoning ordinances. Zoning has been used as a vehicle to deny property rights to Negros and Jews since the 1920s. This was written in the previous deed restrictions of the land. Leelanau County agrees with this policy by adding a 2017 email attached to the Certificate of Occupancy. There is no justification for the County to agree with the "apart ide" decisions of the Township. A court of law with the other poor decisions made by the County will see it for what it is, as a means to exclude an African American from The Shores. Steve Patmore sold his soul and integrity to the devil to keep his job. The Township cannot take any legal action against us because the law is not on their side. Even if they manufacture some reason to deny us the use of the structure as built for in 1992, the Courts have continued to up hold reimbursement in investment for denial of property rights. The Township would have to pay us over $100,000 to keep our daughter out of the community. Todd's relationship with Doug would answer the why on the Township side, but why on the county side is more perplexing. Why has the county falsified documents to keep a child of color out of The Shores community? What do you owe them to dictate a falsification of record? Is it ideology of racism, contribution to your re-election or simple graft?

WHEN GOVERNMENT ACTS BADLY:

As an architect, I was designing and building in a historic building, a ten story all suite hotel. I was put in a position, that I could no longer insure the building was built to code, so I quit the best job I ever had. The decision was correct. The owner was friends with Coleman Young and they contributed heavily to his war chest. The building department caught that the $250,000 smoke evacuation system was never installed in the 10-story atrium. The Certificate of Occupancy was issued despite this code violation and knowing full well all fire exists were off the atrium. People will die of smoke inhalation if there is a fire, on account of the Mayor's office ordered the Building Department to issue the Certificate of Occupancy. The Owner

of the hotel was (paying) friends of the Mayor. People will do what they have too, to keep their jobs, even allow people to die! That is why it is horrible government to interfere in the due process of their departments for political or financial gain. I have seen it done numerous times. The Flint lead/water crisis is a clear example, a poor community, mostly African Americans, it is OK to poison their water!

Please explain to me how Leelanau County Commissioners, County Supervisor and Persecuting Attorney are any different than the Coleman Young Administration when you ordered your Building Department to reclassify the structure, add letters from their conspirators (Township Zoning) and a 2015 letter on a resolved Health Code Issue based on fraudulent complaints?

You are no different? In Detroit everything was for sale, if you paid the money, you were exempt from following the codes or laws. If the county are not racists what would motivate you to do such a thing?

I was a partner and owner in the JL Hudson's Building in Downtown Detroit. I had put together several designs for reuse of the 1.25 million SF structure. We had put together a proposal for the Department of Defense. The Mayor's office found out. They had my partner arrested/detained by the police for him not to interfere, the City broke into our building, the Mayor showed the D.O.D. himself. I got a call from the building department; if I did not have the locks fixed by that evening on our building I would be fined. How are you any different in denying our property rights? You are doing the same, maybe not so in your face, but why? Why are the property rights of my family being denied through your office for a few residents who have racial issues?

I did talk to the Sheriff to insure the County would not have my family arrested if we used our property. I could not have my daughter traumatized by white police officers! I also through e-mail was assured my family would not be arrested for sleeping on our property by Mr. Hubbell. I was unsure based on previous experience with governments that act unlawfully, how far you would go to keep the county white. As a lawyer told me: Use my property in peace, he believes that government has no legal standing for what they have done. It was meant as intimidation and to send me a message, there are no-sleeping police, therefore even if the claim had validity, there is no enforcement possibility.

The message is clear: you want to keep the County white! Our mixed-race family is not welcomed in the county. I have a high-end 7,000 SF home in Novi, MI. I am very glad I never built the home I designed for the Shores property. We are raising our daughter in a community that welcomes diversity versus one that supports racism.

I have talked to numerous people and government employees in the county by e-mail and in person about what you have done to our family, they do not support it at all! I was told by many this is a Northern County issue by the rich older white people. Your continued support of racism will hopefully die with this last generation of retirees. Your younger generation seems to welcome diversity.

I have talked to several attorneys. None were really interested in suing The Shores, but all had significant interest in suing the county and the township. The only reason you have not been sued for your actions, is I have been battling cancer for 6 years. If this was my full-time residence, you would have been sued. In 2015 when the Shores people acted unlawfully, I had four surgeries. I had to delay my radiation treatment to get the dead trees down from the Traverse City company. Do not kid yourself, these people knowing about my cancer did not care what they were doing to hurt us. This has never been about a 23-year-old gazebo in the woods that no body can see, but everything to do about an African American being

seen on the street, using the beach and common grounds of the Shores community! Your County Government has supported this racism by their actions and in falsifying documentation.

Do you yourself support these actions or just went along with the other Commissioners?

Your fraudulent portrayal of the gazebo as a utility building does not even coincide with the present-day legal zoning language. We have a fireplace in the gazebo that has been permitted and approved by your building department. How many utility sheds have a fireplace?

Please attach this letter and documents to the paper and digital file for our building permit. This letter and documents are now public record and I expect if a FOIA is requested of Permit PB18-0051 they would be attached.

I have included a draft complaint to the State of Michigan Civil Rights Division to ask them to ask you to correct the official records. If the records are not corrected, do you want your Building Department Official to have to testify under oath that your office dictated to him the terms of the Certificate of Occupancy? Do you want to be asked why you falsified documentation? What was your reason to corrupt the public record? Have you done this before to keep your County white? This is tangible, documented, fraudulent actions to keep one little girl out of your community by county government! The question is it enough to prove racism by the County through the Civil Rights Division for court intervention?

Please correct the record on your own! Do not make me waste State and Federal resources making you do what should have never happened in the first place! If I do not hear from your building official by August 27, 2018, that the public record has been corrected, I will file another Civil Rights complaint against your county and specifically you, asking them to ask you why the record was not corrected.

Sincerely,

William G. Wizinsky
250 Pleasant Cove Drive
Novi, MI 48377
248-219-1225

Attached:
Health Department e-mail
Draft of Civil Rights Complaint with request for Changes to Official Records
Photo Of 1990s Gazebo, showing it was never a Utility Shed

CC:
Leelanau County Supervisor
Leelanau County Building Official
Leelanau County Prosecuting Attorney
State of Michigan, Civil Rights Division

EXHIBIT 50

Benzie-Leelanau District Health Department

BENZIE OFFICE
6051 Frankfort Highway
Suite 100
Benzonia, Michigan 49616
Phone (231) 882-4409
Fax (231) 882-2204

LEELANAU OFFICE
7401 E. Duck Lake Road
Suite 100
Lake Leelanau, Michigan 49653
Phone (231) 256-0201
Fax (231) 256-0225

Website: www.bldhd.org

008-800-011-00

RECEIVED

AUG 17 2015

LEELANAU COUNTY
CONSTRUCTION CODE

Certified

August 13, 2015

EIS-0084

Prop ID# 45-008-800-011-00

William G. and Ann M. Wizinsky
250 Pleasant Cove Dr.
Novi, MI 48377

Dear William and Ann Wizinsky,

This correspondence is initiated based on an inquiry from a representative of the Shores Homeowners Association regarding your occupancy of the parcel and construction occurring on your Foxview Drive property noted above.

The Benzie-Leelanau District Health Department (BLDHD), in its Leelanau County Environmental Health Regulations, has jurisdiction on sewage and water issues. The following is quoted from sections of the BLDHD Environmental Health Regulations.

Section 1.230 DWELLING
The term "dwelling" shall mean any building, structure, tent, shelter, trailer, or vehicle or portion of thereof, which is occupied, will be occupied, or was heretofore occupied in whole or part as home, residence, living or sleeping, or other gathering place designed or used by one or more human beings either permanently or transiently, or occupied in whole or in part as a business wherein one or more human beings is engaged in commercial or industrial activities on either a permanent or temporary basis.

Section 1.290 PREMISE.
"Premise" shall mean any tract of land, or portion thereof, or combination of tracts of land under single or common ownership, operation or control, on which is located a dwelling, structure, water well or septic tank, drains, drainfield, underground tank or pipes or similar appurtenances containing sewage or other contaminants or combination thereof.

Section 2.200
It shall be unlawful for any reason to occupy, or permit to be occupied, any premises which are not equipped with adequate facilities for the disposal in a sanitary manner.

And finally,

Section 3.100
Immediately upon the effective date of the Code and its regulations or any amendment thereto, no person, firm, society, corporation, or his/her agent or contractor shall construct, occupy or inhabit, offer for rent or lease, with or without compensation in whole or in part, any habitable building or dwelling unless the same is equipped with a safe adequate water supply approved by a health officer in accordance with the provisions of this Code and its regulations. Further, no water supply or alteration of existing water supply shall be in stalled or made unless the same is approved by a health officer in accordance with the provisions of this Code and its regulations.

The BLDHD has no record of any approved sewage disposal or water supply systems on the subject property and therefore does not approve the use of a dwelling on the parcel. Based on these facts you are hereby required to immediately vacate this dwelling and not reoccupy the property until such time as you have an approved septic system and water supply. You shall be required to contact me within ten days of receipt of this correspondence and verify your compliance with the contents of this letter.

This required vacation of the dwelling in no way waives your responsibility to comply with any and all local or state requirements that may demand your compliance.

If any of the facts stated in this correspondence is not accurate or you wish to contact me regarding this vacation order, please contact me at (231) 256-0214 or at my email address of wcrawford@bldhd.org

Sincerely,

William A. Crawford
BLDHD, Sanitarian

cc: Joseph T. Hubbell, Pros. Attorney
Steve Haugen, Leelanau County, Construction Code Office
Steve Patmore, Leelanau Township Zoning Admin.
Todd Hoogland, The Shores Home Owners Association

EXHIBIT 51

Map #-

Land Value Estimates for Land Table SHR.THE SHORES

Description	Frontage	Depth	Front	Depth	Rate	Adj	Reason	Value
<Site Value As PANORAMIC								435,000
	0.00 Total Acres				Total Est. Land Value =			425,000

Cost Est. for Res. Bldg: 1 Single Family RANCH Dim 0 x 0 Blt 0

'11 Heating System: No Heating or Cooling
Ground Area = Site for Rates = 240 SF Floor Area = 240 SF

Stories	Exterior	Foundation	Rate	Bsmt-Adj	Heat-Adj	Base	Cost
1	Quality Siding	Piers	57.11	-24.19	-2.25	240	9,782

Other Additions/Adjustments

	Rate	Size	Cost
Count, Multiplier = 1.97 SF			
		Cost New =	9,489

Phy/Ad.Phy/Func/Econ/Comb.%Good= 86/100/100/100 86.0, Depr.Cost = 8,160
ECF (THE SHORES) 1.590 => TCV of Bldg: 1 = 12,975

2007 Est. T.C.V. 000-900-011-00
Est. Tot/Total Floor Area = 2324.90 = 437,975

2006 Assessed	MAJOR	S.E.V.	Base for Cap	C.P.I.
175,000	175,000	175,000	49,884	3.70
2007 New	Eq. Adjustment	Loss	Additions	Tax Adjustment	Losses
6,525	37,463		-525	1,700
2007 Assessed	MAJOR	S.E.V.	Capped	>Taxable<	P.R.E.
218,988	218,988	218,988	54,179	54,179	

240 SFT STRUCTURE IS
SHOWN IN THIS 2007 ASSESSMENT
FOR THE 1ST TIME

SP 6/27/07

FALL ASSESSMENT FILES

EXHIBIT 52

Sentry Data Systems, LLC
A Michigan Licensed Private Investigative Firm
Specializing in Computer Forensics and Data Recovery
P.O. Box 837
Luland, MI 49654-0837
Phone/FAX (231) 256-9156
Info@sentrydata.us

August 13, 2018

TO: The Shores Homeowners Association
C/O Todd Hoogland, President
11907 N. FoxView Dr.
Northport, MI 49670

REF: William G. Wizinsky
12063 N. FoxView Dr.
Northport, MI 49670
Mailing Address: 250 Pleasant Cove Dr.
Novi, MI 48377

Information: On July 29, 2018 I received a phone call from Todd Hoogland, president of The Shores Homeowners Association in Northport. Mr. Hoogland stated that the association was having problems with a member, a land owner in the association, who has been occupying and spending nights in a make shift, temporary building on his lot. Mr. Hoogland went on to state that Mr. Wizinsky is in violation of Leelanau County Building Code, Township Ordinance as well as in violation of The Shores Homeowners Association Covenants on land use. Approximately seventeen years ago Mr. Wizinsky asked the homeowners association if he could put up a temporary building so that he could work on a permanent structure to live in. However, over the past several years, Mr. Wizinsky has been dwelling in it on many overnight visits.. According to Mr. Hoogland, Mr. Wizinsky recently received a ruling on Township Land Use Permit, and a County Occupancy Permit, both of which specifically stated that the temporary structure was not to be used for overnight stays, that it was not to be used as a dwelling.. Additionally, it should be noted that there isn't a sewer or septic system on the property nor is there a water well or electricity. Apparently Mr. Wizinsky has let it be known that he and his family use a portable toilet when staying on his property. Mr. Hoogland asked if I could come out to the scene to be a neutral party and witness that Mr. Wizinsky and his family are spending nights in the temporary structure in violation of the law.

Investigation: Upon the request of Mr. Hoogland, I went to Foxview Drive, where I met Mr. Hoogland at his residence. We proceeded to a land owner whose property is located adjacent to Mr. Wizinsky's property. Mr. Hoogland introduced me to Mr. Stephen Holmes who has a summer residence address at 12097 N. Foxview Dr. It should be mentioned that by the time I arrived on the scene, it was just before 12:00 am. Mr. Hoogland escorted me near the adjacent property line to point out the structure. Mr. Hoogland also specifically pointed out the location of Mr. Wizinsky's car, illuminating it with a flashlight. It was located just east of the structure, and appeared to be unoccupied.

Interview with Mr. Holmes: Mr. Holmes advised me that he has witnessed Mr. Wizinsky on several occasions living and staying overnight in the temporary structure along with family members. While talking with Mr. Holmes, I noticed what appeared to be a metal chimney protruding through the roof of the structure. Mr. Holmes did state that he has concerns about the chimney and the possibility of a fire hazard in that in all probability Mr. Wizinsky did not have a permit or inspection made on the heater.

Observations: After talking to Mr. Holmes and observing that Mr. Wizinsky's vehicle was still parked in the driveway, it was apparent that Mr. William Wizinsky, and family, were indeed spending the night inside the structure as the interior of the building was all dark. It was at this time that it was decided that I should leave the scene, but return the following morning to make any additional observations.

Follow up Investigation: On the morning of Monday July 30th, I returned to Mr. Holmes residence at approximately 7:00 AM. It should be noted that Mr. Wizinsky's car was parked in the same location that it was observed in the night before. While discussing the situation with Mr. Holmes on his backyard patio for a few minutes, I witnessed Mr. Wizinsky and an unknown female, walk out of the structure to the north end of the building. A short time later, I observed Mr. Wizinsky car pulling out of their driveway traveling south bound on Fairview Dr.

Meeting with Township officials: At the request of Mr. Hoogland, on Tuesday, July 31st I attended a meeting at the Leelanau Township Office at 11:30 AM. Present where the following township officials:

- Township Supervisor Doug Scripps
- Township Zoning Administrator Steve Patmore
- Shores Board Members Todd Hoogland and Randy Harmson
- Shores property owner Steve Holmes
- Attorney Karrie Zeits, representing the Shores Association

This meeting lasted one hour. At the conclusion of the meeting I was asked to write a short report of my observations, and to pass this report onto all concerned parties.

Disposition: Report made.

Respectfully submitted

Inv. L. "Jake" Jacobsen
Licensed Private Investigator

EXHIBIT 53

Subject:

From: phunter@co.leelanau.mi.us <phunter@co.leelanau.mi.us>

To: wwizinsky <wwizinsky@aol.com>

Date: Thu, Jul 19, 2018 9:29 am

Bill,

Just an update. Per our conversation on 7-11-2018 at your property, a permit is needed for the wood stove in your structure. Installation instructions are required at time of inspection.

Paul Hunter.

EXHIBIT 54

HEAT

No one bu
Heat-N-Glo, a Divisi
20802
Lake

APPROVED
Electrical Plumbing Mechanical Building
Type of Inspection Fireplace
Date of Inspection 7-28-18
#1 THE SHORE
Leelanau County Code Official Lot or permit number

LISTED

BW36 BW36C
WOODBURNING FIREPLACE INSTALLATION & OPERATING INSTRUCTIONS
FOR RESIDENTIAL USE

Model BW36 shown. 588-000-D-4/00